The Political Economy of Labour Migration from Bangladesh

Power, Politics and Contestation

Rupananda Roy

Thesis submitted for the degree of Doctor of Philosophy

in the

Discipline of Development Studies, School of Social Sciences

University of Adelaide, Australia

December, 2016

Table of Contents

Abstract

This dissertation aims to enhance our understanding of the role of political and social factors in shaping the terms under which migrant workers are incorporated into global labour markets by examining the case of Bangladesh, one of the world's principal migrant labour-sending countries.

The literature on migration and development has given little attention to the role of political and social factors in shaping the development impact of labour migration while that on the political economy of migration has focused overwhelmingly on labour-receiving countries. The few available studies on the political economy of migration in labour-sending countries have concentrated on how states have facilitated exploitation of migrant workers by, for example, celebrating them as national heroes/heroines and in so doing normalising violation of their rights. The existing literature has thus told us little about the contestation that occurs over migration policy within labour-sending countries. This is despite the fact that it has a significant bearing on who has access to overseas migration, on what terms, and to whose benefit.

This dissertation aims to fill this gap in the literature by analysing the contestation that has occurred over Bangladesh's labour migration policies and their implementation since the country achieved independence in 1971 and the implications this has had for the protection of migrant workers' rights. It makes two broad claims.

The first relates to the changing nature of the country's migration policies and their implementation in Bangladesh. Between 1971 and 1990, it argues, Bangladesh pursued an approach to labour migration that can be broadly characterised as neo-liberal with weak protection of migrant workers' rights and moments of direct state intervention. By contrast, in the period since 1990, it has pursued an approach that can be characterised as neo-liberal constrained by stronger protection of migrant workers' rights again with moments of direct state intervention. In both periods, there has been poor implementation of measures to reduce fraud in the recruitment process and protect migrant workers' rights.

The second claim relates to the political and social dynamics underpinning these policies and their implementation. Drawing on social conflict theory, the dissertation argues that the above continuities and shifts in the nature of Bangladesh's migration policies and their implementation have reflected: i) the continued political dominance throughout the post-independence period of an alliance between the dominant fractions of the domestic bourgeoisie and predatory state officials, ii) the patriarchal nature of Bangladeshi society and the ideological salience of Islam, iii) the increased scope for subaltern elements to participate in the policy-making process as a result of democratisation, and iv) the structural power of foreign governments, particularly those in receiving countries and that have provided aid to Bangladesh.

The final part of the dissertation suggests six policy-related implications of the analysis. As the main implication, it suggests that rights advocates in labour-sending countries should consider focusing on promoting democratic reform as it ultimately serves to provide better protection of migrant workers' rights by creating electoral incentives for politicians to pursue pro-poor policies and opening up new opportunities for migrant workers' groups to emerge, participate in and influence the migration policies and their implementation. The dissertation concludes by stating that in the foreseeable future, protection of Bangladeshi migrant workers' rights seems to rest on the outcome of political and social struggles between competing forces over the implementation of existing rights-based policies.

Declaration

I certify that this work contains no material which has been accepted for the award of any other degree or diploma in my name, in any university or other tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text. In addition, I certify that no part of this work will, in the future, be used in a submission in my name, for any other degree or diploma in any university or other tertiary institution without the prior approval of the University of Adelaide and where applicable, any partner institution responsible for the joint-award of this degree.

I give consent to this copy of my thesis, when deposited in the University Library, being made available for loan and photocopying, subject to the provisions of the Copyright Act 1968.

I also give permission for the digital version of my thesis to be made available on the web, via the University's digital research repository, the Library Search and also through web search engines, unless permission has been granted by the University to restrict access for a period of time.

Signed: _____   Date   _____

Rupananda Roy

Acknowledgements

It is a pleasure to acknowledge my indebtedness to people who have been kind and supportive to me throughout the journey of my PhD. Due to space constraints, I cannot provide an exhaustive listing. Nevertheless, I must mention some special names. I owe my most sincere gratitude and gratefulness to my principal supervisor, Associate Professor Andrew Rosser. His persistent help, encouragement and, above all, constructive feedback ensured that my research progressed solidly through each stage of the project. I must also gratefully acknowledge the assistance of my co-supervisor, Dr Georgina Drew, who particularly helped identify the sections that needed clarification and provided suggestions accordingly. I owe a special word of thanks to the University of Adelaide for all the facilities it allowed me to enjoy. Indeed, it would not have been possible to undertake this research without the scholarship that the University awarded to me. I also owe a special word of thanks to my fellow PhD candidates. Oftentimes, many difficult issues appeared to be very easy after consulting with them. I would also like to thank all my interviewees whose help has been essential in generating the empirical findings for this research. Finally, I extend my deepest appreciation to my husband, Ripon Tanchangya, our soon-to-be born first child, and my parents for their constant support, love and affection. Without their support and patience, I would not have survived the stressful moments I have experienced grappling with difficult theoretical concepts, making sense of reams of empirical material, and writing in a foreign language. They have been the source of my perseverance.

List of Abbreviations

ADB— Asian Development Bank

AL—Awami League

ASA— Association for Social Advancement

ASK—Ain O Salish Kendra

BAIRA— Bangladesh Association of International Recruiting Agencies

BLA— Bilateral Labour Agreements

BLAST— Bangladesh Legal Aid and Services Trust

BMET— Bureau of Manpower, Employment and Training

BNP—Bangladesh Nationalist Party

BNWLA— Bangladesh National Women Lawyers' Association

BOESL— Bangladesh Overseas Employment Services Limited

BOMSA— Bangladesh Ovibashi Mohila Sramik Association

BRAC— Bangladesh Rural Advancement Committee

CA— Chief Advisor

CEDAW—Convention on the Elimination of all forms of Discrimination Against Women

DEMO— District Employment and Manpower Office

DFI—Development Financing Institution

DFID— Department for International Development

EBP—Evidence-Based Policymaking

EEF— Extended Fund Facility

EPZ— Export Processing Zone

FDI—Foreign Direct Investment

GDP—Gross Domestic Product

GNI— Gross National Income

ILO—International Labour Organisation

IMF —International Monetary Fund

IOM— International Organisation for Migration

MFA— Migrant Forum in Asia

MoEWOE— Ministry of Expatriates Welfare and Overseas Employment

MoU— Memorandum of Understanding

MoWCA—Ministry of Women's and Children's Affairs

MP— Member of Parliament

NEC— National Economic Council

NELM—New Economics of Labour Migration

NGO— Non Government Organisation

NIP— New Industrial Policy

NPCG— Non Partisan Caretaker Government

NSB—National Seaman's Board

ODA— Overseas Development Assistance

OEDB—Overseas Employment Development Board

OEP— Overseas Employment Policy

OSD— Officers on Special Duty

POEA—Philippines Overseas Employment Administration

PSC— Public Service Commission

RIP 1975— Revised Investment Policy 1975

RIP 1986— Revised Industrial Policy 1986

RMMRU—Refugee and Migratory Movements Research Unit

SAMReN— South Asia Migration Resource Network

SAPs— Structural Adjustment Packages

SDC— Swiss agency for Development and Cooperation

TIP— Trafficking In Person

TTC —Technical Training Centre

VAT —Value Added Tax

WARBE—Welfare Association for the Rights of Bangladeshi Emigrants

WEWF—Wage Earners' Welfare Fund

WID— Women in Development

List of Tables and Figures

Chapter 1

Introduction

Migration is one of the most significant phenomena of the twenty-first century. Almost every country is playing a role either as a sending country, receiving country or a country of transit. International migration, and in particular labour migration[1], has significantly increased in recent years. At the start of the twenty-first century, it was estimated that about 173 million people lived outside their country of birth (United Nations, 2016: 1). This is estimated to have increased to 244 million by 2015 (United Nations, 2016: 1). Many of these people work in their destination countries. The top destination country for migrant workers is the United States, followed by Saudi Arabia. The number of migrant workers as a share of population is the highest in the smaller nations of Qatar (91%), the United Arab Emirates (88%) and Kuwait (72%) (World Bank, 2016: 1).

One effect of increased labour migration has been a big rise in remittance flows to developing countries. The total volume of remittances to developing countries in 2001 was US$72.3 billion (Kapur, 2005: 332). After only 3 years in 2004, these remittance flows exceeded US$125 billion, making them the second largest source of development finance after foreign direct investment (FDI) (Maimbo & Ratha, 2005: 2). Officially recorded remittances to developing countries in 2009 and 2015 rose to over $315 billion (Ratha et al., 2011: 3) and $432 billion respectively (World Bank, 2016: 4). The actual volume of remittances is likely to be even higher when unrecorded remittances are taken into account; these occur, for instance, when funds are sent by migrant workers through friends and families or simply carried in cash when migrant workers travel home. Historically, remittances have tended to rise in times of economic downturn, financial crisis and natural disaster in labour-sending countries. When such events occur, workers living abroad tend to send more money to help their families back home.

---

[1] International Organisation for Migration (IOM) defines international labour migration 'as the movement of people from one country to another for the purpose of employment' (IOM, n.d.). Article 2 of the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families defines the term "migrant worker" as 'a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national' (United nations, 1990). While people migrate for a wide range of reasons such as education, family reunion, and refuge and asylum seeking, labour migration is distinguished from these forms of migration in the sense that it is primarily initiated for economic benefit.

Although the flows of remittances declined in 2009 due to the global financial crisis, these flows were relatively resilient compared to private capital flows (Ratha et al., 2011: 3). Moreover, even when the more stable components of capital flows, FDI and official aid, declined during 2000-2003, remittances continued to rise (Ratha, 2005: 26). Remittances are more stable than private capital flows which raise incomes during boom times and depress them during economic downturns (Ratha, 2005: 20).

For orthodox economists, particularly those in international organisations such as the World Bank, labour migration and remittances have by and large been a positive development. In a World Bank working paper, Ratha et al. (2011: 3) suggested that migration contributes to the welfare of the household in the home country and, in the end, the whole economy in various ways. They highlighted that the main channel through which migration alleviates poverty is increased incomes from remittances. A World Bank study of 71 developing countries by Adams and Page (2005: 1660) found that, in general, a 10% increase in per capita official international remittances leads to a 3.5% decline in the share of people living in poverty. Ratha et al. (2011: 3) suggested that the increased income from remittances enables increased consumption and provides finance for poor people to start new businesses. According to Azad (2005: 122), while living abroad, many migrants invest in enterprises in their home country, either to employ family members at home, earn additional income or to prepare for their retirement or eventual return. He suggested that these investments can reduce poverty significantly by expanding businesses in their home communities and generating jobs that would not otherwise exist. The expatriates are deemed to be more effective than foreigners in transferring knowledge back home because of their understanding of local culture and perspectives (World Bank, 2006: 70 & 71). In an analysis of 73 developing countries, Giuliano and Arranz (2005: 30) found that remittances have promoted significant economic growth in less financially developed countries. Their findings suggest that remittances can promote growth where the financial sector does not meet the credit needs of the population (Giuliano & Arranz, 2005: 30). In addition to these monetary gains, migration and remittances have been found to facilitate higher investment in health care and education (Ratha et al., 2011: 3). For instance, evidence suggests that temporary migration is associated with higher school enrolment, especially for girls in developing countries (Mansuri, 2006; Ratha et al., 2011: 6 & 7).

Orthodox economists oppose the conventional wisdom that international migration of highly educated human capital, the so called "brain drain", is detrimental for the economic growth of source countries. They argue that the rewards for educated human capital in developing economies with a limited growth potential is usually low. As a result, it creates limited incentive for individuals in developing countries to obtain education. The lack of educated human capital makes the economic growth of those developing economic suffer (Adams, 2003: 1; Beine et al., 2001: 276). The resultant poor economic growth offers limited rewards to educated individuals, creating further reluctance to pursue education and the vicious cycle goes on. By contrast, if the educated individuals from developing countries are allowed to migrate to developed countries where there are satisfactory rewards, it actually creates incentives for more people from developing countries to acquire education. Thus, it contributes in raising the average level of education of the remaining population. In brief, they argue that, as it indirectly contributes to raising the human capital stock of source countries and creating incentives for individuals to acquire more skills and education, emigration of skilled individuals is not necessarily detrimental to growth of source countries (Commander et al., 2004: 30).

Similarly, orthodox economists have argued that receiving countries benefit from labour migration as the migrant workers increase the supply of labour in those countries. This in turn increases employment, production and therefore gross domestic product (GDP) (Dadush, 2014; Mansuri, 2006: 11). Additionally, migrant workers contribute to the productivity of receiving countries' economies by undertaking the kinds of jobs that local workers are not interested in and thereby freeing up the latter to move into higher productivity occupations (Mansuri, 2006: 11 & 12; Dadush, 2014: 17). Basically, according to orthodox economists, migration is economically rational. It is a positive change because it allows more productive and effective usage of the surplus labour power of developing countries. It allows workers to benefit from their labour which is their main and sometimes their only capital.

Against such perspectives, scholars such as Nicola Phillips (2011b: 167) and her collaborators (Phillips & Sakamoto, 2012; Phillips et al., 2014) argued that the relationship between migration and development varies according to the conceptualisation of development that we choose to deploy and in particular, whether we use the conventional understanding of development which focuses on *economic*

growth or an understanding of development that emphasises the material and social conditions in which migrant workers live and work—that is, a conception which emphasises *human development*. While labour migration may contribute to development understood in terms of economic growth, such scholars question the benefits of international migration in terms of *human development.*

In making this point, Phillips (2011a: 390; 2011b: 174), for instance, applies the concept of 'adverse incorporation'. While the orthodox argument is that major problems of development such as poverty and marginalisation are caused by exclusion from labour markets, she suggests that the principal determinants of those problems are rather the adverse terms on which workers are included in the economy, not the mere fact of inclusion or exclusion (Phillips, 2011b: 174; 2013: 172; Phillips & Mieres, 2015: 254; Phillips & Sakamoto, 2012; Phillips et al., 2014). The dynamics of adverse incorporation are circular; it at once arises from poverty and marginalization and in turn reinforces the conditions and power relations that constitute them (Phillips, 2011a: 393; 2013: 176). Phillips (2011b: 178) argues that the relationship between migration and inequality is portrayed in orthodox views as unidirectional—that is, the focus is on the ways inequalities lead to migration rather than on the ways migration reinforces the existing patterns of inequality and thus leads to unequal development. Put differently, she suggests that migration on adverse terms merely changes the status of workers from "impoverished" in their own countries to "exploited" in foreign countries. For example, in the United States, Mexicans are denied a wide range of employment, social and legal rights, the ability to achieve representation through unionization, healthy working conditions, wages that fairly exceed minimum wage levels, freedom to choose any kind of jobs, and the ability to change employers (Phillips, 2009: 238- 239). In general, the system provides enormous control to employers and recruiters over migrant workers, in so doing heightening migrant workers' vulnerability to exploitation and abuse (Phillips, 2009: 239).

Phillips (2011b: 181) argues that the important difference between the conventional growth-based notion of development and the notion of human development is that the former involves a focus on countries, economies or societies while the latter involves a focus on individuals and households. In the orthodox view, she contends, migrant workers themselves are rather invisible and migration is simply conceived as a structural process that brings particular socio-economic consequences. By contrast, as a

'people-centered' approach, the human development perspective emphasizes the agency and rights of individuals (Ruhs, 2010: 274; Phillips, 2011b: 182). Accordingly, if we shift our perspective to human development, the picture changes. In the conventional remittance-led development conception, migrant workers are simply autonomous rational utility-maximising individuals whose pursuit of self-interest through the decision to seek work overseas serves to promote development in the form of economic growth and poverty reduction. By contrast, in the human development perspective, migrant workers are rights-bearers who, depending on the terms of their incorporation into global labour markets, may or may not experience human development.

In reality, Phillips notes, the majority of workers who remit money tend to be low-skilled and choose to migrate so that they can send remittances to their families. They tolerate exploitation for the sake of earning money which they cannot earn in their home countries. By contrast, highly paid skilled workers generally belong to the families who are not in need of remittances. Therefore, the shortcoming of remittance-led development is that it normalises the helplessness of poor workers who shoulder the burden of supporting their families and countries despite difficult conditions at work, as if some of the most exploited workers can 'make up for the failure of mainstream development policies' (Phillips, 2011b: 185). Further, even the pessimistic view of brain-drain changes if a human development perspective is deployed as it questions the rights of individual migrant workers and their families to use migration for their progress and advancement (Phillips, 2011b: 188). In summary, the conflict between the conventional notion of development and human-development is that while the former emphasises migrant workers' economic contribution to the national economy, the latter invites greater attention to the agency and rights of individual migrant workers.

Importantly, for the purposes of this dissertation, the human development perspective, particularly as articulated in the work of Phillips and her collaborators, acknowledges the important role that political and social factors play in shaping the terms under which migrant workers are incorporated into global labour markets. Exploitation of migrant workers and abuses of their rights, it suggests, are not the inevitable result of the natural operation of free markets, but rather the product of conscious choices about who benefits from labour migration, how and to what extent. They come about as a result of political and social struggles in which pro-market, anti-rights forces prevail over the interests of migrant workers. While exploitation and rights abuses may reflect structural

conditions such as the global dominance of neo-liberal capitalism, their political character means that things can change if there are shifts in the political and social environment that enable pro-rights elements to have greater say over policy and implementation.

The purpose of this dissertation is to enhance our understanding of the role of political and social factors in shaping the terms under which migrant workers are incorporated into global labour markets by examining the political economy of labour migration policy and its implementation in Bangladesh, a major labour-sending country. This introductory chapter begins this analysis by i) situating the dissertation within the existing literature on migration and development and the political economy of migration; ii) outlining the aims and contribution of the dissertation; iii) providing an overview of the argument advanced in the dissertation; iv) describing the methodology and methods used; and v) providing a summary of the dissertation's structure.

Literature on Migration and Development

Studies on migration and development have, for the most part, emerged out of demography, anthropology, sociology and economics. These studies have dealt with a wide range of topics, however, five of them have been particularly prominent.

The first has been what initiates and perpetuates international migration. This has led to discussions of push and pull factors in migration. Neo-classical theorists of migration such as Harris and Todaro (1970: 132; Todaro 1969: 139) have conceived migration as an individual's economically rational decision for income maximization. According to them, individuals choose to move when their expected earnings are higher, given their skills and the associated costs ranging from the material costs of travelling to the psychological costs of cutting old relationships and forging new ones (Taylor, 1999: 66; Massey et al., 1993: 434). The New Economics of Labour Migration (NELM) emerged in 1980s as a response to neo-classical theory. In contrast to the latter, it considers migration as a household-based decision taken not only to maximise income but also to minimize risks such as unemployment and loss of income or to overcome capital constraints (Massey et al., 1993: 432; Arango, 2000: 288). According to NELM, households may have strong incentives to diversify family income and minimise risks by sending one member/some of their members overseas even in the absence of

significant wage differentials (Massey et al., 1993: 439). This is mainly because families calculate that they will need alternative sources of income (e.g. remittances) in the event that economic conditions at home deteriorate (Massey, 1999b: 36).

In relation to the perpetuation of migration, Massey et al. (1993) have proposed Network Theory and Cumulative Theory. Migration networks are the sets of interpersonal ties that unite potential migrants, former migrants and non-migrants through ties of kinship, friendship and shared community origin. They reduce the costs and risks of migration and hence increase the expected net returns of migration. In so doing, they produce additional migration, further broaden migration networks and it goes on (Massey et al., 1993: 449). Similarly, according to Cumulative Theory, each act of migration changes the social context within which subsequent migration decisions are made (Massey et al., 1993: 451). For example, before anyone migrates from a community, income inequality among the poor is not great because nearly all families live close to the subsistence level with minimal outside income. However, after seeing some families significantly improve their income through migration, other families feel relatively deprived. This induces some of them to migrate which further worsens income inequality and a sense of relative deprivation among non-migrants, in return inducing more families to migrate and so on (Massey et al., 1993: 452).

The second topic that has been prominent in the literature on migration and development has been the profiles of migrant workers, that is, who they are and what their characteristics are in terms of age, gender, religion, geographic origin, educational attainment, marital status and occupation. For example, Ranney and Kossoudji (1983: 492) highlight that one of the features of Mexican returnee labour migrants from the United States in 1978 was that half of them originated from the six traditional sending states of Durango, Guanajuato, Jalisco, Michoacain, San Luis Potosi and Zacatecas in Mexico. Another feature was that the majority of male workers were married while it was the opposite for female workers (Ranney & Kossoudji, 1983: 478 & 482). Marcelli and Cornelius (2001) delineate the characteristics of Mexican migrants to the US finding that the Mexican migrants increasingly tend to be younger, more educated, female, more likely to settle in the United States on a permanent basis, and to originate from the metropolitan areas of Mexico. Janta (2011: 808 & 813) points out that Polish migrant workers in the UK hospitality industry are predominantly female. The majority of them are highly educated (47% have a Bachelor's or Master's degree) and are under

30 years old while the mean age is 26 (Janta, 2011: 808 & 813). Studies on Bangladeshi migrant workers have tended to concentrate on who migrant workers are in terms of their age (Siddiqui & Abrar, 2002a: 28; Murshid et al., 2000: 12), geographical origin (Murshid et al., 2000: 10 & 11; Afsar et al., 2002: 18), level of education (Siddiqui & Abrar, 2002a: 29; Afsar et al., 2002: 32), religion (Siddiqui & Abrar, 2002a: 29), gender (Bruyn & Kuddus, 2005: 18 & 19; Siddiqui, 2003b: 4; 2001), and purpose of migration (Siddiqui & Abrar, 2002a: 27-28). These studies on Bangladeshi migrant workers commonly suggest that the majority of them tend to be males under 30 years old, semi-literate, and Muslim and that they usually migrate to improve their economic status.

The third topic that has been prominent in the literature on migration and development, and probably the dominant one, has been remittances. Work on this topic has assessed, among other things, the flows of remittances, their utilisation, and the process of sending remittances from overseas. For instance, studies on Bangladeshi migrant workers have assessed the size of remittance flows (Murshid et al., 2000; Siddiqui, 2003b: 4-5; Afsar et al., 2002: 22-24), their utilisation (Bruyn & Kuddus, 2005: 3 & 4), formal and informal methods of remitting (Murshid et al., 2000: 13-18), and how long it takes workers to recover migration costs and send remittances (Afsar, 2009: 45 & 46). There has also been interest in analysing how variations in flows of remittances reflect varying patterns and types of migration, for example, temporary versus permanent migration (Hugo, 2005). The general argument is that the size of remittances is higher when migrants work overseas temporarily. In other words, the volume of remittances decreases when migrants are permanent in their destination countries.

The fourth topic that has been prominent in the literature on migration and development has been the feminisation of migration and its relationship to women's empowerment and social dimensions of development such as changes in traditional gender roles (for instance, women playing the (transnational) breadwinning role which is usually associated with men) (Lan, 2003; Piper, 2008; 2004a; Yamanaka & Piper, 2005). What these studies broadly suggest is that migration is empowering for women as it allows them to escape from unwanted marriages and achieve more personal space and freedom. A number of studies have examined the changes in Bangladeshi women's empowerment and gender roles due to their own migration and their male partners' migration (Dannecker, 2005; Siddiqui, 2003c; 2012a: 19; Rahman, 2009: 166-168). In relation to this, they have tended to investigate which particular family member(s)

controls the utilisation of remittances and what form of power relationships among family members the outcome represents (Rahman, 2011d: 404; 2011b: 18; Siddiqui, 2003b: 5).

Lastly, one of the most frequently studied research questions is whether migration leads to a brain-drain or brain-gain (de Haas, 2005: 1272). The term brain-drain refers to the international transfer of resources in the form of human capital (Beine et al., 2008: 631). Optimists consider returnee migrants as important agents of change and innovation. According to them, migration ultimately leads to brain-gain because migrants not only bring back money but also new ideas, knowledge and entrepreneurial attitudes (de Haas, 2010: 231). By contrast, pessimists perceive that migration deprives poor countries of their scarce skilled and professional labour resources (de Haas, 2010: 233). According to de Haas (2010: 235), although brain-drain has attracted more attention, in the context of sending countries whose majority of migrant workers are low-skilled, the idea of "brawn-drain" is more relevant. Brawn-drain refers to the large-scale departure of young, able-bodied men from rural areas. This lost labour effect is typically blamed for causing a shortage of agricultural labour and decreasing agricultural productivity (de Haas, 2010: 235).

Collectively, the five sets of studies above have had an enormous influence on our understanding of the relationship between migration and development. However, they have been criticised for being heavily descriptive in nature and, most importantly for our purposes, giving little attention to the way in which development outcomes associated with migration are influenced by political factors. The point, critics have argued, is that migration does not occur in a political and social vacuum. It is shaped by political and social forces (Tyner, 2000b: 132 & 135; Castles, 2004b; Hanson, 2010). For example, both neo-classical and NELM theories of migration assume an environment where individuals enjoy the freedom of moving anywhere they want. However, this is not the case in reality: for instance, as subsequent chapters of this dissertation explain, the government of Bangladesh has at various times imposed restrictions of one type or another on female migrant workers. Similarly, migrant-receiving countries also sometimes impose bans on particular individuals/nationalities from entering their countries. Therefore, everyone does not have equal access to migration and this accessibility varies according to the distinctive politics of each case.

Critics have pointed to the need for a political economy approach to the study of migration and development. Instead of focusing on identifying "good" or "bad" policy choices, they have suggested, we need to understand why policy change and the implementation of policy occur or fail to occur. It is only by doing so that we can understand why migration policy and its implementation are commonly geared towards the promotion of economic growth rather than the fulfilment of migrant workers' rights. Such a perspective also offers potential insights in terms of policy and strategy. It is one thing to devise a policy framework that theoretically maximises the developmental impact of outward migration for a developing country. It is quite another for it to be adopted in practice. It is only by exploring the political dynamics around policy choices that one can get a clear idea of what is feasible in terms of reform and what the challenges are. This point applies regardless of whether one advocates a neo-liberal or rights-based approach to migration. Instead of reifying policies, we need an approach that analyses the relationship between the nature of policies and the way power balance is structured through modes of participation. Modes of political participation here refer to the engagement or contestation by individuals and groups over who gets what, when and how (Jayasuriya & Rodan, 2007: 773-775). In other words, participation refers to the institutional structure that shapes the inclusion and exclusion of individuals and groups in the political process (Jayasuriya & Rodan, 2007: 773-774). The fundamental claim of a political economy approach is not merely that economics and politics are correlated but that political settlements over power and wealth are part of the broad process of policy changes.

Literature on the Political Economy of Migration

Although migration is a widely-studied topic, political economists have given little attention to issues of migration so far. For instance, Nicola Phillips (2011c: 1) has noted that, 'migration has consistently made only a minor showing in the universe of what is generally classified as IPE (international political economy) scholarship'. Similarly, Freeman and Kessler (2008: 673) highlight that: 'The political economy of migration policy is a fertile field not yet fully cultivated'. According to Hollifield & Wong (2004: 227), compared to the other social sciences—especially sociology, history, and economics—political scientists came late to the study of migration. The political aspect

of international migration has, until recently, received little attention from political scientists (Hollifield & Wong, 2004: 232).

To the extent that scholars have examined the political economy of migration, they have focused overwhelmingly on labour-receiving countries. Some of these studies, for example, Castles (2004a), Hanson (2010) and Weiner (1990) provide explanations of why governments in labour-receiving countries limit the people who can enter into these countries while Elias (2008, 2010) focuses on the role of NGOs and trade unions in challenging and transforming migrant workers' rights in Malaysia's immigration policies. Phillips (2006, 2009, 2011b) examines the political economy of inequality in the context of immigration to the United States.

Weiner (1990) suggests that there are deeper structural explanations for receiving countries' immigration policies. According to him, Western European and Gulf countries do not limit inflows of temporary migrant workers when there is a downturn in the economy simply because doing so is easier than controlling the number of local workers. Rather, their emphasis on temporary workers as opposed to permanent workers is an attempt to avoid becoming ethnically plural societies and thereby avoid the necessity of transforming the political system (Weiner, 1990: 143). Similarly, Castles (2004a: 866 & 867) suggests that immigration policies in Western countries are formulated through a process of contestation between a range of competing interest groups including politicians, employers, local workers and trade unions. Because the state cannot easily decide to favour the interests of one group over others, more often it attempts to balance the competing interests or at least to convince certain groups that their interests are being considered. In some cases, however, the result can be a situation where migration policy-making is dominated by powerful organised interests such as agricultural employers and the construction industry.

Likewise, Hanson (2010: 190) suggests that governments adopt certain immigration policies because they weigh the welfare of different groups unequally. According to Hanson (2010: 190), immigration changes the distribution of income within a country, creating winners and losers. Generally, winners include the employers, consumers who buy the immigrants' produce, and land owners because the migrant workers create increased demands for housing, while losers include low-skilled local workers who compete with immigrants for jobs and the taxpayers who absorb the fiscal costs of

immigration (Hanson, 2010: 190). What is desirable to employers—for example, keeping wages down—is socially and politically unacceptable to the local workers. Hanson (2010: 188) suggests that if groups opposed to immigration lobby more effectively than the business groups, policy-makers may choose to set foreign labour inflows too low. For example, in the United States, fiscal conservatives have considerable political weight, given their prominence in the Republican Party. As a result, their opposition to immigration helped derail attempts to legalise illegal immigrants and expand visas for guest workers in 2007 (Hanson, 2010: 191). Hanson (2010: 191) maintains that for fear of offending the party's base, Republican presidential candidate John McCain, who had been a leading advocate for expanded immigration, gave the issue little attention in his 2008 campaign.

In a different article, Castles (2004b: 207) suggests that there can be exceptions in immigration policies being a reflection of powerful interests to the extent that politicians are reluctant to declare their true objectives and hidden agendas for fear of arousing opposition. As a result, the declared objectives of states are often quite misleading. 'Policies that claim to exclude undocumented workers may often really be about allowing them in through side doors and back doors', so that they can be more readily exploitable (Castles, 2004b: 223). This, in turn, could be seen as an attempt to create a transnational working class, stratified not only by skill and ethnicity, but also by legal status. The strength of nationalism and racism in recipient countries has made it easier to mobilise public opinion *against* immigration than *for* it. In such situations, governments usually cannot openly decide to favour the interests of one group and ignore others (Castles, 2004b: 214). This can mean that politicians are content to provide anti-immigration rhetoric while actually pursuing policies that lead to more immigration because this meets important economic or labour market objectives. This explains the hidden agendas in many migration policies—that is, policies which purport to follow certain objectives, while actually doing the opposite (Castles, 2004b: 214). Consistent with this argument, Freeman and Kessler (2008) argue that immigration policies reflect more than just underlying material interests. Institutions and politics 'frame, shape, transform, distort and channel the economic and non-economic preferences into policy agendas and outcome' (Freeman & Kessler, 2008: 656). Therefore, Freeman and Kessler (2008: 656) suggest that economic studies of

immigration devoid of political dynamics and political studies that do not include economic underpinning of immigration policies risk being naive and incomplete.

Elias (2008, 2010) examines how activism by NGOs and trade unions concerning migrant workers' rights plays out in the specific context of Malaysia. Malaysia has not ratified many major human rights treaties, has failed to recognise domestic workers as "workers" in legal terms, and has sought to limit rights-based activism of any kind. In this context, Elias argues that continued advocacy of NGOs and trade unions on behalf of migrant workers has gone some way towards challenging the absence of migrant workers' rights (particularly domestic workers) in Malaysia's immigration policies. The point is, while rights-based activism in Malaysia is often faced with direct or indirect state repression, rights activist NGOs have nevertheless promoted migrant workers as 'rights-bearing subjects', presented their stories of exploitation, and thereby challenged the process of 'invisibilisation' of migrant workers which abets violation of their rights (Elias, 2015: 243). By this means, rights advocates have had the potential to pose a challenge to the dominant practices of rights violation in the country's immigration policies.

Particularly in the context of immigration to the United States, Nicola Phillips (2009, 2006) argues that a political economy of inequality is at play. She suggests that the model of contemporary immigration in the US is based on securing the supply of workers to satisfy demand for cheap labour and fuel the global competitiveness of the US economy without providing them citizenship. The state's position is summed up as "Immigration Yes, Welfare No" (Phillips, 2006: 18). According to her, the political economy of inequality forms through a dual mechanism. Firstly, the low-skilled migrant workers are disciplined through the denial of a wide range of employment and social and legal rights, inability to change employers, poor working conditions and wages that rarely exceed the minimum wage levels (Phillips, 2009: 238). In the US, data on the evolution of the labour force for 2006 demonstrated the proportionally lower levels of employment of migrant workers than native born workers in management, professional and related occupations (26.4% of migrant workers versus 36.4% of native born workers) and their higher levels of employment in service sectors (22.5% of migrant workers versus 15.4% of native born workers) (Phillips, 2009: 236). Furthermore, compared with the native born workers, the occupational profile of migrant workers as a whole reveals a concentration in low-skilled jobs regardless of

level of educational attainment (Phillips, 2009: 237). At the same time, aggregate data for 2006 comparing average weekly earnings indicate that the immigrants earn around 25% less than native born workers (Phillips, 2009: 237).

The second part of the dual mechanism relates to the effects of migrant labour in disciplining the existing national labour force and maintaining downward pressure on wages and working conditions (Phillips, 2009: 239). The competition between local and foreign workers acts both to depress wages and limit unionization (Phillips, 2009: 248; 2006: 30). Between 1980 and 2000, annual average earnings of native Americans has been reduced by 4% due to an increase in immigrant labour. Moreover, this pattern carries a 'racialized' characteristic: the impact of wage depression falls disproportionately on native born black and Hispanic workers (Phillips, 2009: 239). A larger share of these groups is in direct competition with the immigrants than white Americans.

In summary, while the net employment among migrant workers is relatively high, it is extremely precarious, entailing frequent underemployment and heightened vulnerability and abuse (Phillips, 2011b: 175). While this trend of employment is beneficial for the interests of furthering accumulation at the level of the national economy and the firms, employers and other social groups that benefit from this process, it is quite the opposite for the migrant workers. Often the wages received by migrant workers are just sufficient to lift them out of the category of extreme poverty. Ironically, it thus appears that these groups of workers are in fact more vulnerable than some groups who would be classified as extremely poor. Migrant workers are more likely to slip through the nets of government social protection policies which are targeted at the lowest income groups (Phillips & Mieres, 2015: 255). Phillips (2009: 248; 2006: 26) argues that through the moulding of immigration policy to the needs of employers and the adoption of a no welfare and citizenship attitude, the politics of inequality and dispossession in the US are thus entrenched and expanded as the foundation of the US labour market.

The strength of the above politico-economic studies on labour-receiving countries is that they highlight the political underpinnings of immigration policies. They recognize that there are conflicts between competing political and social forces—for example, local workers, employers, and NGOs and trade unions—over immigration policy (including policy related to the rights of migrant workers in-country) and that contests

between these forces are reflected in policy outcomes. Additionally, they point out the underlying agendas of key actors. Instead of devising policy solutions or identifying policy interventions, these political economy studies explain immigration in terms of their political determinants. They explicitly acknowledge that political factors have a crucial role to play in determining who can access benefits from migration, how, and to what extent.

However, political economists' focus on receiving countries has left the political economy of migration in migrant sending countries understudied. Consequently, the policy preferences, politics and the functions performed by labour-sending states and how these affect development outcomes are less understood[2]. This is the case even in Asia, despite the fact that Asia is the largest labour-exporting region (Rosenblum, 2004: 93; Tyner, 2000b: 132; Massey, 1999a: 303). This lacuna in the literature stems partly from the perception that in a demand-driven system of international labour migration, labour-exporting countries have less power to influence the permeability of national borders and so the focus should be on receiving countries where power in this respect is much stronger (Tyner, 2000b: 132). Likewise, Gamlen (2008: 841 & 842) suggests that the sending states have been overlooked partly because according to common wisdom, sending states are unable to exercise influence over its emigrants while they are out of their territory. According to him, the possibility of transnational institutionalised relations between states and emigrants is widely ignored in the conventional wisdom (Gamlen, 2008: 841). As a result, only the receiving states are seen to hold the power to exercise influence over immigrants while they are within their territory. This dissertation points out that it is important to understand the political economy of migration in sending countries for the following reasons.

First, sending countries' emigration policies influence who can emigrate and who cannot and, accordingly, which groups of prospective workers stand to benefit from

---

[2] This is the case in relation to the English language academic literature. The influence of British colonialism alongside the impact of American hegemony in the twentieth century has made English the principal language of research. Nevertheless, this dominance is variable both by country and by topic. The issue of sending countries' migration policies may well be published in local languages (Asis et al., 2010: 79). Academics and researchers in small provinces may have published material in local languages while national research centres and those institutions with international connections usually publish in English such as in India, another major labour-sending country. Moreover, there are many countries where the publications of academic materials are common in local languages. For example, China and Japan have a much larger publishing industry based on their own language. This linguistic diversity offers a challenge to the dissemination and access to research and limits the scope and coverage of global literature.

labour migration or are vulnerable to adverse incorporation. Although the demand-driven nature of contemporary labour migration means that the criteria demanded by receiving countries have an enormous influence on who can and cannot migrate, the sending countries' own policies also exert a significant influence. Changes in its policies—such as the introduction of a ban on labour migration by particular classes of citizens—can alter the pool of potential migrant workers.

Second, sending countries' emigration policies influence how the benefits of labour migration are distributed. The issue of who wins from labour migration is not just about which particular set of workers gets access to jobs in receiving countries. It is also about: i) how the financial proceeds of migration (for example, migrant workers' wages) are divided up between business groups (such as migrant workers' recruitment agents), government, the workers themselves and their families and ii) the extent to which migrant workers' financial gains are offset by non-financial losses as a result, for instance, of physical violence, rape or other forms of abuse. Sending countries' policies and the way they are implemented have an influence over outcomes in these respects. Ideally, the terms of overseas employment are negotiated when workers are still in their own countries. Hence, to a certain extent, the overseas employment experience of workers is already decided by their own countries even before they land in foreign countries. Therefore, the developmental impacts of migration are substantially conditional upon political variables within sending countries. This makes the understanding of labour-sending countries' contexts crucial.

The Political Economy of Migration in Labour-sending Countries

Key works on the political economy of migration in sending countries have included Tyner (2009, 2000b, 1999, 1997), Franco (2013) and Rodriguez (2002) all of whom have focused on the context of Philippines; Silvey (2004) who has examined the Indonesian context, Shrestha (1985) who has explained the interrelationship between agrarian underdevelopment and external migration from Nepal, and Gamlen (2008) who has examined how sending states influence ties with their respective diaspora.

Tyner (2009), Franco (2013) and Rodriguez (2002) have all suggested that the state in the Philippines has facilitated the exploitation of Filipino migrant labour through its celebration of migrant workers and their actions. They have argued that by celebrating

migrant workers as national heroes/heroines, the state has strategically concealed the way it is disciplining them as cheap and flexible labour. The 1974 Labour Code permitted foreign employers to pay new employees only 75% of the basic minimum wage during the 'probationary' period of first six months (Tyner, 2000b: 136). Likewise, the 1996 code of discipline for overseas Filipino workers states that these workers are required to remit their earnings, abide by the conditions of employment contracts, and provide material help to their families during the period of overseas employment (Rodriguez, 2002: 348 & 349). In fact, those who violate these terms can have cases filed against them by the government (Rodriguez, 2002: 349). By obligating workers in this way, Rodriguez (2002: 345-350) argues that the Philippines state is ultimately disciplining workers to be flexible labour for the global economy in order to secure an income for the government's coffers and profits for the domestic and international businesses that facilitate their migration.

Tyner (2009) and Franco (2013) argue that by celebrating workers as national heroes/heroines, the Philippine state has also minimised its responsibilities for the protection of migrant workers' rights. The concept of heroism, they contend, normalises the risks and violations of rights in overseas employment. It became an annual Christmas tradition that the President gives throngs of returning overseas Filipino workers a 'hero's' welcome at the airport (Franco, 2013: 97). Again, by presenting migrant workers as 'autonomous actors' who have the choice to seek opportunities abroad, the state tends to conceal the conditions under which the choices of migration are made (Franco, 2013: 105). As a result, it obscures the fact that people choose migration as a weapon against poverty. This simply positions the state as a mere 'manager' of these choices and the 'natural' flow of overseas employment (Franco, 2013: 106).

Tyner (2009: 68-71; 2000b: 142-145) and Rodriguez (2002: 341) suggest that the limitation of the government's role to such a "managerial" role is closely linked to the execution of two Filipino female migrant workers in mid-1990s. Following the death of a Filipino "entertainer" under suspicious circumstances in Japan and two highly publicised executions of Filipino domestic workers in 1995 due to accusations of murder, public outcry was tremendous against the Philippines government. Criticism of government officials was widespread and included the denouncing of top-ranking officials of the Philippines Overseas Employment Administration (POEA) and Filipino

ambassadors in the foreign countries where the executed persons were working. These incidents exposed the lack of adequate government attention to the plight of the country's migrant workers. All these events resulted in the most significant reorganisation of the Philippine state migration apparatus (Tyner, 2009: 71). Through the enactment of the Migrant Workers and Overseas Filipino Act of 1995, the Philippine government explicitly announced that it does not intend to promote overseas migration as a development strategy although it sincerely acknowledges the contribution of migrant workers in the national economy, and that the human rights of Filipino citizens should not be compromised or violated (Tyner, 2009: 71-72).

Being confronted with charges of migrant workers' exploitation, the government started portraying migration as a 'natural' phenomenon which continues to occur with or without governmental interventions and, therefore, is beyond the control of state institutions (Tyner, 2009: 74). According to Tyner (2009: 79; 2000b: 145), this official construction of migration as a both heroic and natural phenomenon has served to deflect attention away from the actions of government institutions. He suggests that by portraying migration as a natural phenomenon, accountability for cases of abuses and exploitation was conveniently transferred from the state to the workers, and thereby, allowed the state to conceal its inability/unwillingness to protect migrant workers' rights (Tyner, 2000b: 149 & 150; 2009: 79) It implied that denying individuals the opportunity to act upon the "natural drive" for international migration would be a violation of their basic universal human rights (Tyner, 2009: 78). Hence, it portrayed the government simply as an institution that "managed" or supervised the natural process of labour migration, masking its role in capital accumulation through labour migration (Tyner, 2009: 75; 2000b: 146). In fact, it implied that because the Philippines is 'blessed' with abundant supplies of labour just the way other countries have abundant supplies of natural resources such as coal or oil, the state should, for the benefit of the country, 'capitalise on this market niche—its natural comparative advantage in the global economy' (Tyner, 2000b: 146).

In summary, according to Tyner (2009, 2000b), Franco (2013) and Rodriguez (2002), the state has manipulated the economic benefits brought by its migrant workers by using the tool of language. In so doing, on the one hand, the state celebrates the migrant workers as the most desired agents of development while on the other hand, it takes the attention away from the state's role and responsibility for migrant workers' rights-

protection. It depicts the decision to migrate as liberating, empowering and a personal choice made in the context of a full understanding of the risks and benefits of participating in the global labour market. By doing this, the government 'masks the capitalist rationale underlying the promotion of overseas employment' and counters the criticism that the state promotes or exports its workers for the quest of foreign capital (Tyner, 2009: 76). Instead, it effectively claims to be upholding the democratic principles of free choice and the freedom of movement (Tyner, 2009: 81). Subsequently, it allows the government to promote itself as committed to the protections not of migrant workers per se, but of the migrant workers' right to choose overseas employment.

Focusing on Indonesia, Silvey (2004) examines the state's role in perpetuating women migrant workers' vulnerabilities from a gender-based perspective. She argues that the lack of state capacity to protect women migrant workers is not a mere coincidence. Rather, it is reflective of class, nationality, and gender specific norms about tolerable crimes and acceptable victims. In other words, she maintains that in the eyes of the state, women are acceptable as docile victims for crimes that domestic workers usually experience such as not getting paid, food deprivation or beatings. She further claims that the Indonesian and Saudi states have not neglected the protection of domestic spaces and migrant workers' rights by accident. Rather, the lack of regulation of domestic service and the manipulated definition of idealised femininity play a productive part in maintaining and reinforcing the privileges of both the Saudi and Indonesian states. For example, women's roles as mothers and wives devoted to the maintenance of a stable, nurturing, domestic environment were central to the Indonesian state's vision of an orderly and morally controlled nation in the 1970s. Women were expected to migrate only as long as their mobility did not interfere with their domestic duties. However, a decade later, for the justification of the government's strategy of promoting labour migration to the Middle East, the state's dominant vision of idealised femininity shifted to that of a migratory income-earning woman for the sake of the 'national family's' larger goal of economic development (Silvey, 2004: 253). That is, the state promoted low-income women's multiple domestic and transnational roles and framed the remittance-sending migrant workers as 'heroes of national development' (Silvey, 2004: 253). Similarly, the Saudi state's gender policies have also played a role in structuring the conditions of domestic employment. Most

fundamentally, the Saudi state legally requires the segregation of the sexes outside of the home and imposes restrictions on women's mobility. For example, government policies forbid women to drive and to board airplanes alone without written permission from a male relative (Silvey, 2004: 255). This means, according to Silvey (2004), migrant workers leave and enter into an already gender-segregated labour market and this is directly responsible for the vulnerabilities of female domestic workers.

Shrestha (1985) provides a politico-economic analysis of the interrelationship between agrarian underdevelopment and external migration from Nepal. Labour shortages, fuelled by internal policies such as compulsory but unpaid labour to serve the royal families and the recruitment of Nepalese youths by the British imperial army, impeded the development of Nepal's agrarian economy (Shrestha, 1985: 293 & 299). The labourers had to leave their farms in the hands of inexperienced family members. This underdevelopment prompted the emigration of Nepalese youths in search of better livelihoods which caused further labour shortages. Consequently, the development of the agrarian economy deteriorated and thereby contributed to a cyclical relationship between underdevelopment and out-migration of Nepalese. Given this vicious cycle, Shrestha (1985: 301) suggests that emigration represents the transfer of domestic productive labour to the capitalist sector. Sending countries such as Nepal bear the cost of raising young productive workers, but do not receive enough benefits from their labour as they spend the most productive years overseas and come back to their countries when they retire and become less productive.

Gamlen (2008: 842) suggests that the sending states can influence ties with their respective diaspora through two mechanisms: namely, i) "diaspora building" which creates diasporic identity and, ii) "diaspora integration" which provides emigrants some rights in exchange for some duties (Gamlen, 2008: 843). With regards to the former, he argues that acknowledging the expatriates in the sending countries' aggregate statistics, maintaining national culture through the distribution and broadcasting of national television and print media abroad, and making consular services available for expatriates are common ways of cultivating diasporic identity (Gamlen, 2008: 843 & 844). With regards to the second mechanism, Gamlen argues that the basic right that states commonly extend to emigrants is the right to retain citizenship which entails the right to vote, make unimpeded visits to the origin country and run businesses. At the

same time, the sending states ensure that the rights provided to the emigrants are well-balanced by obligations, for example, through the taxation system (Gamlen, 2008: 850).

In summary, Gamlen has provided a cross-country comparison of diaspora policy mechanisms, outlining the role of sending states. Shrestha has demonstrated how the process of emigration of Nepalese was initiated and perpetuated over time. Tyner, Franco, Rodriguez and Silvey's studies have enhanced our understanding of how states in labour-sending countries facilitate the exploitation of migrant workers' rights. However, none of them have told us much about the contestation that occurs within labour-sending countries over migration policy and the way this contestation influences policy and its implementation. Except for Gamlen, they recognise that state facilitation of labour exploitation and inaction in relation to migrant workers' rights reflects power inequalities within labour-sending countries and in particular the political dominance of capitalist elites. However, they ignore the way in which groups such as international organisations and NGOs that support a rights-based agenda, predatory elites with a rent-seeking agenda or religious elites with a socially conservative agenda challenge capitalist elites' agenda on migration policy and its implementation. The point here is that, while relatively weak compared to capitalist elites, these elements may nevertheless have some capacity to influence policy and its implementation depending on the broader international context and the extent to which political institutions open up policy spaces for such elements to participate in the policy-making process. Indeed, as we will see later, the influence of rights advocates has grown over time in the case of Bangladesh as a result of democratisation and shifts in international policy agendas. Rather than being a simple reflection of capitalist interests, migration policy and its implementation in labour-sending countries may in fact constitute a compromise between competing interests. Furthermore, contestation between different forces can lead to shifts in policy over time as the balance of power between these forces changes.

Contribution of this Dissertation

The purpose of this dissertation, as noted earlier, is to enhance our understanding of the role of political and social factors in shaping the terms under which migrant workers are incorporated into global labour markets by examining the political economy of labour migration policy and its implementation in Bangladesh. It aims to make an original contribution to the literature by extending our understanding of the way in which political economy factors have shaped the relationship between migration and development[3], in particular, via their effects in labour-sending countries. However, its significance is not limited to simply adding another case study of the political economy of migration in a labour-sending country. It also aims to rectify the analytical problems noted in the discussion of the literature on the political economy of migration in sending countries. Specifically, it seeks to enhance our understanding of how contestations between competing political and social forces—including capital, labour, NGOs and conservative religious groups—shape outcomes vis-à-vis migration and development. This involves a re-conceptualization of the state in Bangladesh informed by social conflict theory and how labour migration in sending countries should be understood against that backdrop. In this respect, the dissertation has conceptual as well as empirical ambitions. It aims not simply to tell us something about an important country case but also shift the analytical frames through which we understand such cases and associated policy discussions. Based on Bangladesh's case, it aims to provide policy implications for future migration policies in other labour sending countries, giving the dissertation a policy-related element as well.

Why Bangladesh?

Bangladesh is chosen as a case study in this dissertation because it is one of the world's largest labour-exporting countries while at the same time being understudied. Currently, the total population of Bangladesh is more than 160 million. With Muslims making up 85 to 90 percent of the population, it is one of the largest Muslim-majority countries in the world after Indonesia and Pakistan (Kibria, 2011: 11). Natural disasters such as floods, droughts and cyclones are regular features in the life of Bangladeshis, as is

---

[3] In this dissertation, development is understood in terms of migration policies' effects on migrant workers' terms of employment rather than their effects vis-à-vis economic growth.

political turmoil. In 2015, Bangladesh had a GDP of $195.1 billion (World Bank, n.d.a), compared to Thailand's $395.3 billion (population 67.96 million) (World Bank, n.d.d), Indonesia's $861.9 billion (population 257.6 million) (World Bank, n.d.b) and the Philippine's $292 billion (population 100.7 million) (World Bank, n.d.c). With this small economy, it is not possible for Bangladesh to absorb the full range of available labour-power within the country and hence, finding employment opportunities abroad is crucial.

Every year on average, according to official statistics, more than 480,000 Bangladeshis leave the country to work overseas (Siddiqui & Mahmood, 2015: 1). However, there are numerous undocumented migrant workers who initially leave the country in the name of vacation, education, business and pilgrimage (Quibria & Mahmood, 1994: 270). If all these different groups who are excluded from the official statistics were taken into account, the number of migrant workers would significantly exceed the officially reported numbers. There are two main patterns in international migration from Bangladesh: to the industrialized West (for instance, the United Kingdom and the United States) and to the Middle East, Southeast Asia and the Gulf countries (mainly Saudi Arabia, Bahrain, Kuwait, Qatar and Oman) where the majority of labour migrant workers work. Migration to Western countries is generally permanent in nature while migration to Middle Eastern, Southeast Asian and Gulf countries is usually temporary in nature, that is, workers return to Bangladesh at the end of their work contract (Mamun & Nath, 2010: 31). This research focuses on temporary migration since this is more common among Bangladeshi migrants, as opposed to permanent migration. Additionally, the labour migration policies of Bangladesh are mainly oriented towards regulating the activities of temporary migrant workers who are commonly low and semi-skilled.

In two major ways, migration plays a vital role in the national economy of Bangladesh which has a narrow export base. Firstly, it takes some pressure off from the domestic labour market. Migration has kept Bangladesh's unemployment rate fairly controlled between 3.7% in 1991 to 4.3% in 2014 with the exception of 5% in 2009 (World Bank, n.d.e) although the growth rate of the labour force (4%) has been more than twice that of population growth (1.6%) (Siddiqui, 2003b: 2). Secondly, it generates significant financial flows of remittances to the country which serves as an important but

inexpensive source of much needed foreign exchange (Siddiqui, 2003b: 2). Garments manufacturing is considered one of its highest foreign exchange earning sectors. Bangladesh earned US$ 4.583 billion from this sector in 2003 (Siddiqui, 2006a: 3). However, if this is adjusted for the cost of importing raw materials, the net earnings from migrant workers' remittances turns out to be higher than that of the garments sector. Remittances are almost entirely net benefit as it requires limited to no investment. In 2003, net export earnings from the garments industry were between US$ 2.29 billion and US$ 2.52 billion, whereas net income from remittances was US$ 3.063 billion (Siddiqui, 2006a: 3-4).

According to the official statistics of Bangladesh Bank, the central bank of the country, Bangladesh has received US$ 67.67 billion as remittances between 1975-76 and 2008-09 (Mamun & Nath, 2010: 36) and it reached a phenomenal level of over US$10 billion in 2009 alone (Nath, 2010: 3). Remittances account for about 12% of the country's GDP (Rahman & Yong, 2015: 4; Mamun & Nath, 2010: 29) and around 50% of the country's development budget (Siddiqui, 2006a: 4; Siddiqui & Abrar, 2003: 1). In financial year 2015-2016, Bangladesh has received more than US$14.93 billion as remittances (*Prothom Alo*, 2016b: 13). It is worth noting that if the money remitted through informal channels, such as carrying cash while travelling to Bangladesh, is taken into account, the magnitude will be much higher. Siddiqui and Abrar (2003: 4) estimate that a typical migrant worker remits 55.65% of income and that remittances constitute 51.12% of recipient families' income. Since remittances are driven by familial bonds and social obligations, their flows usually increase or at least remain stable when there is an economic downturn in the country (Grabel, 2008: 9). Additionally, labour migration not only generates large inflows of valuable remittances but also offers an opportunity for frustrated unemployed young workers who might otherwise cause serious domestic problems (Farid et al., 2009: 387).

International labour migration has become a common form of economic engagement in Bangladesh and has been shaping Bangladeshi society since the country achieved independence in 1971 (Siddiqui, 2003b; Dannecker, 2009: 122). Many Bangladeshis' aspirations and hopes for a better future are often oriented to a temporary job overseas (Dannecker, 2009: 122). Gardner's (1995) fieldwork in Sylhet, a north-eastern Bangladeshi district known as the primary source of migrants to London, discovered that the word *bidesh* (which means abroad in Bengali) has come to be associated with

the possession of material assets and economic wealth. In rural areas, possession of land, well-built houses, good toilets or tube wells are all status symbols for migrant households (Zeitlyn, 2006: 50). Exposure to foreign countries also enhances the returned migrants' status. The desperation of Bangladeshi workers about working overseas, the country's heavy reliance on remittances, and the delay in enacting rights-based labour migration policies, makes the case of Bangladesh a unique and interesting one.

Overarching Arguments

This dissertation advances two main arguments. The first relates to the nature of Bangladesh's migration policies and their implementation and how these have changed over time. Between 1971 and the present, it is argued, Bangladesh's labour migration policies have been broadly market-oriented in nature, particularly from the late 1970s when private firms displaced the state as the dominant player in the labour recruitment industry and the state transitioned to a regulatory and supervisory role in the industry. But there have been some important exceptions to this market-oriented focus: an increased emphasis on the protection of migrant workers' rights since the mid-2000s; a move back towards direct state involvement in the labour recruitment industry in 2012 specifically with regards to labour exports to Malaysia; and periodic and shifting limitations on female labour migration. Overall, the dissertation suggests that Bangladesh's labour migration policies between 1971 and 1990 can be broadly characterised as neo-liberal with moments of direct state intervention and weak protection of migrant workers' rights while those in the post-1990 period can be characterised as neo-liberal constrained by stronger formal protection of migrant workers' rights and further moments of direct state intervention. With regards to the implementation of migration policy, there have been persistent problems across both of these periods in the enforcement of regulations guarding against fraudulent recruitment practices, providing for protection of migrant workers' rights, and imposing limitations on female labour migration. These implementation problems have served to reinforce the market-oriented approach to labour migration that has been a consistent feature of policy since the late 1970s.

The second argument is that these continuities and shifts in the nature of migration policies and their implementation have reflected four main features of Bangladesh's political economy.

The most important of these features has been the continued political dominance throughout the post-independence period of an alliance between the dominant fractions of the domestic bourgeoisie and predatory state officials. The continued political dominance of this alliance, it is argued, has served to propel migration policy and its implementation towards arrangements that have maximised private sector involvement in the labour recruitment industry and provided rent-seeking opportunities for predatory officials.

Another feature has been the patriarchal nature of Bangladeshi society and the ideological salience of Islam. The amalgamation of the patriarchal nature of Bangladeshi society and the ideological salience of Islam have made it possible for religious conservatives to lobby successfully for limitations on female migration at moments in time when governing elites have sought to mobilise popular support. Specifically, during the Islamisation process initiated by the President Zia during his military regime in mid-1970s, the conservatives became highly influential. This resulted in a restrictive policy for female migration while male migration was actively promoted.

The next feature has been the increased scope for subaltern[4] elements to participate in the policy-making process as a result of democratisation in 1990. Prior to 1990, the subaltern elements could not play a role in Bangladesh's politics and migration policy-making. However, the emergence of a more inclusive politics since democratisation has increased the scope for migration NGOs to access the migration policy-making process and push migration policy in a human rights-friendly direction. After 15 years of military regimes, democratisation in 1990 led to a more inclusive politics and, in

---

[4] Italian Marxist political activist Antonio Gramsci introduced the notion of 'subaltern class' by referring to 'any low rank person or group of people in a particular society suffering under hegemonic domination of a ruling elite class' (Louai, 2012: 5). With an influence of Marxist ideas of power relationships and class interest, the term "subaltern" in this dissertation is used as an umbrella term to refer to all subordinate groups as for instance in the work of critical political economy scholars such as Aspinall (2013) (for more on critical political economy, see Robison (2012)).

particular, opened up room for political participation by groups outside the state such as migration NGOs. By making the attainment of political power dependent on the support of public voting, democratisation created an electoral incentive for politicians to pursue policies that favour the disadvantaged groups or at least that appeal to them. Thereby, it shifted the balance of power in favour of migration NGOs and increased the scope for migrant groups and their NGO allies to participate in the migration policy-making process. The result has been an increased opportunity for them to exercise greater influence for pro-poor policy changes. Rather than being a largely elite-driven product as they were in the 1980s, Bangladesh's migration policies accordingly have become the product of a negotiated political settlement between elites and subaltern elements of which migration NGOs are an important component. Additionally, the massive flow of donors' funds following democratisation led to a rapid proliferation of NGOs making it easier for them to engage collectively for the desired policy change (Haque, 2004: 274).

The final feature has been the structural power of foreign governments, particularly those in receiving countries and that have provided aid to Bangladesh. Given Bangladesh's desperate necessity of maximising the number of labour migrant workers and its consistent heavy reliance on foreign aid, the receiving countries some of which are donors, have been successful in imposing their preferred policy choice and making Bangladesh respond accordingly.

Methodology and Methods

The scope of this research is limited to voluntary international emigration. It does not examine internal migration or involuntary international emigration as a result of abduction and trafficking. At the same time, it focuses mainly on low-skilled labour migrant workers rather than skilled and professional migrant workers. In so doing, it focuses on temporary migration as opposed to permanent migration which is usually undertaken by skilled and professional migrant workers.

This research uses both primary and secondary sources of data. The sources of secondary data include published books, policy papers, research papers, and journal articles. The purpose of using secondary data was to establish the socio-political, historical and economic context in which to situate the analysis. To collect the primary data required for this research, fieldwork was carried out from January to April, 2014

and April-July, 2015 in Dhaka, Bangladesh. The range of primary sources used included interviews and documentary primary materials such as government policies, media reports, NGO seminar proceedings and documents of international organisations. Interviews were semi-structured and one-on-one. Documentary materials were collected from online sources, bookshops, government departments, and NGO libraries.

While conducting the interviews, the purpose was to extract information that provided an understanding of how specific policy decisions were made i.e. who have been the key actors in policy making, what their interests were, the patterns of inclusion or exclusion of particular parties such as migrant workers' representatives in policy-making and the outcome in policy decisions.

In total, 51 interviews were arranged. Some individuals were interviewed multiple times in order to receive in-depth information. Interviewees included government officials from those ministries which are associated with the management of labour migration such as the Ministry of Expatriates' Welfare and Overseas Employment (hereafter, MoEWOE) and the Ministry of Foreign Affairs, Bureau of Manpower, Employment and Training (BMET) officials, officials from human rights organisations, migration-focused and migrant workers' representative NGOs (migration NGOs), academics, journalists, migrant recruitment agents, and officials from International Labour Organisation (ILO) and International Organisation for Migration (IOM). Interviews with these participants were chosen for this research over other methods such as surveys and participant observation of the migrant workers because this research aims to assess the political economy of labour migration from the perspective of state policies and practices, and the power balance among the competing actors.

In broad methodological terms, the research employed an approach known as process-tracing. The goal of process-tracing is to identify the 'intervening causal process-the causal chain and causal mechanism between an independent variable (or variables) and the outcome of the dependent variable' (George & Bennett, 2005: 206). It aims to establish a 'narrative explanation of a causal path that leads to a specific outcome' (Vennesson, 2008: 235). In other words, it focuses not only on what happened but also on how it happened (Vennesson, 2008: 233). In this dissertation, process-tracing is used to test the aforementioned arguments against the case study materials. It identifies the causal relations between political economy factors in Bangladesh (the independent

variables) and its labour migration policies and their implementation (the dependent variable).

Chapter Summary

The dissertation is divided into 8 chapters including this chapter. Each of them is designed to reinforce the above mentioned arguments.

Chapter 2 is about the Bangladesh state. The argument of this chapter is that in order to understand the political dynamics and contestation responsible for the nature of migration policies in Bangladesh, it is important to understand the Bangladesh state first. It points out that the majority of studies done on the Bangladesh state so far largely derive from Weberianism and the discipline of public administration. These yield a number of different themes for why the Bangladesh state has failed to establish a legal-rational model of bureaucracy as defined by Max Weber. For example, some of them blame patron-client relations while some blame the colonial legacy for this failure. Having discussed these groups, this chapter argues that the Bangladesh state is best understood through the employment of social conflict theory. The central claim of this theory is that state action reflects contestation and negotiation between competing political forces. This chapter claims that this theory is the most illuminating because the Bangladesh state is not just a particular set of institutions with more or less capacity to act as per the legal-rational model. Rather, it is the embodiment of a specific set of power relations between particular classes and groups.

Social conflict theory explicitly acknowledges the contests between competing political and social forces each of which has a distinct agenda and interests. Hence the next chapter— Chapter 3 identifies the competing agendas and the actors engaged in exercising influence over labour migration policies and their implementation in Bangladesh. This chapter identifies five competing agendas: namely i) neo-liberalism ii) human rights iii) patriarchal conservatism iv) predatory bureaucratism and v) foreign protectionism. Some of the questions that this chapter seeks to answer are what the nature of each policy agenda is, who the associated actors are, and how they exercise leverage over policy making process and policy implementation.

Chapter 4 provides an overview of the key migration policy issues and implementation over which there has been political contestation in Bangladesh. Four such issues are identified: i) the relative roles of the state and the private sector in the recruitment of migrant workers; ii) fraud in the recruitment of migrant workers; iii) abuse of migrant workers in destination countries; and iv) unequal access to labour migration opportunities.

The first part of Chapter 5 traces the evolution of Bangladesh's labour migration policies and their implementation between 1971 and 1990. This chapter points out that the policies undertaken in this period have been largely neo-liberal in nature, allowing the dominance of private recruitment agents in labour migration business. The principal exception to this feature was in relation to restrictions on female migration where the state played an interventionist role. Policies of this period were characterised by minimal protection of migrant workers' rights, irrespective of their gender. The enforcement of regulations against fraudulent recruitment practices and the limitations imposed on female labour migration was weak in practice. The second part of this chapter analyses the political and social dynamics underpinning the nature of labour migration policy and its implementation during this period. In this regard, it focuses on the gradual emergence of a domestic capitalist group seeking free market policies, the ideological salience of Islam, and the limited scope for subaltern elements to influence policy changes during the military regimes.

Similarly, the first part of Chapter 6 outlines the evolution of labour migration policies and their implementation since 1990 while its second part focuses on the political and social dynamics that underpinned the nature of evolution. It argues that Bangladesh's recent labour migration policies have remained broadly neo-liberal in nature although there has been again some state intervention particularly in regards to female labour migration and labour exports to Malaysia. Nevertheless, what distinguishes the policies of this period from that of 1971-1990 is their increased attention given to the protection of migrant workers' rights. However, the weak implementation of policies has been consistent in this period. Regarding the dynamics that underpinned the nature of policies in this period, this chapter highlights the continued dominance of the domestic capitalist class and its interrelationship with predatory state officials; the continued ideological salience of Islam and the patriarchal nature of Bangladesh society; how the Bangladeshi Islamic parties' ideology about women's freedom transformed to a liberal

one in mid-2000s; the opening-up of new opportunities for subaltern elements to participate and influence the policy-making process following democratisation; and, the structural power of foreign governments particularly in relation to labour exports to Malaysia.

Chapter 7 demonstrates the way the political changes brought about by democratisation, particularly the growing scope for subaltern forces to participate in migration policy-making and its implementation, shaped the formulation of two recent key policy documents, the Overseas Employment Policy 2006 and Overseas Employment and Migration Act 2013. This chapter focuses on the role played by subaltern forces, especially migration NGOs, in shaping the content of these two documents.

Chapter 8 concludes the dissertation by assessing the implications of the analysis for efforts to promote better protection of migrant workers' rights while taking into account the necessity for labour-sending countries to maximise the economic benefits of labour migration through remittances. In this respect, it points to a need for rights activists to promote democratic reform and the establishment of a ministry dedicated to the management of labour migration industry, recognise the distinctive politics of each policy area, cultivate allies within the government, and produce research-based evidence in favour of migrant workers' rights. Additionally, it suggests that the international organisations such as ILO and IOM should provide both financial and functional support to rights advocates in labour-sending countries. The chapter finishes by noting that in the foreseeable future, protection of Bangladeshi migrant workers' rights seems to rest on the outcome of political and social struggles between competing forces over the implementation of the existing rights-based policies.

Chapter 2

Understanding the State in Bangladesh

To understand and explain the nature of Bangladesh's migration policies, their implementation and the way they have evolved over time, we need a conceptual model of the Bangladesh state. The state is important because it is the entity responsible for formulating outward migration policies and implementing them. This chapter reviews the existing literature on the state of Bangladesh. It points out that most studies on the Bangladesh state so far have emerged from the discipline of public administration/management and have accordingly focused on the nature and behaviour of political institutions especially the bureaucracy. Although these works are, in general, largely descriptive rather than theoretical, they draw implicitly on Weberian ideas and the modernisation revisionist tradition in development studies[5] They claim that although the state of Bangladesh possesses some features of a "modern" state such as an elected government (democracy) and a constitutionally regulated system of law, it falls well short of meeting the Weberian legal-rational ideal type. This is because it is characterised by widespread corruption, informal rules, an ineffective parliament, a lack of accountability, and appointment and promotion on the basis of personal connections. It is widely argued in these works that "modern" features have not always replaced "traditional" elements in Bangladesh politics and, indeed, that traditional modes of behaviour have often continued to influence the functions of apparently modern institutions. Different scholars have proposed different explanations for the Bangladesh state's failure to develop into something closer to the Weberian ideal type. This chapter discusses five such explanations and critiques them before offering an alternative way of understanding the Bangladesh state that draws on "social conflict theory" as outlined in the work of Garry Rodan, Richard Robison and Kevin Hewison. This approach, it is argued, offers a better way of understanding the Bangladesh state because it places contestation between competing political and social forces at the centre of the analysis and, in particular, forces that emanate from the country's economic and social structure. Unlike the Weberian approach, this serves to locate the state and its features within a broader economic and social context.

---

[5] For an overview of the modernisation revisionist tradition in development studies, see Randall and Theobald (1998: 45-48).

Before presenting this discussion, however, this chapter provides a brief outline of the political history of Bangladesh and some key features of the country's politics in order to situate the theoretical discussion within a concrete historical and empirical context.

A Brief Overview of Bangladesh's Political History

Bangladesh emerged as an independent nation in 1971 after a bloody war with Pakistan. The Awami League (AL), under the leadership of Sheikh Mujibur Rahman (hereafter, Mujib), was the first ruling party of Bangladesh. AL was founded in 1949. In the immediate post-independence period, Bangladesh had a parliamentary form of government with the Prime Minister as the head of the government and the President as the head of the state. Later, after facing mounting economic, social and political crises, the then AL government, through a constitutional amendment, established one-party rule with President Mujib at the pinnacle of state power. The experiment was short-lived as Mujib was violently overthrown by a group of military officers in August 1975. From 1975 to 1990, military regimes ruled the country. After a series of coups and countercoups, General Ziaur Rahman (commonly known as Zia), the then deputy chief of the army, became the leader of the military-government formed in November 1975. Ascending to power through an unpopular military coup, Zia attempted to legitimate his rule through the formation of the "civilianised" Bangladesh Nationalist Party (BNP) and by holding an election in 1979 on the basis of a multi-party system. BNP won that election although the election was, in the eyes of most commentators, neither free nor fair (Rahim, 1990: 95). Zia was assassinated in May 1981 by a group of army officers. After his assassination, Abdus Sattar, a former Supreme Court Justice, became President in December 1981. However, his government was overthrown in 1982 in a blood-less military coup led by General Ershad, the then chief of the army. Ershad founded a political party called the Jatiya Party and it won the election held in 1986. In this election, the counting of ballots was dramatically suspended and some announced results were later reversed (Rahim, 1990: 95). Both elections held in 1979 and 1986 were staged as part of the military regime's strategy of winning popular approval for its extra-constitutional rule and legitimating an authoritarian regime (Rahim, 1990: 100). Complaints of ballot rigging, vote fraud and other irregularities were widely reported and substantiated. Nevertheless, on the basis of these doubtful exercises, both Zia and Ershad claimed the right to govern the country as elected presidents (Rahim, 1990:

100). Both military regimes consolidated their power by building political parties when in power and seeking to legitimise this political power through controlled elections (Sobhan, 1993: 159). During their military regimes, Bangladesh had a presidential form of government, meaning that Zia and Ershad were both the head of the state and the head of government. However, in their so-called "civilianised" period (1979-1981 and 1986-1990) the country had a cabinet and Prime Ministers who were appointed by the Presidents i.e. Zia and Ershad.

Ershad attempted to replicate Zia's civilianization process by establishing his own party. However, he lacked Zia's charisma and liberation war credentials and remained dependent upon the military. When the cost of patronage began to retard economic growth and ignite popular mass demonstrations against authoritarian rule, the military withdrew its support and his regime collapsed (Lewis, 2011: 89 & 90). A national election was held in early 1991. This took place under a non-partisan caretaker government (hereafter, the NPCG) and was reported to be one of the few free and fair elections in Bangladesh up to that time, although Zia and Ershad claimed the elections in 1979 and 1986 to be free and fair. It was perceived that the NPCG would have no motivation to manipulate the election as the members of this government were barred from directly participating in the election. The mandate of this government was to hand over power to the new elected government by holding elections within 90 days following the end of the tenure of the previous government. It was not empowered to take any policy decision unless it was absolutely necessary (Ahmed, 2010: 24).

The election in 1991 marked a return to democracy in Bangladesh. Begum Khaleda Zia, the wife of the former President Zia and head of the BNP, was elected the Prime Minister, defeating the main opponent Sheikh Hasina, the leader of the AL and the daughter of Mujib. The system of government adopted in the newly amended Constitution in 1991 again made the Prime Minister and the President the head of the government and the head of the state respectively. As an outcome of this amendment, the Prime Minister and cabinet headed by the Prime Minister became very powerful while the President remained simply as the titular head of the state.

In the democratic period, the main political parties of Bangladesh have been AL, BNP, Jamaat-i-Islami and Jatiya Party. However, the principal feature of Bangladesh's political system lies in the prominence of AL and BNP as the two major political

parties. The NPCG system was institutionalised in 1996. However, before the election in 2006, serious disagreements broke out between AL and BNP regarding the appointment of the Chief Advisor (CA) of the NPCG. At least 30 people were killed and 100 injured due to political clashes (Prodip & Rabbani, 2014: 32). The role of the CA was important as s/he was the head of government for 90 days following the end of existing government's tenure. The CA, in collaboration with ten advisers whom s/he selected was mandated to supervise and hold the election. In the context of disagreement between the two main parties in 2006, then President Iajuddin Ahmed assumed the role of CA in October 2006. However, he failed to hold the election due in January 2007 mostly because of the hostility between the two parties. Amidst this widespread political violence, the army forced the President to declare a state of emergency, cancel the election and appoint a new CA.

The new CA, Fakhruddin Ahmed, a former Bangladesh Bank Governor, assumed office in January 2007. Although his government was backed by military forces, it did not necessarily constitute a return to authoritarian rule because his caretaker government was still a part of the NPCG system of democracy. This interim government launched an extensive anti-corruption drive and arrested thousands of people on corruption charges including hundreds of politicians, businessmen, government officials as well as the two leaders, AL president Sheikh Hasina and BNP chairperson Khaleda Zia. There were attempts by this government to create new political parties combining the reformists existing in major political parties. All these aspects made this government stay in charge longer than it was supposed to.

An election was finally held in December 2008 with AL emerging victorious. That was the last election held under the NPCG system. In 2011 during the AL regime, the institutionalisation of NPCG system was declared illegal by the Supreme Court. The fact that the military-backed NPCG undertook several measures to reform the political sector in such a way that the politicians felt seriously threatened about their survival led to demands for its abolition (Ahmed, 2010: 24) although BNP criticised its removal. Since then, in accordance with constitutional requirements, elections take place within

90 days of the term of the parliament expiring i.e. while the existing government is still in power[6].

Key Features of Politics in Bangladesh

Before the theoretical analysis begins, it is important to first point out some key features of politics in Bangladesh particularly since 1971 in order to contextualise the discussion that follows.

a) Since independence in 1971, members of parliament (MPs) in Bangladesh have typically come from middle-class professional or occupational groups, or business backgrounds. Lawyers, teachers, and rich peasants were the principal sources of MPs during the early years of independence (Islam, 1985). In more recent years, business people have become the dominant professional/occupational group (Hossain, 2005: 967). For instance, the number of businessmen members of parliament increased from 24% in 1972 to 48% in 1996 (Huque & Rahman, 2003: 415).

b) Bangladesh's major political parties operate mainly as electoral vehicles through which powerful families seek to secure control of the state apparatus and, with that, the spoils of office. They are not distinctive in ideological terms, for example, a left-wing party aligned with the trade unions versus a right-wing party aligned with business. AL and BNP are divided over conflicting definitions of Bangladeshi identity, national heroes, and the history of the liberation war (Kochanek, 2000a: 531). AL leader Sheikh Hasina, is determined to restore her father's (Mujib's) preeminent position as the leader of liberation war and as the founder of Bangladesh, and punish his killers. Khaleda Zia, the leader of the BNP and widow of Zia, is similarly committed to preserving her husband's legacy as a hero of the liberation war (Kochanek, 2000a: 531). Since the restoration of democracy in Bangladesh in 1990, the dynastic leadership of the two political leaders has become 'locked in a bitter battle to impose their image of the liberation war and its heroes' and to establish hegemony through

---

[6] See Chapter 5 and 6 for a substantial discussion on Bangladesh's political history.

electoral means (Kochanek, 2000a: 531). However, such differences are only a part of the story; more fundamental contestation occurs over the acquisition of rents and power.

c) Although according to the Westminster system in Bangladesh, the party leaders are accountable to the parliament, in reality, the former dominate the latter. The parliament in Bangladesh shares law-making power with bureaucrats (Ahmed, 2003: 62). Bangladesh's political parties have been led by dominant charismatic individuals who exercise tight control over internal party operations. Consequently, parliament has commonly been used as a tool for endorsing policies and legitimacy of the ruling party's leadership. Therefore, parliament, the highest decision making body in Bangladesh, does not serve as a forum for free and open discussions and debates.

d) Corruption is widespread in Bangladesh. Transparency International ranked Bangladesh as the most corrupt country in the world for five consecutive years from 2001 to 2005. In particular, the bureaucracy in Bangladesh is corrupt to the extent that even the simplest things such as obtaining birth/death certificates, filing a complaint with police, obtaining a passport, getting a driving license and registering a vehicle require some monetary inducements (Zafarullah & Siddique, 2001: 467). Using one's position to grant undue favours and benefits to one's relatives and key supporters is common in Bangladesh. (Mollah, 2011: 153). Whatever the official policy is, as soon as someone's relative or party loyalists appear, the policy is altered to accommodate their needs and interests (Kochanek, 1993: 252).

e) Women play little role in Bangladesh's politics. As further discussed later in this chapter, the women who have made it into leadership positions in the major political parties have tended to be relatives of male politicians (Goetz, 1995: 36). This is reinforced by the fact that both the current Prime Minister, Sheikh Hasina and the BNP leader, Khaleda Zia achieved their positions by virtue of being the daughter of Mujib and the widow of Zia respectively. Bangladeshi women's participation in politics is still symbolic and politics largely remains the domain of men. Corruption, males' attitudes, a fear of being rejected for

marriage, widespread sexual harassment and the threat of rape hinder women's political participation (Chowdhury, 2009: 560-565; Kabeer, 1988: 117). Currently, there are 50 seats reserved for women in the parliament. However, this system of quotas, far from providing an effective channel for the expression of women's interests at policy-making levels, effectively cuts them off from competing for general seats. As a result, the quotas tend to act as a ceiling on women's representation, rather than a minimum (Baden et al., 1994: 69).

Weberian Perspectives on the State of Bangladesh

As noted above, most studies on the Bangladesh state so far have drawn implicitly on Weberian ideas and the modernisation revisionist tradition in development studies. According to Weber (1958), there are three types of authority: traditional, charismatic and legal-rational. Traditional authority operates based on the sacredness of the social order. Patriarchal authority represents its purest form. The person in command is the "lord" who rules over obedient "subjects". Commands are bound by tradition and the lord endangers his legitimacy by violating traditions (Weber, 1958: 3). Therefore, the creation of new laws that are inconsistent with traditional norms is extremely difficult. The administrative staffs of the lord consist of members of the household, relatives and personal friends whose legitimacy and employment in high-ranking roles is completely dependent on the pleasure of the lord (Weber, 1958: 4).

Charismatic authority rests on the devotion of the follower to the leader and the latter's charisma. The leader possesses magical abilities, heroism and power of the mind and of speech. The purest types of charismatic authority are the rule of the prophet and the warrior hero. Obedience is offered exclusively to the leader because of his personal qualities and not because of his enacted position or traditional dignity (Weber, 1958: 6). Obedience is valid as long as his charisma is proven by evidence. Under this form of authority, a leader's administrative staffs are selected based on charisma and personal devotion, instead of qualification, rank or personal dependency (Weber, 1958: 6). The leader is not bound by tradition or enacted rules. Rather, spontaneous decisions are characteristic of this authority.

Legal-rational authority represents the most "modern" and in that sense ideal form of authority. Bureaucracy represents the purest form of this authority. Under this type, obedience is not owed to anyone personally but to legislated rules and regulations which specify how individuals are meant to behave (Weber, 1958: 2). Even the ruler also obeys these laws, rules and regulations. Dutiful obedience is channelled through a hierarchy. Clear and transparent rules, appointment and promotion based on merit, fixed salaries and provision for a regular procedure for lodging complaints are the characteristics of this authority type (Weber, 1958: 2).

To describe pre-modern bureaucracies whose essential features contrast with those of legal-rational authority, Max Weber coined the term "patrimonialism". 'Clearly defined spheres of competence, subject to impersonal rules, the rational ordering of relations of superiority and inferiority, regular systems of appointment and promotion on the basis of free contract, technical training as a regular requirement and fixed salaries paid in money: all these are largely absent from the patrimonial bureaucracy' (Randall & Theobald, 1998: 82).

As an outcome of 'the absence of clearcut spheres of competence and regular fixed salaries', patrimonialism entails an equivocal division between incumbent and office (Randall & Theobald, 1998: 82). In a patrimonial state, the ruler's power depends on his capacity to win and retain the loyalty of key sections of the political elite. Failing to enforce acceptance of his rule, the ruler seeks to win allegiance by 'satisfying the aspirations—especially the material interests—of his supporters through the distribution of benefices in exchange for tribute and loyalty' (Crouch, 1979: 572). It does not require any belief in the ruler's unique personal qualification but is 'inextricably linked to material incentives and rewards' (Roth, 1968: 196). He avails of 'various political and administrative devices' that transcend the bases of his legitimacy (Roth, 1968: 195). As part of this, he also recruits and appoints his staffs on the basis of mere personal relationship, evoking the notions of 'opportunism and corruption' (Roth, 1968: 195 & 196). However, it is important not to equate "patrimonial" with "authoritarian". 'The latter term has been useful in establishing a continuum ranging from pluralist democracy to totalitarianism; the former category properly belongs to a typology of beliefs and organisational practices that can be found at any point of such a continuum' (Roth, 1968: 197).

Weber's ideas about authority have had a significant impact on scholarly understandings of development and, in particular, work carried out within the modernisation and modernisation revisionist traditions. Modernisation theory refers to a 'dichotomy between tradition and modernity', and an evolutionary transition from the former to the latter (Rodan et al., 2006: 9). In this theory, traditional societies are seen as 'pre-state, pre-rational and pre-industrial' and to modernise, they are required to adopt the same organisational structures and social and political values of modern societies in the West (Rodan et al., 2006: 9). According to this theory, as a pre-modern society begins to modernise, its traditional functions become replaced by modern and specialised systems, for example, economic activities performed by families get replaced by factory production and patrimonial forms of authority are replaced by legal-rational ones (Randall & Theobald, 1998: 20). In the economic growth model propounded by Walt Rostow, one of the most influential models in modernisation theory, expanding production beyond a limited ceiling is very difficult during the 'traditional' stage where family and clans play the central role (Randall & Theobald, 1998: 24 & 25). However, as the society evolves to the 'take-off' stage where development is realised, new industries expand rapidly and traditional forms of economic activity disappear (Randall & Theobald, 1998: 25).

From the late 1960s, the notion of modernisation theory began to be criticised for its oversimplified conceptualisation of "tradition", "modernity" and the interrelationship between them (Randall & Theobald, 1998: 45). Specifically, the criticism was against the assumption of modernisation theory that traditional institutions create barriers to modernisation and that traditional institutions necessarily decline to the extent modernisation occurs. That is, the underlying assumption in modernisation theory is that 'to the extent that a society becomes modern it ceases by the same degree to be traditional' (Randall & Theobald, 1998: 46). The criticism led to a new approach known as 'modernisation revisionism' (Randall & Theobald, 1998: 45). This approach criticised the modernisation theory for assuming a zero-sum view of the relationship between tradition and modernity. Its theorists argued that tradition and modernity are not mutually exclusive and that the modernisation process does not necessarily weaken tradition (Randall & Theobald, 1998: 47). Therefore, according to them, it is possible for traditional and modern institutions to co-exist. For example, in India, it is the traditional large extended families of Tatas, Birlas and Dalmas who have developed the

basis of major and highly successful modern industrial organisations (Randall & Theobald, 1998: 47). Similarly, the low sub-castes in India have sought to establish their increased economic status, 'a result of changes associated with modernisation', through appeals to traditional Hindu rituals (Randall & Theobald, 1998: 47).

Broadly consistent with the modernisation revisionist perspective, existing studies on the state in Bangladesh suggest that it has not yet reached the standards of the Weberian legal-rational model, but, rather, has remained trapped in a traditional mode characterised by the continued exercise of patrimonial authority. The explanations offered for this outcome vary from scholar to scholar. They include the persistence of patron-client relations, the politicisation of the bureaucracy, mobilisation and violence, the legacy of colonialism and constitutionalism. Below, I review each of these explanations in turn.

1) Patron-Clientelism

Pandey (2004), Kochanek (1993; 2000a: 547- 549), and Sarker (2008) see the persistence of patron-client relations as the main reason for Bangladesh's failure to evolve into a "modern" state as per the Weberian legal-rational model. The fundamental characteristic of the patron-client relationship is its unequal or asymmetrical nature; it entails a superior patron or patron group and an inferior client or client group being tied together by a powerful sense of obligation and duty (Randall & Theobald, 1998: 72). The maintenance of this relationship depends upon reciprocity in the exchange of goods and services. The patron distributes resources in the form of monetary support, jobs, protection from punishments etc. to the clients and in return, the clients act as a support base through their votes and attendance at rallies and processions for establishing the legitimacy of the patron (Sarker, 2008: 1420). In other words, this relationship is characterised by low-status clients' obtainment of material assistance in the form of protection, patronage and favour while the patrons receive less tangible resources such as respect, loyalty, esteem, compliance and personal services (Randall & Theobald, 1998: 74; Pandey, 2004: 25 & 27). Briefly speaking, using clients as vote banks and neutralising opposing forces to gain or to sustain political power are the main purposes of clientelist politics.

The abovementioned scholars argue that patron-client relations have remained a central feature of politics in Bangladesh and in particular a central feature of the state. All regimes in Bangladesh have resorted to clientelist politics (Sarker, 2008: 1428). Local government offices in Bangladesh have been historically under the control of rural elites who are aligned with central-level political leaders. The central political leaders consider these rural elites as junior partners and use them for creating a support base. They engage them as vote banks as these rural elites have effective control over the poor rural communities. The basic objective of the central political leaders is to seek political support for the regime and to minimise the hold of opposition parties over the local society. In return of their support, 'the rural elites are allowed to engage in private accumulation of wealth from government-sponsored development programs undertaken by local government offices' (Sarker, 2008: 1426). While the rural elites have some degree of autonomy, it fast erodes 'if and when confronted with the state machinery' (Sarker, 2008: 1427). By acting as an intermediary in controlling the country-side, the rural elites serve as an extension of state power (Sarker, 2008: 1427). The rural elites benefit from a system of patronage that is inherently related to the maintenance of state authority. Sarker (2008: 1423 & 1430) further suggests that the partial behaviour of judiciaries to the political party that they aspire to join and the resultant patronage from the political parties have impeded the impartiality and independence of Bangladesh's judiciary system.

Pandey (2004) and Sarker (2008) suggest that in developing countries like Bangladesh where severe poverty and limited resources deepen the practice of patrimonialism, political competition is organized through the mobilization of patron-client factions instead of the mobilization of class or economic interest groups. Hence, it strengthens the system of patrimonial leadership based on patronage (Kochaneck, 2000a: 548). Therefore, the patrimonial i.e. traditional elements in Bangladesh state can be traced to the practices of patron-clientelism and vice versa (Kochanek, 2000a: 548).

Pandey (2004: 27) observes that those who yield to their leaders/patrons in Bangladesh are bestowed with all kinds of favours. On the contrary, a sense of powerlessness is quite common among subordinates who are left out of the favour of seniors. Opposing or questioning a superior's decision is commonly considered *beyadobi* (ill-mannered) (Pandey, 2004: 27). In this context, the three scholars above argue that it has been virtually impossible for legal-rational forms of authority to emerge in Bangladesh. In

the legal-rational model, obedience is not owed to anyone personally but to legislated rules and regulations (Weber, 1958: 2). According to these scholars, patron-clientelism essentially means that clients (the general population) obey their patrons rather than, legislated rules and regulations for the sake of receiving private material benefits from their patrons. As a result, the only struggle among the patrons in Bangladesh is the struggle over the allocation of those benefits and the role of the masses is limited to extending the support base of the patron by engaging in politics as instructed in order to receive patronage. The patrons profit from the political passivity of the masses. At the same time, the fear of losing patronage reduces the chances that the masses will raise the question of accountability of the patrons. Thus the persistence of patron-client relations translates into the persistence of patrimonial forms of authority.

2) Politicisation of the Bureaucracy

Jahan (2006), Alam and Teicher (2012), Rashid (2014), and Zafarullah and Siddiquee (2001) suggest that politicisation of the bureaucracy has been a key reason for Bangladesh's failure to evolve into a modern state because it has undermined the capacity of the bureaucracy to act in a way consistent with Weberian legal-rational principles. In the Weberian legal-rational model, bureaucratic officials are meant to carry out their work in an impersonal and professional manner, follow rational rules with strict formality, and be free from arbitrariness and unpredictability. They are also meant to act with dutiful obedience to administrative hierarchy and submit to practices of accountability (Weber, 1958: 2). The scholars mentioned above have argued that, in the case of Bangladesh, bureaucratic officials have failed to act in this manner in part because of partisan interference of the political leaders towards the bureaucratic affairs and in part because bureaucratic officials have pursued their own self-interest through predatory and corrupt means reflective of patrimonial rather than legal-rational principles. Both represent forms of politicisation.

Politicians and bureaucrats, they have argued, have depended on each other for their respective careers. However, unlike patron-clientelism, this mutual dependence has not taken the form of an unequal relationship between a superior patron and an inferior client. It has rather been more symmetrical in nature. Relationships influenced by personal motives and loyalties have developed between politicians and bureaucrats that

have affected bureaucrats' promotions, postings, transfers, and future careers and politicians' efficiency in running the administration. This personal and loyalty-based administration has disturbed professionalism, the importance of formal rules and procedures, and the chain of hierarchy and accountability in the bureaucracy.

In dealing with bureaucrats, government ministers' power has been restricted by several factors. Ministers often lack the necessary knowledge, education and experience to run the administration (Zafarullah & Siddiquee, 2001: 478). For example, the Minister of MoEWOE (Expatriates' ministry in Bangladesh) is not a migration expert himself. As a result, they have to depend heavily on bureaucrats for advice and support, and hence they are often compelled to work along the lines suggested by the bureaucrats. In such a relationship of dependency, the question of enforcing accountability takes a back seat (Zafarullah & Siddiquee, 2001: 478). The superiority of senior bureaucrats in terms of education, training and experience enables them not only to have considerable influence on ministers but also often to circumvent ministerial control (Zafarullah & Siddiquee, 2001: 478). Ministers turn a blind eye to many failures of the bureaucrats. As a result, bureaucrats become more concerned about establishing relationships with the political masters which often blurs the line between their official and their private lives.

Nevertheless, the bureaucrats are never fully autonomous. Politicians exercise control over the bureaucrats by regulating their recruitment, transfers and promotions (Huque & Rahman, 2003: 416). Their transfer and posting to suitable locations and positions, promotions and career are decided on the basis of their political loyalty instead of objective performance-related criteria. This gives rise to massive politicization and erosion of neutrality held by the bureaucracy (Jahan, 2006: 12; Huque & Rahman, 2003: 404; Rashid, 2014: 156). The constant necessity of supporting party lines confronts the bureaucrats by limiting their policy advice. Again, due to the partisan nature of the civil service, bureaucrats are cautious of making or suggesting policy decisions that do not favour the governing party's interests (Rashid, 2014: 155). Officials appointed on political grounds are likely to serve their political masters even at the cost of public interest as they owe their allegiance to the party which got them appointed and not to the state whose employees they actually are. Rashid (2014: 156) points out that 'as partisan choices dictate the placements and transfers of personnel, public officials with relevant expertise and policy understanding are hardly ever placed in the appropriate positions to contribute to policymaking'. Civil servants often find

themselves transferred too frequently, at times before they understand the nature of the work to be performed, let alone contribute anything substantial and meaningful. Irregular promotions through politicization also affect the chain of command as junior officials refuse to take instructions from senior ones whom they do not respect. Party-loyalty based recruitment indeed creates a vicious cycle: because of politicization, fewer meritorious candidates enter the civil service unless they hold party links and with fewer deserving entrants, the scope for politicization increases and this further deters the most able candidates from entering the civil service and so on (Jahan, 2006: 2).

The civil service, as a whole, undergoes tremendous strain every time there is a change in political leadership. The entire administration is reshuffled and revamped to provide the new leadership's supporters with key positions and remove or transfer those who belong or are believed to belong to a rival camp (Rashid, 2014: 156). Consequently, during one government, individuals get promotions and under the next government they get demoted to their original ranks (Alam & Teicher, 2012: 869). Officials who are perceived to be aligned with the opposition are usually punished through postings or transfers to underdeveloped areas with poor communications and facilities or penalised by being made officers on special duty (OSDs) (Rashid, 2014: 156). OSDs have no administrative responsibility or office although they receive a salary and other administrative facilities. After winning the election in December 2008, the AL government made 434 officials OSDs including 42 out of 56 ministerial secretaries (Alam & Teicher, 2012: 869). The previous BNP-led government made 978 officials OSDs between 2001 and 2006 (Alam & Teicher, 2012: 869 & 871). On the other hand, "juicy desks" (that is, those offering scope for earning extra income) are offered to the officials loyal to the ruling party. They are often given responsibility for managing project contracts worth million dollars and in the name of privatisation, selling off state-owned enterprises to party loyalists at artificially low prices[7].

In summary, according to the scholars in this camp, the inter-connected role of politicians and bureaucrats, and in particular, the relationships of patronage and corruption that develop between them—limit the scope for legal-rational bureaucracy to emerge. These relationships undermine bureaucratic officials' ability to act

---

[7] For instance, the Noakhali Textile was sold in 2004 for only Taka 20.8 million whereas the actual market value was Taka 420 million (Alam & Teicher, 2012: 866).

impersonally and professionally, and disturb the chain of dutiful obedience to a hierarchy. As a result, the officials tend to focus more on maintaining personal relationships and pursuing personal motives than working in accordance with formal rules.

3) Mobilisation and Violence

A third group of scholars including Osman (2010: 318), Rahaman (2007: 102) and Moniruzzaman (2009b) has explained Bangladesh's failure to evolve into a legal-rational state as per the Weberian model in terms of the prevalence of (often violent) political mobilisation or "confrontational politics". According to these scholars, the masses play little role in politics except to the extent the elite groups mobilise them as part of their violence-based struggles with other sections of the elite. While politics, by its nature, is confrontational, the significance of democracy lies in 'its ability to resolve conflicts in a non-violent way' (Osman, 2010: 311). However, as Osman (2010: 318) points out, 'mobilization politics, meant for protest, has been the strategy of losing party (*sic*) in Bangladesh'. In a modern democratic country, the opposition makes the party in power accountable through constructive criticism. Also, the prime goal of a political party is to capture the power of the state in a constitutional manner. However, although democracy is prevalent in Bangladesh, its political parties do not engage in political games played within established rules and norms (Moniruzzaman, 2009b: 82). The opposition has a mindset of finding faults in government's actions for the sake of it. Opposite political parties in Bangladesh have historically attempted to use unconventional means to become the ruling party and their main function has been to make the government collapse anyhow. While the opposition party in national elections in other democracies takes responsibility for its defeat and recognises the winning party, often the opposition party in Bangladesh tends to claim that the election was unfair and takes the issue to the streets (Rahaman, 2007: 106). They call strikes, boycott parliamentary sessions and arrange political violence in an effort to destabilise the ruling party (Rahaman, 2007: 106).

Public gatherings and protests arranged by the opposition party are countered boldly by supporters of the ruling party resulting in bloodshed which provides the former party with further excuses for violent mobilisation (Moniruzzaman, 2009b: 92). Such a

negative attitude of the opposition intensifies confrontation. The ruling party responds with great force to counter its opponents often resorting to legal and police repression. Historically, the government and the opposition in Bangladesh have confronted each other more on the streets than in the parliament, inflicting a serious cost on the country (Rahaman, 2007: 113). It is not surprising that the opposition parties consistently demand the release of their activists from police custody and jail as a precondition for participating in political dialogue and making compromises. The government's refusal gives them even more excuses for violence (Moniruzzaman, 2009b: 93). Confrontation on the opposition's part nowadays includes filing false legal cases against the ruling party members. No party spares any means to weaken their rivals. Every party strongly claims that they are reflecting the public interest, that the populace is in their favour and that they are the authentic voice of the people.

As part of its strategy for countering the mobilisation organised by the opposition party, the ruling party searches for loyalists within the bureaucracy and other state organisations worsening politicisation of the bureaucracy (Osman, 2010: 318). Use of administrative machinery to harass political rivals is endemic. In fact, the process of counterbalancing the impact of the mobilization organized by the opposition party has in turn contributed to what is often referred to as the 'criminalization' of politics (Ahmed, 2003: 73; Aminuzzaman, 2013a: 448). While it may have various forms, the criminalization of politics in Bangladesh is most common in nurturing *mastaans* (hoodlums) by both the ruling party and opposition parties. All major political parties in Bangladesh have connections with the underworld arms network. 'The political parties are considered a safe abode for criminals, terrorists, and extortionists' (Aminuzzaman, 2013a: 448). Supporters of one party often abduct and murder the supporters of opponent parties (Moniruzzaman, 2009b: 94). The patronage extended by a political party to *mastaans* derives from the dependence of political parties on these forces to secure a permanent support base particularly when it comes to manipulating the results of elections by applying their muscle-power (Sobhan, 2004: 4105). The use of armed hooligans for political purposes, and the patronage and promotion of armed *mastaans* are explicit manifestations of the criminalization of politics in Bangladesh.

According to Osman (2010: 311 & 318), as the ruling party tends to appoint party loyalists to state organisations as a way of handling mobilisation by the opposite party, it results in the establishment of a ruling party monopoly. She argues that this monopoly

of the state apparatus by the ruling party impairs the functioning of formal accountability mechanisms (Osman, 2010: 311 & 318). Similarly, Moniruzzaman (2009b: 95 & 97) argues that the continued practice of violence-based politics in Bangladesh creates a cyclical relationship between political differences and violence, and institutionalises violence as a legitimate means to express political demands. Such institutionalisation results in the prevention of parliamentary democratic norms such as tolerance, respect for pluralism and contrary opinions, and accountability (Moniruzzaman, 2009b: 97; Rahaman, 2007: 113). This is how political violence and confrontational politics translate into non-legal rationality in bureaucracy. Political parties in Bangladesh find themselves interlocked in violence-based politics instead of carrying out the enacted rules of democracy.

4) Colonial Legacy

A fourth group of scholars has suggested that Bangladesh's failure to evolve in accordance with the ideals of Weberian legal-rational model has its roots in the colonial period. As mentioned above, the legal-rational model entails the practice of accountability and the obedience to enacted rules and regulations (Weber, 1958: 2). However, scholars such as Mollah (2011: 152), Huque (1997: 23-24), Zafarullah (2007: 161), Jahan and Shahan (2012: 277) and Jamil (2007: 20) suggest that as a result of colonial legacy, the bureaucracy in Bangladesh has become an isolated and elite-centred affair where more emphasis is given to the needs of officials than the importance of enacted rules. Present day Bangladesh was part of the British Empire for almost two hundred years. In 1947, Pakistani rulers replaced the British and dominated the area, then known as East Pakistan, until the liberation war in 1971. According to the above scholars, the British tradition of bureaucracy is aloof and elitist. During colonial times, the bureaucracy was simply an apparatus of the colonial lords. For their own purposes, the colonial powers placed special emphasis on making the bureaucracy an elite force that was totally alienated from the society. Bureaucratic officials' distinguishing features were high status, prestige and the lack of accountability to the people (Mollah, 2011: 152). This was continued during the Pakistani regime and at independence, the bureaucracy remained a strong and highly developed state apparatus in Bangladesh.

Zafarullah (2007: 161) suggests that like other countries in South Asia, one of the most notable legacies of British colonialism in Bangladesh has been the presence and persistence of bureaucratic elitism. This is often reflected in a number of symbolic gesture—for example, the frequent use of "yes sir" in encounters between superiors and subordinates, and the practice of standing up from seats when the boss enters the room and other courtesies such as receiving and seeing the boss at the airport and doing their and their families' personal work (Jamil, 2007: 20). Zafarullah (2007: 170) advises that this elitism is so entrenched in Bangladesh's bureaucracy that no amount of legislation or official procedures can stop it.

In summary, scholars of this group claim that the colonial period produced a belief system that became ingrained in the mindset of bureaucrats of the time and which has persisted until the present day. According to this belief system, bureaucrats are exclusive and occupy a special position that allows them to pursue their particular goals in society. Because this belief system has to do with attitudes and orientations about bureaucrats' status, roles and responsibilities, it is social-psychological in nature (Zafarullah, 2007: 170). There is a common perception in Bangladesh that civil servants are generally apathetic to the needs of the people and are unwilling to listen to them. Jahan and Shahan (2012: 277) claim that this aloofness and elitist mentality is simply a reflection of the colonial legacy where the British administrative system was developed to serve the imperial interests of the empire. Similarly, Jamil (2002: 99-100) and Huque (1997: 23-24) maintain that this colonial imprint has isolated the bureaucracy from the general populace. Hence, according to them, the centralisation of decision making in today's Bangladesh and the limited practice of accountability generally have structural roots in the colonial past.

5) Constitutionalism

A final group of scholars has pointed to the content of Bangladesh's Constitution, law and regulations as a key reason for Bangladesh's failure to evolve in accordance with the Weberian legal-rational model. The Weberian model emphasises the practice of accountability. According to Zafarullah and Huque (2001: 1389), Siddiquee (1999: 95 & 100), and Zafarullah and Rahman (2008: 745), the country's Constitution, laws and regulations have led to the perpetuation of an unaccountable bureaucracy. According to

them, the Official Secrets Act of 1923 has been applied to deny the press and the general public to access government's information. This Act considers the disclosure of information a criminal offence. This Act was enacted nearly a century ago, however it still keeps a tight rein on bureaucrats from sharing information on their operations and activities with the public, press or even officials in other public organizations. This Act, reinforced by the Government Servants Conduct Rules of 1979, compels the bureaucrats to perpetually respect and maintain an oath of secrecy. Consequently, bureaucratic decision-making remains opaque to those who are affected by it i.e. the general public (Zafarullah and Huque, 2001: 1389). This administrative secrecy is essentially contrary to bureaucratic accountability. The absence of transparency and the policy of categorising government documents as "secret", "top-secret", "strictly for official use" etc. mean that the public and the media have limited or no access to government documents and processes (Siddiquee, 1999: 95; Zafarullah & Huque, 2001: 1389). Most decisions are taken in total secrecy by a small handful of people with little or no prior consultation (Zafarullah & Rahman, 2008: 745). Additionally, bureaucrats are not allowed to leave the country without having arranged permission from the government. This is again supposed to safeguard the secrecy of information and documents. At the same time, the general public are not allowed to enter the secretariat, an area that houses most of the ministries of Bangladesh government, at will. They are required to obtain permission to enter the secretariat to see key officials such as secretaries, divisional commissioners and deputy commissioners. Obtaining a pass is in itself not easy; either one has to go through a lengthy bureaucratic process or bribe the gatekeepers (Siddiquee, 1999: 100). Hence, Siddiquee (1999: 100) opines that it is easier for bureaucrats to abuse their authority and discretion as they operate behind a veil of secrecy. The Secrets Act conveniently allows them to avoid public scrutiny and therefore, paves the way for them to remain unaccountable without experiencing any penalties.

Siddiquee (1999: 98) and Moniruzzaman (2009a: 116) argue that the content of the Constitution has also contributed to this lack of accountability. In particular, they blame the constitutional rule on voting and the political nature of the Speaker's appointment for an inability on the part of parliament to hold political leaders accountable. Article 70 of the Constitution stipulates that MPs will lose their seats if they vote against their own party. Since no one wants to lose their seats, there is very little chance of any tough

questions being brought up against the ruling party (Siddiquee, 1999: 98). Consequently, much of the ruling party MPs' efforts inside the parliament are aimed more at embarrassing their opponents than anything else (Siddiquee, 1999: 98). The Prime Minister and senior members of the cabinet often behave as if they are not accountable to the parliament (Siddiquee, 1999: 97). Around a quarter of the questions posed in the Fifth Parliament (1991-1995) were actually answered, while almost one quarter was rejected and 50% of them lapsed (Siddiquee, 1999: 91). Ministers are often reported to reply sarcastically to the questions from opposite parties, bypassing the real issue (Moniruzzaman, 2009a: 117). This has served to turn the parliament into a "talking shop". Hence, the only national forum to hold discussions on national issues (i.e. the parliament) does not appear to be an active body for policy debate, review, discussion and analysis. Since democratisation in 1990, the parliament has been ineffective as an accountability mechanism.

Moreover, the Speaker in the parliament is often blamed by the opposite parties for partisan behaviour resulting in them embarking on a prolonged boycott in protest (Moniruzzaman, 2009a: 116). This can be gauged from the number of days the political parties boycott its sessions. In 1996-2000 when AL was in power and BNP was the main opponent, BNP boycotted 156 days out of 382 working days. Similarly, in 2001-2006 when BNP was in power, the main opposite party AL boycotted the parliament for 223 days out of total 373 working days (Moniruzzaman, 2009a: 106). The usual reasons given for a parliamentary boycott are: not giving the opposition a fair chance to speak in parliament and the partisan behaviour of the Speaker. The Speaker is often accused of not giving equal or even adequate opportunity to members of opposite parties (Moniruzzaman, 2009a: 116). Indeed, there are numerous cases where the Speaker switched off the microphones of the MPs, particularly those from opposite parties (although there are also some cases involving ruling party MPs due to irrelevant discussion) (Moniruzzaman, 2009a: 113). As a result, it again reduces the prospect of any tough questions from the opposite parties. One important reason why the Speaker cannot run the parliamentary sessions independently and objectively is due to the nature of his/her appointment. According to Article 74 (2) of the Constitution, the removal of the Speaker is subject to the choice of MPs. As the ruling party MPs are more powerful, the Speaker naturally tends to serve in their favour. Out of a worry that the opposition might embarrass the ruling party in parliament, the partisan Speaker tends to switch off

the microphone when the opposite party talks. Additionally, because the parliamentary committee[8] members are "party men", secretaries (the executive heads of ministries) and ministers respond poorly to the queries and recommendations of the committees. Likewise, the committee members also feel hesitant to take any stern action against them (Siddiquee, 1999: 98).

In summary, according to the scholars mentioned above, the century-old acts and constitutional rules facilitate the bureaucrats' practice of unaccountability, be it to the general public and the media or to the parliament. Moreover, the aforementioned scholars argue that the provisions provided in the Constitution have served to ensure that the parliament is a mere instrument of regime maintenance.

Critique

Regardless of whether they emphasise patron-clientelism, politicisation of the bureaucracy, mobilisation and violence, colonial legacy or constitutionalism, all Weberian perspectives on the state in Bangladesh concentrate on the role of the political and bureaucratic elites in shaping state actions. While some scholars operating in this tradition note the fact that mobilisation of the masses has been a feature of Bangladesh politics, in general they see social forces as characterised mainly by their exclusion from the policy-making process. Indeed, as noted earlier such mobilisation is seen as occurring principally at the behest of sections of the political and bureaucratic elite rather than being driven by the pursuit of social interests. By focusing on the political and bureaucratic elite and treating the masses as amorphous and undifferentiated, Weberian perspectives obscure the social dimension of politics. In particular, they obscure the role of key social forces such as capital, its various fractions, the middle class, the working class and the peasantry in shaping state action.

This is problematic in a number of respects. First, as a range of scholars have noted, state institutions are embedded in political settlements involving an array of political and social forces that facilitate and constrain what they can do (Hickey et al., 2015: 22). According to Hickey et al. (2015: 22): 'The capacity of the state to act and whether or not effective state institutions get built and are allowed to function, is…determined by

---

[8] Article 76 of the Constitution of Bangladesh authorised the parliament the power to appoint standing committees, composed of MPs, for discharging its actions.

the character of the players, coalitions and agreements made around the operation of power'. Therefore, it is possible for a state to exist with high levels of bureaucratic capacity and infrastructural capacity but still be prevented from acting in certain policy domains due to the lack of an agreement between dominant groups. What is particularly important in shaping the capacity of the state is the need within ruling coalitions to maintain certain types of relationships both horizontally (with other elite factions) and vertically (with organised social groups) in order to preserve regime stability and survival (Hickey et al., 2015: 22). In this respect, it is necessary to factor into analyses of the political economy of development a concern not only with the role of political and bureaucratic elites but also how such elites relate to capitalist, religious, ethnic, and subordinate forces. Put slightly differently, it is important to interrogate who the political and bureaucratic elites are and which political and social forces are excluded and why. In the context of Bangladesh, as we will see in greater detail below, the state has continued a complex amalgam of different political and social forces, the most powerful elements of which have been the dominant fractions of the domestic bourgeoisie and predatory state officials.

Second, according to scholars mentioned above, the only way the "elites" are connected to one another and the "masses" is through patron-client networks. As a result, these scholars suggest that, as Robison (1986: 112) noted some time ago in relation to the work of Weberian scholars on Indonesia, political conflict 'is not characterised by disputes over questions of *general* policy or conflict between political parties seeking to secure the *general* interests of social classes but by a scramble by political factions for *personal* advantage'. This leads politics to be characterised by political activities within patron-client structures where groups of people act not for securing the adoption and implementation of certain policies for collective interests, but rather for gaining access to the distribution of benefices. In this framework, people are seen to be related not through common economic or social interests, but rather by the personal and mutual benefits between patrons and clients which are highly dependent upon the effectiveness of the network (Robison, 1986: 112). Therefore, it fails to account for the role of social forces, particularly organised ones, in policy-making and its implementation—something that, as we will see, has been a feature of these processes in Bangladesh.

Third, the vision of a state appropriated by its own officials who rule in their own interests is problematic for some practical reasons. For example, this approach fails to address and explain the state's efforts in areas such as irrigation system or infrastructural system which appear to offer only a little to patron-client networks (Robison, 1986: 113). This also applies to the macroeconomic policies that a state undertakes for general economic interests such as maintaining stability in prices, the exchange rate, the inflation rate and interest rates. For example, in the mid-1980s, Bangladesh shifted to an adjustable and flexible exchange rate from a fixed one in 1970s. The purpose of so doing was to 'arrest the overvaluation of the currency' to promote international competitiveness, encourage export diversification and restrain the growth of imports (Hossain & Alauddin, 2005: 132). From 1990, Bangladesh Bank started controlling the floor and ceiling rates of interest on deposits and loans with the provision of allowing the commercial banks to adjust their interest rates accordingly (Hossain, 1993: 88). Also in 1992, Bangladesh changed its fiscal policy by introducing Value Added Taxes (VAT) on domestic production and imports with the aim of increasing the total revenue and reducing the budget deficit as a ratio of GDP (Hossain & Alauddin, 2005: 130). These policies which are adopted for the ultimate purpose of achieving economic growth are only remotely relevant for patron-client relations. In other words, the Weberian approach fails to recognise that a state has some minimum obligations to provide material, legal and ideological infrastructure for the reproduction of a specific social order which cannot simply be explained in terms of the interests or predilections of its officials (Robison, 1986: 113).

Finally, the Weberian approach does not seem to consider the gendered nature of politics. In other words, it does not acknowledge the different impact that clientelist and patronage-based politics have on women. Generally, the informal modes of politics such as patron-clientelism in developing countries tend to disadvantage women who usually lack the resources and connections to play the patronage game effectively (Nazneen & Mahmud, 2015). Generally, women have a weaker resource base. In a country like Bangladesh where traditional leaders and dominant ideologies perpetuate patriarchal notions of gender roles, women's representatives experience particular challenges. The 'rising levels of violence and criminal elements' in politics in Bangladesh reduce the political effectiveness and influence of women (Nazneen & Mahmud, 2015: 210). In summary, this approach does not consider how clientelist

power relations impact women's inclusion/exclusion and participation in politics. It homogenises the patron-client network assuming that all individuals' situations are the same.

Social Conflict Theory

To address the above conceptual problems, we need an analytical framework that incorporates the broader socio-economic context in which the state is located, different groups' respective interests and power to influence state actions, and the contestation that occur between these groups. Such a framework has been developed by scholars working on Southeast Asia, in particular, those associated with the so-called "Murdoch School" of political economy (Rodan et al., 2006). Often referred to as "social conflict theory", this framework, understands the state and its actions in terms of social and political power. Rather than seeing the state as a set of institutions and agencies, social conflict theorists perceive it 'as an expression of power' (Hewison et al., 1993: 4). For them, the state is 'an amalgam of social, political, ideological and economic elements organised in a particular manner' (Hewison et al., 1993: 4). They perceive that state power is a set of complex social relationships that are dynamic and shape the use of the state apparatus. Therefore, state and society are not seen to be mutually exclusive and nor is the state merely 'embedded' in society (Hameiri, 2007: 140). In this regard, conflict to shape state action is understood as a struggle between interests, classes, class fractions, distributional coalitions and other societal groups— existing in a dynamic power relationship to get access to state resources and state power (Hameiri, 2007: 140; Rodan et al., 2006: 7 & 8). The social forces include various elements of emerging capitalist and middle classes. They may also include "subaltern" or popular forces such as workers, NGOs, indigenous communities and women's groups (Rosser et al., 2004). According to Rosser et al. (2004), while these subaltern forces are relatively weak, they can still have some influence when able to access the policy-making process through the emergence of new policy spaces as a result, for example, of democratisation. This idea is also a strong theme of the closely related work by Elias and Rethel (2016) on the "everyday" political economy of the region.

In this theory, policies persist, not because of path dependence but because they are integral to a specific political and social order or 'political settlement', to use the term employed by Khan (2010) and Hickey et al. (2015)[9]. 'Existing regimes therefore cannot be dismantled at will because they embody a specific arrangement of economic, social and political power' (Rodan et al., 2006: 7). Indeed, policies that might appear dysfunctional for growth and investment often persist because 'elites are prepared to sacrifice efficiency where their social and political ascendancy is threatened' (Rodan et al., 2006: 7). Similarly these dominant forces might embrace particular policy changes that further strengthen their control or weaken their opponents over social, political and economic ascendancy (Rodan et al., 2006: 7). Politics is thus not simply about agendas or ideologies but about furthering the dominance of particular political and social forces over the institutions of the state and their resources and coercive power (Jayasuriya & Rodan, 2007: 777).

According to this theory, state actions are never neutral. They result from competition and conflict over production, profits, wealth and power. They develop in an environment of conflict and they reflect the capacity of certain actors to promote their interests while effectively marginalising oppositions (Hameiri, 2007: 141). Therefore, state policies are simply an outcome of the competing interests between various actors playing in the field. This includes international actors. In other words, policies are a reflection of the nature of domination in society (Lamonge, 2012: 16). Policy change is therefore not simply driven by 'rational individuals, neutralising obstacles to a naturally efficient market' (Rodan et al., 2006: 7). Rather, it is a by-product of an evolving conflict. Similarly, the political spaces are not neutral in their consequences. They can discriminate in favour of some conflicts being addressed while others are marginalised. Hence, the particular structuring of political space within the state tells us a great deal about the nature of the conflicts and their management which are central to defining the political regime (Rodan & Jayasuriya, 2006: 2). What distinguishes different regimes is the divergent ways in which institutions manage this conflict (Jayasuriya & Rodan, 2007: 775). Hence, social conflict theorists argue that, to understand state action—for

---

[9] Khan (2010: 4) has defined a political settlement as 'a combination of power and institutions that is mutually compatible and also sustainable in terms of economic and political viability'. He illustrates that 'institutions and the distribution of power have to be *compatible* because if powerful groups are not getting an acceptable distribution of benefits from an institutional structure they will strive to change it. But the compatibility also has to be *sustainable* because institutions, both formal and informal, have to achieve the minimum levels of economic performance and political stability that are required for the reproduction of particular societies' (Khan, 2010: 4).

example, why policies are the way they are—first we need to understand the underlying dynamics which often involve contestation. For them, the significance of policies resides not in their efficiency but in the sort of interests that they promote or marginalize (Hameiri, 2007: 140). Such an approach demands attention be given to, among other things, class-based, gender-based, and ethnic cleavages within society, international actors and how they shape state action.

Thus far, social conflict theory has had little impact on the study of the Bangladesh state. A small number of scholars have drawn on Marxist and/or feminist frameworks to explore how class and gender-based relationships of power and contestation have shaped the nature of state action in that country with regards to development policies (see especially Blair 1978; Alam, A. 1993; and Kabeer, 1991). But as we have seen, the dominant approach to the Bangladeshi state has emerged out of the Weberian tradition. Below, I examine what social conflict theory implies in terms of how we understand the Bangladesh state and its actions drawing insights also from the work of those scholars who have drawn on comparable frameworks.

Social Conflict View of Bangladesh State

Applied to the case of Bangladesh, social conflict theory implies a view of the Bangladesh state that highlights the nature of the political and social order. The point here is that the state of Bangladesh is not simply a particular set of institutions with more or less capacity to act in accordance with legal-rational principles (as in the Weberian model) but rather an expression of a particular set of relationships between specific classes and groups. Most important for our purposes are: i) the relationship between the leading sections of the domestic bourgeoisie and predatory state officials, on the one hand, and subordinate groups such as labour and NGOs on the other; ii) the nature of gender relations; iii) the constraints imposed on Bangladesh state by its location in the global political economy and relations with powerful international actors such as international organisations and foreign governments; and iv) their implications for the character of the state. Although not significantly relevant to our purpose, ethnic cleavages in Bangladesh society also serve to define the nature of the state and its actions.

Relationship between Domestic Bourgeoisie and Predatory State Officials, and Subordinate Groups

The domestic bourgeoisie in the immediate post-independence period in Bangladesh was weak (Islam, 1985: 194). The development of an indigenous bourgeoisie was suppressed by the British colonial government and later by the Pakistanis. Those who emerged as big businessmen in late 1960s were not given opportunities to expand their assets during the nationalisation process of Mujib regime (1971-1975) which was hostile toward business (Islam, 1985: 194; Kochanek, 1996: 714 & 715). As a result, in the immediate post-independence period, the domestic bourgeoisie was largely composed of petty bourgeois elements i.e. individuals from rural and middle class origins such as professionals, rich peasants, small traders and wealthy landholders (Blair, 1978: 69-71).

However, the composition of Bangladesh's bourgeoisie has evolved over time. As Hossain (2005: 967) points out, in the recent years some big and medium-sized capitalists have emerged supplanting petty bourgeois elements as the dominant component of the national bourgeoisie. Such capitalists have started dominating the national politics by replacing the professional middle class politicians from the early years of independence (Hossain, 2005: 967). As briefly mentioned earlier, the number of businessmen-politicians increased from 24% in 1972 to 48% in 1996 (Huque & Rahman, 2003: 415). In 2001, half of the total nominated members of parliament by the two major political parties, AL and BNP, were businessmen (Huque & Rahman, 2003: 415). These new elites consisting of capitalists rely less on the state for their wealth and position than their rural counterparts and their predecessors in the liberation period (Hossain, 2005: 967). Interestingly, the dominant capitalists have commonly maintained good connections with political parties (Hossain, 2005: 967) and the most successful are those who have been able to maintain significant connections despite changes in regime (Kochanek, 1996: 714).

The preponderance of businessmen in politics is closely linked to the privatisation process and market-oriented reforms initiated in Zia regime in the mid-1970s (Hossain, 2005: 967; Kabeer, 1991: 42). He denationalised a number of public sector enterprises and liberalised trade policy (Alam, A., 1993: 315). The Ershad regime imitated this approach as well. In both military regimes, businessmen were offered various

incentives such as loans from Development Financing Institutions (DFIs) and subsidies on the import of industrial machinery purchased with an undervalued foreign exchange rate (Maniruzzaman, 1992: 219). In return, the businessmen provided support to their regimes' legitimization programs (Quadir, 2000: 209). The pace of economic liberalization reached a new high level following the assumption of power by the democratically elected regime of Khaleda Zia in 1991.

The two military leaders found that they and their military colleagues were unable to undertake many tasks necessary to govern and, therefore, sought support from the bureaucrats in order to consolidate their power (Baxter & Rahman, 1991: 45; Islam, 1984: 556). Following the assassination of Mujib, military personnel began occupying key positions in the state apparatus (Islam, 1984: 559). Successive military rulers in various ways encouraged, favoured and promoted senior bureaucrats who would continue to support them (Khan, 2003: 401). As a result of the military regimes' dependence on the bureaucracy for efficiency, effectiveness and legitimacy, the bureaucrats enjoyed a favourable partnership with the government primarily due to their organisational strength and managerial skills that were found to be essential for supporting the military governments (Jahan & Shahan, 2008: 323; Huque & Rahman, 2003: 404). Civil and military bureaucrats became allies and the politicians had to turn to the bureaucrats for help with administering the country, and this allowed the latter to strengthen their position (Huque & Rahman, 2003: 416). A large number of politicians during the military regimes were businessmen. These businessmen-politicians used political access as a means of securing the permits, licenses, quotas and cheap loans which were essential for their success in business (Kochanek, 2000b: 155). In other words, the businessmen-politicians provided the predatory bureaucrats, who were largely party loyalists, a scope for rent-seeking in exchange for confirming concession to them through administrative work.

Even after the restoration of democracy in Bangladesh, the bureaucrats continued to exercise influence (Huque & Rahman, 2003: 416). The transition to democracy has strengthened the position of the politicians, however, their dependence on the bureaucrats is still high. The ruling politicians seek to exercise control over the bureaucrats by regulating the recruitment, transfer and promotion processes. Nevertheless, for the execution of administrative regulations and/or avoiding state regulations for business interests, they are still dependent on the bureaucrats. Directing

money to individual rent-seekers among the bureaucrats is a ploy to ensure their cooperation (Blair, 2000: 193 & 194). Consequently, the predatory bureaucrats still enjoy the prospect of rent-seeking from these businessmen-politicians. Thus, the predatory state officials have always played an important role in the country's political economy and their assistance to the businessmen-politicians has served to ensure continuation of latter's business interests, which is generally the maintenance of a free market and privileged access to government concessions, contracts, and other benefits.

By contrast, labour and NGOs have exercised little influence over state action reflecting their weaker position. This was the case particularly during the military regimes. During this period, several factors were responsible for their insignificant influence, for example, the tendency of the military regimes to control the activities of NGOs, and allowing their proliferation only to the extent that they contributed to the legitimisation of these regimes. This scenario has changed to some extent with the advent of democratisation. Although they still do not have access to instrumental means of exercising power (i.e. direct occupation of the state apparatus) and have to rely on ways of exercising influence such as holding demonstrations and engaging in public debates and media, they have had increased influence. In relation to migration issues, particularly, they have been capable of throwing up challenges to the state and capitalist elites in recent times because of the greater political space offered to them through democratisation. Democratisation has meant that marginal and subaltern groups such as migration NGOs have been able to organise comparatively freely, access policy-making processes more readily, and in general mobilise in defence of their interests.

The Nature of Gender Relations

Another important social relationship that has served to define the nature of the Bangladesh state and inform its actions relates to gender. Since independence, the Bangladesh state has sought to bring women into national politics mainly through electoral quotas. In the original 1972 Constitution, 15 seats (4.8% of total seats) were reserved for women in parliament. In 1979, this number was increased to 30 (9.7% of total seats) (Panday, 2008: 491). There are currently 50 seats reserved for women in the parliament. The quota for women is distributed among the political parties based on their strength (number of seats) in the parliament (Panday, 2008: 492). In theory, the

quota does not restrict women from competing for the general seats. However, in practice, the general seats have been dominated by males (Kabeer, 1988: 117). The reserved seats deter political parties from nominating women for the general seats as the prominent party women can be accommodated in the reserved seats (Jahan, 1975: 20 & 21). Women in the parliament have no popular base and are denied an equal status with those who have been elected for general seats (Kabeer, 1988: 117). This is the case despite the fact, as demonstrated by Jahan (1976: 361), that women MPs in the 1970s were better educated than their male counterparts. The table below shows that women have made up a small proportion of candidates for general seats in parliamentary elections and a small proportion of elected candidates.

Table 2.1 Women Contesting for General Seats in Parliamentary Elections

Election Year	% of women candidates for general seats	% of general seats won by women
1979	0.9	0.7
1986	1.3	1.7
1988	0.7	1.3
1991	1.5	1.7
1996	1.4	2.3
2001	2.48	4.33

Source: Panday (2008: 492) and Halder (2004: 52).

Women's insignificant participation in politics did not change even after the emergence of two women as the leaders of two major political parties in the democratic period (Panday, 2008: 493). In fact, both of them ascended to power through heredity and kinship ties. As it is shown in the table below, only a few women (less than 5%) from each of the major political parties received party nominations to contest general seats and have won those seats. According to Panday (2008: 493), the nominated women generally fall into three categories: 1) those with a close relationship with the current leadership, 2) a wife or daughter of a deceased MP, and 3) those whose strength derives from years of association with a political party. In other words, political parties do not wish to take any risk by nominating "ordinary" women candidates. Moreover, in countries like Bangladesh where kinship ties are an important basis of social relationships, nominating relatives for power is seen 'as an expression of normal family

loyalties' rather than nepotism (Kabeer, 1988: 118). In addition, the need to preserve a 'chaste and virtuous reputation' for women means that political patronage is socially acceptable only when it is channelled through kinship connections. Women who are related to powerful politicians are more likely to succeed in politics without public suspicion of their morals (Kabeer, 1988: 115). As a result, women's marginal presence in the parliament continues.

Table 2.2 Women Candidates Nominated by Political Parties in the 2001 Election

Political party	Number of seats contested by each political party	Number of women candidates contesting	% of women candidates in relation to seats contested
AL	300	14	4.67
BNP	252	9	3.57
Jatiya Party	140	6	4.23

Source: Panday (2008: 494).

In addition to the insignificant participation in the parliament, what undermined women's role in Bangladesh state is the Islamisation process during Zia and Ershad regimes which entailed bestowing greater legitimacy to Islamic principles in public life and offering political concessions to Islamic parties (Devine & White, 2013: 130). During these regimes, Middle Eastern influences sought to strengthen traditional Islamic values, including the withdrawal of women from the public sphere and their seclusion to home (Kabeer, 1988: 115). Although some measures for women's rights-protection were undertaken during these regimes, their implementation was weak mostly because the process of Islamization strengthened the influence of those who would snatch back the gains that women had made (Kabeer, 1991: 55).

The Location of the Bangladesh State in the Global Political Economy

While there is hardly any country that can claim to be completely free from the influence of foreign governments and international agencies, this is particularly true for a poor, resource-strapped, and consequently aid-dependent country such as Bangladesh (Jha, 2011: 3). According to Sobhan (2003: 7 & 8), while countries with a strong

economy and political stability can negotiate the terms of engagement with the global system, the structural constraints of the economy generate a sense of helplessness in Bangladesh and in many less developed countries (LDCs). For example, the socio-economic compulsions and poor resource base of the country has often required Bangladesh to seek foreign assistance (Istiak, 2012: 337). This reliance on foreign aid has in turn provided donor countries with significant leverage over the country's domestic and foreign policies (Jha, 2011: 14).

Shortly after independence, Bangladesh was confronted with the food aid politics of the USA. In 1974, a devastating flood hit Bangladesh which ultimately led to severe famine. In this context, food aid from the USA was provided with conditions imposed for policy reforms in alliance with the World Bank (Alamgir & Cairns, 2014: 211). Thereby, aid worked as a tool for exercising leverage on war-ravaged Bangladesh with the result that, in 1975 the country was compelled to accept the proposals of the World Bank and the International Monetary Fund (IMF) for partial deregulation and privatisation of some of its jute mills which were then the main source of foreign income for the country (Alamgir & Cairns, 2014: 211). These structural reforms were built upon free market ideology, which 'emphasised a regime of import liberalization, privatization, budget stabilization and financial deregulation' (Sobhan, 2003: 2). The underlying purpose of the reforms has been the need to limit the role of the state in economic management while enhancing the role of the market (Aminuzzaman, 2013b: 229).

To a large extent, globalization policies in Bangladesh have been externally driven by aid induced reforms. Sobhan (2003: 6) suggests that here it is not the 'extent of external exposure' of a country which is important but the 'nature of this exposure' and the resultant constraints on sovereign decision-making. In other words, while the growing influence of globalization is well recognized, the relevant point at issue is its impact on the autonomy of decision-making in aid-dependent Bangladesh. According to Sobhan (2003: 7), the hegemony over policy choices established by the World Bank and IMF has eroded the sense of sovereignty and domestic ownership over the policy-making process in Bangladesh and many other LDCs. Similarly, Alamgir and Cairns (2014) suggest that through Bangladesh's subjugation to the discourse of globalisation, a mode of 'colonialism as neo-colonialism' continues in this post-colonial state. Although the

relative importance of aid for Bangladesh has slightly declined over the years as other sources of foreign income such as exports and remittances have increased, it is still a significant source of foreign exchange for the country (Istiak, 2012: 337). As a result, by the virtue of their control over the resources, donor countries continue to retain the leverage to play a significant role in policy interventions and the formulation of development plans in Bangladesh (Aminuzzaman, 2013b: 228). As a recipient of foreign assistance, Bangladesh is compelled to accommodate and adjust to donor priorities and concerns in its policy-making and implementation (Aminuzzaman, 2013b: 228; Sobhan, 2003: 6).

Ethnic Cleavages in Bangladesh

A final social relationship that has served to define the nature of the Bangladesh state and inform its actions relates to ethnicity although it is not significantly relevant to our purpose. The ethnic minority communities in Bangladesh are commonly the followers of Buddhism, Hinduism and Christianity. By contrast, the national elites of Bangladesh have been predominantly Bengali speaking Sunni Muslims (Hossain, 2005: 967). The commitment to secularism in Bangladesh's original Constitution ensured that religious vote banks would not emerge as a factor in national politics (Sobhan, 2000: 343). However, the constitutional shift from secularism to Islamisation during the Zia and Ershad regimes as well as the failure to recognise the legitimate rights of ethnic minorities in the democratic period, contributed to the suppression of minority identities and diminished opportunities for their participation in politics (Sobhan, 2000: 344). The implementation of the 1997 Peace Agreement between Bangladesh government and the ethnic minorities of the Chittagong Hill Tracts could have endorsed Bangladesh's non-communal tradition as it formally recognised the distinct ethnicity and rights of the indigenous communities. However, this Agreement has rather been used as a vehicle by the opposite political parties to activate communal forces to destabilise the government by focusing on the communal division between ethnic minorities and the mainstream Bengali people (Sobhan, 2000: 344). This ethnicity-based division has not been relevant to political contestations over labour migration policies so far, however, because the labour migration policies of Bangladesh have not been different in any sense for ethnic minority groups.

Conclusion

This chapter has reviewed the existing literature on understanding the state of Bangladesh and claimed that these studies mostly resonate with Weberian ideas. It has argued that the social conflict view of Bangladesh state is more illuminating than that of Weberianism as the former approach takes into account the broader economic and social dimensions of the state, the influence of social groups, and acknowledges the role of contestation between competing elite and non-elite groups. In the following chapters, I apply the social conflict framework to the study of Bangladesh's labour migration policies and their implementation. I proceed by identifying the competing actors and agendas that have informed these policies and their implementation and then analysing the political underpinnings of their variant influence in policy-shaping over time. I explore why certain actors have enjoyed dominant influence in one context or political regime and not in others and how this has been reflected in policy and implementation outcomes. In summary, by employing the social conflict theory, the following chapters demonstrate that each migration policy is indicative of a certain power balance produced by conflicts among competing sets of actors.

Chapter 3

Actors and Agendas

As explained in the previous chapter, this dissertation finds social conflict theory the most illuminating for understanding the state in Bangladesh. This theory explains state policy and its implementation in terms of contests between competing political and social forces, each of which has a distinct agenda and set of interests. Consistent with this framework, the aim of this chapter is to: i) identify the competing agendas that have influenced Bangladesh's labour migration policies since independence in 1971; 2) identify the actors and interests associated with each of these agendas; and 3) examine how each of these actors has exercised influence over policy-making and its implementation. This chapter argues that there are five main agendas that have influenced Bangladesh's labour migration policies and the way they have been implemented, namely: i) neo-liberalism, ii) human rights, iii) patriarchal conservatism, iv) predatory bureaucratism, and v) foreign protectionism. This chapter outlines the nature of each of these agendas respectively, particularly as they have applied to the issue of labour migration, introduces their main proponents and their interests and demonstrates the way these actors have sought to influence policy-making and its implementation.

Neo-liberalism

The Nature of the Agenda

The neo-liberal agenda promotes the operation of free markets. It entails the elimination of state intervention in economic life or the minimisation of these interventions to a regulatory and supervisory role only. The fundamental assumption is that 'markets are naturally and universally efficient mechanisms, driven by their own internal laws and the rational choices of individuals who seek to maximise their gains' (Rodan et al., 2001: 2). Where this happens, development occurs; where it is obstructed, notably by state intervention, development is uncertain (Rodan et al., 2001: 2). Only the market-driven system is deemed to result in the most efficient allocation of resources and in the long run, the greatest wealth for society as a whole. Therefore, supporters of the neo-liberal agenda claim that the market should be liberated from the distorting influences

of public sectors, pervasive state control, and populist interventions (Onis & Senses, 2005: 264).

For the true believers in this agenda, the state is itself a problem. In fact, both the state and politics are seen as a set of external factors hampering the natural functioning of markets. In particular, groups seeking to gain special advantages through the state, so-called "rent seekers", represent a political threat to efficient markets. The imposition of government restrictions upon market-oriented economies are believed to give rise to rents of various forms including bribery, corruption, smuggling and black markets (Krueger, 1974: 291). Predatory state officials exchange power for rents, share them with well-connected business groups, and in the process divert resources from productive invest. In particular, neo-liberalism is deeply suspicious of democracy because it potentially opens the door to rent-seeking coalitions and the tyranny of distributional coalitions (Robison & Hewison, 2005: 187). According to the proponents of this agenda, the problems of rent-seeking and corruption can be removed by eliminating the capacity of the state to intervene in the natural efficiency of markets by introducing widespread deregulation (Robison, 2004: 407). This point of view suggests that there is a tension between economics and politics. The general agreement among the proponents of this agenda is that marginalising politics from the policy process will help liberate markets.

The above principles of this agenda led to the emergence of a set of policy prescriptions in the late 1980s known as the "Washington Consensus" because of their influence within the US government and international organisations such as the World Bank and the IMF based in Washington DC. The policy prescriptions of the 'Washington Consensus' included 'fiscal discipline, tax reform, trade liberalisation, foreign direct investment liberation, deregulation, interest rate liberalisation, privatisation, exchange rate liberalisation, and secure property rights' (Rosser, 2008: 315).

By the 1990s, this consensus was under serious challenge. The growing intellectual challenge to this consensus was based on accumulating empirical evidence which undermined its fundamental claim that full-scale liberalisation is necessarily associated with superior economic performance (Onis & Senses, 2005: 265). For example, rapid economic growth in South Korea and Taiwan demonstrated that state-led industrialisation and export growth could produce economic performance. These

countries' development was characterised by effective state intervention through a mixture of import substitution, export-promotion and industrial policy—dictated by considerations relating to longer-term competitiveness and dynamic comparative advantage (Onis & Senses, 2005: 266). This empirical evidence contradicted one of the basic assumptions of the neo-liberal orthodoxy—namely, that interventionist strategies necessarily work against long-term economic development. Furthermore, the Asian economic crisis in 1997 also led to a serious ideological fracture in the principles of Washington Consensus (Jayasuriya & Rosser, 2001: 382). Before the crisis, there was a broad agreement among Western neo-liberal economists that developing countries should adopt a set of economic policies that include financial sector liberalisation, privatisation of state-owned enterprises, fiscal discipline and foreign investment deregulation. During the crisis, this consensus broke down. Quite simply, the crisis was seen by some economists to be the outcome of pursuing the kinds of policies advocated by the proponents of the Washington Consensus (Jayasuriya & Rosser, 2001: 393).

Another line of criticism of the Washington Consensus focused on the social impact of neo-liberal reform, particularly in the form of the Structural Adjustment Packages (SAPs) introduced under IMF and World Bank auspices in sub-Saharan Africa and Latin America in the 1980s and early 1990s. SAPs, it was widely argued, had produced savage cuts to government health and education spending, which adversely impacted the health, nutrition and education standards of children (Cornia et al., 1987: 287 & 288). By the late 1990s, even the most ardent supporters of neo-liberalism, the IMF and the World Bank, had decided that, to be effective in promoting economic and (especially) social development, market-oriented reform had to be accompanied by measures that served to protect the poorest of the poor from its potentially negative side-effects. In this context, notions such as social protection, social safety nets, and even human rights gained greater prominence in these organisations' discourses about development (Jayasuriya & Rosser, 2001).

The demise of the Washington-Consensus led to the emergence of a new set of policy recommendations known as the "post-Washington Consensus". These were based on an acknowledgment that states have an important role to play in the development process. In the previous consensus, expanding the domain of the market had necessarily involved reducing the domain of the state (Onis & Senses, 2005: 275). However, a key distinction between two consensuses is that while the post-Washington Consensus still

suggests the liberalisation of the economy and significant reliance on the market system, states and markets are considered to complement one another instead of substituting for each other. In other words, while the previous consensus was about shrinking the state, the latter places great emphasis on arranging the right mix of state intervention and market liberalisation, for the effective functioning of markets (Jayasuriya & Rosser, 2001: 389). Additionally, deregulation and privatisation, the cornerstones of the previous consensus, did not lead to a 'flowering of liberal markets', instead they served the interests of powerful capitalists by opening up opportunities for the hijacking of reform (Jayasuriya & Rosser, 2001: 390). The post-Washington consensus responded to this by placing an emphasis on regulatory frameworks. Its implication was that liberalisation and state contraction are necessary tools to curb the excessive powers enjoyed by politicians and bureaucrats (Onis & Senses, 2005: 264). This was regarded as crucial for rapid and equitable economic growth. Finally, the post-Washington Consensus entailed a concern to ensure a political and social environment conducive to market-oriented reform by introducing social protection programs that ameliorated the negative social effects of reform (Jayasuriya & Rosser, 2001).

Therefore, according to this agenda, good public policy takes three forms. Firstly, it allows the ultimate free operation of markets. Secondly, it entails the enhancement of state capacity to manage markets in a way that limits the scope for rent-seeking. Third, it involves the provision of social protection to the poorest in society to protect them against the vagaries of market forces. In sum, the emphasis is on entrenchment of a state and the creation of a social environment that provides a conducive environment for the efficient operation of the market. Supporters of neo-liberalism are often said to understand development as a technical question of how to best unleash the positive forces of markets. With the shift to the post-Washington Consensus, the core elements of their approach is extended beyond financial liberalisation, deregulation, decentralisation, privatisation, and more generally a reduced role for the state to incorporate new technical areas related to "good governance" and social protection.

Applied to the case of labour migration in Bangladesh, the neo-liberal agenda has implied that the labour export market should be run according to free market principles. Its proponents have argued for the absolute free flow of labour opposing any restrictions on the number of migrant workers. The more workers who migrate, it has held, the more economy grows, and the more social welfare improves. Proponents of a

neo-liberal approach to labour migration have argued that the role of the Bangladesh state should be limited to that of a regulator and supervisor of the labour export market; the state should not act as a direct recruiter. The neo-liberal agenda has had little concern to promote the protection of migrant workers' rights except to the extent that rights fulfilment has been consistent with free-market principles or constituted a necessary compromise to ensure the operation of (otherwise) free labour markets. The main area in which neo-liberal and rights agendas have overlapped has been with regards to workers' freedom to migrate for work. Otherwise, the neo-liberal agenda has generally been positioned against migrant workers' rights because of a fear on the part of the former's supporters that advocacy for migrant workers' rights would result in a reduction in receiving countries' demand for Bangladeshi migrant workers[10] (Faruque, 2006: 55).

Actors and Interests

The principal proponents of this agenda in the context of Bangladesh's labour migration industry have been private recruitment agents, receiving countries, and to a lesser extent, foreign donors. Recruitment agents in Bangladesh are organised into an industry association known as Bangladesh Association of International Recruiting Agencies (hereafter, BAIRA). The interests of BAIRA members have lain mainly in ensuring a policy environment that allows them to maximise profits from their involvement in the labour-recruitment business. BAIRA has accordingly actively lobbied the government to ensure minimum government intervention in the sector including minimal protection of migrant workers' rights. As we will see in Chapter 7, for instance, the government dropped some rights-based elements from the Overseas Employment Policy in 2006 in the face of pressure from recruitment agents (Siddiqui, 2009: 22).

For their part, receiving countries have supported the free flow of migrant labour from Bangladesh to help them address their respective labour shortages while ensuring a docile labour force. The greater the supply of workers, the cheaper and less-demanding the workers are. A greater supply of workers also paves the way for receiving countries to remain in a stronger position in any negotiation with the sending countries over the

---

[10] The relationship between rights-based agenda and neo-liberalism is a complex issue. See the following section for a discussion of this relationship.

terms of labour migration. Therefore, it becomes easier for them to convince the sending countries to respect their demands and recommendations.

For foreign donors, the issue of labour migration has posed a quandary. On the one hand, their general ideological commitment to neo-liberal development strategies combined with a recognition that labour exports are crucial to the Bangladesh economy and poverty reduction efforts, has pushed them towards supporting a neo-liberal approach to labour migration in Bangladesh. On the other hand, political sensitiveness around migration in donor countries has made it difficult for donors to openly support a neo-liberal approach along the lines advocated, for instance, by BAIRA. There have been several reasons for such sensitivities. First, there appears to be a fear among Western countries that funding and advocating for migration issues may mean that they will have to welcome those migrant workers into their own countries. Second, much concern about human rights breaches in the labour migration process has emanated from donor countries, particularly from civil society, legal and academic circles. Third, some analysts have raised doubts about the effectiveness of labour migration as a poverty reduction strategy. Those who can afford to go abroad are not the poorest of the poor (Oishi, 2005: 91). By this logic, the truly destitute are the ones who cannot even pay the migration fees.

Donors' response to this quandary appears to have been to avoid engagement with labour migration issues as much as possible. Despite Bangladesh's high dependence on foreign aid and the huge number of Bangladeshi migrant workers every year, the number of donors working on migration issues has been very limited. Most donors in Bangladesh have focused on traditional issues such as health, education, agricultural development and women's issues rather than migration. But the sector's importance to the Bangladesh economy and poverty reduction efforts as well as the political salience of human rights concerns in both Bangladesh and donors countries has made it impossible for donors to completely avoid labour migration issues. To the extent they have engaged with these issues, their approach has consequently been contradictory. On the one hand, they have advocated for "macroeconomic policies" that are "supportive" of labour migration and that, in particular, serve to maximise the "stock of migrants" (Hussain, 2013). This has essentially been an endorsement of the neo-liberal approach. On the other hand, they have funded particular interventions aimed at ameliorating concern about human rights breaches in the migration process. The Swiss Agency for

Development and Cooperation (SDC) and Department for International Development (DFID) have been particularly active in relation to this issue. For instance, the SDC funded the project of which Bangladesh's Migration Act 2013 (discussed in greater details in Chapter 6 & 7) was an outcome. But other donors such as the World Bank, IMF, Asian Development Bank (ADB) and European Commission have also been involved. In 2013, the World Bank provided funds for a project in Bangladesh titled Safe Migration for Bangladeshi Workers with the objective of reducing the vulnerability of workers and their families by reducing their dependency on the middlemen in the migration process (World Bank, 2013). Many of the projects funded by foreign donors have been operated in Bangladesh by IOM or ILO, organisations with a relatively strong commitment to rights-based approaches to development. On balance, however, donor behaviour in relation to labour migration issues has probably served to advance the neo-liberal agenda more so than the rights agenda because donors' aversion to engaging with migration issues combined with their advocacy of "supportive" macroeconomic policies for labour migration has effectively undermined any advocacy that they have done in favour of migrant workers' rights. Indeed, their engagement with rights issues is perhaps best understood as a necessary compromise to ensure the dominance of an otherwise neo-liberal approach to migration policy.

Leverage over Policy-making/Implementation

BAIRA and its members have been able to exercise significant influence over policy through a variety of mechanisms. One of these is the structural power[11] that labour recruitment agents have by virtue of the fact, mentioned earlier, that remittances contribute 12% of the country's GDP (Rahman & Yong, 2015: 4; Mamun & Nath, 2010: 29) and around 50% of the country's development budget (Siddiqui, 2006a: 4; Siddiqui & Abrar, 2003: 1).

A second mechanism is that a significant number of entrepreneurs who own labour recruitment agents directly occupy the state apparatus. In recent years, political parties in Bangladesh have increasingly nominated top businessmen as their candidates.

---

[11] Structural power is the power of capital investors to influence policies and political outcomes (Winters, 1996: 1 & 2). According to Winters (1996: 8), 'capitalists can invest their resources where they choose, sit on them and do nothing, or destroy them if the urge takes them'. Therefore, the concept of structural power refers to the limited ability of state leaders to insist the capital controllers to invest or use their capital for purposes other than those which suit their interest.

Indeed, money-politics is believed to be the most critical factor in the nomination of candidates for election. Anyone with the power of money can now "buy" nominations from the major political parties and get elected to the parliament (Ahmed, 2003: 73). In return, they use the party's name to promote their business interests (Sobhan, 2004: 4106). Particularly once their party wins power, the businessmen receive from the state large-scale tax concessions and legal and illegal, formal and informal, economic and political concessions including discouraging the relevant financial institutions from effectively designing and implementing tighter credit policy (Osman, 2010: 327).

Many BAIRA members have been or still are members of parliament (MPs). It is difficult to know the exact number in this respect because MPs quite often register recruitment agencies under their family members' names in order to minimise their incomes and properties when it comes to tax payment and/or inspections for corruption. Below is a list of current and former MPs, who are known to be or to have been BAIRA members, along with the names of their agencies and political parties that they represent/represented where identifiable.

- Benjir Ahmed, Ahmed International (Awami League)
- B. H. Haroon, Al-Arab Enterprise International (Awami League)
- M. F. Azim, Azim Mannan Ltd. (Independent)
- H. N. Ashiqur Rahman, Bangladesh Consortium Ltd. (Awami League)
- Dr. H. B. M. Iqbal, Concern International (Awami League)
- G. M. Fazlul Hoque, Hoque Overseas Ltd. (Bangladesh Nationalist Party)
- Md. Ataur Rahman Khan, Masum Brothers Syndicate (Bangladesh Nationalist Party)
- Md. Ghulam Habib (Dulal), Near and Far Travels and Employment (Jatiya Party)
- K. A. H. M. Mustafa, Orbitals Enterprise (Awami League)
- Md. Jamal Hossain, Oshin Overseas ltd.
- Golam Kibria, Pol Enterprise (Jatiya Party)
- Md Ali Asghar, Rupshar Overseas Ltd. (Bangladesh Nationalist Party)
- M. A. H. Salim, Silver Line Associate (Bangladesh Nationalist Party)
- Md Abdul Goffur Bhuiyan, Surma International Ltd. (Bangladesh Nationalist Party)

- Md Mojibur Rahman, Universal International (Bangladesh Nationalist Party)
- Muhammad Mosharraf Hossain Bangladesh Nationalist Party)

Source: BAIRA (n.d.a); BAIRA (n.d.b) and Bangladesh Parliament (n.d.)

A third mechanism by which BAIRA and its members exercise influence over policy-making and its implementation is by incorporating pro-government individuals into its governance structures. An internal election for BAIRA's executive committee takes place every two years. Although it claims that the government does not have any impact on the outcome of the election, it is commonly acknowledged by informed sources that quite the opposite happens in reality. Traditionally there has been a trend whereby one of the pro-government officials in the committee becomes the head of BAIRA. BAIRA officials who support the opposition party are marginalised until their party wins office again. Having pro-government officials in the executive committee makes it easier for BAIRA and its members to lobby for their interests[12].

A final mechanism through which BAIRA members exercise influence over policy-making and its implementation is by directly supporting particular politicians and parties. Irrespective of whether businessmen are politicians themselves, most of the top business houses in Bangladesh have very close relations to politics and politicians (Kochanek, 1993: 230). Labour recruitment agents do not appear to be any different in this respect. Given the size of the labour export industry and its growth, BAIRA members possess the potential to influence the politicians through donations particularly prior to elections. Over the years, elections have become a costly process in Bangladesh and they are therefore a rich man's game. Generally, political parties aim to keep major business groups on side with the aim of securing huge donations to the parties commonly before elections even if these groups have attained that wealth through dubious means (Quddusi, 2008: 73).

---

[12] Interview with an informed source who has experience in carrying out research on labour migration issues in Bangladesh, in Dhaka on 6 March, 2015.

Figure 1: Bangladesh's Dependence on Official Development Assistance

Country : Bangladesh
Source: World Development Indicators
Created on: 09/20/2015
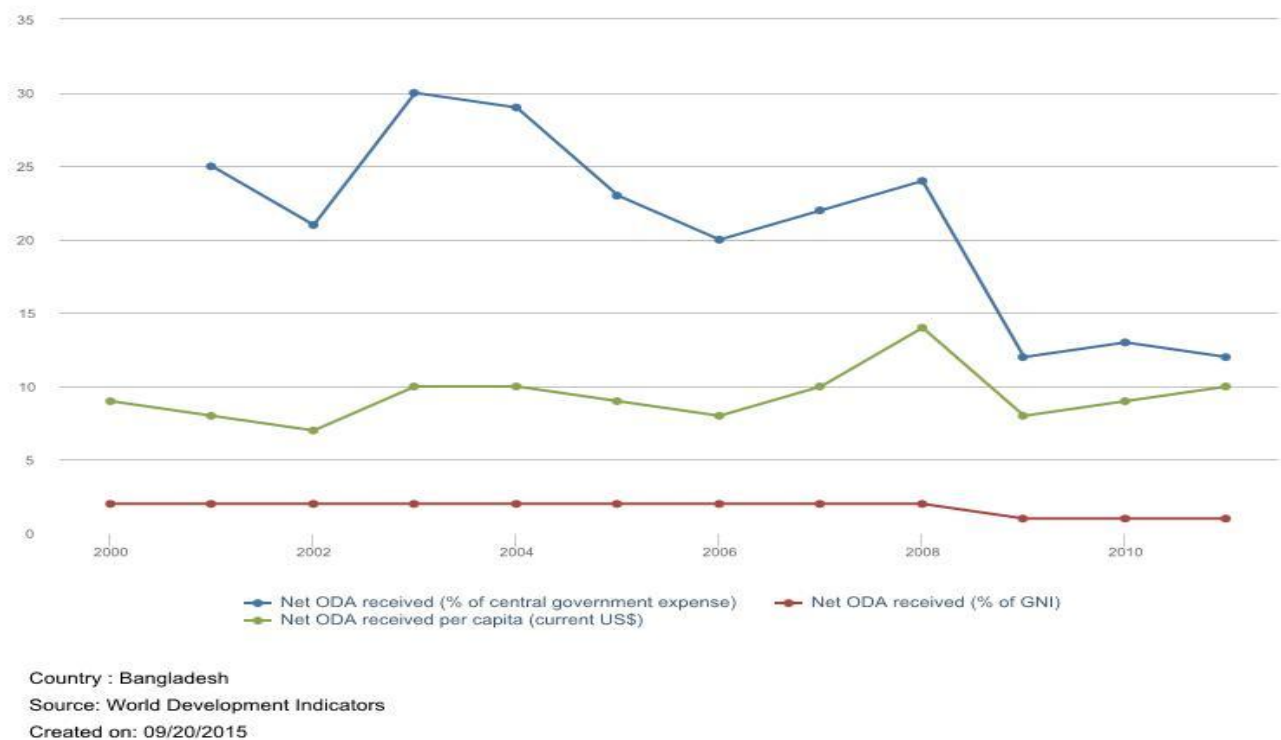
For their part, donors have exercised leverage by the virtue of their structural power. The Bangladesh government is heavily dependent on foreign aids. The chart above, based on World Bank data, shows that between 2000 and 2010, Official Development Assistance (ODA) only accounted for between 2.5 and 1 percent of Bangladesh's gross national income (GNI). But it accounted for a very high proportion of central government expenditure—as much as 30 percent in 2003 although the figure has declined over time. The government's dependence on aid has given donors significant leverage in negotiations with the government over the nature of development policies; they have been able to apply pressure for change on the presumption that they may withdraw or delay funds unless the desired change is forthcoming.

Finally, receiving countries have exercised leverage over migration policy-making and its implementation in Bangladesh by the virtue of the fact that they are the destination countries for Bangladesh's principal labour export and they have the ability to look elsewhere for migrant labour if Bangladesh no longer provides a reliable supply of the required labour. As we will see later, in 2007, Malaysia stopped recruiting Bangladeshi migrant workers due to irregularities in the recruitment process by Bangladeshi agents.

It is evident that despite a heavy reliance on migrant labour, Malaysia afforded to do so because it could rely on workers from Indonesia, Thailand, Cambodia, Myanmar, Sri Lanka, Vietnam, Nepal and Laos (*BBC Monitoring South,* 2007).

Human Rights

The Nature of the Agenda

This agenda has demanded the protection of migrant workers' rights and, in particular, those rights provided for in the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990 (hereafter, the Convention). While this Convention is not the only human rights treaty that protects the rights of migrant workers, it is the most comprehensive and detailed one, covering both migrant workers and their families. It provides migrant workers with the right to travel overseas for work (Article 8) and notes that this and other rights should apply 'without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status' (Article 7) (United Nations, 1990). It further provides workers with protection from the abuses such as contract violation by foreign employers, confiscation of passports, discrimination with local workers, poor legal protection, lack of healthcare and safety measures and so on. For example, the Convention provides migrant workers with the right to address contract violations by the employer by taking matters to the relevant state authorities (Article 54 (2)). Migrant workers are provided with the right to enjoy equal treatment with local nationals in relation to remuneration, working environment, leave and safety and to a fair and public hearing by a competent independent and impartial tribunal established by the law (Article 25 and Article 18 (1)) (United Nations, 1990). The Convention assigns the responsibility of facilitating an orderly and safe return, socio-economic reintegration and re-absorption of returnee migrant workers to the country of origin with cooperation from receiving countries (Article 67). The Convention further states that no one should be subject to torture or cruel, inhuman and degrading treatment or punishment (Article 10) (United Nations, 1990). In summary, this UN Convention outlines the key principles of the rights-based approach to migration. It has set a standard in terms of migrant workers' access to fundamental rights, whether in the

labour market, in health systems or in the courts and, in so doing, provided a basis for rights-oriented lobbying of the Bangladesh state in relation to migration issues.

There is a tension between the rights-based agenda and neo-liberalism. O'Connell (2007) and Yamin (2011) argue that one cannot be committed to the protection of human rights and at the same time, support neo-liberalism. For instance, Yamin (2011: 334) argues that health care is more than just another commodity to be allocated by the market. According to her, neo-liberalism's push toward commercialisation and privatisation undermines both the concept and enjoyment of peoples' right to health. She points out that neo-liberal economic paradigms are closely linked with narrow liberal conceptions of rights, which interpret rights as a negative shield against government interference leaving little space for positive claims on the government (Yamin, 2011: 341). Similarly, O'Connell (2007: 484) suggests that the proponents of a rights-based agenda must take a strong stance against neo-liberal orthodoxies in order to advance and entrench human rights protection. According to him, all human rights advocates are faced with a choice between 'acquiescence in a process which is inherently inimical to the protection of human rights or utilising human rights paradigms to challenge and overcome' the neo-liberal model (O'Connell, 2007: 483 & 484). He maintains that the foundations of neo-liberalism are completely in contrast with those of human rights (O'Connell, 2007: 498-500). Neo-liberalism proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterised by strong private property rights, free markets and free trade (O'Connell, 2007: 495). Again, the neo-liberal orthodoxy on human rights assumes that the expansion of the logic of laissez-faire capitalism will ultimately lead to an overall improvement in human security and welfare and consequently increased protection of human rights (O'Connell, 2007: 487). The role of the state is to create and preserve an institutional framework appropriate to such practices and beyond these tasks, the state should not venture. By contrast, the idea of human rights is founded on a more 'textured and substantive conception of the individual and society and the relationship between the two' than the one prescribed by neo-liberal advocates (O'Connell, 2007: 498). In contrast to the neo-liberal conception of the minimal state, the principles of human rights suggest a strong state with the capacity to meet the various human rights obligations placed upon it. Without a committed and accountable government that is willing and able to comply with human

rights obligations, the implementation of human rights instruments is not possible (O'Connell, 2007: 501). He refers to International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights and UN human rights treaties on the rights of women[13], children[14] and migrant workers[15] which place the primary obligations for protecting human rights on the state (O'Connell, 2007: 500). Briefly, the idea of the state to which neo-liberalism is committed to is anathema to the idea of the state which underpins the protection of human rights (O'Connell, 2007: 501).

However, such perspectives arguably overstate the degree of opposition between neo-liberal and rights-based approaches. As Gauri (2004) has pointed out, with regards to health care and education, rights advocates and neo-liberal economists are in fact not far apart. He argues that both approaches recommend wider access to information, more local organizations for clients, stronger advocacy and changes in sectoral governance (Gauri, 2004: 466). In summary, the goal of both these approaches is to strengthen the position of service recipient individuals. Similarly, there is a commonality between neo-liberalism and rights-based approaches in relation to migration in that they both advocate for maximising the freedom of movement of prospective migrant workers. The difference between them is over the terms on which this occurs.

Actors and Interests

The main proponents of this agenda have been non-government organisations (NGOs) that are directly or indirectly focused on labour migration issues. These have included the Refugee and Migratory Movements Research Unit (RMMRU), a research unit affiliated with Dhaka University; the Migrant Worker Development Program (Ovibashi Karmi Unnayan Program or OKUP), an NGO that promotes safe migration and aims to protect migrant workers from HIV/AIDS; Rights Jessore, an NGO, located in the South-Western district of Bangladesh, that aims to prevent human trafficking which migrant workers are sometimes victims of; the Manusher Jonno Foundation and

---

[13]Convention on the Elimination of All Forms of Discrimination Against Women 1979.

[14]Convention on the Rights of the Child 1989.

[15]International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990.

Education Health Development Program (Shikkha Shastha Unnayan Karzakram or SHISUK), both of which perceive labour migration as a strategy for developing empowerment; and two migrant workers' representative NGOs, Welfare Association for Rights of Bangladeshi Emigrants (WARBE) and Bangladeshi Women Migrant Workers' Association (Bangladeshi Ovhibashi Mohila Sramik Association or BOMSA).

Of the most important for our purposes have been WARBE, BOMSA and RMMRU because they have been the main advocates of this agenda in Bangladesh and as we will see later, they have played a significant role in injecting a greater rights-orientation in recent migration policies by taking part in the policy-making process. WARBE was the very first migrant workers' representative NGO in Bangladesh being established in 1997 by former migrant workers. It has focused on lobbying for rights-based migration policies, creating public awareness about safe migration, and providing counselling to victims in home and abroad. BOMSA was also founded by former migrant workers, in its case female workers specifically. Established in 1998, it has focused on lobbying for a rights-based reform, creating awareness among the female migrant workers about their legal rights and providing pre-departure trainings to them so that they cope up better in foreign countries. RMMRU was found by academicians in 1996. In contrast to WARBE and BOMSA, it has focused more on research and policy advice than counselling and training. Its work has provided valuable basis for determining a rights-based approach to labour migration and translating this into policy (Faruque, 2006: 78). In this way, it has in effect played a key role in advocating for both male and female migrant workers' rights despite its orientation towards research. It acknowledges that even after highly contributing to countries' development, migrant workers are still marginalised population both in Bangladesh and in destination countries.

Other proponents of a rights-based approach to migration in Bangladesh have included NGOs that work on human rights and/or women rights issues in general but do not have a specific focus on migration issues especially—legal aid organisations such as the Bangladesh National Women Lawyers' Association (BNWLA), Naripokkho, the Bangladesh Legal Aid and Services Trust (BLAST) and the Legal Aid and Human Rights Organisation (Ain O Salish Kendra or ASK). These organisations have consistently provided cooperation and solidarity with the rights-based approach of

migration NGOs. For example, ASK has been involved in research, legal aid and advocacy work for Bangladeshi migrant workers since 1987. BNWLA was established as early as 1979 while Naripokkho and BLAST came in 1983 and 1993 respectively. They have shared much common ground and interests with migration NGOs and hence gotten involved in policy debates, lobbying and advocacy work relating to migration issues (Oishi, 2005: 86). They have perceived migrant workers' rights more as human rights in general than as migrant workers' rights specifically. Cooperation among all these NGOs has been observed ever since the migration NGOs were established in mid 1990s.

These various NGOs have been supported in their endeavours by sympathetic officials within the state. It has been easier for them to lobby for their agenda when someone who is sympathetic to labour migration issue becomes the head of a ministry. For example, the former IOM regional representative for South Asia—Md. Shahidul Haque is currently the secretary of Bangladesh's Ministry of Foreign Affairs, another important government body for the overall management of labour migration. Having Rokia Afzal Rahman who is sympathetic to labour migration issue due to her personal experience with workers, as the Advisor of Ministry of Labour and Employment; Women and Children and Social Welfare and Cultural Affairs during the non-partisan caretaker government in 2001 also made it easier for migration NGOs and their allies to promote a rights-based agenda (Anonymous, 2002: 41 & 42).

These various NGOs have been also supported in their endeavours by international and regional NGO networks. Particularly important in this respect have been the Migrant Forum in Asia (MFA), which is based in the Philippines, and CARAM Asia, which is based in Malaysia. Both are regional networks of NGOs committed to protecting and promoting migrant workers' welfare[16]. ASK is one of the founders of MFA. ASK

---

[16] The partnership between regional forums and the local migration NGOs began in 1995 when Irene Fernandez, the founder and the then director of Tenaganita, a Malaysia based non-profit organisation with a focus on labour migration that was established in 1991, published a report on the living conditions of the migrant workers in Malaysia entitled "Abuse, Torture and Dehumanised Conditions of Migrant Workers in Detention Centres". The report uncovered evidence that 59 inmates, primarily Bangladeshis, had died in one Malaysian immigration detention camp due to preventable diseases such as typhoid and beriberi. She was arrested in 1996 and charged with maliciously publishing false news by the Malaysian government (Amnesty International, 2004: 2). To run this case and also to arrange for some returnee Bangladeshi workers to appear as witnesses, Tenaganita contacted ASK. ASK provided assistance by securing witnesses and recording the witnesses' affidavits. ASK sent one of its members and panel lawyers to Malaysia as an international observer for the trial (Siddiqi, 2006: 28).

introduced RMMRU and WARBE to MFA. Because MFA and CARAM Asia work closely, these NGOs were introduced to CARAM Asia as well[17]. Through these forums, these NGOs have had the opportunity to attend international workshops, access skill-building training programmes and issue-based advocacy programmes, and secure funding. Regional forums have received funds directly from foreign donors and then distributed them according to set priorities. Because there have been many Bangladeshi labour migrant workers in Malaysia, Bangladesh was one of the countries prioritised for receipt of those funds. Thus the relationship between Bangladeshi migration NGOs and the two forums became strong. However, such partnerships have not existed with NGOs/NGO forums in the Middle East, the biggest labour market for Bangladeshi workers, because of the severe limitation on NGO activities in the Middle East (Oishi, 2005: 87).

Finally, UN organisations such as the IOM, ILO and, the United Nations Development Fund for Women (UNIFEM, currently known as UN Women) have also played an important role in promoting a rights-based approach to migration in Bangladesh. The IOM, for instance, provided financial support to BOMSA so that it could establish an office in Dhaka and run advocacy for female migrant workers (Siddiqui et al., 2009: 57; Nazneen, 2011: 3). It also provided funds and institutional support to WARBE and BOMSA so they can continue their project and field activities such as awareness raising programs for safe migration and rehabilitation for returnee migrant workers. Similarly, the ILO provided technical support to the Bangladesh government when it was finalising the Migration Act 2013 which, according to the migration NGOs, is the most rights-based legal document for Bangladeshi migrant workers so far. UN Women established an information centre for female migrant workers at BMET's office. This organisation perceives migration as a part of women empowerment process and their economic security. As noted in the previous section, some of these organisations have received funding from multilateral and bilateral donors such as DFID, SDC and the World Bank to the extent that the latter have invested in rights-based migration projects.

---

[17] Interview with Syed Saiful Haque from WARBE in Dhaka on 19 May, 2015.

Leverage over Policy-making/Implementation

The various NGOs mentioned above have exercised leverage over policy-making and its implementation in several ways. First, they (particularly RMMRU) have carried out policy-oriented research and produced materials communicating the findings of this research such as policy briefs, press releases, newsletters, multi-episode television talk shows, newspaper op-ed pieces, and published proceedings of seminars, conferences and workshops. MoEWOE (the expatriates' ministry in Bangladesh) does not have any research unit of its own. As a result, it often relies on expert groups such as RMMRU to produce the evidence-base needed for policy making, opening up an opportunity for it to claim that policy is in fact built on evidence rather than the narrow interests of particular groups.

Second, these NGOs have participated in formal public consultations organised by the government—such as the series of multi-stakeholder meetings that generally occur during the processing and finalisation of a policy; and workshops, rallies, seminars, campaigns, policy debates and public hearings that they have held themselves, held in collaboration with partner organisations, or which have been organised by the latter. Such events have provided a platform for them to express their views and an opportunity to directly lobby government officials if they are in attendance. The events held by regional migrant networks, for instance, have often included Bangladesh government officials enabling interaction between them and local NGOs and laying a basis for the latter's future inclusion in policy discussions[18]. Public consultations and similar events have also provided an opportunity for NGOs to devise effective lobbying strategies by helping them identify the group(s) who are potentially for and against their agenda.

Third, although NGOs have not so far organised mass demonstrations involving migrant workers, they have sought to mobilise public opinion through the media. They often provide public commentary on government decisions through the media. At the same time, events such as those mentioned above often get covered in the media. Migration NGOs also observe the International Migrants' Day on 18 December every year to attract attention at national and international levels.

---

[18] Interview with Syed Saiful Haque from WARBE in Dhaka on 19 May, 2015.

Finally, although the majority of migration NGOs are based in the capital, Dhaka, they have developed large networks in the rural areas from which most migrant workers originate, enabling them to assist prospective and former migrant workers in various ways. Although it is not yet evident that migration NGOs take matters to the court directly, generally in Bangladesh, NGOs often play the role of mediator between a client (migrant worker in this case) and the government by receiving the clients' complaints and providing them with legal support (Aminuzzaman, 2013a: 455). In order to disseminate information and create awareness about safe migration, they also arrange courtyard meetings with the potential migrant workers and their families (Nazneen, 2011: 14). Finally, they provide such workers with training and booklets which contain information regarding general aspects of migration such as life overseas, important addresses, necessary documents, rights, health related issues and safe ways of sending remittances.

Patriarchal Conservatism

The Nature of the Agenda

Bangladesh society is male-dominated in almost every sphere. A socially constructed division of labour means that men are commonly expected to earn livelihoods while women are commonly expected to be committed to household chores. Although the number of Bangladeshi women working in public is increasing, this has not necessarily set them free from the tasks associated with being a housewife. In fact, a woman who works in public is a symbol of poor economic status for her family. The assumption is that because her family has allowed her to work, they cannot afford to live without her income. In other words, the financial ability to seclude its women from public life is a symbol of higher status and pride for a family (Kibria, 2011: 142).

Traditional and, religiously oriented concepts of shame and loss of honour have been underlying reasons for this situation. While not strictly practiced, it is considered ideal for women to be confined within four walls and protected by male guardians. Under the strict patriarchal system of Bangladesh, particularly in rural areas, the traditional role of women mainly involves the maintenance of home and raising children. Women are expected to play the breadwinner role only if their husbands are unemployed or if they become divorced, separated or widowed. Even for women who cannot afford to stay at

home, there is a widespread view that women must not be given free rein (Oishi, 2005: 96). They are supposed to work in 'culturally acceptable way' with international migration definitely not being considered 'culturally acceptable' even for the lowest rungs of Bangladeshi society (Oishi, 2005: 132). In fact, the social legitimacy of female migration is generally low (Oishi, 2002: 15). This is particularly the case for overseas migration: for women, going overseas without a male partner carries far more negative connotations than working in a city in Bangladesh, although even the latter is viewed negatively. While in society's eyes, migration of an unmarried woman is completely undesirable, there is comparatively less disapproval shown towards married women who migrate. The expectation that her male protector i.e. the husband will prevent her from adopting unwanted "western behaviours" in foreign countries, lessens the disapproval shown. By contrast, the migration of an unmarried female member for overseas employment particularly without male guardians means a possible decline in status for her family and community (Dannecker, 2009: 123).

Dannecker (2009: 124) argues that Bangladeshi female migrant workers as well as the female identities that develop through international labour migration have led to a distinction between the "good" women who have not migrated and the "bad" women who have. The idea that women cannot protect themselves is widely accepted in Bangladeshi society and this has given birth to the norm that a woman should not leave her house without a man to guard her. On the contrary, the status of men and their families rises through migration, regardless of the financial benefit. In accordance with this division, Dannecker (2005: 660) finds that the households of male migrant workers proudly exhibit the symbols of the successful journey of their family members, for example, a new tin roof, a television or a huge picture of their relative living abroad. In contrast, migration of female family members is not subject to much discussion. Female migrant workers' families are generally reluctant to speak about their female family member(s) working abroad (Dannecker, 2005: 660).

Sexual abuse and the harassment of women are common in Bangladesh. Yet abuse and harassment of Bangladeshi women by foreign men are perceived differently from such domestic cases. Abuses of women by foreigners stimulate much more outrage and nationalism because these are crimes against the nation's symbolic property i.e. women. Sexual abuse and harassment against women by foreigners are experienced not only as a disgrace for the individual victims but also a humiliation for the state and nation

(Oishi, 2005: 100-101). In other words, sexual abuse and rape are commonly perceived as crime against males' property rather than against women's personhood (Oishi, 2005: 100).

With regards to migration policy, these characteristics of Bangladeshi society have translated into an agenda—labelled here patriarchal conservatism—that strongly promotes men's migration but discourages the migration of women. According to this agenda, policies for female migration should not be solely driven by national and individual economic interests unlike policies for male migrant workers. Rather, they should be driven by notions of the cultural acceptability of different types of work. Proponents of this agenda harshly criticise other Asian and Middle Eastern countries for not respecting women—that is, for profiting from women's labour while exposing them to abuse and harassment by employers. According to them, a ban or restriction on female migration is necessary in order to ensure that (Bangladeshi) women are properly respected. Some proponents of this agenda demand a total ban on female migrant workers, irrespective of whether they are skilled or unskilled, educated or uneducated and married or unmarried. Others support a ban on low-skilled and low-educated women only.

Actors and Interests

The main proponents of this agenda have been male migrant workers' groups, Islamic religious organisations, and conservative and/or religiously-oriented members of the elite and middle class. Male migrant workers have generally had a negative view of Bangladeshi women migrant workers for two reasons. On the one hand, they have perceived female migration as a challenge to their power and their role as the main breadwinners. On the other hand, they have perceived female migration as undesirable because female migrant workers are commonly perceived as having a 'loose' lifestyle (Rahman, 2011a: 407). Kibria (2011: 1 & 65) examines how Bangladeshis in foreign countries become more 'fundamentalist' than they were in their own country. She maintains that this happens irrespective of class which means it affects both rural impoverished Bangladeshis who travel to Saudi Arabia and Kuwait on labour contracts and urban, middle-class Bangladeshis who go to Australia, Canada and the United States. She observes that this change generally happens due to an over-consciousness

and fear on the part of migrants that they will lose their religious and cultural identity in an environment of different practices in foreign countries (Kibria, 2011: 65). Arguably, though, the response of male migrant workers is also motivated by issues of power, status and control over women's activities and bodies.

For Islamic religious organisations, opposition to female migration has ostensibly stemmed from a concern to preserve Bangladeshi women's religious and moral purity by protecting them from immoral/irreligious behaviour by foreigners, although it has also arguably been motivated by the same issues of power, status and control mentioned above. There is a widespread belief that women pretend to be migrating as domestic workers but are actually forced to work full-time or part-time as prostitutes. Another common belief is that Bangladeshi domestic workers are often forced to have a sexual relationship with their male employers (Oishi, 2005: 166). Both are seen as unacceptable in religious and moral terms. It is almost impossible for women to prove that they do not work as prostitutes or have not been sexually abused. Irrespective of what they say, people are still suspicious. Whether they work in garment factories or do domestic work in the Middle East or Southeast Asia, the overwhelming perception is that they almost always become part-time sex workers and/or suffer sexual abuse (Oishi, 2005: 166). At the same time, there is plenty of evidence, of course, that female migrant workers are abused in these ways. According to religious leaders and their organisations, the best way to protect women from forced prostitution and sexual abuse by employers is to prevent them from going in the first place. They have taken this view regardless of the class or occupation of the migrant worker because abuse, they claim, can occur in any workplace, whatever the worker's education level is. They have, accordingly, generally advocated for a full ban on all women migrant workers.

An example of an organisation that falls into this camp is the Islamic fundamentalist group, Hefazat-e-Islam (Protectorate of Islam). The Hefazat-e-Islam is a coalition of a dozen or so Islamist organisations which have come together under one umbrella since 2010 (Mustafa, 2013; Griffiths & Hasan, 2015: 227). It has not sought power through elections, rather it has, so far, aimed to use its muscle power on the streets to establish Bangladesh according to Islamist precepts (Mustafa, 2013). The Hefazat's leaders and activists are mostly drawn from *madrassa* (also spelled as *madrassah* and *madrasa*) teachers and students (Khalidi, 2013; Mustafa, 2013). Its formation was triggered by the 2009 Women Development Policy draft which gave women equal rights by inheritance

(Khalidi, 2013; Hasan, 2015: 149). Although its leaders have not expressed any concern explicitly about female migration yet, they do support 'a ban on open mixing of men and women in public', meaning they do not want women to go and work in public (Mustafa, 2013). In this sense, it is ultimately clear that they support the ban on female migration.

Conservative and/or religiously-oriented members of the middle class and elite have also supported the imposition of constraints on female migration but been more moderate in this respect. Such individuals have little in common with women migrant workers and have little empathy with the struggle of women who are left with no choice but to migrate (Oishi, 2005: 92). This is not to suggest that they do not care about poor and uneducated women (Oishi, 2005: 91). But the class difference between them and poor women in rural areas is a great barrier to a meaningful connection between these groups. As explained later in the dissertation, many women's and human rights NGOs have been keen to lift the emigration ban on nurses but have not been so concerned about the ban on domestic workers (Oishi, 2005: 91). They have taken it as their responsibility to judge whether low-skilled women should be allowed for overseas migration. These middle class and elite actors claim to know and understand what is good for women workers. Like Islamic religious figures, they have typically justified the need for restrictions on female migration on the grounds that it is necessary to stop women from ending up as prostitutes overseas (Oishi, 2005: 92). In her book, Oishi (2005: 92) mentions that many NGO staff, academics and state officials, both male and female, often use the term 'our women' when talking about poor and less educated female migrant workers. If 'their' women's safety is threatened, both men and society stand to lose their dignity and status (Oishi, 2005: 98). In other words, men and society are often viewed as synonymous and this indicates that men are considered as the primary actors in the society. Many policy makers understand promoting female migration as no different from exporting women as commodities (Oishi, 2005: 97). One government official in an interview during fieldwork for this research repeatedly compared female migration to "flesh trade." [19]

---

[19] Interview with Reaz, Hamidullah, Ministry of Foreign Affairs, Government of Bangladesh in Dhaka on 6 May, 2015.

Nevertheless, conservative and/or religiously-oriented members of the middle class and elite have usually found it acceptable for educated and skilled women to work abroad. Their assumption has been that these women will know what to do if they encounter trouble and will be able to protect themselves (Oishi, 2005: 174). As a result, they have typically tended to support a ban on low-skilled women only rather than a full ban on female migration.

Leverage over Policy-making/Implementation

In seeking to advance a patriarchal conservative agenda, male migrant workers' groups have, on occasion, engaged in direct lobbying of senior government officials (Siddiqui, 2009: 17; MFA, 2011: 31). But such instances have been rare. For the most part, they have exercised influence over policy and its implementation indirectly, through the provision of funds and patronage to different *madrassa* in Bangladesh, which are often portrayed as training centres for radical Islam (*madrassa* are educational institutions where mainly Islamic studies are taught) (Karim, 2004: 298; Mohsin, 2014: 83; Devine & White, 2013: 131; Hasan, 2015: 150). Donating to *madrassa* is understood as an act of piety by villagers. As a result, this action brings the goodwill and the votes of rural people if there is someone among the patrons (migrant workers) who is ambitious about a political career in future.

For most Bangladeshi migrant workers, labour-migration provides the first global contact and exposure to the Islam of Saudi Arabia and other Middle Eastern countries. Upon their return to Bangladesh, they often try to reform the 'impure' folk Islamic tradition of rural Bangladesh through their patronage to *madrassas* (Griffiths & Hasan, 2015: 235). *Madrassa* students (mainly male) live their entire childhood under the support of the *madrassa* clergy and develop a loyalty toward them akin to familial loyalty. In many orthodox *madrassa*, the Quran and the traditional interpretation of the *sharia* are the main topics of teaching (Karim, 2004: 298). General subjects such as English language, math, and sciences are not taught. As a result, the graduates of these *madrassas* are unlikely to possess the skills to compete in the modern global economy. Consequently, many of them develop revulsion for 'the wantonness of modern life' including women's emancipation (Karim, 2004: 298). Their inability to cope with the

global economy turns into 'a vengeful wrath on women as 'trespassers' of Quranic and *sharia'* laws (Karim, 2004: 298 & 299).

Islamic fundamentalist groups such as Hefazat-e-Islam have sought to influence policy and its implementation by taking direct action on the street. In 2013, for instance, Hefazat-e-Islam held a series of mass demonstrations promoting a 13-point list of demands, which included, transformation of Bangladesh into an Islamic state, the implementation of Islamic laws, and as mentioned earlier, the imposition of restrictions on open mixing of men and women, and on women's movement and rights (Mohsin, 2014: 72).

Clergy and religious fundamentalists also exercise influence through the use of violence and political attacks at the local level. The close relationship between religion and political power at the local level make these actors very influential at this level (some religious leaders can be political leaders). These groups have been known to set fire to NGO schools imparting basic literacy skills to women and to destroy the trees which were planted with the help of NGOs (Hasnain & Jasimuddin, 2012: 139). They have also falsely accused NGOs of making people convert to Christianity (Hasnain & Jasimuddin, 2012: 139; Naher, 2010: 318).

For their part, conservative and/or religiously-oriented members of the middle class and elite have been able to exercise influence over policy and implementation by virtue of the fact that some of their members have occupied the state apparatus and in particular the bureaucracy. Migration policies have often been drafted by a small number of senior officials (Oishi, 2005: 103). Every time the Bangladesh government imposed a ban or restriction on women migrant workers, for instance, decisions came in the form of presidential orders indicating the absence of an open policy making process. The closed nature of such policy-making processes has provided a privileged opportunity for "insiders" to shape the nature of policy.

Predatory Bureaucratism

The Nature of the Agenda

This agenda seeks to maximise rent-seeking opportunities for state officials especially through corrupt or unethical means and in so doing maximise their personal wealth. In general policy terms, it has typically entailed support for measures of state control because where state permission is required, there are opportunities for corruption. With regards to labour migration specifically, it has often entailed support for direct state intervention in the recruitment process of migrant workers. This aspect makes predatory bureaucratism distinct from the neo-liberal agenda; as discussed before, the latter does not want state regulation, in fact, it sees that as the source of all problems. At the same time, though, predatory bureaucratism can be accommodated within neo-liberal models to the extent that the state's regulatory and supervisory functions—a key part of the regulatory state—can potentially be corrupted. Also in contrast to the neo-liberal agenda, predatory bureaucratism has lacked idealism—that is, a conception of what constitutes good migration policies. Rather it has focused simply on ways of corrupting policy initiatives to the benefit of predatory officials.

Actors and Interests

The principal proponents of this agenda have been bureaucratic officials who have (or have desired) authority over the issuance of licenses and other official documentation related to the labour recruitment process or other sorts of regulatory power. These include Bureau of Manpower, Employment and Training (BMET) officials, embassy staffs and immigration officers.

BMET is the government body responsible for verifying, approving, renewing and cancelling the licenses of recruitment agents. As a result, there is a scope for its officials to seek bribes from the owner of recruitment agents. Although there is no limitation on the number of licenses that can be issued, the fact that competition between recruitment groups is becoming intense both at national and international levels means that, they often provide BMET officers with bribes to get their license applications approved faster. They may also pay bribes to either delay or overturn cancellation of their licenses. According to the 1982 Emigration Ordinance of Bangladesh, the government holds the power to seize an agent's license if it is proved that the agent has been

involved in misconducts (Article 15) (GoB, 1982). The 2013 Migration Act, which replaced the Ordinance, maintains the same principle. However, to date, no agent has had its license cancelled for this reason even though several recruitment agents have been involved with illegal activities such as human trafficking, false contracts, recruitment for fake jobs and employers, and sending more workers than the employers asked for (Palma, 2008; *BBC Monitoring South Asia*, 2007; *AFP*, 2007).

Section 8 (Article 31-37) of the Migration Act 2013 also empowers the government including the BMET to take legal action against the agents and/or individuals involved in illegal migration. According to Hasan (2014a: 1 & 4), since January, 2012 as many as one hundred and twenty-five thousand Bangladeshis migrated overseas through the dangerous and illegal sea routes with direct involvement of some registered recruitment agents. However, till date, not one of those agents has been prosecuted yet (Hammadi, 2014; *Prothom Alo*, 2015b: 10). In fact, in the past whenever questioned about the government's responsibility for checking clandestine migration, officials of BMET pointed out that the responsibility lies with the Immigration Department, the Ministry of Home Affairs or the receiving countries themselves (Ahmed, 2000: 94). Despite all the unethical and law-breaching acts, the successful continuation of perpetrating recruitment agents has been possible through bribing the BMET personnel. Apparently, there is almost no benefit for BMET officials if a license gets cancelled. According to the 1982 Ordinance Article 14 (2) and Article 18 of the Migration Act 2013, when a license is terminated, the deposit security money of that license holder gets forfeited and it goes to an affected worker or it is used to repatriate any stranded person in foreign country (GoB, 1982; 2013). Hence, it is in the interest of BMET officials to keep rent seeking using the threat of cancelling a license but actually not do so.

The engagement of BMET officials in unethical activities is also reflected in evidence of their direct involvement in making profits out of selling smart cards. Smart cards are a digitalised card with a microchip that includes all information regarding a migrant worker i.e. his/her name, address, what visa s/he has been issued, what job s/he is undertaking and in which country, and the name and license number of the recruitment agent that the worker dealt with so that all the parties involved in the migration process can be identified when needed. BMET is in charge of issuing those cards. According to Hasan (2013: 3), eight thousand smart cards got "stolen" in March, 2013. After investigation, it was revealed that a few BMET officials had facilitated the process in

association with recruitment agents and their allies. They ended up selling some of those cards at high prices to aspiring migrant workers before getting caught. In exchange of bribes, BMET officials are alleged to allow recruitment agents to obtain the certificates of pre-departure briefing sessions which the migrant workers are required to obtain from BMET by physically attending the sessions (Afsar, 2009: 24).

In addition to BMET officials, government officers such as embassy staffs and immigration officers have also had a vested interest in predatory bureaucratism. When a recruitment agent receives a demand letter from a foreign employer requesting certain number of workers, it has to be verified and certified as a genuine letter by the Bangladesh embassy in that foreign country. However, there are numerous stories of embassy staffs being bribed by the agents to allow fake demands to be certified as verified ones (Zeitlyn, 2006: 58).

Additionally, in exchange for money, immigration officers are reported to work in collaboration with recruitment agents (Siddiqui, 2004c: 60) who inform them in advance of the number of undocumented workers scheduled to pass through the airport on a given day (Ahmed, 2000: 94). The immigration officers let them cross the border even if they do not possess the required emigration clearances and/or the smart cards do not match with workers' passport and other details. As there is no provision such as placing the name of immigration officers on migrant workers' passport, often the corrupt immigration officers do not get identified (Siddiqui, 2004c: 61; Siddiqui & Abrar, 2002b: 7). In its 1997 report to the

Convention on the elimination of all forms of discrimination against women (CEDAW) Committee, Bangladesh government itself noted that implementation of the laws was weak, in part because members of law enforcement were often themselves involved in trafficking activities (ADB, 2003: 89). It indicates that an alliance of interests has developed among the offenders, functionaries of regulatory bodies and law enforcing agencies including immigration officials and embassy staffs.

Leverage over Policy-making/Implementation

Predatory bureaucrats tend to exercise more leverage in the implementation of policies than in shaping the nature of migration policies. For example, their quest for rent-seeking opportunities serves to undermine the safeguards provided to migrant workers through the licensing system and the government's power to take legal action against fraudulent recruitment agents. As mentioned above, in exchange for money, they allow recruitment agents to obtain the compulsory clearances without which migrant workers are not supposed to cross the border. Apparently, their pursuit of corruption and rent-seeking has served to undermine the effectiveness of the various bans and restrictions imposed on female migration, thus, counteracting the patriarchal conservative agenda as well. Some returnee female migrant workers are reported to have never heard of any ban and even the existence of BMET, although ideally they were supposed to have registered with it prior to the departure (Oishi, 2005: 177). Under the ban, immigration officers also were not supposed to allow them cross the border.

Foreign Protectionism

The Nature of the Agenda

This agenda seeks to protect receiving states from problems associated with irregular and poorly managed recruitment and placement of migrant workers. These problems include workers' overstaying in recipient countries past periods allowed in work visas, taking illegal jobs, and becoming involved in crime. Although recruitment takes place in sending countries, it is important for receiving countries that it is well managed because this impacts workers' behaviours and activities overseas. For example, the more workers are charged unauthorised and excessive fees by recruitment agents in sending countries, the more they are likely to sell all their assets and take loans for financing their migration. As a result, soon after they land in receiving countries, they become more desperate about quickly earning back those fees. Given that the majority of job contracts in contemporary labour market are valid for only two or three years, it becomes quite difficult for workers to recover their initial investment, let alone make savings or profits. As a result, they tend to engage in more than one job, sometimes taking illegal jobs or becoming involved in criminal activities (including in some cases terrorism). In many receiving countries, workers automatically become irregular if they do not work in the jobs or for the employers specified in their contracts. While regular

migrant workers can also become involved in illegal jobs and crimes, in reality, this tendency is more acute among irregular workers. Therefore, irregular migrant workers are commonly seen as criminals, 'brought in by criminal syndicates' in receiving countries (Rudnick, 2009: 69).

This agenda has accordingly entailed demands for the Bangladesh government to regularise migrant worker' recruitment and placement processes and, in particular safeguarding the cost of migration. (*AFP*, 2006; Rudnick, 2009: 71). As a last resort, receiving countries have had the option of protecting their interests by imposing restrictions on labour migration from Bangladesh including total bans. In this sense, there have been some tensions between this agenda and predatory bureaucratic agenda and precisely the neo-liberal agenda.

Actors and Interests

The main proponents of this agenda include the governments of labour-receiving countries (and in particular the countries that import or could potentially import Bangladeshi labour) such as Saudi Arabia, Malaysia, Kuwait, Qatar, Singapore, Jordan, Oman, Libya, Korea and Japan. In advancing this agenda, these governments are typically responding to local political pressures. Importantly, this pressure does not generally emanate from employers in labour-receiving countries because they generally benefit from the irregular status of workers as it allows them to maintain wages at a low level. It also allows them to exercise control over workers by threatening them with deportation or the possibility that they will be reported to the authorities. Pressure on these governments to pursue a protectionist agenda also does not generally emanate from the local individuals who benefit from an increased number of foreign workers, for example, the land owners whose tenants are migrant workers or consumers of the products sold by migrant workers.

The main source of pressure on governments for protectionism is the local society including the local low-skilled workers who have to compete with migrant workers for work. It is convenient for employers to hire irregular migrant workers for their cheaper rates and the fact that they tend to be less-demanding than the local workers. As a result, some local workers remain jobless or become compelled to work at a lower salary. This makes them opponents of irregular migration, if not the total labour

migration system. The local trade unions in receiving countries have traditionally taken an 'antipathetic, even antagonistic stance' (Elias, 2008: 290) towards migrant workers as they perceive that foreign workers are responsible for lowering the pay rates and working conditions for local workers (see Elias, 2008: 290 and 2010: 61 on Malaysia, for instance). Additionally, the migrant workers are often perceived as 'invaders' by the local society in receiving countries (Low, 2013: 230 & 231). Their 'very presence poses a threat to the way of life and sense of self/identity of the host society' (Friedmann, 2002: 55). Their presence poses a boundary between 'us' citizens and 'them' foreigners who 'smell, sound, and look different' from 'us' (Low, 2013: 231). The fear of migrant workers' involvement in crime and theft in neighbourhoods create a resentment among local communities (Low, 2013: 221 & 230). In Malaysia, many illegal migrant workers have been reported to be involved with a range of crimes including rape, and high profile robberies and murders (Liow, 2003: 49). Their involvement in riots inside and outside detention centres has led to portrayals of them as 'troublemakers' and a 'threat' to Malaysia's national security (Liow, 2003: 49-51).

Leverage over Policy-making/Implementation

The proponents of this agenda have exercised leverage over migration policy-making in Bangladesh by the virtue of their importance as a destination for Bangladesh's labour exports. As we have seen, Bangladesh relies heavily on labour exports to a limited number of countries (Saudi Arabia and Malaysia in particular) to stimulate economic growth and earn foreign exchange. By contrast, these receiving countries can source migrant labour from a wide range of countries including India, Sri Lanka, Nepal, Indonesia, Pakistan and the Philippines with many of these countries being able to provide abundant supplies of labour. At the same time, Bangladesh does not possess any significant comparative advantage over its competitors in the provision of low-skilled workers. Labour migration is an ongoing process. If receiving countries are satisfied with workers from one particular nationality, it is likely that the specific country will be prioritised for the next available jobs. Hence, it is important for sending countries to maintain a good working relationship with the receiving countries. This weak side of Bangladesh as a sending country reinforces the power and influence of its receiving countries and gives them a degree of structural leverage over Bangladesh's migration policies and their implementation.

Additionally, the governments of receiving countries have been able to exercise leverage by virtue of their role as donors. For example, Saudi Arabia has been one of Bangladesh's major donors and was particularly important in mid-1970s and 1980s. The consistent and heavy reliance of Bangladesh on foreign aid has allowed foreign governments, specifically the ones in receiving countries that have provided foreign aid to Bangladesh, to enjoy an additional source of structural power over its migration policies and implementation.

Conclusion

The aforementioned competing agendas and actors are in constant conflict to influence the formulation of state policies and their implementation according to their interests. As we have seen, these agendas are not always mutually exclusive. Depending on the particular policy issues, more than one group can have the same interest. For example, in the case of female migration, the neo-liberals and the human rights groups share the same interest—i.e. freedom for women to migrate for work purposes—although for different reasons. At the same time, the interest of neo-liberal groups, particularly the recruitment agents, in free market principles has been consistent with the rent-seeking interest of predatory bureaucrats as those principles increase their prospect of rent-seeking by charging fees from migrant workers in the name of various clearances. Nevertheless, the fundamental differences in the purposes of certain interests and agendas have created contestations over some particular migration policy areas and their implementation. The next chapter aims to identify such policy areas.

Chapter 4

Key Issues in Bangladesh's Labour Migration Policies and Their Implementation

The purpose of this chapter is to outline the key issues in migration policies and their implementation in Bangladesh over which political contestation has occurred. This chapter identifies four such key issues: i) the relative roles of the state and the private sector in the recruitment of migrant workers; ii) fraud in the recruitment of migrant workers; iii) abuse of migrant workers in foreign countries; and iv) unequal access to labour migration opportunities. Although the emphasis given to these issues by the government of Bangladesh has varied over time and across different regimes, they have been by far the central concerns of contestation over the country's migration policies and their implementation.

The Relative Roles of the State and the Private Sector in the Recruitment of Migrant Workers

Broadly speaking, there are three main models for combining state and private sector involvement in the migrant worker recruitment industry. These can be understood as lying along a spectrum ranging from, on the left-hand extreme, state domination to, on the right-hand extreme, a laissez-faire system. In the first model (state domination), the state not only regulates the migrant labour recruitment industry but state firms or agencies are the principal recruiters of migrant workers. Indeed, they possibly hold a formal monopoly in this regard. In the second model (laissez-faire), private firms dominate the industry and operate in a more or less unregulated way. The state may enact regulations governing the industry but, if it has, it is unwilling or unable to enforce them. The third model (regulatory state[20]) sits mid-way between these other two models on spectrum. In it, private firms dominate the industry but the state effectively supervises, monitors and regulates them through a variety of mechanisms. Which model a country pursues is ultimately a matter of political choice and the contestation that shapes this.

---

[20] For more on regulatory state, see Jayasuriya (2005: 384).

During 1970s, many labour-sending countries operated state-run systems broadly similar to the first model. In China, for instance, the labour migration industry was operated through a state-run system until some deregulations were introduced in 1980s (Xiang, 2012: 48). During the Mao period (1949-1976), China undertook a series of development aid projects to support friendly nations (Minghuan, 2004: 4). Whenever the central government needed to start an aid project overseas, it required to have the 'right labour force', and the task of recruitment and deployment of the labour force was carried out by government agencies (Xiang, 2012: 53). To satisfy the demands of labour export, the government set up the first group of employment agencies in the late 1970s. For example, the Foreign Aid Office was established in 1977 and given responsibility to recruit workers (mostly skilled) (Minghuan, 2004: 4). The Philippines also had a state-run system for the deployment of migrant workers until early 1980s (Tigno, 2014: 23). The then authoritarian government opted for a state monopoly in the labour migration industry (Tyner, 2000a: 64). As outlined in the 1974 Labor Code, the government 'intended to retain complete control of the overseas employment industry' (Tyner, 2000a: 64). Two government agencies were set-up in 1974—the Overseas Employment Development Board (OEDB) and the National Seaman's Board (NSB)—which were responsible for exploring labour markets, and recruiting and deploying land-based and sea-based migrant workers respectively (Tyner, 2000a: 64). As we will see in the next chapter, Bangladesh also began its labour migration industry with a state-run system in 1970s whereby migrant workers were directly recruited by the state.

Soon after, however, these countries moved towards a system that was essentially laissez-faire in nature. Under this system, private recruitment agents started leading the recruitment process with few safeguards effectively imposed on them to protect migrant workers or ensure regularised recruitment processes. However, the volume of migrant workers is reported to have increased dramatically due to private agents' involvement (Tigno, 2014: 23 & 25; Xiang, 2012: 48). The way in which this shift played out in specific contexts varied according to the nature of countries' political economies. For example, in 1982, the central government of China set up four state-owned companies, known as central companies, to carry out international projects under the Foreign Economic Liaison Ministry. These central companies operated as labour suppliers for international companies (Xiang, 2012: 53). From the mid-1980s, these central companies subcontracted small state-owned companies to carry out labour recruitment

on their behalf. However, instead of doing so, they in turn sub-contracted this work out to smaller private companies that they charged for using their names in paperwork (Xiang, 2012: 49). Thus, in effect, laissez faire prevailed. By contrast, in other countries—the Philippines for instance—there was a much more direct supplantation of the role of state agencies and firms by private recruitment firms (Tyner, 2000a: 64 & 65; Tigno, 2014: 23).

The laissez faire system generated a range of problems including migrant workers being victims of excessive fees charged by recruitment agents, compelling the former to take loans with high interest rates and reducing their benefits (Agunias, 2012: 3 & 4). As a result, new forms of regulations began to emerge in labour-sending countries, shifting some away from the laissez-faire model towards the regulatory state one. Although there is no consensus regarding how best to balance state intervention and operation of private agents, many labour-sending countries have introduced a requirement for private firms to provide a bond and meet other requirements before obtaining a recruitment licence issued by the government (Agunias, 2012: 5). Such measures are ostensibly meant to protect migrant workers' rights although some have pointed out that they can lead to lengthy bureaucratic process and rent-seeking by government officials (Xiang, 2012: 48). The regulatory model allows the state to protect migrant workers' rights by formulating domestic rights-based policies and bilateral agreements with labour-receiving countries, and taking legal measures against fraudulent recruitment agents which ultimately operates in favour of migrant workers' rights.

The shift from laissez faire to a regulatory state model in labour-sending countries has generally been an outcome of political choices, shaped by contestation. As a result, state-regulated measures such as those for protecting migrant workers' rights and reducing fraud in the recruitment process have taken effect to different extents in labour-sending countries. This can be seen, for instance, in the fact that while many labour-sending countries (e.g. Sri Lanka, the Philippines, Indonesia and Bangladesh) have ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, some have not (e.g. Nepal, Pakistan and Vietnam).

Fraud in the Recruitment of Migrant Workers

Fraud in the recruitment process is a constant threat to Bangladesh's labour migration industry as well as the welfare of migrant workers. Several times, Bangladesh has temporarily lost key labour export markets as a result of unscrupulous recruitment practices. Fraud has also reduced the developmental impact of migration by excessively increasing the cost borne by migrant workers and their families. Migrant workers are recruited through two main institutional mechanisms in Bangladesh: informal migrant networks and formal private recruitment agents. The latter involves the engagement of informal sub-agents known as *dalal.* Fraud can occur in both mechanisms but especially where *dalals* are involved due to less regularised administrative processes. According to Siddiqui (2003b: 3), 60% of migrant workers procure their visas through migrant networks. However, the percentage of migrant workers who process their visa through recruitment agents can be significantly higher than 40% if those who cross the border without being documented by government are taken into account.

Formal Private Recruitment Agents and Informal Sub-Agents

The recruitment system as conducted through private recruitment agents proceeds as follows. First, a recruitment agent in the host country issues a demand letter i.e. letter of request to their counterpart in Bangladesh asking for a certain number of migrant workers for certain occupations. On their own initiative, Bangladeshi private recruitment agents collect information about these job opportunities. Second, Bangladesh's embassies in the destination countries examine the genuineness of those job opportunities (IOM & INSTRAW, 2000: 18). If there is no embassy in a host country to authenticate the letter, satisfactory evidence of the authenticity of the document needs to be furnished by the foreign recruitment agents to BMET (ILO, 2014c: 15). In other words, the demands need to be verified by the Bangladesh government before it allows the local private recruitment agents to look for suitable workers. Third, the local recruitment agent arranges the required approval from the Bangladesh government to advertise the work opportunities and to recruit prospective migrant workers. Fourth, once it finds suitable workers according to the specifications requested by the foreign recruitment agent/foreign employers, it asks the workers to submit their passports, photographs, biographical information and a partial payment to

begin the recruitment process (Rahman, 2011b: 11; 2011c: 11). Fifth, the foreign employer or their chosen recruitment agent will then secure the visas and send them to the recruitment agent in Bangladesh. Finally, after getting the visa, the recruitment agent in Bangladesh submits all documents to BMET to get the required final clearance, known as an emigration clearance. Every migrant worker is supposed to obtain this clearance for a legal departure.

Recruitment agents often send workers to Gulf countries in a system known as *kafala* (sponsorship system) (Rahman, 2011b: 10). In this system, the sponsor is known as *kafeel* and can be an individual or a company. This operates as follows. The Gulf countries do not have a free labour market, meaning that workers do not have the liberty to offer their labour to the highest bidder. Competition among workers for the best paid jobs and among employers for the best-qualified or cheapest workers, takes place in Bangladesh during the recruitment process. While a change of *kafeel* is not impossible, it entails lengthy bureaucratic obstacles (Rahman, 2011c: 9). Once the employment relationship is broken with the *kafeel*, workers become irregular automatically (Rahman, 2011c: 9; 2012: 220). The *kafeel* assumes full economic and legal responsibility for them during the contract period. In principle, this means that the *kafeel* is responsible for covering all costs of migrant workers in the destination (Siddiqui, 2010: 8).

This system has proven vulnerable to a number of forms of fraud. One form of fraud is that Bangladeshi recruitment agents tend to charge migrant workers additional fees in the form of airfares, medical check-up fees and visa fees which are supposed to be paid by the *kafeel*. According to the system, the *kafeels* are required to pay all kinds of fees that employing a foreign worker incurs such as the fee to their government, air tickets, medical check-up and commissions to the recruitment agents, be it local agents in their own countries or Bangladeshi agents. Therefore, whatever costs migrant workers are charged by the Bangladeshi recruitment agents are illegal (Siddiqui, 2010: 8). Another form of fraud is that foreign recruitment agents often allegedly keep the travel costs paid by the *kafeel*s to themselves, forcing the Bangladeshi recruitment agents to pass these costs on to migrant workers (Martin, 2008: 18). Moreover, families in the Gulf are entitled to have up to eight domestic workers including security guards, drivers and gardeners. This means that they can sell eight work visas to recruitment agents while actually employing fewer foreign workers. Bangladeshi recruitment agents claim that

they do not know whether the family selling the sponsorship is or is not planning to actually hire the migrant workers when they arrive in their country (Martin, 2008: 18). If they are not hired, workers are likely to become irregular.

Bangladeshi recruitment agents maintain regular direct contact with the *kafeels* to obtain visas in exchange for payments and then auction them to workers in Bangladesh (Hasan, 2009: 71; Siddiqui, 2004c: 64). In the UAE, for instance, *kafeels* sell a work visa for around US$ 2,000-3,000 (Rahman, 2011c: 9). Although the sale and purchase of visas is illegal in Bangladesh and in many destination countries, as the supply of migrant workers is much higher than the demand, recruitment agents face virtually no problem in selling a visa at whatever price they ask. Moreover, due to the engagement of state functionaries in receiving countries in this group, many of the work visas issued by the governments in those countries end up in the markets (Siddiqui, 2012b: 9). Recruitment agents in the destination countries are also commonly involved in the process. They book those working visas with partial payments. Once the booking is made, they sell them at a high price to the next tier of intermediaries—who is usually a Bangladeshi migrant worker in the destination country (Siddiqui, 2012b: 9). The first recruitment agent immediately makes a huge profit and thus makes full payment to the authority (Siddiqui, 2010: 9; 2012b: 9). The second tier of intermediary then sells those visas to the highest bidding recruitment agents in Bangladesh[21]. All these parties make some profit from visa selling at different stages. At the end, all these costs are borne by the migrant workers in Bangladesh (Siddiqui, 2012b: 9).

Bangladeshi recruitment agents are alleged to often charge migrant workers excessively even where the *kafala* system does not apply. The cost of overseas migration from Bangladesh is considered to be among the most expensive in the world. No sooner is a new market opened than it is spoiled by unhealthy competition among the agents vying with each other to procure business at any cost (Anonymous, 2002: 48). On top of this, due to fierce competition among sending countries, recruitment agents in Bangladesh provide lower salaries for workers so that they receive the maximum requests from the foreign employers. Low salaries combined with burdensome costs pose challenges for Bangladeshi migrant workers to realise the positive developmental impacts of migration (ILO, 2014c: 25). High migration costs ultimately lead to a situation where migrant

---

[21] Interview with Bashir, a private recruitment agent, in Dhaka on 2 April, 2014.

workers are heavily indebted before they leave Bangladesh (Afsar, 2009: 2). Workers often finance their migration by selling land, livestock, plants, and/or jewellery and by taking loans from village moneylenders with high interest rates (Rahman, 2004: 182). This results in migrant workers not coming back to Bangladesh at the end of their contracts because they keep working irregularly to save money and repay debts. When they start working for someone else other than their original employer, they automatically become irregular and risk deportation. If they come back before they can afford to repay their loans in full, they end up in a worse position than when they started, leading to the emergence of a new 'migrant poverty class' (Rahman, 2004: 182).

Furthermore, as mentioned in the previous chapter, in exchange for bribes to BMET officials, Bangladeshi recruitment agents are reported to unethically manage the mandatory BMET clearances on migrant workers' behalf (Afsar, 2009: 24). In collaboration with unscrupulous immigration officers, some recruitment agents are alleged to send migrant workers without first obtaining the required emigration clearances (Siddiqui, 2004c: 60). These workers remain undocumented in the official statistics of migrant workers maintained by BMET.

While the overview above about how the recruitment through formal private recruitment agents occurs may seem simple, the actual recruitment procedure is complex and multi-layered. The whole process is characterised by the involvement of local sub-agents (known as *dalals*) most of whom are clandestine and dubious. The formal recruitment agents are mostly based in the capital city of Dhaka while the workers generally live in villages. Therefore, the main recruitment agents rely on locally-based *dalals* to act as mediators between prospective migrant workers and formal recruitment agents. In exchange for a fee, these sub-agents help migrant workers find jobs and help agents find workers in a more timely manner than would otherwise be the case (Rahman, 2011d: 398). They assist migrant workers with paperwork, passports, bank accounts, medical check-ups and transportation to the airport. It usually takes *dalals* a few weeks from the submission of migrant workers' documents to the main recruitment agents to secure the delivery of visas to workers (Rahman, 2011d: 398).

Although the position of sub-agents in the official structure is not acknowledged, they play the most critical role in matching demand for migrant workers with the supply of such workers. This is partly because they perform the important functions of providing information on migration opportunities, connecting workers with formal agents, and conducting financial transactions (Siddiqui, 2010: 15; 2004a: 27; 2004c: 61; Rahman, 2011c: 12). However, the main reason is that these sub-agents earn the trust of prospective migrant workers. Given the fact that migration is a project that requires migrant workers to invest a few thousand dollars of their own money, a potential migrant worker from a village prefers to deal with someone who is known to them such as rural religious leaders and political elites so that they have a local contact to approach in cases of fraud. Sub-agents are generally based in small cities or villages and keep good contacts with these elites if they themselves are not already elites. In an interview[22], one recruitment agent stressed the impossibility of operating without *dalals*. He emphasised that the workers tend to trust *dalals* more than the city based formal agents. Interestingly, *dalals* go beyond the matching task by acting as guarantors for prospective migrant workers who otherwise cannot receive loans for migration (Rahman, 2011c: 12; 2012: 222-223). They vouch to the traditional moneylenders that their potential clients have already secured jobs overseas and therefore are eligible for credit. This is often done through the creation of an overly rosy picture of what life is like in a foreign country and an exaggerated sense of the economic benefits that workers will receive.

While they are an integral part of the recruitment process, *dalals* are not formally registered with the recruitment agents they serve and do not possess any formal identification documents. There is a rough estimation that there are more than 10,000 *dalals* in the villages of Bangladesh (MFA, 2011: 38; Siddiqui, 2010: 15). However, the exact number is unknown because almost anyone can be a *dalal* given the informal nature of the role. *Dalals* do not require any kind of registration since their existence is not acknowledged in the official recruitment process. Hence, they are extremely difficult for the government to monitor. Since many sub-agents work for multiple recruitment agents, in most cases, the migrant workers have no idea as to which recruitment agent is engaged in processing their cases (MFA, 2011: 12).

---

[22] Interview with Shameem A. Chowdhury from BAIRA in Dhaka on 29 March, 2014.

Although the main recruitment agents pay *dalals* a commission for each worker they bring to the agent, the latter reportedly often charge workers extra fees. Negotiations between prospective migrant workers and *dalals* are conducted verbally and payments are made without receipts leaving no paper trail that might potentially be used in legal actions against them (Rahman, 2011c: 16; Siddiqui, 2010: 15; 2004a: 27). Even when receipts are given, migrant workers are likely to be charged more than what is stated on the receipt. Since the demand for visas is higher than their supply, aspirant migrant workers make extra payments to secure a job which generates additional revenues for *dalals* and their recruitment agents. In this process, a good number of those who wish to migrate are cheated and lose much of their assets while processing migration. *Dalals*, on purpose, deceive the particular migrant workers who hardly have any means available to redress their grievances against them. *Dalals* are often alleged to delay and manipulate the waiting period between submission of documents and the issuance of visas to make further profits out of fees paid by migrant workers. For the migrant workers, advance payment and the prolonged waiting period increase the cost of migration as they often borrow from moneylenders with higher interest rates putting pressure on their family income. The greater the recruitment costs, the longer time migrant workers need to recover their expenses in destination countries (Rahman, 2011d: 399).

Migrant Networks

In addition to the recruitment agents (and *dalals)*, migrant workers often arrange work visas through personal networks. Typically, current migrant workers arrange visas for their friends and relatives through their own contacts. A working visa arranged through personal networks is known as *"Urro"* (flying visa) in Bengali as it "flies" directly from relatives in the receiving country to a prospective migrant worker in Bangladesh bypassing local recruitment agents and bureaucratic procedures. In this case, the relative in the receiving country works as a broker for migrant workers in Bangladesh in terms of arranging a job and a working visa. This system benefits both the worker and the broker (i.e. the relative) as the latter charges a commission while the worker benefits by being able to avoid bureaucratic procedures and the involvement of *dalals* in Bangladesh (Rahman, 2011c: 12 & 13). Additionally, depending on the nature of the relationship ties with the broker, migrant workers can negotiate the amount and timing

of the payment to the latter. Most importantly, workers can choose to pay a part of the commission to the broker once they start receiving wages. It allows them to avoid the necessity of taking a loan from moneylenders in the villages of Bangladesh (Rahman, 2011c: 13). This visa also benefits the *kafeels* (sponsors) as it allows them to save the fee that they would have to pay to their government or recruitment agents in their countries for recruiting foreign workers (Rahman, 2011c: 13). There is another type of visa called a "free visa". This unofficial visa allows a worker to enter a Gulf country for work under the *kafala* system, however, the *kafeel* is not bound to offer paid work. This is doubly rewarding for *kafeel,* as it generates kickbacks from brokers without being required to guarantee work. A "free visa" can also work to the benefit of migrant workers to the extent that holders can bargain with prospective employers over salary and conditions. The trade-off is that if they are caught by the law-enforcement authorities, they are immediately exposed to the threat of deportation (Rahman, 2012: 224).

Having discussed the above, it is clear that fraud in the recruitment process significantly reduces the potential developmental impact of migration. It increases the cost of migration as a result of which migrant workers become compelled to take loans at high interest rates. The urge to recover these debts requires them to work illegally in destination countries. Moreover, sending workers via illegal means—for example, without the BMET clearance—makes migrant workers vulnerable to more abuse and rights violations in destination countries. As a result, fraud has been a controversial issue subject to, as we will see in subsequent chapters, a significant degree of contestation.

Abuse of Migrant Workers' Rights in Foreign Countries

Protection of migrant workers' rights in destination countries is another issue over which there has been contestation in Bangladesh. Protection of migrant workers' rights is an important issue at all stages of the migration process, that is, in countries of origin before they leave, during transit through one or many countries, during their work and stay in destination countries and finally when they return back home (GMG, 2010: 57). But it is in destination countries where abuses of migrant workers' rights seemed to be most pronounced and certainly where they attract the greatest attention.

Migration to an unknown country is a multifaceted challenge to any person since one needs to overcome language barriers, adapt to a different culture, and learn to cope with homesickness and loneliness. On top of this, due to the arbitrariness of some employers and discriminatory policies of receiving countries, many migrant workers experience exploitation in the form of hazardous working conditions, mistreatment, discrimination, abuse, no time-off, excessively long working hours, social exclusion, food deprivation, substandard accommodation, poor safety standards, poor health care, rape, forceful long-term contraception, detention, trafficking, pressure not to join trade unions, confiscation of passports and visas, and denial of freedom of association and restriction in their movements (Siddiqui & Farah, 2012: 9; Human Rights Watch, 2008: 72; IOM & INSTRAW, 2000: 58; Agunias et al., 2011: 56). Many are paid below the wage mentioned in the job contract while some are not paid at all or at best, paid only after significant delay. Some migrant workers have reported that they were required to sign receipts indicating they had received their full salaries even when this was not the case (Human Rights Watch, 2008: 78). In some cases, employers return the migrant workers' passport which they confiscate at the very beginning, in exchange of non-payment of wages owed. Contract substitution is another right-curtailing measure practiced by some employers. Once the migrant workers reach the destination country, they are compelled to sign a second contract with a reduced wage and/or lower living and working conditions. Sometimes the contract is for a different job than that stipulated in the initial contract. Often such contracts specify that employers should have possession of workers' passports to prevent runaways (Iredale & Piper, 2003: 36; Siddiqui, 2012b: 9 & 10). In some cases, employers ask workers to seek jobs elsewhere if the company experiences financial difficulties. When workers leave a company to seek a new job elsewhere, the company reports to the police that workers ran away in order to evade the responsibility of repatriating the workers and paying their wages (Hoque, 1998: 5). Workers can end up experiencing police arrest, arbitrary detention and physical and mental torture.

All migrant workers are potentially exposed to human rights violations in destination countries because of negative public attitudes in these countries towards migrant workers, language barriers, poor legal protection, lack of awareness, ill-treatment by law enforcement authorities and weak rule of law (APF, 2012: 2; Afsar, 2009: 38; Siddiqui, 2008b: 19). But female migrant workers who work as domestic workers are

particularly vulnerable to human rights violations for a number of reasons. One is the absence of recognition of domestic work as a legitimate form of labour according to the national employment acts or labour standard laws even if the migrant workers hold all required legal work permits (Piper, 2004b: 83; Human Rights Watch, 2008: 25; Waddington, 2005: 407). The exclusion of domestic workers from the regulations of labour law deprives domestic workers of the protections that are guaranteed to other workers including limited working hours, restrictions on salary deductions, and rest days (Human Rights Watch, 2008: 25). Domestic workers are also more vulnerable because they are more isolated, have less access to support networks, and experience greater exploitation in the individualised places in which they work (Yasmin, 2010: 15).

Domestic workers can be called to service at any time of the day and night (Thimothy & Sasikumar, 2012: 36 & 37). There is no stipulated rest time allotted to them. The majority of domestic workers are required to work up to more than 18 hours a day, sometimes from 6 am to 2 or 3 am (Human Rights Watch, 2008: 78 & 79). This further increases during the Islamic holy month of Ramadan in Muslim countries as the adults of the household do not go to bed before taking their Sehris (early morning meals) (Siddiqui, 2008b: 16). After going to bed late at night, domestic workers again have to wake up early next morning to attend to the minors and elders. Some suffer serious beatings, burning with heated irons, and the removal of fingernails with no hospital care afterwards (Human Rights Watch, 2008: 35-36 and 64-65). In fact, torture is worse when they demand their salaries or ask to return home (Human Rights Watch, 2008: 65). Non-Muslim workers are reported to face additional verbal abuse (Human Rights Watch, 2008: 64). Often they are offered no food or just left-over foods (Jureidini & Moukarbel, 2004: 597 & 600). Some are not allowed to maintain contact with or visit family members for up to six years at a time (Human Rights Watch, 2008: 52). Also, most of them are provided with poor sub-standard accommodation—for instance, under the staircase, in the bathroom or in the kitchen (Human Rights Watch, 2008: 81). A common problem is that domestic workers who run away from their employers, particularly those without their documents or who file complaints, often face spurious counter-charges of theft or witchcraft from their employers. In other cases, domestic workers with criminal complaints against their employers may be subject to intensive scrutiny, charged with making false allegations and sentenced to receive lashes (Human Rights Watch, 2008: 87).

Furthermore, some women migrant workers report that labour agents force them to take long-term contraception to prevent pregnancy during employment which potentially has serious negative effects on their reproductive health (Agunias et al., 2011: 56). Very commonly, domestic workers experience sexual harassment by their employers involving a range of actions from unwanted touching to repeated rape (Human Rights Watch, 2008: 68). What is worse is that they face difficulties in bringing their complaints to the authorities due to the risk of counter-accusations of adultery, lack of evidence, the associated stigma, and the resultant punishments in the form of imprisonment, lashes and in some cases, execution (Human Rights Watch, 2008: 70). Lengthy criminal trials against employers which leave domestic workers trapped in embassy shelters for years with no employment, little family contact and uncertain outcomes also discourage them to report abuses (Human Rights Watch, 2008: 94). Sometimes, they fall prey to rape and abuse by police officials (Human Rights Watch, 2008: 109). Additionally, according to the *sharia* law of Saudi Arabia, the only guaranteed way to obtain justice for rape is if the accused person confesses or there are four adult male witnesses. This standard of evidence is difficult to meet particularly because domestic workers are isolated in private homes where they are unlikely to have any witnesses (Human Rights Watch, 2008: 91). As a result, courts tend to consider women's allegations of rape as evidence of illegal sex, making sexual assault victims potentially subject to prosecution. According to Human Rights Watch (2008: 20), local Saudi women's low and unequal status affects foreign migrant women's rights and treatment. The UN ranked Saudi Arabia 92nd out of 93 evaluated countries with respect to gender empowerment, an indicator determined by women's participation in economic and political life (Human Rights Watch, 2008: 20). Strict gender segregation exacerbates the domestic workers' isolation and confinement in the workplace (Human Rights Watch, 2008: 20).

Underlying many of the problems that migrant workers face in terms of rights abuses in destination countries is the fact that they are not citizens of the countries in which they live and work. By denying migrant workers access to citizenship, governments of receiving states are not legally accountable to them. The receiving states do not depend on migrant workers for political legitimacy as the latter do not constitute an electoral bloc due to the absence of citizenship (Bal, 2013: 15; Cohen, 2006: 151 & 152). Additionally, when migrant workers participate in the labour market, they are found at

the very bottom of the social/employment hierarchy performing work that nobody else wants to do in sectors such as agriculture, the sex industry, domestic work, and in factories which are at the bottom of global production chains (Piper, 2010: 114). The working and living conditions of migrant workers in receiving countries are also compromised due to a lack of knowledge of local laws and regulations which makes it easier for employers to violate and manipulate their wages and working and living conditions (Siddiqui, 2006b: 82). Indeed, according to Jureidini and Moukarbel (2004), temporary migrant workers can be described as "contract slaves". They do not have any mechanism to defend their interests in receiving countries since there is no scope for bargaining between employer and employee including the right to form unions particularly in Middle Eastern countries (Hasan, 2009: 4).

It is generally difficult for sending states to address the plight of their citizens working abroad. Even when there are explicit violations of rights such as maltreatment including violence and abuse, non-payment of wages and violations of contracts, the sending states often find it difficult to confront receiving states in a forthright manner, let alone compel them to investigate the problems and punish the employers who mistreat migrant workers. A sending state that responds too forcefully against a receiving state can easily find its immigration quota cut and lose job opportunities to other sending states (Oishi, 2005: 62). Nevertheless, Bangladesh's intervention in this case can start with the adoption of protective national policies and ratification of international conventions concerning migrant workers' rights such as the aforementioned UN Convention. Protective national labour migration policies and the ratification of the UN Convention by the sending countries provide a strong signal that they are concerned about the protection of their citizens and constitute an important step towards such protection.

Additionally, one common form of protection for sending countries is arranging mutual agreements with labour-receiving countries about the expected protection of its workers. Bilateral Labour Agreements (BLAs) and Memoranda of Understanding (MoUs) between governments are the usual modes of establishing legal and quasi-legal frameworks between labour-sending and labour-receiving countries. A BLA is usually considered more effective than a MoU because of its binding nature. With the massive movements of labour in the globalised world, bilateral agreements appear to be an effective mechanism to regulate and set up a standard for migrant workers. Both

sending and receiving countries can fix up properly the areas of intervention in labour migration, degrees of involvement, burden sharing strategies, market-based development strategies, human rights and the ways of monitoring and managing the overall migration process (Faruque, 2006: 63; APF, 2012: 78). In the absence of any successful BLA and MoU, the role of Bangladesh's labour attachés under Bangladesh embassies in receiving countries becomes important for providing counselling, advisory and legal services to the distressed migrant workers and inspecting and monitoring the condition of workplace environments (Siddiqui, 2005: 90; 2008b: 21).

In summary, while it is difficult for poverty-stricken sending countries such as Bangladesh to play a role in protecting migrant workers' rights while they are overseas, it is not impossible. They can formulate rights-based domestic policies, ratify the international human rights treaties, negotiate the expected ways of protecting its migrant workers' rights through formal agreements with receiving countries and provide assistance to migrant workers as required.

Unequal Access to Labour Migration Opportunities

In Bangladesh, international labour migration is a popular means of improving one's life. However, Bangladeshis have not always enjoyed equal access to labour migration opportunities. Gender discrimination has been a key feature of its migration policies for much of the post-independence period. There has never been any formal restriction on labour migration by Bangladeshi adult males. However, the case is different for females, specifically if they are low-skilled women. Low-skilled women usually work as domestic workers while the low-skilled men are generally hired for construction work. Therefore, there is little direct competition between male and female migrant workers for job opportunities. But the job categories of low-skilled men and low-skilled women migrant workers have, at particular points in time, been treated completely differently. The Bangladesh government has intervened more heavily in women's migration than in men's. While it has actively promoted men's migration, it has restricted women migrant workers' movement. As will be discussed in later chapters, Bangladesh has imposed bans and restrictions on its female migrant workers multiple times on the grounds that it is necessary to protect their honour and dignity. These bans and restrictions have not been fully effective in stopping female migration. But

controlling the movement of female migrant workers has nevertheless been a feature of Bangladesh's labour migration policies at certain points in time and one, as we will see, that has been subject to intense contestation by a range of political and social forces.

Conclusion

This chapter has sought to identify the areas of Bangladesh's labour migration policies that have been subject to contestation between various groups since independence. It has focused on four such areas: relative roles of state and private firms in the recruitment process, fraudulent recruitment agents, migrant workers' rights in destination countries and gender discrimination in labour migration opportunities. The next two chapters trace the continuities and shifts in Bangladesh's labour migration policies and their implementation since independence, and analyse the political and social dynamics that underpinned them.

Chapter 5

The Political Economy of Labour Migration Policies and Their Implementation in Bangladesh, 1971-1990

This chapter has two main purposes. First, it traces the evolution of Bangladesh's labour migration policies and their implementation between 1971 and 1990. In this respect, it argues that these policies became increasingly neo-liberal in nature. On the one hand, this period witnessed a transition from a state-controlled migrant worker recruitment process to a laissez-faire one—that is, one in which private firms played the dominant role in migrant worker recruitment with minimal surveillance from the government. The emphasis in policy was on maximising the number of workers sent overseas, increasing remittances, and doing so by opening up opportunities for private firms to participate in the migrant worker recruitment business. On the other hand, the policies of this period were also characterised by little concern for migrant workers' rights, be they male or female. In fact, some policies of this period were rights-violating. The principal exception to the trend towards neo-liberalisation was in relation to female migration where the state played a more interventionist role, placing restrictions on which types of women could become migrant workers. With regards to implementation, the chapter suggests that there were significant problems with the enforcement of regulations guarding against fraudulent recruitment practices and the limitations imposed on female labour migration.

Second, the chapter analyses the political and social dynamics underpinning the nature of labour migration policies and their implementation during this period. In this respect, it points to the importance of three factors: i) the political dominance during this period of a coalition consisting of small-scale domestic traders, large rural landowners, and predatory state officials, and the emergence out of these groups of an incipient domestic bourgeoisie looking for opportunities to further primitive accumulation of capital; ii) the patriarchal nature of Bangladeshi society and the ideological salience of Islam; and iii) the limited scope for subaltern elements to participate in the policy-making process especially under the military regimes of Zia and Ershad. The first of these factors, it is argued, provided the political foundations for a shift following the collapse of the AL-led regime in 1975 towards private sector-led economic development that embraced the labour export industry. The second factor made it convenient for religious conservatives

113

to influence female migration policies, especially given that the military regimes' quest for legitimacy relied on mobilisation of their support. The third factor has contributed to a closed and non-transparent policy-making process.

The chapter is organised in accordance with these purposes. The first section of the chapter focuses on the nature of Bangladesh's labour migration policies and their implementation since independence in 1971. Following this, the second section explains the way the aforementioned political and social factors have been responsible for shaping the nature and implementation of policies.

Labour Migration Policies and Their Implementation in Bangladesh, 1971- 1990

Early Independence

In the immediate post-independence period, the only legal document that Bangladesh had for regulating and controlling its migration process was the 1922 Emigration Act which the country inherited from the British period. The Emigration Act was promulgated in British India to regulate the recruitment of unskilled labour for other British colonies such as Kenya, Uganda and Fiji. This Act remained the main legal framework for processing foreign employment for Bangladeshis until 1982. There were about fifty recruitment agents licensed under the Emigration Act. Prior to independence, all of them were working in Pakistan, meaning none of them had offices in Bangladesh (Siddiqui, 1986: 237 & 238). Additionally, the office of the protector of emigrants in Chittagong, Bangladesh under this law, used to handle very little foreign employment in contrast to that in Karachi, Pakistan. Interested Bangladeshi migrant workers used to avail themselves of the facilities of the Karachi office and through this process, about 20,000 Bangladeshis succeeded in finding jobs in the U.A.E., Saudi Arabia and Qatar in skilled and unskilled occupations by 1972 (Siddiqui, 1986: 238). In 1962, the then government of Pakistan created an agency, the National Employment Bureau, for processing demands for professional workers placed by foreign governments. However, the number of Bangladeshis placed by this agency was very small (Siddiqui, 1986: 238).

There are several reasons why Bangladesh did not establish any migration policy of its own immediately after independence. The first was the country's limited experience in running an employment bureau and processing foreign orders. The second was that as a war-devastated country, in the first several years after independence, Bangladesh was primarily engaged in arranging its elections, setting up a Constitution, recognising and honouring the liberation war fighters and also attempting to initiate legal procedures for identifying and punishing war criminals who opposed the country's liberation. More than anything else, the newly independent government concentrated on establishing the basic foundations of the state and on consolidating its authority (Sobhan, 1993: 14). In other words, formalising the process of sending its migrant workers abroad for employment was not at the top of Bangladesh's priority list soon after independence although the necessity of sending workers abroad and getting access to (foreign) money was there. The third reason was that Bangladesh lost most of its intellectuals in the war as they were particularly targeted by the Pakistani army. This meant that Bangladesh initially lacked the skilled and intellectual human resources required to push for the introduction of a new policy. All these issues—limited experience in processing foreign demands, a lack of skilled human resources, and the absence of urgency in setting a new policy owing to the insignificant number of migrant workers—delayed the introduction of the Ordinance (on which see below).

It was only with the emergence of increased demand for migrant labour from Middle Eastern countries in the period after 1975 that the country started to move towards a new policy regime. In the early 1970s, the volume of Bangladeshi migrant workers was small. Occasionally, job demands were placed by a limited number of receiving countries. The migration of Bangladeshi workers to the Middle East only increased dramatically after 1975 when Bangladesh was officially acknowledged as an independent country by Middle Eastern countries (Siddiqui, 1986: 238). Following its war with another Muslim majority country, Pakistan, Bangladesh experienced many problems concerning its recognition by Muslim countries in the Middle East despite gaining independence. As a result, only occasional requests for workers were received from these countries, all handled by the government. However, following official recognition, demand from these countries increased rapidly partly because Bangladesh and the Middle Eastern countries both practise Islam as the main religion and partly because the rise in oil prices in the 1970s led to a boom in the Middle East that

increased its need for foreign low-skilled workers. From a meagre 6,087 workers in 1976, the number of Bangladeshi migrant workers to the Middle East accelerated to 24,485 by 1979 (Ali et al., 1981: 193). The rate of remittances swelled at the same time from a trickle of Tk. 4.05 million (around US\$ 494,000) per month in 1974 to a torrent of Tk. 241 million (around US\$ 15,450,000) in 1979 (Ali et al., 1981: 193).

Realising the increasing prospects of labour demand in the Middle East and its possible contribution to the national economy, the Bangladesh government established BMET under the Ministry of Labour and Employment in 1976. BMET's sole purpose was to organise and monitor international migration. In the initial years of its establishment, BMET was actively involved in recruitment of migrant workers for overseas employment. However, it did not have the capacity to deal with the huge number of migrant workers in the early 1980s. Indeed, it was not being able to send the requested number of workers. In 1984, the government established Bangladesh Overseas Employment Services Limited (BOESL) as a limited company to take up the direct recruitment role. However, it has been mainly involved with the recruitment of professional and skilled persons. As a result, the labour-power export business was gradually handed over to the private sector. As we will see later, the shift away from state control of the labour recruitment industry was broadly consistent with the new emphasis on privatisation under Zia and Ershad regimes. The early 1980s witnessed the mushrooming of private recruitment agents because of the growing demand for labour in the Middle East (Kibria, 2011: 118). Some of these agents were bogus; such agents proliferated around these years and simply vanished after collecting money from a number of prospective workers. However, many were genuine. In late 1970s, private recruitment agents accounted for less than 10% of total labour migration. Their relative share over time grew to 40% by early 1980s (Osmani, 1986: 33).

Around the same time, some of those workers who migrated earlier returned to Bangladesh along with job opportunities for Bangladeshi migrant workers from foreign employers (Ali et al., 1981: 6). In fact, initially, these returnee migrant workers were the main mechanism which linked Middle Eastern employers with Bangladeshi workers (Ali et al., 1981: 6). They proposed to the government to allow them to recruit[23]. The process of handing over the business to the private sector was initially informal;

---

[23] Interview with C. R. Abrar from RMMRU in Dhaka on 15 June, 2015.

however, through the introduction of 1982 Ordinance, passed by the then Chief Martial Law Administration, the chief executive of the state, the process became formalised and regularised. One important factor that facilitated the introduction of the 1982 Ordinance was the necessity of recognising the emerging trend of temporary job contracts. The biggest incompatibility of the 1922 Emigration Act with the situation Bangladesh faced in the 1970s and 1980s was that it was mainly designed for general migration. It did not acknowledge the trend of contract-based temporary migration which was the main trend of those workers who started migrating in 1970s. With the increase in demand for Bangladeshi migrant workers in the post 1975 period under the contract-based scheme, it became essential for Bangladesh to incorporate this trend and that further pushed the introduction of the Ordinance[24].

The 1982 Ordinance

The 1982 Ordinance was Bangladesh's first policy document dealing with labour migration. The majority of sections in the Ordinance deal with the recruitment procedure and the licensing system for private recruitment agents. According to the Ordinance, the government reserved the right to cancel recruitment agents' licenses on grounds of business malpractice, unsatisfactory performance and violation of provisions of the Ordinance (Article 14) (GoB, 1982). Immediately following its promulgation, BMET became the implementing agency of the Ordinance. Regulation and control over the recruitment process was the most important function of BMET. BMET was made responsible for issuing and renewing licenses of recruitment agents, granting permission to agents to recruit, and providing recruited workers with emigration clearances after verifying visa papers and employment contracts. Following the introduction of the Ordinance, significant changes took place in the relative importance of the different channels of migration over time. The government became a monitor and regulator while the private recruitment agents came to dominate the recruitment process. Over time, the recruitment agents became organised under BAIRA which was formed in December 1984 with representatives of 23 recruitment agents.

---

[24] Interview with C. R. Abrar from RMMRU in Dhaka on 15 June, 2015.

The Ordinance did little to protect migrant workers' rights. First, it offered them few protections against fraudulent and unscrupulous behaviour by private recruitment agents. It did not provide any mechanism for monitoring the financial transactions between prospective migrant workers and recruitment agents. More specifically, it did not contain any arrangement for making the overall deal between workers and the private recruitment agents transparent. Although the Ordinance provided for some punishments for fraudulent recruiters, it did not specify punishments in the form of fines (GoB, 1982). The maximum imprisonment was for only one to five years for all types of rules violation including fraudulently inducing migrant workers to emigrate and charging exorbitant fees (Article 21-23) (GoB, 1982). Many migrant workers over this timeframe became inadvertently irregular due to the actions of their agents. The agents would sell invalid travel documents such as passports, visas, medical reports or work permits to workers and in most of these cases, migrant workers were not aware that the documents they had were false. Frequently, the work permits were accompanied by non-existent jobs or migrant workers were placed in jobs where they did very different work from what they were promised. The Ordinance did not require the recruitment agents to show the employment contracts to workers prior to their departure. In fact, even if workers had seen their contract before departure, they were not likely to be able to identify the false and exaggerated information about wages and working conditions. Besides, some workers also did not realise the importance of having this contract; rather, to some of them, it was merely a formality or a hurdle in the process of actually starting to work (MFA, 2011: 25). The majority of migrant workers, particularly those with little or no other opportunities to economically better themselves and their families, were likely to accept some restrictions of their rights in return of accessing labour markets in high income countries (Ruhs, 2005: 14).

According to the Ordinance, the government had power to cancel or suspend the license of recruitment agents for committing any fraud. However, in reality, the license fee for the recruitment agents set by the government was so low compared to what recruitment agents charged migrant workers that in case of cancellation of an existing license, the agency could spend the extra fees that they charged their clients (migrant workers) to arrange a new license and continue its business under a new name (MFA, 2011: 30). A simple calculation can explain the issue. The recruitment agents had to deposit Tk. 650,000 (around US$ 23,000) as security for issuance of a regular recruitment license.

If each potential migrant worker was charged Tk. 100,000 (US$ 3600) excessive by the agency, then the latter, after cheating a few clients, could easily afford the license fee (Siddiqui, 2001: 57).

Cancellation of recruiters' license was also uncommon because although the media reported numerous instances of fraud in the recruitment business, not many cases were filed against them by the victim workers. A typical case consisted of allegations from a complainant alleging that a recruitment agent had obtained money from the complainant and thereafter reneged on the promise to send the complainant abroad. Indeed, the number of reported cases was noticeably less than the actual ones. This was because migrant workers preferred to remain silent and not file a formal case against fraudulent recruiters due to their limited capital for running the case and also due to their lack of knowledge about the procedure. Even the cases successfully brought to prosecution were frequently dismissed because the principal witnesses did not attend the hearings or the complainants lost interest or more commonly, left the country to work abroad again (Agunias et al., 2011: 56).

Second, the Ordinance had no provision for migrant workers to seek legal aid either in Bangladesh or in destination countries. In fact, under the Ordinance (Article 26 (3)), migrant workers were not entitled to seek legal redress for breaches of their rights themselves (GoB, 1982). Rather, they had to approach a government official first to lodge complaints on their behalf. On 11 April 1983, by a notification[25] of the Ministry of Labour and Employment, the government set-up four Special Courts in each of the then divisions of the country: Dhaka, Chittagong, Khulna and Rajshahi. Subsequently, on 25 March 1985 through an Order[26], it authorised only the Director General of BMET and Assistant Directors of District Employment and Manpower Offices (district-level local offices of BMET) to make complaints to these four Special Courts for the migrant workers who wanted to file a case (Siddiqui et al., 1999: 27). This meant that the workers had to rely on government authorities to seek legal aid and could only pursue matters through the four special courts (ASK, 1997: 28). Only a few complaints were ever made under this arrangement: 250 cases were filed in those four special courts

---

[25]The definition of law provided in Article 152 of Bangladesh Constitution includes notifications and orders issued by the government. Under this definition, Acts and Ordinances are considered primary legislation and rules and regulations such as notifications and orders are considered secondary legislation (Karim, 2016).

[26] See footnote 25.

between 1982 and 2013 despite thousands of incidents of cheating in the processing of overseas jobs (Islam, 2013c). Only 90 cases among those 250 were settled while the rest were still undergoing trials (Islam, 2013c).

Third, the Ordinance did not provide migrant workers with any mechanism to protect their interests in the receiving countries since it did not recognise scope for bargaining between employer and employee. In fact, according to Article 24 of the Ordinance, migrant workers were not allowed to breach their employment contract and return to Bangladesh. If a migrant worker returned by contravening the terms of the agreement with a foreign employer by abandoning his employment or otherwise, he could be fined with the penalty being up to five thousand taka (around $225) (GoB, 1982). This was in violation of norms and rights of refusal to continue to work as provided, for instance, in the Constitution of Bangladesh. Article 34(1) of the Constitution prohibits all forms of forced labour and considers any contravention of this provision as a punishable offence in accordance with law (GoB, 1972). However, there was no penalty provision in the Ordinance if an employer or recruitment agents violated the agreement or contract with the workers. Rather it stated that if the government had to arrange the repatriation of a migrant worker who breached his employment contract prematurely, the government could ask the particular migrant worker to reimburse the expenditure (Article 25 (1)) (GoB, 1982). In these ways, this biased and controversial section of the Ordinance failed to uphold human rights of migrant workers (Faruque, 2006: 58; Siddiqui, 2009: 15).

Policies on Female Migrant Workers

Just before the introduction of the 1982 Ordinance, the Bangladesh government undertook the first restrictive policy for low-skilled female workers. In 1981, it banned the overseas migration of these workers. The Presidential Order that imposed the ban stated that professional and skilled women could migrate as principal workers but semi-skilled and unskilled women could not go overseas without a male guardian (Siddiqui, 2000: 88).

During the 1970s, the Bangladesh government had no concrete policy either to encourage or discourage female migration. The fact that it did not have a policy to either promote or discourage female migration suggests that this was an issue which the

government was either unaware of or that it was simply not a matter of public concern (Reyes, 2013: 51). At the time, female migration from Bangladesh was generally understood as a form of family reunification (Siddiqui, 2000: 87). During the late 1950s and early 1960s when the British government adopted a policy to recruit foreign workers, Bangladeshi women started migrating with their men as part of a family (Siddiqui, 2000: 87). Whenever they went abroad, they were accompanying a male migrant. The lack of social legitimacy and the existence of a strong stigma against female migrant workers travelling alone generally tended to discourage women from leaving the country as primary workers. Women would fear being ostracized or being labelled as promiscuous risking their marriageability and tarnishing their family's reputation. Bangladeshi women commonly obtain prestige from being married and having children. An unmarried adult woman is regarded as sexually dangerous and a potential source of shame to her family (Rudnick, 2009: 51 & 52). Hence, there was a traditional belief during this period that Bangladeshi women should not migrate on their own. Indeed, BMET (the Bureau of *Man*power, Employment and Training) by its very name, has discounted the existence of female migrant workers. Although the direct Bengali translation of "manpower" is "jonoshokti" which generally means labour-force, the absence of official acknowledgement of women migrant workers in BMET's name depicts the state's general lack of concern about this group.

The ban in 1981 was the very first decision that Bangladesh undertook dealing specifically with the migration of female workers. Although there was previously no formal policy to manage and administer the migration of female workers, they were still crossing the border on their own. In the face of poverty and destitution, an increasing number of women began to break the traditional gender-based public-private division of labour. Internal migration from rural to urban areas became a trend in this period; as a continuation of this, a substantial section of the female labour force started crossing national boundaries to undertake employment in different countries. Given the wide prevalence of poverty, limited opportunities for paid work and ever-increasing underemployment in Bangladesh, great demand for domestic workers abroad and remarkably high wage differentials between Bangladesh and destination countries, an increasing number of Bangladeshi women migrated abroad in search of better livelihood opportunities although the then volume of female migrant workers was not as high as that of current times. Siddiqui (2001), Yasmin (2010), and Reyes (2013) show

that the relatively lower cost of female migration was one reason for increased female migration. Families considered this an avenue to facilitate and finance other family members' migration.

Consistent with the ban, the Ordinance focused on male migrant workers only. It did not have any particular clauses regarding female migration. The Ordinance was replete with the use of the word 'he' while referring to migrant workers and did not refer at all to female migrant workers (Siddiqui, 2000: 88; GoB, 1982). Additionally, while referring to the dependents of migrant workers, it recognised only the 'woman and child who is related to an emigrant' (Article 2(d)) (GoB, 1982). In summary, the Ordinance did not at all take into account women as potential primary migrant workers.

The ban did not stop Bangladeshi women from crossing the border. Given the increasing demand in high income countries for female migrant labour, the ban did not prevent large numbers of workers from migrating and employers in higher-income countries from violating the law and arranging illegal employment. A large number of women were willing to take risks and go abroad bypassing the state. This desperate dream of going to *bidesh* (abroad) reflected people's insecurity in Bangladesh and the continual economic struggle that many face (Rudnick, 2009: 48). The need to have foreign income to fight against poverty and the increased demand of female workers in the Gulf countries fuelled the labour migration of Bangladeshi women. Additionally, some predatory state officials had a financial incentive to cooperate with the recruitment agents who sent female workers by irregular means (Siddiqui, 2000: 96). This whole scenario created a situation where almost the total flow of female migration went underground (Siddiqui, 2000: 96). Although, there are no concrete statistics on irregular Bangladeshi female migration, it is reported that the ban in fact accelerated such migration. As a result, following the ban, female workers became "invisible". In the context where the policy environment was not in their favour and the overall attitude to their migration was still negative, they had no choice but to choose irregular means for migration. Women are generally more likely than men to make use of illegal channels because of their relatively lower levels of education and their limited access to information which is again responsible for the underdevelopment of social legitimacy for Bangladeshi women's exposure to public life (Lim & Oishi, 1996: 91).

As an outcome of the imposed ban, in addition to an increase in undocumented migration of female workers, the purpose of trafficking also underwent some changes during this period. Previously, trafficked women were supplied to the sex industry. While a section of women was still trafficked for that purpose, following the ban, women were increasingly trafficked for forced labour in mostly domestic work. In short, there was a strong link between irregular female labour migration and trafficking (Siddiqui, 2003a: 170). There have hardly been any reliable and systematically generated figures about women trafficked from Bangladesh. A non-governmental source reports that about two hundred thousand women were smuggled to the Middle East between the 1980s and the early 2000s (Siddiqui, 2000: 93). The Bangladesh National Women Lawyers' Association, an organisation involved in rescuing trafficked victims, puts the yearly figure of trafficked women and children at 10,000 (Siddiqui, 2003a: 171). Although the reliability of the figures quoted may vary among the record keepers, however, the postulation that the number is quite significant is not questioned.

In summary, although the policy decision of imposing the ban was ostensibly well-intentioned, it directly contributed to the process of irregular migration of women (Siddiqui, 2000: 96). It goes without saying that the irregular nature of migration places the migrant workers in a more vulnerable situation mainly because they lose the legal rights of seeking state-level protection. The state's action of banning or restricting female migrant workers from taking overseas employment with its inherently weak institutional capacity to administer such a policy contributed to irregular migration of women and made potential migrant workers even more vulnerable to trafficking, and abuses and exploitation (Siddiqui, 2003a: 170). Therefore, the rights-related problems associated with the restrictive policy on female migration lie not only in the fact that it restricted women's right of free movement but also in its limited effectiveness, ultimately making women migrant workers even more vulnerable[27].

---

[27] Indeed, restriction/bans without the capacity to implement ultimately resulting in irregular flow is true not only for Bangladesh, but also the experiences of Philippines and Sri Lanka show that when market forces are operational in favour of female migration, then it is hardly possible to artificially restrict the market (Siddiqui, 2000: 96). The approach of restricting women from undertaking overseas employment has neither been able to curb migration nor secure women. This reinforces that the danger of bans and other legal restrictions is that they contribute to increasing irregular migration, which in fact makes women even more vulnerable (Lim & Oishi, 1996: 105). In fact, one of the fundamental problems of such measures is that information about these bans and restrictions is not necessarily communicated well to potential migrant women. According to Oishi (2005: 177), Bangladeshi migrant women are by far the least informed group in this regard.

In 1988[28], this ban was replaced by a restriction (Siddiqui, 2001: 59; 2009: 17; 2000: 89; Rudnick, 2009: 56). The government still held the position that low skilled women such as domestic workers should not be allowed to migrate on their own. However, it would consider specific cases and let them migrate under special permission. This entailed obtaining permission from a guardian (e.g. husband, father or brother) and the foreign employers had to guarantee their safety and social security (Rudnick, 2009: 56; ASK, 1997: 38). According to Dannecker (2005: 657), the relaxation of the ban led to an increase in the number of female migrant workers. As BMET did not begin collecting gender-segregated data on labour migrant workers prior to 1991, it is not possible to discover to what extent the relaxation led to an increase in the number of female migrant workers. Nevertheless, according to BMET (n.d.), the total number of low-skilled and semi-skilled migrant workers increased from 38,253 in 1982 (the year after the ban was imposed) to 57,579 in 1989. Professional and skilled women were exempted from the restriction as they were generally deemed to be adequately educated to know and seek their rights and save themselves from abuses accordingly. As we will see in the next chapter, the restriction was in effect until 1997 (Siddiqui, 2000: 89; 2001: 59).

Bilateral Labour Agreements, Memorandum of Understanding, and Labour Attachés

Another feature of labour migration policy in Bangladesh during the 1971-1990 period was the absence of any Bilateral Labour Agreements (BLA) and Memorandum of Understanding (MoU) with major receiving countries. As the ILO (2009: 5) has noted, while origin and destination countries have a shared responsibility to protect the rights of migrant workers through all stages, their particular responsibilities differ both because the migration experience changes at each stage and because countries have more ability to exercise supervision over migrant workers in their own countries and much less ability to control what takes place in foreign countries. Once migrant workers leave their home country, the protection that their own governments can provide becomes limited; however, that is when the migrant workers need the most protection. In this context, as mentioned in Chapter 4, in addition to adopting protective national

---

[28] According to some sources, for example (Siddiqui, 2006a: 8), the replacement of the ban with a restriction took place in 1987. This dissertation chose to mention 1988 because the majority of sources claim it to be 1988.

policies, one common form of protection for sending countries is arranging mutual agreements with the labour-receiving countries about the expected protection of its migrant workers.

The receiving countries are understandably reluctant to commit their responsibilities under a legally binding arrangement such as a BLA. For instance, the Gulf States, the major hosts of Bangladeshi workers, have consistently shunned bilateral agreements as an infringement of national sovereignty and economic policies (ASK, 1997: 29). Moreover, they are concerned that entering into a formal agreement with one particular sending country would open the gates to proposals for similar agreements from the many other sending countries which they are reluctant to entertain (Oishi, 2005: 181; Go, 2005: 188). The absence of any formal agreement with receiving countries during this period again reflects Bangladesh's weakness as a sending country which was desperate about sending as many workers as possible, without being subject to receiving countries' antagonism.

In the absence of any successful BLA and MoU, the role of labour attachés under Bangladesh embassies in receiving countries becomes important. It is reported that companies/employers are less likely to mistreat workers from those countries whose labour attachés are prompt in responding to workers' complaints (Siddiqui & Bhuiyan, 2013: 21). Although the Ordinance did not specify the particular duties of labour attachés, technically, the Bangladeshi embassies where attachés are appointed are supposed to provide counselling, advisory and legal services to its distressed workers (Siddiqui, 2005: 90). Responsibilities also include assisting in cases of breach of contract, inspecting and monitoring work conditions, repatriating stranded migrant workers, helping against police harassment, mediating between employers and employees, providing legal assistance, cross-checking visas and promoting overseas employment (Siddiqui, 2008b: 21). However, between 1971 and 1990, Bangladesh did not have labour attachés in a majority of the receiving countries. Besides this, where there were labour attachés, the tasks and needs of these officials often exceeded their administrative capacity and resources. According to Hasan (2009: 4) and Yasmin (2010: 42), the employees of Bangladeshi embassies were ill-equipped and not well-informed to handle the complaints and the different needs of male and female workers due to workforce and resource constraints. It was a matter of concern that many of them

did not know the language of the countries of destination. According to the experts, this malpractice was due to political appointments of labour attaché staff. Appointments were made on political considerations resulting in the appointment of unsuitable candidates (Siddiqui et al., 2010: 5). The candidates were appointed from different ministries. As many of them did not have prior experience in the migration field, they often failed to carry out their work with due care and diligence (Siddiqui et al., 2010: 5). They hardly had any idea and training about the rights of migrant workers, local customs, local language, legal structure, local labour laws and international labour law (Siddiqui et al., 1999: 55; Khan & Doza, 2012). They were deployed with rudimentary knowledge as a result of which they learnt their roles on the job. In most cases, they were not provided with any special training to deal with cases of migrant workers (Siddiqui, 1998: 12). Moreover, the fact that labour migration issues during this period were under the jurisdiction of Ministry of Labour and Employment while the tasks that the embassies and attachés performed were under that of Ministry of Foreign Affairs made it more complicated.

The Political Economy of Labour Migration Policies and Their Implementation, 1971-1990

Underlying this set of policies and the way they were implemented were, as noted earlier, three factors related to the country's political economy during this period: i) the political dominance of a coalition of forces consisting of small-scale domestic traders, large rural landowners, and predatory state (especially military-bureaucratic) officials, and the emergence out of these groups of an incipient domestic bourgeoisie looking for opportunities to further primitive accumulation of capital; ii) the patriarchal nature of Bangladeshi society and the ideological salience of Islam; and iii) the limited scope for subaltern elements to participate in the policy-making process, particularly under the authoritarian regimes of Zia and Ershad. Below, I examine each of these factors and illustrate how they shaped the nature of labour migration policies and their implementation during this period.

Class, Predation and the State

In the immediate post-independence period, Bangladesh was an 'intermediate state' because its ruling political elites came neither from the top nor from the bottom echelons of the society (Islam, 1985: 187) but from intermediate class groups such as the professionals, rich and middle-income peasants (especially large landowners), and small-scale entrepreneurs i.e. the petty bourgeoisie (Bertocci, 1982: 991 & 994; Kochanek, 2000a: 531; Alam, A., 1994: 44; Blair, 1978: 70; Feldman, 2000: 226). The AL originated in 1949 and in the then central working committee of the party, 57% were lawyers, 14% small-scale businessmen, 14% landholders, 11% teachers, 3% labour leaders and 3% religious leaders (Islam, 1985: 186). There was no dramatic change in this composition in the post-independence Bangladesh. The office of the Prime Minister was occupied by Mujib who was a son of a civil court clerk (Islam, 1985: 186). Of the 23 ministers in his cabinet, 15 were lawyers, 4 former business executives, 1 a landholder, 1 a teacher, 1 a trade union leader and 1 a retired army officer (Islam, 1985: 186). The parliamentary election of 1973 where the AL won 292 out of total 300 seats in the parliament further reinforced the position of intermediate class groups. Of the 292 members, 26% were lawyers, 24% small-scale businessmen, 3% landowners, 15% rich and middle farmers, 10% teachers and 5% medical doctors (Islam, 1985: 187). The Planning Commission and the public corporations were the chief advisory and implementing bodies in the economic sector and these were also controlled by individuals from intermediate class background. Many members of the Commission were academicians drawn from university faculties. Until the fall of Mujib in 1975, there were 76 chief executives in public corporations and, among them, 44 belonged to professional groups, 25 were from government service, 3 were business executives, and 4 were retired army officers (Islam, 1985: 187). Jahan (1976: 357) demonstrates that the MPs elected in 1970 and 1973 were largely from the middle class. The majority of them belonged to rural families where agriculture was the major source of income. Professionals such as lawyers were the dominant groups (almost 30%) of the MPs in 1970 and 27% in 1973 (Jahan, 1976: 359). The family background of MPs indicates that the majority of them grew up in peasant families and were socialised in rural settings.

Commitment to socialism was one of the four core principles of the Mujib regime while the rest were nationalism, democracy and secularism. To establish socialism, he adopted several measures such as nationalisation of industries, and the imposition of ceilings on landownership and private investment, both domestic and foreign. From March 1972, Mujib nationalised all large industries and other financial institutions such as banks, insurance and shipping companies with assets over Tk. 1.5 million. 254 large industrial units, 12 local commercial banks and a few insurance companies were nationalised. As a result, the share of the state-ownership in industrial assets went up from 34% in 1970 to 92% in 1972 and the private sector's share was reduced from 66% to 8% (Islam, 1985: 189; Uddin, 2005: 158). Mujib issued another order in August 1972 imposing a ceiling of 100 bighas (33.3 acres) per family on agricultural land. Those who owned more than 100 bighas were required to submit a statement on excess lands within 90 days of the commencement of the order (Islam, 1985: 192).

Nationalisation was supplemented by the imposition of ceilings or limits on private investment. Though the nationalisation process drastically diminished the role of the private sector in large industries, many small enterprises still remained in private hands. In July 1972, the state fixed a ceiling of Tk. 2.5 million on private investment which could increase to Tk. 3.5 million through reinvestment of profits. As a result, those units which survived as private enterprises were mostly small-scale industries. The beneficiaries of this ceiling were self-employed businessmen such as traders, truck and taxi operators, small-scale industrialists, lawyers, doctors and other professionals (Islam, 1985: 197). There remained only 27 enterprises with fixed assets of about Tk. 1 million, while in rural areas, there were 330,400 small industrial enterprises with assets under Tk. 500,000. The ceiling also limited the operations of foreign private enterprises in Bangladesh. Foreign investment, within the fixed ceiling, was allowed only in collaboration with the state whose share in capital would be at least 51%. 'Foreign private enterprise could collaborate with domestic private enterprise only in licenses and patents, but without equity participation' (Islam, 1985: 190).

The low ceiling on private investment and landholdings allowed limited opportunity to the upper bourgeoisie and landlords to expand their influence in the polity and economy of Bangladesh (Islam, 1985: 195). Nevertheless, by early 1974, many members of the AL felt that the ceiling was too low and they demanded an upward revision of the ceiling allowing a larger role for private investment. This was brought to the cabinet

where the minister for industries, Syed Nazrul Islam, argued in favour of raising the ceiling. First, he argued that equipment prices had gone up, with the result that equipment worth Tk. 2.5 million in 1972-1973 cost much more in 1974; the ceiling had thus, in effect, been lowered (Islam, 1985: 191). Second, he illustrated that the owners of large industries were experienced entrepreneurs who should be utilised for the development of the national economy. Third, he highlighted that many investors were concealing the actual amount of investment in order to get permission for private investment (Islam, 1985: 191). He therefore suggested the removal of the ceiling altogether. However, the Finance Minister, Tajuddin Ahmed and a few others objected to his proposal. After extended debate, the cabinet raised the ceiling from Tk. 2.5 million to Tk. 30 million in July 1974 (Islam, 1985: 191). Additionally, foreign private investors were now allowed to collaborate with local private entrepreneurs. Their involvement was allowed particularly where the required technical knowledge was not locally available (Islam, 1985: 191).

The huge number of state-owned enterprises, overloaded with an excess of not-so-qualified officers, soon led to mismanagement and corruption, and became too much of a burden for the Mujib regime (Islam, 1985: 201). Their inefficiency directly impacted the allocation and quality of public investment, resulting in increasing budget deficits (Uddin, 2005: 159). Poor management of the public sector leading to massive and persistent losses and low productivity, and a devastating flood and famine in 1974 intensified dependence on foreign aid. The amount of foreign aid to Bangladesh increased from $456.3 million in 1973-1974 to $902.4 million in 1974-1975 (Islam, 1985: 196). As a result, from 1974, pressure for liberalizing the economy was extremely intense. The World Bank began to push Mujib to undertake a denationalization and privatization program. Additionally, there was pressure from emerging Bengali entrepreneurs, and high level bureaucrats, for an immediate improvement in the business environment (Quadir, 2000: 200) and, as we have seen, a relaxation of restrictions on the role of the private sector.

During the Mujib regime, party loyalists were rewarded with positions running the nationalised industries despite the fact that they often had no knowledge of or experience in these industries. Some were issued import licenses that opened up opportunities for personal profit through legal and illegal trade (Lewis, 2011: 78). As a result, those individuals who were earlier petty bourgeois made some quick profits and

acquired substantial capital through primitive accumulation as a result of state patronage and their role in nationalised industries (Islam, 1985: 201; Maniruzzaman, 1992: 218; Alam, A., 1994: 44 & 48). In the period 1972-1976, an amount of at least Tk. 10,000 million was concentrated in the hands of a limited few in a country whose average GDP was Tk. 55,000 million (Alam, A., 1994: 44). As a result, this group of people established a stronghold in the economy and exerted pressure on the state to expand the scope for private capital. Therefore, the pressure of donors for a shift to a market-oriented reform had some domestic support.

The assassination of Mujib in August 1975 provided an opportunity for the International Monetary Fund (IMF) and the World Bank to promote their market reform agenda (Quadir, 2000: 200). The severe economic crisis that Zia inherited from the Mujib regime deepened the country's reliance on foreign aid and the government's susceptibility to donor pressure (Uddin, 2005: 159). Continued US aid to Bangladesh was conditional upon the country's abiding by the IMF's policy prescriptions including privatisation and a reduction in the size of the state (Khan, 2000: 113). The IMF established a liaison office on the fourth floor of the central bank in Bangladesh and World Bank advisors were present in most of the ministries. A monthly working meeting held under the auspices of the World Bank Dhaka office enabled the donors to 'coordinate' efficiently key elements of government economic policy (Chossudovsky, 1997: 138).

To satisfy the conditions set out in the IMF and World Bank structural adjustment programs and also to legitimise his regime, Zia quickly moved away from the state-led approach pursued by Mujib and took firm initiatives to build a market-friendly economic structure. This shift was clearly manifest in the Revised Investment Policy of December 1975 (RIP 1975) which focused on the construction of a strong private sector (Quadir, 2000: 199). He undertook measures to reduce the budget deficit, reform the public sector, liberalize trade, and withdraw subsidies on items such as food, fertilizer and petroleum (Quadir, 2000: 200). Additionally, the *taka* (currency of Bangladesh) was devalued in order to provide a competitive exchange rate policy (Quadir, 2000: 200). Zia raised the ceiling on private investment from Tk. 30 million to Tk. 100 million, and announced that the state would never nationalize private enterprises (Haider, 1999: 74; Quadir, 2000: 199). The RIP 1975 provided new opportunities to foreign investors and facilitated the formation of the country's first Export Processing

Zone (EPZ) (Quadir, 2000: 199). The result was the burst of private sector investment, the gradual emergence of a new class of entrepreneurs and shrinkage of the public sector (Kochanek, 2000b: 152). However, the entire process of transferring state-owned enterprises to the private sector lacked transparency (Quadir, 2000: 201 & 202).

As he began to legitimize his military regime, Zia sought to expand his coalition by incorporating businessmen and industrialists. His attempt to make businessmen his ally became more evident in the parliamentary elections of 1979. Although no single group was dominant in 1979, businessmen were the largest group in the parliament (over 25%) (Quadir, 2000: 201; Alam, A., 1993: 313). He appointed four businessmen as cabinet ministers (Quadir, 2000: 201). Zia's desire to accommodate businessmen in his regime was also reflected in the composition of the BNP Executive Committee in 1981. Businessmen constituted 33.5% of this committee, establishing their dominance in the party's decision-making process (Quadir, 2000: 201; Islam, 1984: 564).

In exchange for appointments to key positions, the businessmen offered financial and political support to Zia's regime (Quadir, 2000: 201). In the parliamentary elections of 1979, BNP received huge funds from business groups for meeting massive election expenses where it registered a landslide victory, although the election was alleged to be not free and fair (Quadir, 2000: 201). In return, he offered legal and illegal, formal and informal, and economic and political concessions to business and industrialist groups, allowing them to use public resources for private goals. Concessions included a variety of practices such as discouraging relevant financial institutions—including the Bangladesh Bank from effectively designing and implementing tighter credit policy, overlooking large-scale tax evasions and non-enforcement of legal provisions (Quadir, 2000: 201).

Table 5.1 Occupational Background of MPs, 1979

Occupation	Numbers	Percentage
Legal	78	23.8
Agriculture	44	13.4
Business	84	25.6
Industrialists	7	2.1
Doctors	13	3.9

Teachers	20	6.1
Engineers	5	1.5
Journalists	4	1.2
Landlords	4	1.2
Trade unionists	6	1.8
Others (including civil military bureaucrats)	40	12.2
Housewives	19	5.8

Source: Alam, A. (1993: 314)

An even more dramatic shift in market-oriented economic reforms came during the Ershad regime. Dependence on aid continued to rise particularly because a series of natural disasters devastated the country in the mid to late 1980s. There were severe floods in 1984 causing widespread damage and loss of life. In May 1985, a cyclone killed eleven thousand people, leaving one-third of a million without shelter. In 1988, the worst monsoon floods for forty years caused the loss of three thousand lives and massive damage to crops and infrastructure, wiping out 10% of Bangladesh's agricultural production (Lewis, 2011: 89). Aid disbursements as a percentage of GDP rose from 10% in 1972/73 to 11.8% in 1977/78 and almost 14% in 1981/82 (Kabeer, 1988: 99; Haider, 1999: 75). As donors continued making loan facilities conditional upon privatisation, Ershad was left with little choice but to respond accordingly (Uddin, 2005: 159). He realised that the donor community was unhappy with the hitherto slow pace of reforms. For instance, the IMF suspended its Extended Fund Facility (EFF) program because of the failure of the country to conform to all the adjustment-related conditions (Quadir, 2000: 203). However, Ershad's quick decision to pursue greater liberalization programs and to comply with the IMF conditions restored the donors' funds.

Soon after his seizure of power, Ershad introduced his reform package, the 'New Industrial Policy of 1982' (NIP) which made a 'conclusive break' with the nationalism initiated by Mujib (Lewis, 2011: 85). Drawing upon Zia's strategy, the NIP aimed to accelerate the process of privatization and improve the policy framework in order to institutionalize the role of the private sector in development (Quadir, 2000: 202). In order to speed up the process of economic and financial liberalization, Ershad

announced his second reform package in 1986, which was known as the Revised Industrial Policy of 1986 (RIP 1986) (Quadir, 2000: 203). Notably, the RIP 1986 made provisions for inviting private management companies to run public enterprises (Quadir, 2000: 203). Within a year of the announcement of the NIP, the Ershad regime transferred the ownership of 60 large jute and textile industries to private investors (Quadir, 2000: 203). Public sector control of industrial assets declined from 92% in 1972 to 40% by 1988 (Kochanek, 2000b: 152). In brief, compared to Zia's approach, Ershad adopted a more defined and aggressive path to market-orientation.

As he moved to the phase of legitimization/civilianization, Ershad expanded his coalition by including a significant number of businessmen and industrialists in his Jatiya Party (Quadir, 2000: 204). In his 1988 cabinet, for example, he appointed six businessmen as ministers. It is estimated that around 40% of the members of the Jatiya Party elected to parliament in 1986 were big businessmen (Quadir, 2000: 205). Realizing that he would probably never be able to draw support from key civil society actors, Ershad strengthened his ties with the business community. Thus, he opened the 'floodgate' to political donations from this community (Quadir, 2000: 204). In exchange for their support, Ershad allowed the business elites to further accumulate wealth through the misappropriation of public resources. As in Zia's time, there was no standard basis for valuation of public enterprises or to make the deals of transferring the nationalised enterprises to private sectors transparent (Quadir, 2000: 204).

In addition to occupying key positions in politics, businessmen in Bangladesh have tended to be influential in the country's political economy through directing money to individual rent-seekers within the various state and political sectors (Blair, 2000: 193 & 194). During the military regimes of Zia and Ershad, bribery and corruption were facilitated through the appointment of military personnel in numerous civil bureaucracy positions. Both the bureaucrats and the MPs were the supporters of the same political party, and thereby, the process of rent-seeking of state officials was unchallenged. During Zia's regime, 30% of the posts of secretaries in the ministries, 70% of the office of police superintendents and almost 50% of the directorships of public corporation were occupied by military personnel (Huque & Rahman, 2003: 409). His regime was dominated by military leaders who were not accountable for their decisions and actions, and power was concentrated in the office of the President (Huque, 2011: 63). In 1981, senior civil bureaucrats and high level military officers dominated his "civilian"

cabinet; of 24 members, civil–military bureaucrats occupied a total of 17 positions (Quadir, 2000: 200). The five-member National Economic Council (NEC) Executive Committee (the highest policy-making body) was consisted of civil-military bureaucrats, as was the eight-member Planning Commission, which was entrusted with the responsibility of implementing the programs of the NEC (Islam, 1984: 561; Zafarullah, 1987: 469).

Similarly, during Ershad's regime, a number of civilian posts were taken over by the military. Among 22 large state corporations, 14 were headed by serving or retired members of the armed forces. Of 48 heads of missions abroad, one-third were drawn from the defence forces (Maniruzzaman, 1992: 204). Ershad also drew on people who had served in high posts under Zia. For example, two successive heads of military intelligence under Zia were brought into the new cabinet, Air Vice Marshal A. M. Islam as Minister of Labour and Employment and Major-General Mohabbat Jan Chowdhury as Minister of Home Affairs (Baxter & Rahman, 1991: 47). During Ershad's tenure in office, army officials dominated all the key policymaking and implementing institutions (Huque & Rahman, 2003: 410). He allotted a quota of 10% of diplomatic posts to military personnel and this was in addition to those who had already been appointed in the civil or foreign services. He retained a 10% quota of highest civil post of secretaries for the army officers (Huque & Rahman, 2003: 410). In crucial Ministerial Council Committees such as that on the promotion and posting of civil servants, senior military officials used to participate in decision-making. At least three high-ranking army officers would regularly be present at cabinet meetings (Huque & Rahman, 2003: 410).

In this context, the emerging domestic capitalist class and predatory state officials exercised the dominant influence over the country's labour migration policies and their implementation. The shift from state-regulated labour migration to a privatised system did not occur in isolation. Rather, it was a part of the broader shift to a market-oriented economy that Bangladesh started witnessing from the Zia regime in mid-1970s and which reflected the neo-liberal interests of the newly emerging capitalist class.

One illustration of the role of the emerging domestic capitalist class in shaping labour migration policies and their implementation is the activities of Moosa Bin Shamsher, now widely believed to be the wealthiest person in Bangladesh. He is commonly known as the pioneer of Bangladesh's labour export industry and was one of the founders of

BAIRA. His labour export company, DATCO, was established in 1974. He is reported to have established a good relationship with Mujib in the early 1970s (*The New Nation,* 2009*)*. Later he became closely related to the AL through his daughter's marriage to the son of Sheikh Fazul Karim Selim, a nephew of Mujib. Although there is much speculation about the principal sources of his wealth[29] (*Hindustan Times,* 2016), it is evident that he became successful in making a considerable amount of money through labour exports during Mujib regime (*The New Nation,* 2009). He is reported to have developed a good relationship with the Saudi Royal family in 1970s enabling him to promote the labour migration of Bangladeshi workers to Saudi Arabia (*The New Nation,* 2009).

The rent-seeking tendency of the predatory bureaucrats has effectively served to ensure the continuation of neo-liberal features of labour migration. Under state-regulation of the licensing system, the predatory officials have been able to seek extra income in a corrupt manner from the recruitment agents, many of which were owned by businessmen-politicians. As a result, the predatory bureaucrats' interest implied an increase in the number of recruitment agents as well as labour migrant workers. The more recruitment agents registered, the more prospect for rent-seeking. Similarly, the more labour migrant workers placed overseas, the more rents they could demand from them in the name of emigration clearances.

Patriarchy and Islam

The transition from Mujib's regime to Zia's and then Ershad's military regimes witnessed an ideological shift from secularism to constitutional recognition of Islam. As a result of this shift, the country witnessed an evolution in the approach of Bangladesh state to women's issues. In the newly independent country, Mujib's regime was primarily focused on coping with the devastations of war, famine and deteriorating law and order (Kabeer, 1988: 111). It concentrated on women's issues only in relations to the rehabilitation of those who were raped, widowed or otherwise affected by the war. Mujib declared the raped victims *birangona* (war heroines) as an attempt to disguise the sexual violence and reduce the associated social stigma of the victims (Kabeer, 1991: 44). He reserved 5% of government jobs for rape victims (Kabeer, 1991: 44).

---

[29] According to some sources, his wealth has stemmed from his involvement in arms trading (*Hindustan Times,* 2016; Sakhawat, 2014; Kallol, 2015; *The Financial Express,* 2016).

Additionally, during his regime, while the importance of women's education was acknowledged, it was considered mainly in terms of their domestic role. The First Five Year Plan (1973-1978) stated that 'The level of schooling of women determines the efficiency of household management. Educated women pay better attention to nutrition, health and childcare than the uneducated' (Kabeer, 1991: 43). Nevertheless, the equality of the sexes in all spheres was recognised in the constitution during his regime. Fifteen parliamentary seats were reserved for women.

The emergence of Zia coincided with the then global shift towards the incorporation of women's issues in the politics of foreign aid (Kabeer, 1991: 45). By that time, foreign donors began to provide additional funds for projects and research focused on women's issues. Zia adopted the cause of Women in Development (WID) with great public zeal (Kabeer, 1991: 45) and established offices responsible for WID in support of the declaration of 1975 as the International Year of Women and 1976-1985 as the UN decade of Women (Halder, 2004: 53). The additional funding available for women's projects provided him new channels of patronage to offer and earn additional public support (Kabeer, 1991: 45). Under his regime, a fully-fledged Ministry of Women's Affairs was set up in 1978 for formulating policies and programmes for women, the number of parliamentary seats reserved for women was doubled to thirty, and 10% of public sector jobs were reserved for women (Kabeer, 1991: 45; 1988: 112; Haider, 1999: 74). The Second Five Year Plan (1980-1985) initiated during his regime was the first to explicitly consider strategies for incorporating women into broader development processes.

Imitating Zia, Ershad also continued the commitment to WID policy. Family courts were established during his regime to deal with cases related to parental and conjugal rights. Crimes against women such as abduction, trafficking, rape, acid-throwing and murder associated with dowry were made subject to capital punishment (Kabeer, 1991: 45).

According to Kabeer (1991), although several women's rights-based measures were undertaken during Zia's and Ershad's regimes to appease the donors, their significance was undermined due to the essential contradiction between the rights-based measures and the principles of Islamisation which both Zia and Ershad promoted. They both accommodated the conflicting demands of the Saudis and Americans (Kabeer, 1988:

115). As a result, in reality, women benefited little from the rights-based measures. For example, they did not benefit from the Middle Eastern funds invested in *madrassa* since they were generally excluded from these institutions (Kabeer, 1991: 52). In contrast to goals of women's emancipation and economic participation, Islamisation sought to confine women to a domestic role and restrict their public mobility (Kabeer, 1991: 52). Kabeer (1991: 52) has argued that Zia's and Ershad's strategy of Islamisation while taking advantage of different aid packages and the adoption of progressive gender ideologies was a 'blatant balancing act' that ignored the latter's inherent contradictions with the process of Islamisation. According to her, initiatives for women's welfare helped the military regimes to gain civilian legitimacy (Kabeer, 1988: 144). For example, by showing concern for women's welfare, Zia was able to mobilise an important constituency for himself and for BNP in the national election in 1979. It enabled him to achieve international credibility especially among Western countries 'as a modern and progressive leader and a champion of women's rights' (Kabeer, 1988: 114).

In summary, Bangladesh's approach towards women's issues evolved through a stage where policies related to women were given a narrow focus—that is, a focus on war-effects during the short-lived Mujib regime—to a stage during Zia and Ershad regimes where a considerable number of wider focused progressive measures for women were undertaken but their implementation was intrinsically undermined by the principles of Islamisation. The implementation of those rights-based measures was weak mostly because the adoption of those measures was the means to earning political support and legitimacy, and securing aid (Kabeer, 1991: 55). According to Kabeer (1991: 44), AL's commitment to secularism offered a more favourable context for the pursuit of women's right by allowing 'immutable models' for women's behaviour to emerge than under Islamisation where legitimacy derived from religious texts that underpin gender inequality.

The rationale behind the initiation of Islamisation during Zia's regime was that he needed an ideology to counter the official secularism of AL to boost his standing in the national and international arena. Having come to power by military means, he was faced with the problem of generating a political base for himself. Islam offered a powerful alternative for him to win over right-wing Islamic elements who had been discredited in Mujib's regime due to their pro-Pakistan activities in 1971, but who had

started mobilising again since Mujib was assassinated (Kabeer, 1991: 48). Both Zia and Ershad played the 'religious card' in the quest of legitimacy (Kabeer, 1991: 48). Jamaat-i-Islami, the main Islamic fundamentalist party, was banned during Mujib's regime due to a restriction on religion-based political parties. However, by the time Zia came to power, initially through clandestine activities and later through open recruitment, Jamaat-i-Islami began enjoying a major increase in its membership (Kabeer, 1991: 50). Therefore, Kabeer (1991: 49) suggests that Islamisation was also an attempt to create and capitalise on the forces which would facilitate the process of controlling the secular groups in Bangladesh.

Additionally, Zia came to power amidst economic distress caused by, among other things, the impact of natural disasters such as floods and famine in 1974 (Alam, A., 1993: 312). Because of mounting financial difficulties, Bangladesh had to seek aid from the oil-rich Arab countries (Rahim, 2001: 247; Khan, 2011a: 57). Although his regime received funds from the IMF and the World Bank, the West was not the only fund-provider for Bangladesh and, by then, Saudi Arabia had entered the ranks of major aid donors (Kabeer, 1991: 50). In the mid-1970s, in the aftermath of their defeat in the Yom Kippur war, Middle Eastern countries opposed to the US alliance with Israel not only raised the price of oil but also intensified their promotion of Islamic missionary work in developing Muslim nations, including Bangladesh (Griffiths & Hasan, 2015: 234; Ahamed & Nazneen, 1990: 806). As a precondition, the Middle Eastern countries placed enormous pressure on Zia to formally recognise the role of Islam in public affairs (Rahim, 2001: 247). Hence, Islamization, on one hand, provided Zia a powerful ideology to counter the official secularism of the AL which he replaced and, on the other hand, it allowed him to receive enormous funds from the Middle East.

His understanding of Islam as a powerful political ideology and the newly acquired economic power of the Muslim Arab countries led Zia to adjust his position to meet conservative demands at home and abroad. The concept of secularism in Bangladesh's original Constitution was replaced in 1977 with 'absolute trust and faith in Allah' (Griffiths & Hasan, 2015: 234; Ahamed & Nazneen, 1990: 796; Kabeer, 1991: 48; Feldman, 2001: 217; Naher, 2010: 317). The declaration of 'Bismillah-ar-Rahman-ar Rahim (In the name of Allah, the Beneficent, the Merciful) was inserted at the beginning of the Constitution. Article 12, which contained the mechanisms for implementation of the principle of secularism, was totally deleted and a new clause

(Article 25) was added declaring the intentions of Bangladesh for 'stabilising, preserving and strengthening fraternal ties with the Muslim states on the basis of Islamic solidarity' (Ahamed & Nazneen, 1990: 796). The principles of socialism were replaced by the vague assertion of 'economic and social justice' (Alam, S., 1993: 100). Apart from these constitutional changes, Zia undertook numerous other symbolic measures to project himself as an Islamic leader such as hanging posters in government offices with quotations from the Quran, displays of Quranic verses and the Prophet's advice in public places, and issuance of messages by the head of state and government on religious occasions. Attempts were made to project Islamic principles through radio and television by the compulsory telecast of *azan* (prayer) five times a day (Ahamed & Nazneen, 1990: 796). To secure support from the Saudi government, Zia encouraged Islamic banks and mosques and madrassas (Feldman, 2001: 217). He also acceded to conservative demands to transfer traffic police women in Bangladesh to indoor jobs because Arab countries objected to their visibility (Khan, 1985: 849; Kabeer, 1988: 115). As an outcome of Zia's 10% quota of jobs for women, many women joined the metropolitan police for the first time in the country's history. The nature of this job was essentially different from traditionally accepted forms of women's employment including the uniform (trousers and shirt) instead of the traditional attire of sari (Kabeer, 1988: 115). Along with these amendments, Zia also established the Ministry of Religious Affairs, set-up a state-run Islamic university, and made Islamic studies a mandatory topic for Muslim children at school (Naher, 2010: 317; Griffiths & Hasan, 2015: 234). All these constitutional and non-constitutional commitments assured Bangladesh a large amount of economic aid from oil-rich Muslim countries, particularly from Saudi Arabia. While only US$ 78.9 million was given to Bangladesh as aid by these states during 1971-75, the amount rose to US$ 474.7 million during 1976-81 (Kabir, 1990: 125).

Most importantly, to create an aura of political legitimacy and to win the approval of Middle Eastern Islamic countries, Zia collaborated with Islam-oriented parties in the late 1970s by withdrawing the ban on them imposed by the AL (Kabir, 1990: 125; Feldman, 2001: 217). This helped him to appease local Islamic groups in the country and also to gain legitimacy as a Muslim leader among Muslim countries (Griffiths & Hasan, 2015: 235). Taking advantage of this shift in government policy, Jamaat-i-Islami began serious political efforts to widen their popular base and reassert their role in

national politics (Kabir, 1990: 125). During his regime, the Jamaat-i-Islami reportedly began receiving significant financial benefit by controlling several Saudi-sponsored organisations in Bangladesh such as the Ibn Sina Trust, Rabitat-i-Alam Islami and similar other philanthropic and financial institutions (Rahim, 2001: 249). Because of the Islamic image of the leading aid-giving countries, the religious parties and groups in Bangladesh received a tremendous boost in their morale. Shah Azizur Rahman, one of the prominent former Muslim League[30] leaders, became Prime Minister during Zia's regime (Ahamed & Nazneen, 1990: 807). A large component of Zia's BNP was recruited from the former Muslim League (Ahamed & Nazneen, 1990: 807). This was yet another attempt to broaden his power base as well as to maintain good relations with Muslim West Asia (Ahamed & Nazneen, 1990: 807). Thus, the political interests of the Zia regime, combined with internal socio-economic pressures and external influences from its newly found Arab friends, encouraged the rapid growth of religion-oriented politics in the country and initiated the salience of Islam in Bangladesh (Kabir, 1990: 128). In 1988, Ershad raised the stakes further by amending the Constitution and making Islam the official state religion. At this point, the secularism that underpinned the emergence of Bangladesh 'had been completely sidelined' (Devine & White, 2013: 130).

Having discussed the above Islam-oriented arrangements during Zia regime, it appears that the first ban on female migration in 1981 was a policy negotiation to balance the antagonism of newly re-emerging local Islamic groups such as Jamaat-i-Islami against women's increased mobility with the growing demand for female migrant labour in Middle Eastern countries. On one hand, the fear was that indifference about not restricting female mobility may strengthen radical anti-government Islamic forces within Bangladesh which opposed the emancipation of women (Oishi, 2005: 98 & 100). On the other hand, by not effectively implementing the ban, Bangladesh informally kept the gates open for female migrant workers. It is evident that, in many cases, those women who successfully crossed the border, were not even aware of the ban (Oishi, 2005: 175). Nevertheless, the placement of the ban did serve to placate the interests of the local religious conservatives.

---

[30] The Muslim League was originally formed as "All India Muslim League" in early twentieth century in the unpartitioned British Indian Empire with the purpose of protecting the rights of Muslims.

Initially, it was not known what prompted the government to impose the ban in 1981. Later, it was reported that in 1980, the then Bangladeshi association of migrant workers of Kuwait delivered a Memorandum to a visiting Minister of the Bangladesh Government. In that Memorandum, among other things, the association strongly demanded that the government impose a ban on migration of women for employment (MFA, 2011: 31). They deemed that the ban was essential to save women from being abused in destination countries and also from losing their dignity by taking the role of breadwinner which is expected to be a male's role. It was further reported that, on the basis of their demand, the Minister convinced the cabinet in Bangladesh to impose this ban on the migration of unskilled and semi-skilled women (Siddiqui, 2009: 17). The ban was justified on the grounds that it would protect the honour and dignity of women as per Islam.

Given the women's unawareness about the existence of the ban, the rationale for the ban is highly questionable. Nevertheless, Oishi (2005: 103) suggests that every policy has multiple dimensions and it is possible that the ban on female migration served other purposes of the state. For instance, it provided a way for the Bangladesh state to create a positive image in Middle Eastern countries. Second, the poor implementation of the ban served capitalistic interests by maximising the size of the labour export market. Third, poor implementation of the ban also served the rent-seeking agenda of predatory BMET officials as they could sell off the required clearances to female migrant workers. Finally, the ban helped the Bangladesh state avoid public criticism for not extending migrant women enough protection. If the media had reported any cases of abuse of Bangladeshi migrant women abroad, the government could conveniently argue that the women themselves were responsible because they had violated the rules (Oishi, 2005: 98). As a result, politicians and state officials would not be blamed and would not be exposed to any political risks. Therefore, the state assumed the role of "protector of women" and projected such an image to the public. Even if the ban were to increase irregular migration and render women more vulnerable, banning female migration was still considered worthwhile because the ban helped articulate the values that the state considered desirable for the society (Oishi, 2005: 98). In other words, even though the decision did not function as expected, it existed in order to represent and reflect the state's views on what the situation should be (Oishi, 2005: 103). If labour migration policy was driven purely by economics, one would have expected Bangladesh to

massively promote female migration in order to generate more remittances. Because this was not the case, it appears that emigration policies for Bangladeshi women have not been always a simple outcome of economic calculations as it has been for male migrant workers. Rather, restrictive emigration policies for women and their poor implementation have been an attempt to develop a delicate balance between the social and religious values that relate to women, capitalists' and predatory officials' interests, and the necessity of establishing Zia's political legitimacy by demonstrating the practice of Islamic principles in Bangladesh.

The relaxation of the ban in 1988 during Ershad's regime reflected a decline in the influence of the conservatives due to the economic recession in oil-producing Arab countries in mid-1980s. The growth of Asian labour migration to the Middle East continued well into the 1980s until the collapse of oil prices in 1985 prompted cutbacks in infrastructure investments throughout the region (Abella, 1995: 420). In Saudi Arabia, oil revenue declined from a peak of US$ 120 billion in 1981 to an annual level of $25 billion in the second half of the 1980s (all amounts are estimated in 1991) (Feiler, 1991: 134). Between the beginning of 1986 and April of that year, oil prices plummeted from $30 to $10 and even less per barrel (Feiler, 1991: 148). When oil revenue declined in the second half of 1980s, economic growth became dismal (Mehdi, 2004: 16). Saudi Arabia drastically decreased its public spending particularly on new infrastructure projects. Although these countries could forgo the construction of new buildings, however, the buildings that had been started had to be completed and the completed buildings had to be maintained (Feiler, 1991: 148). Consequently, as the economic recession deepened, private employers chose to reduce wages rather than sending employees home (Feiler, 1991: 139; Castles, 1987: 6; Mehdi, 2004: 16). In Saudi Arabia, for instance, the average level of wages of expatriates fell by about 30% between 1985 and 1986 and remittances declined by around $400 million during the same interval. In Jordan, a worker who earned 120 Jordanian Dinars (JD) in 1985 got only 60 JD in April 1986. Between 1983 and 1986, the annual volume of contract labour migration to the Middle East from Asia dropped by almost a third, from 986,800 to 683,500 workers (Abella, 1995: 420). Nevertheless, the fall would have been more severe if not for growth in employment in the service sector (from hotels to personal services) which absorbed ever increasing numbers of workers, particularly women from Sri Lanka, Bangladesh, Indonesia and Philippines (Abella, 1995: 420). Therefore, it

appears that the dramatic drop in male workers' wages due to a drop in oil prices, combined with the emergence of demand in service-oriented jobs for women, created the environment for Bangladesh government to relax the ban on female migrant workers in 1988.

Subaltern Forces

The inception of NGOs in Bangladesh can be traced to the aftermath of the liberation war in 1971 which was closely followed by devastating floods and famine. In the aftermath of the war, the government had to undertake the 'formidable task of resettling at least ten million people' with the physical infrastructure of the country in disrepair (Karim, 2001: 98). The Pakistani army had blown up bridges, highways, and rail tracks, disconnecting various parts of the country. Some development NGOs began charitable tasks in rebuilding some of those infrastructures. Its ethos came from a missionary sense, combined with patriotism (Karim, 2001: 98). Although there were some international NGOs in Bangladesh at the start of the humanitarian crisis of 1970-1971 (Haque, 2002: 413), relatively few indigenous NGOs were established immediately after independence when there was a great expectation that the government would take care of the people (Lewis, 2004: 307), especially given the then government's emphasis on socialism.

A number of NGOs were established during this period such as Bangladesh Rural Advancement Committee (BRAC), the largest NGO in Bangladesh in 1972. A few more NGOs were established during the military regimes, for example, the Grameen Bank in 1976, the Association for Social Advancement (ASA) in 1979 and Proshika Manobik Unnayan Kendra (Proshika) in 1976. Additionally, the increased funds during the earlier-discussed UN Women's Decade (1975-1985), allowed a greater prospect for NGOs to proliferate particularly the ones with direct focus on women (Naher, 2010: 318). However, the contraction of political space brought about by the military regimes, compelled a number of these organisations to move away from their radical approach of mobilising the poor to fight for their rights and create an equitable and just society, to a service delivery role, with an emphasis on group-based microfinance services (Kabeer, 2011: 328). For example, in 1972, BRAC started combining social mobilization with

community development activities, but slowly moved into the delivery of group-based microfinance to poor women (Kabeer, 2011: 329).

For most of the 1980s, the activities of NGOs were met with scepticism and considered to be accountable only to the foreign donors (Lewis, 2004: 310). Tension between the state and the NGOs was most clearly evident in the government's initiatives to tighten control on NGO activities, and especially their access to foreign funding (White, 1999: 312). Zia introduced the Foreign Donations Regulation Ordinance in 1978 which enabled the government to control the flow of funds from foreign donors to NGOs (Haque, 2002: 418). This Ordinance demanded that in order to get registered, each NGO must acquire government approval of projects beforehand (Haque, 2002: 418). In brief, structurally, the state's suspicion of the NGOs was expressed in a highly complex and inaccessible bureaucratic procedure, and less formally, the tension was expressed in the government officials' rent-seeking tendency. Some of them demanded extra payments if the NGOs wanted their applications to be processed. In August 1989, among the 162 projects submitted to the government over the previous two years, only 44 were approved (White, 1999: 312).

During the military regimes, Bangladesh witnessed the declaration of martial law, suspension of the Constitution and disbandment of political parties (Haque, 2002: 413). Under this circumstance, the growth of NGOs was limited. Nevertheless, it can be safely stated that compared to Mujib regime, the number and role of NGOs increased slowly during Zia's regime and expanded during Ershad's regime (Haque, 2002: 417; Karim, 2001: 98). This is evident in the growing recognition of NGOs in the two national development plans, including the Second Five Year Plan (1980-85) and the Third Five Year Plan (1985-90) (Haque, 2002: 417). 'The NGOs have had a particularly high profile since the disastrous floods of 1988, when they were at the forefront of relief and rehabilitation' (White, 1999: 310). By establishing a good working relationship with the NGO sector, Ershad attempted to legitimize his rule as a benevolent dictator. He considered the NGOs as a countervailing force to his major opponents, BNP and AL (Karim, 2001: 98). By doing so, he also satisfied the demands of donors by allowing the NGOs to carry on relief and rehabilitation efforts (Karim, 2001: 98).

The controlled presence of NGOs during 1971-1990 contributed to a closed and non-transparent policy-making process. During Mujib's regime, policies were formulated according to his dictations and often did not adhere to the advice of his cabinet members, let alone the bureaucrats and civil society (Zafarullah, 1987: 462). Similarly, although Zia formed the BNP to serve as his political base, the major decisions were made by Zia himself (Islam, 1984: 564). Even though the MPs were directly elected, the parliament was not a sovereign body, rather it was subordinate to the President Zia as he could dissolve the parliament at his will (Haider, 1999: 72). Unsurprisingly, all major and even minor decisions were subject to intervention by Ershad (Kochanek, 1993: 63 & 69). Under his regime, the presidential secretariat was the most powerful organ of government (Kochanek, 1993: 63). In theory, the council of ministers was the highest decision-making body in Bangladesh. It was composed of the Prime Minister, one or more deputy prime ministers and all senior ministers. The Prime Minister was appointed by Ershad from among the members of parliament and like all other ministers, served at his pleasure. All minutes and decisions of the council of ministers had to be approved and signed by Ershad (Kochanek, 1993: 65).

Given the autocratic nature of the Zia and Ershad regimes, it is not surprising that policies during their regimes—including for example, key labour migration policies such as the decision to ban women's labour migration in 1981 and the 1982 Ordinance—were formulated abruptly without a multi-stakeholder consultative process. Both were formulated in an exclusionary and non-transparent manner.

Between 1971 and 1990, no group significantly advocated for better protection of migrant workers from unscrupulous recruitment agents. The small number of NGOs that existed then were engaged merely in consolidating the influence of BAIRA by supporting them regarding the relaxation of ban on female migration, although with a different purpose. Furthermore, the prospect of NGOs engaging in pro-rights advocacy during this period was undermined given the context of a war-torn newly independent country and the immense pressure for creating job opportunities. The punitive arrangements for migrant workers who breached their work contract highlight the state's fundamental necessity of sending the maximum number of workers at any cost. Indeed, the country's Second Five-Year Plan (1980-85) stated clearly that one of its major objectives was to 'substantially raise the annual manpower export' (Oishi, 2005: 75). At the same time, the absence of any penalty for employers/recruitment agents who

breached contracts with migrant workers reveals the state's dire dependence on these groups. Since the export of workers was contingent upon the satisfaction of the employers in receiving countries and the Bangladeshi recruitment agents, it could not afford to punish them for breaching contracts. In other words, the ultimate fear was that it would lose its market if it accused these groups of wrongdoing or concentrated on migrant workers' rights protection.

Conclusion

In sum, then, Bangladesh's migration policies and their implementation during 1971-1990 were broadly neo-liberal in nature, offering maximum scope for private sector involvement in the labour migration industry and affording little protection of migrant workers' rights. This chapter has argued that several factors have been responsible for this orientation. First, the evolution of domestic bourgeoisie from middle-class professional groups, rich peasants and large land-owners to a fully-fledged domestic capitalist class has served to enhance the political and social base for neo-liberal migration policies. This feature was reinforced by an alliance between this class and predatory civil-military bureaucrats. Second, the ban on female migrant workers in 1981 and its poor implementation have constituted an effort to balance the growing demand for female migrant labour at the international level and the antagonism of newly re-emerging local Islamic groups against women's emancipation. The relaxation of this ban in 1988 was linked to the dramatic drop in Bangladeshi male workers' wages due to a drop in oil prices in mid-1980s, and the emergence of demand for women migrant workers in service-oriented jobs in Middle-Eastern countries. The third factor is the insignificant growth of rights-oriented NGOs because of the military regime's direct control on their access to foreign funds and the practice of making policy in a closed and non-transparent way, both of which were due to the autocratic nature of military ruler.

Chapter 6

The Political Economy of Labour Migration Policies and Their Implementation in Bangladesh, 1990-the Present

Like the previous chapter, this chapter has two purposes. First, it provides an overview of the evolution of Bangladesh's labour migration policies and their implementation since democratisation in 1990. It argues that Bangladesh's labour migration policies have remained broadly market-oriented in nature: they have continued to support private sector domination of the labour recruitment industry and a predominantly regulatory and supervisory role for the state, and aimed to maximise the number of labour migrant workers and the flow of remittances. However, there have again been moments of direct state intervention, the most important being the brief re-introduction of limitations on female labour migration in 1997 and a government "takeover" of labour exports to Malaysia in 2012. There has also been increased attention to the protection of migrant workers' rights, particularly since the mid-2000s—indeed, this has arguably been the most significant change in the government's approach during this period. With regards to the implementation of these policies, the chapter argues that there have continued to be persistent problems in the enforcement of regulations related to fraudulent recruitment practices, the protection of migrant workers' rights, and limitations on female labour migration. As in the period between 1971 and 1990, these implementation problems have reinforced the country's broadly market-oriented approach to labour migration. In sum, then, the chapter suggests that there has been much continuity in the nature of Bangladesh's labour migration policies and their implementation over time, notwithstanding the government's stronger formal commitment to the protection of migrant workers' rights.

Second, the chapter examines the way in which political and social dynamics have contributed to these policy and implementation outcomes. In this connection, it argues that the continued market-based orientation of labour migration policy and the implementation problems mentioned above have reflected the continued political dominance of an emerging domestic capitalist class and predatory state officials during this period. These elements, it is argued, were able to maintain their political dominance despite the transition to democracy by operating through political parties and the national parliament while retaining control over the bureaucracy. At the same time,

however, democratisation opened up new opportunities for subaltern elements to organise and participate in the policy-making process, creating greater scope for the promotion of a rights-based agenda. Finally, the chapter suggests that the moments of direct state intervention reflected, in the case of the limitations on female migration, the continued ideological salience of Islam and the patriarchal nature of Bangladesh society; and, in the case of the government takeover of labour exports to Malaysia, the structural power of foreign governments in major labour export markets.

Mirroring the structure of the previous chapter, the first section of this chapter explains how Bangladesh's labour migration policies and their implementation have evolved in the post-1990 period. This is followed by the second section which analyses the above-mentioned political and social factors and the way they contributed to shaping the nature and implementation of those policies.

The Evolution of Labour Migration Policies and Their Implementation in Bangladesh, 1990 to the Present

The 1982 Ordinance remained in force for most of the period under review here. As such, labour migration policy in Bangladesh continued to be heavily informed by the principles underpinning the Ordinance including an extensive role for the private sector in labour recruitment, maximisation of the economic benefits of labour migration, and weak protection of migrant workers' rights. But as indicated above, the post-1990 period saw a series of policy changes that served to enhance protection of migrant workers' rights (at least on paper if not always in practice) as well as some policy initiatives that entailed direct state intervention in the labour migration industry. Below, I review these policy changes, the extent to which they were effectively implemented, and how they changed the overall nature of the country's approach in this sector.

The Establishment of a Wage Earners' Welfare Fund

The first significant policy change related to migration introduced by the Bangladesh government after the transition to democracy was the establishment of a Wage Earners' Welfare Fund (WEWF) in 1990. This fund, which is still in operation, is designed to assist migrant workers in difficult situations by providing assistance such as financial help to deceased workers' families. It is funded through subscriptions from migrant

workers, the interest earned from deposits made by recruitment agents, a surcharge of 10% on fees collected through Bangladesh missions abroad, and individual and institutional contributions (GoB, 1990; Siddiqui, 2009: 15; Hasan, 2009: 81). In 1990, each migrant worker was required to pay a fee of Tk. 100 (US$ 3) as a subscription fee to the welfare fund (GoB, 1990). Initially, in cases of workers' deaths at workplaces, a one-time grant of Tk. 20,000 (around US$ 550) used to be given to the family of the deceased worker (Siddiqui, 2008b: 24; Hasan, 2009: 82). Since April 2013, families of deceased workers have been provided with Tk. 300,000 (US$ 4290) (Hasan, 2014c). The creation of the fund promised to be an innovative approach to ensure the welfare of the migrant workers and their families. Before the establishment of this fund, there was no such provision of compensating the bereaved families. However, its effectiveness has been undermined in practice by poor transparency. A BAIRA representative has been included in the governing board of the fund while there has been no representative of migrant workers, although the fund was introduced solely for their welfare (Article 4) (GoB, 2002c).

Reintroduction of a Ban on Female Migration

As discussed in the previous chapter, the government replaced the 1981 ban on female migration with a restriction in 1988. In November 1997, an inter-ministerial meeting of representatives of the ministries of foreign affairs, finance, labour, home affairs and cabinet division took place. Following the meeting, the government, imposed an almost complete ban on migration of all categories of women except those who were highly qualified professionals such as doctors, engineers and teachers (Siddiqui, 2000: 89; 2001: 188). Professional women such as nurses, typists, secretarial assistants and skilled workers such as garment or factory workers were also subject to the ban. Again, the ban was justified as a protective measure to reduce abuse of female workers in the Middle East (IOM & INSTRAW, 2000: 30; Rudnick, 2009: 56). This ban was different from that of 1981 in the sense that it was inclusive of skilled women while they were excluded in 1981. As in the past, there was no restriction on men's mobility. From lowly-educated to highly-educated and low-skilled to professional, all men were allowed to migrate.

In December 1997, following a meeting of representatives of the BAIRA with the Prime Minister, a decision was taken by the Ministry of Labour and Employment to exclude professionals from this ban (Siddiqui, 2001: 60; 2000: 89). However, the restriction on low-skilled women remained in place. Therefore, in effect, this was a return to the restriction of 1988, meaning that to be able to migrate, low-skilled women migrant workers were required to obtain special permission from the government by arranging permissions from male guardians and the guarantee of safety and security from the foreign employers.

According to migration NGOs, all bans and restrictions including the one in 1997 have contributed to increased irregular migration of Bangladeshi female workers (Siddiqui, 2003b: 9; 2001: 40; 2008a: 15). However, their exact number is unknown due to the undocumented nature of irregular migration. Moreover, Siddiqui (2001: 40) suggests that because the restriction made the legal migration of women workers complicated by requiring them to have arranged special permissions, many of them simply preferred irregular migration which required no such permission.

Signing of the UN Convention

Another measure that the government of Bangladesh undertook after 1990 was to sign the aforementioned UN Convention. The Convention was adopted by the UN General Assembly on 18 December 1990 following a lengthy drafting process that took 11 years. Enforcement of rights in a more systematic and standardized way is readily available within the Convention. As mentioned in Chapter 3, while this Convention is not the only human rights treaty to protect the rights of migrant workers, it is the most comprehensive and detailed. It is the first universal codification of the rights of migrant workers and members of their families in a single instrument (APF, 2012: 11). Ratification of the Convention by countries of origin provides a strong signal that these countries are concerned about the protection of their citizens working overseas and thus constitutes an important step towards such protection. While ratification does not automatically lead to implementation of the rights mentioned in the Convention, it does demonstrate the willingness of governments to address migrant workers' problems (Archavanitkul, 1999: 17). It raises a country's moral standing when attempting to convince destination countries that the latter should abide by the standards of protection

set out in the instrument (ILO, 2010: 157). It is meant to convey the message that the government cares for its migrant workforce. In summary, ratification is supposed to provide Bangladesh with the authority to demand better treatment of its migrant workers.

In August of 1997, the government sent seven International Human Rights Documents including the Convention to the Bangladesh Law Commission for scrutiny and comment (Faruque, 2006: 51). The following year, the Law Commission stated that the government could ratify the Convention immediately with a reservation on Article 18. This article states that trial for criminal offences can only proceed in the presence of the accused while section 339B of Bangladesh's Code of Criminal Procedure permits trial of an accused in absentia when the accused has absconded. The Law Commission did not consider this a major obstacle to ratification of the Convention because it otherwise did not conflict with any provisions of the country's legal system (Faruque, 2006: 77; Siddiqui, 2001: 66). Yet, Bangladesh did not proceed immediately to full ratification of the Convention opting simply to sign it on 7th October 1998.

There are several reasons why the government did not ratify the Convention. First, the government was concerned that receiving countries would respond by refusing to accept Bangladeshi workers in turn harming the country's huge labour exports and the foreign exchange earnings they generated (Faruque, 2006: 45 & 77; Siddiqui 2007; Hoque, 2012: 12). Second, it was concerned that it would be made liable for the costs of all irregular or clandestine movements of its citizens, something it lacked the resources to cover (Faruque, 2006: 77). Third, it was unwilling to be seen as a pioneer in this area (although Sri Lanka and the Philippines had already ratified the Convention) (Iredale & Piper, 2003: 49). Fourth, it was concerned about potential criticism from the UN (Iredale & Piper, 2003: 29). Ratification may have invited pressure from developed countries with regard to labour standards in Bangladesh. The government likely feared that it would have to grant returnee migrant workers rights which were, in most cases, superior to local workers' rights and that this would be beyond its capability. Bangladeshi migrant workers are, on average, better off than national workers and therefore, often considered to be less in need of protection. Therefore, there was a presumption that the ratification and implementation of the Convention would lack public support and could potentially antagonise the national workers (Faruque, 2006: 48). Finally, the government may have feared that if it confirmed the ratification, the

local Bangladeshi workers would demand the same rights protection as provided to migrant workers in the Convention (RMMRU & *The Daily Star*, 2007: 9).

The Creation of a New Ministry for the Management of Labour Migration

In 2001, the government of Bangladesh established a new ministry for the management of labour migration. Previously, the labour migration sector had been managed by the Ministry of Labour and Employment. However, international labour migration was never the main domain of this ministry. This ministry was rather more engaged in internal labour issues such as those related to garment factories. The formation of a separate ministry for the migrant workers was a part of the BNP's 2001 election manifesto as it expected that this would increase votes (Reyes, 2013: 33). After BNP won the election, it immediately set up a new ministry named the Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE). MoEWOE was given two functions: i) creating work opportunities abroad—i.e. exploring new markets and ii) ensuring the welfare of migrant workers. The implementation of migration policies/laws was also included among its functions. Following its inception, BMET became the executive body of this new ministry.

The Introduction of the Three Basic Rules

Article 19 of the 1982 Ordinance empowered the government to devise rules for carrying out the purposes of the Ordinance but it did not issue such rules for many years. In the absence of such rules, the government established different procedures through directives, instructions, and circulars that were issued from time to time (Siddiqui, 2000: 88). In December 2002, it finally issued a set of three rules under the Ordinance: Rules for Conduct and Licensing Recruiting Agencies, Rules for the Wage Earners' Welfare Fund, and Emigration Rules.

The Recruiting Agents' Conduct and License Rules 2002 articulated for the first time the expected norms and principles to which recruitment agents were expected to adhere. For example, Article 7 (2E) of the rules states that recruitment agents have a responsibility to ensure that workers do not receive less salary and facilities than those specified in their contracts (GoB, 2002b). According to these rules, recruitment agents

must provide and read out employment contracts to their workers. They were also responsible for ensuring that workers attend the pre-departure briefing sessions organised by the BMET.

The Rules for the Wage Earners' Welfare Fund specified the members of the fund's management board, the scope and quorum of this board, and the fund's general purposes (GoB, 2002c). It specified eight objectives for the fund: a) establishment of a hostel cum briefing centre for migrant workers; b) organisation of an orientation and briefing session; c) establishment of welfare desks at the airport; d) transfer of the bodies of deceased migrant workers; e) providing assistance to sick, disabled and stranded migrant workers; f) providing financial help to the families of deceased migrant workers; g) providing legal assistance to migrant workers; and h) establishment of an information centre and arrangements for housing for the workers (Article 7) (GoB, 2002c). Subsequently, the government added two further elements to the list of the objectives. These are the establishment of hospitals and keeping reserve seats in existing hospitals for migrant workers and their families, and providing education facilities to the children of the migrant workers. The circular also stated that if needed the fund could be disbursed to schools where the children of migrant workers study. Some of these aims have been realised in practice. For example, expatriates' welfare desks have been established in the departure lounge of three airports (Chowdhury, 2007: 5; Yasmin, 2010: 35; Anonymous, 2002: 68).

Among other issues, the Emigration Rules dealt with matters related to the appointment and responsibilities of labour attaches. In the previous chapter, I noted that the appointment of labour attaches based on political relationships had resulted in them not knowing their job well. The Emigration Rules 2002, specified, for the first time, the appointment process and duties of labour attaches (Article 6 & 7) (GoB, 2002a). They explicitly mentioned that labour attaches are responsible for the welfare and protection of migrant workers' interests, for providing workers with legal aid and other services when required, and for resolving any disputes or complaints against workers, employers and recruitment agents (Article 7 & 25) (GoB, 2002a). For example, if an employer had lodged any complaint against a recruitment agent, the labour attaché was required to report this to the government of Bangladesh with necessary information and recommendations (Article 25). According to Article 26 (1) (GoB, 2002a), a worker could lodge a complaint at a Bangladesh Embassy against an employer if the latter had

violated his/her terms and conditions of employment. After receiving this complaint, the labour attaché had to attempt making the employer abide by the contract, and if unsuccessful, place the case before the local authorities. In human rights terms, these provisions continued some progress because they moved away from the 1982 Ordinance's requirement that migrant workers who breached their employment contracts be punished. However, the 2002 rules did not go as far as allowing migrant workers full permission to breach these contracts.

Another rights-protective element of the 2002 Emigration Rules was that it required the use of a database to reduce the scope for fraudulent activities in the recruitment process. As discussed in Chapter 4, the informal nature of *dalals* has made it very difficult for the government to monitor their activities. This in turn has created a situation whereby *dalals* could commit fraud and evade responsibility. Article 10 of the Emigration Rules 2002 stated that no recruitment agent can, without permission from the government, appoint any *dalal* or set-up any branch office (GoB, 2002a). Currently, BMET applies mandatory registration for those seeking overseas employment. Job seekers must register themselves either at BMET or any of its branch offices known as District Employment and Manpower Office (DEMO). Once registered, they are supplied with a registration card and unique registration identification which must be used for any service from BMET related to overseas employment (Mistry, 2008: 37). The government maintains the database containing their information. The recruitment agents apply to the government for the list of registered individuals whenever there is a demand for migrant workers. Then the agents at their own responsibility contact the potential migrant workers. Some advantages of the database system are: (a) migrant workers are saved from the harassment and exploitation of informal agents; (b) the absence of intermediaries minimises the cost of migration; (c) recruitment agents have a ready pool of workers with information to recruit from; and (d) such formal and secure arrangements help workers in accessing bank loans to finance migration cost and consequently they no longer necessarily have to sell or mortgage their assets to finance migration (Siddiqui, 2004c: 62).

The Relaxation of Restrictions on Female Migration

The three rules of 2002 were soon followed by a relaxation of the restriction on low-skilled female migration. In 2003, the government changed the restriction so that it now only applied to low-skilled female migrant workers under the age of 35 although such women could migrate if married and accompanied by their husbands (Siddiqui, 2006b: 76; 2003b: 7; Afsar, 2005: 126). Women over 35 years were required to arrange a written approval from a male guardian, preferably their husband (Reyes, 2013: 49). This change meant that there was still different treatment of men and women. Men could work overseas as soon as they reached the national minimum working age (18 years old) and did not require approval from a guardian. The requirement for an accompanying husband undermined female migrant workers' capability as independent persons and their human rights. It also failed to ensure their protection from abuse and exploitation (Afsar, 2005: 126). It was not binding on employers to employ couples together in the same household. Even if couples did work in the same household, it was difficult for husbands to seek protection of their wives against exploitative or abusive working conditions since protection of domestic workers' rights was not provided in many receiving countries. Additionally, this type of arrangement created an incentive for migrant workers to enter false marriages (Afsar, 2005: 126). All that said, however, the relaxation of the restriction did represent an advance in terms of gender equity on the previous policy because it reduced restrictions on female migration.

At the same time, the government introduced a number of ancillary policies to facilitate low-skilled female migration. For instance, in 2003, following the relaxation of the restriction, the government introduced a mandatory 30 to 60 day training program for female domestic workers (Reyes, 2013: 49). The aim of this training program was to ensure that female domestic workers were familiar with the use of different appliances such as washing machines, microwaves, carpet cleaners, irons, bathroom cleaning materials, vacuum cleaners. Use of these appliances is not very common in rural parts of Bangladesh and because the majority of migrant workers generally come from rural areas, they are unlikely to know how to operate these appliances. BMET and several Technical Training Centres (TTCs) provided training for aspirant women migrant workers in housekeeping activities. Usage of modern home appliances, culture, law and regulations, language, etiquette, manners and safety and security measures are taught in

the TTCs (ILO, 2014b: 20). On top of this, the government increased the deposit of recruitment agents who wished to send women overseas to Tk. 5,000,000 (around US$ 78,000)[31] (Siddiqui, 2009: 19; Reyes, 2013: 49 & 50). This deposit money is meant to be the security bond for female migrant workers since they are more prone to various forms of abuse than their male counterparts. If recruitment agents were found to mistreat women workers or make them experience a vulnerable situation, the government could cancel their deposit money. According to Article 14 (2) of the Ordinance, the government could utilise the forfeited security deposit to compensate the affected worker(s) (GoB, 1982). The idea of increasing the security deposit was to create a disincentive for fraudulent behaviour in recruitment.

The government further relaxed the restriction on female migration through a notification[32] issued in 2006. The age limit in the case of domestic workers was reduced from 35 to 25 years (Siddiqui, 2009: 19; Huguet, 2010: 6). At the same time, women under the required age were allowed to work as domestic aides if the employer belonged to any of the following three groups: (a) Bangladesh embassy staff (b) financially solvent Bangladeshi citizens such as doctors and engineers and (c) foreign passport holders of Bangladeshi descent. The belief was that wealthy employers of Bangladeshi origin would not be as exploitative as other employers and would not deprive these workers from receiving their due wages. Under the same notification in 2006, the restriction on unmarried women's migration was also withdrawn (Siddiqui, 2009: 19). From then on, single women were allowed to migrate abroad although the government's implicit preference remained migration of married women.

The Overseas Employment Policy

Finally, in November 2006, through the Overseas Employment Policy (hereafter, OEP), the government withdrew all kinds of restriction on female migrant workers and acknowledged them as potential primary migrant workers. In other words, as opposed to the 1982 Ordinance, this policy allowed women to migrate via legal means and, thereby, officially stopped them from being compelled to choose irregular means. Under this policy, the government committed to ensuring measures to maintain the

---

[31] Interview with Bashir, a recruitment agent in Dhaka on 2 April, 2014

[32] See footnote 25 in Chapter 5 for an explanation of notification.

existing labour market and explore new markets for all migrant workers including females (Article 4.06, 5.3.6 and Section 5.2) (GoB, 2006: 3 & 5). Women constituted less than 1% of the official annual migrant labour flow from 1991 to 2003 (Siddiqui, 2004b: 6 & 7; Rudnick, 2009: 55). Following the withdrawal of restriction through the OEP, the percentage of Bangladeshi female migrant workers increased to 5% of the total migrant labour force in 2006 (Siddiqui, 2008a: 8).

As one of its objectives, the policy stated that 'the government shall remain vigilant in ensuring and protecting the rights and privileges [of migrant workers] in the workplace as per labour laws of the host country and ensure protection of their universal human rights and social securities' (GoB, 2006: 2). The policy aimed to ensure migration opportunities for all aspirant Bangladeshis at a reasonable cost and take effective measures for abolition of irregular migration (Section 4) (GoB, 2006: 3). In fact, this policy recognised fraudulent recruitment practices as an offence against the national interest and committed to prosecute any such offender, be it government official or private agent (Article 4.09 and 5.4.9) (GoB, 2006: 3 & 6). This policy also emphasised the economic and social integration of returnee migrant workers (Article 4.15 and Section 5.7) (GoB, 2006: 3 & 7).

In contrast to the Ordinance, this policy had a separate section (Section 5.1) on the protection of migrant workers' rights. In this section, the government expressed its intention to i) sign bilateral agreements or Memorandum of Understanding with labour-receiving countries for migrant workers' welfare; ii) disseminate information about labour laws of the receiving countries among the migrant workers; iii) store the addresses of migrant workers and employers in the computer database of Bangladesh missions in receiving countries to help them provide assistance to the former when required iv) provide assistance including legal assistance to migrant workers when required, and v) articulate common demands in regards to migrant workers' rights in international fora in collaboration with other labour-sending countries. In the same section, the government also committed to ensuring that job contracts clearly mention the specific terms and conditions of employment such as required working hours, salary, over-time, leave, health services, entertainment and freedom of mobility. To create awareness among future migrant workers, the government committed to launching a campaign in print and electronic media to inform them about the process of legal migration, migration cost, usual terms of contract, and the importance of arranging

written agreements with employers (GoB, 2006: 4). None of these commitments was made in the Ordinance. The Ordinance simply stated that the government could make rules for the security, well-being and protection of migrant workers and their families (Article 19 (k) and 19 (q)), although except the 2002 rules, the government did not formulate any other rules for migrant workers' welfare.

Despite many promising elements in it, the 2006 OEP policy has been criticised for not providing any particular action plan and time frame to implement the proposed commitments. Since its formulation, successive governments have never developed any comprehensive action plan to implement it (Siddiqui, 2010: 13). There is no monitoring and evaluation process built into the policy. After the formulation of this policy, a ministerial committee was formed. The committee included representatives from the Ministry of Women's and Children's Affairs (MoWCA), the Ministry of Home Affairs, and BMET. The main responsibility of this committee was to monitor female migration (Yasmin, 2010: 32 & 33). Except for the formation of this committee, there have not been any significant advancements with regards to the exploration of new labour markets for women migrant workers (Yasmin, 2010: 39 & 40). Women migrant workers have been going to the same traditional countries for employment from 1991 undertaking the traditional type of jobs i.e. domestic work (Yasmin, 2010: 40).

The Introduction of Smart Cards

In 2010, the government began providing migrant workers with smart cards. As briefly mentioned in Chapter 3, these were aimed at ensuring accountability and transparency in the recruitment process and, in so doing, combating fraud. From the mid-2000s, some receiving countries, particularly Malaysia, had started banning Bangladeshi migrant workers because of irregularities and fraud in the recruitment process. As explained earlier, irregularities in recruitment increase the cost of migration for workers. As a result, they tend to overstay in destination countries and/or undertake illegal jobs to earn additional income, creating problems for destination countries. BMET was placed in charge of issuing the smart cards. These cards contained key information regarding each worker—i.e. his/her name, address, visa details, job details, and the name and license number of his/her recruitment agent. This meant the government could identify all the parties involved in the migration process when

needed. When this smart card is read in one of the computers at the airport, the embarkation card for the worker is automatically produced. It is estimated that the smart cards have reduced the rate of people going overseas with fake passports and fake visas (Hasan, 2013). This is particularly beneficial from the migrant worker's perspective as most of them have little education and often cannot read or write. The smart cards have thus made it harder for recruitment agents to engage in fraudulent practices such as sending an individual with a fake passport or someone else's passport and/or work permit.

Financial Support to Migrant Workers

In April 2011, soon after the launch of the smart cards, the Bangladesh government opened a new bank called *Probashi Kallayn* Bank (Expatriates' Welfare Bank). This bank provides loans to people to finance their migration with an interest rate of 9% without collateral (Siddiqui, 2010: 11), as opposed to the rates of 14–15% with collateral charged by traditional money lenders in villages and commercial banks (ILO, 2014a: 69). Traditional money lenders usually charge low interest rates for consumption purposes such as weddings but high rates for international migration because it is perceived to bring high returns (Rahman, 2004: 199). To date, the recovery rate of the Expatriates Welfare Bank is 97%. The total capital of the Bank was Tk.100 million (US$ 1,428,570), 95% of which was received from the earlier discussed Wage Earners' Welfare Fund. By December 2012, the Bank had disbursed loans to more than 1,200 people (ILO, 2014a: 69). Loans were usually disbursed within three days. One of its important objectives is to facilitate quick transfer of remittances. The bank also provides rehabilitation loans to returnees (ILO, 2014a: 69). Before the establishment of this welfare bank, there was no financial institution in Bangladesh that would provide loans to migrant workers at low interest rates.

Ratification of the UN Convention

In 2010, when Abdelhamid El Jamri, Chairperson of the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families travelled to Bangladesh, the government of Bangladesh declared its intention to ratify the Convention. Later in August 2011, Bangladesh ratified the Convention without any

reservation. In so doing, Bangladesh committed itself to the responsibilities and obligations that the Convention assigned to it as a sending country. For example, according to Article 67, in collaboration with receiving states, sending states are required to facilitate the orderly and safe return of its migrant workers and, upon arrival, their socio-economic re-integration in the origin countries (United Nations, 1990). Article 68 and 69 oblige all state parties associated with labour migration including Bangladesh to prevent and eliminate illegal and clandestine movement and placement of migrant workers. In accordance with Article 65(2), Bangladesh committed to provide consular and other services to migrant workers to meet their social, cultural and other needs. Bangladesh also committed to facilitate the repatriation of deceased migrant workers and provide compensation and assistance to the families concerned (Article 71) (United Nations, 1990).

Through the ratification of the Convention, Bangladesh also acknowledged that all migrant workers are free to leave and return to their state of origin at any time (Article 8), no migrant worker should be required to perform forced or compulsory labour (Article 11(2)) and no migrant worker should be imprisoned merely for failing to fulfil a contractual obligation (Article 20(1) (United Nations, 1990).

State Re-regulation of Labour Recruitment for Malaysia

Migration to the Middle East came to an abrupt, though temporary, halt with the outbreak of the Gulf War in 1990. Of the 450,000 Asian migrant workers who were forced to return home due to the war, at least 72,000 were Bangladeshis (Rudnick, 2009: 59). Consequently, many aspiring migrant workers and recruiters started to look for alternative work destinations. It was at about this time that migration to Malaysia became important. By the mid-1990s, it had become the single largest country of destination for Bangladeshi short-term labour migrant workers outside the Middle East (Rudnick, 2009: 59). For Malaysia, the import of foreign labour surged in the 1980s and early 1990s because of labour shortages produced by the country's successful export-driven industrialisation policies (Kibria, 2011: 116). Additionally, the cultural proximity of the two countries (both are Islamic) enhanced and strengthened the ties between them and increased the chances of Bangladeshi migrant workers being

employed in Malaysia. Reflecting these factors, the Malaysian government entered into an agreement with Bangladesh in the early 1990s to recruit 50,000 workers every year.

Its willingness to accept Bangladeshi migrant workers has subsequently fluctuated considerably, however, for a variety of reasons. In 1997, the Malaysian government placed a ban on the importation of Bangladeshi migrant workers (Kibria, 2011: 114) because of concerns that too many of them were marrying locals enabling them to stay in Malaysia after their working permits expired and causing social unrest. There had been a number of large-scale riots between Bangladeshi and local men driven by 'jealousy' over the popularity of Bangladeshi men among Malaysian women (Rudnick, 2009: 60 & 202-203; Netto, 2001). This ban may also have been motivated by concerns about the Malaysian economy in the wake of the Asian financial crisis: Asian financial crisis compelled the Malaysian government to put a temporary stop on the recruitment of all foreign workers because of rapidly declining demand for workers (Rudnick, 2009: 60). In August 2006 Malaysia lifted the ban on Bangladeshi workers imposed in 1997 only to reinstate it just two months later (Ullah, 2010: 10). On this occasion, the expressed concern was that Bangladeshi migrant workers were entering the country without following the system set by the Malaysia government (*AFP*, 2006). Malaysia set up an official recruitment agent to handle the importation of workers from Bangladesh. Under the system, Malaysian employers hiring Bangladeshi migrant workers had to pay $1200 per worker to the Malaysian agent as a processing fee of bringing them to Kuala Lumpur (*AFP*, 2006). However, the agents in Bangladesh were allegedly dealing directly with employers to help the later avoid paying these processing fees (*AFP*, 2006). Additionally, there were allegations that Bangladeshi recruitment agents were charging workers exorbitant fees (*The Daily Star*, 2006; Rudnick, 2009: 71). Given the migrant workers' urgent financial needs, the Malaysian authorities feared that they would resort to illegal activities once they migrated to Malaysia (Rudnick, 2009: 71).

Following the decision to reimpose the ban on Bangladeshi workers in 2006, Malaysian government opened and closed its labour market for these workers several times over the next few years. Each time it closed its market, the principal expressed reason was irregularities in the recruitment system such as workers with fake documents, more workers than ordered, and workers overstaying their visas. In one highly visible

incident in 2007, more than 2000 Bangladeshi workers were abandoned at Kuala Lumpur airport because their employers either did not know about their arrival or they were not employed by real employers (*BBC Monitoring South Asia*, 2007; *AFP*, 2007; Palma, 2008). Other incidents included demonstrations and hunger strikes by workers in September, 2007 who were recruited by firms that existed only on paper and had struggled to find alternative work (*BBC Monitoring South Asia*, 2007; *AFP*, 2007; Palma, 2008). Following these incidents, the Malaysian government decided in October, 2007 that Malaysian employers would not be permitted to issue further orders for Bangladeshi workers until the problems related to their recruitment and employment were resolved (*BBC Monitoring South Asia*, 2007). In mid-2008, although Malaysia opened its market for Bangladeshi workers (Palma, 2008), the rising rates of unemployment among Malaysians, brought about by the global financial crisis, intensified concerns about the presence of foreign workers, especially the large numbers of those without legal documentation. The government responded by stepping up efforts to detain and deport unauthorised foreign workers and asking employers to 'fire foreign workers before laying off Malaysian workers' (Kibria, 2011: 116). Nevertheless, Malaysian economy has consistently relied on migrant labour to a great extent particularly for the jobs which are not attractive to citizens (Kibria, 2011: 116).

In this situation, the Malaysian government introduced a specialised system of labour migration from Bangladesh in 2012 called the "government to government" (popularly known as "G to G") process, signing a MoU with the Bangladesh government on 26 November 2012 to give it effect. Initiated in response to the failure of Bangladeshi initiatives to curtail the malpractices of private recruitment agents (Islam, 2011: 18), this process has sought to exclude private recruitment agents from the recruitment process by placing it under government control. The assumption has been that workers will face lower costs under a government controlled system, reducing the likelihood that they will overstay their visa, become involved in illegal work, or leave their original employers to take up higher paid jobs elsewhere. Currently Malaysia imports workers from 16 countries but Bangladesh is the only one with which it has this customised arrangement illustrating the extent of its concern about malpractices in the recruitment of Bangladeshi migrant workers. The G to G arrangement is still in place with ongoing discussions and negotiations with private recruitment agents regarding the inclusion of their role in the process (*Prothom Alo,* 2015a: 3; 2016a: 20 & 17).

Under the G to G process, MoEWOE produces advertisements for initial online registration by potential migrant workers interested in migrating to Malaysia. BMET then directly recruits individuals from the database and sends them to Malaysia after processing all their paperwork. Because private recruitment agents have no role in this system and all travel costs are paid by the Malaysian employers through their government, Bangladeshi migrant workers can now migrate to Malaysia with as little as around Tk. 33,000 (US$ 470). Previously, they had to spend over Tk. 200,000 (US$ 2850) for the same service (Islam, 2013d; ILO, 2014c: 20) and it used to take them from 10 months to a whole year to recover the costs.

The introduction of the G to G process led to 1.45 million people registering via the internet by April 2013. The first batch of Bangladeshi migrant workers (70 individuals) left Dhaka to take up plantation jobs in Malaysia on 25 April 2013 (ILO, 2014c: 64) and by November 2013, 3,400 workers in total had taken up jobs in Malaysia. With these initial arrivals, there was a great expectation that, over the next few years, four to five hundred thousand Bangladeshi workers would migrate to Malaysia under the new arrangement. However, over the next one and a half years, only 1000 Bangladeshi workers migrated under the scheme (Siddiqui, 2014). This number represents a fraction of the number of migrant workers who had gone to work in Malaysia through private recruitment agents before the G to G system.

Migration through informal channels particularly through sea routes began to increase. Workers had long been irregularly migrating by the sea, however, the frequency has increased rapidly in recent years due to the tightening of legal channels of labour migration to Malaysia (*The Daily Star*, 2014). One of the reasons why the demands created under this G to G system is very low is because the process is too time-consuming and complicated. Most of the demand comes from the private agencies/entrepreneurs in Malaysia. Private employers in Malaysia need to place requests for migrant workers with their government first so that the latter issues demand letters for them by coordinating with Bangladesh government. This has proven to be a lengthy and convoluted process with the result that the placed demand has been far less than the real demand. By contrast, Bangladeshi private recruitment agents had direct contact with Malaysian employers and the latter were accustomed to hiring migrant workers through the former. As a result, the private recruitment agents could fulfil more

requests for migrant workers than the governments of Malaysia and Bangladesh working together with one another.

The G to G process represents a rights-protecting recruitment channel for migrant workers. This process significantly reduces the chances of workers getting exploited and being charged extra fees by the recruitment agents (*Prothom Alo*, 2015b: 10). Because it reduces the cost of migration, it does not take too long for workers to recoup this cost and start saving up. As a result, they have less incentive to overstay or get involved with illegal activities for the sake of regaining the money that they invested for migration. However, as with many other initiatives examined here, the G to G process has failed to live up to its potential in implementation because of poor administration in this case on the Malaysian side as much as in Bangladesh.

The 2013 Overseas Employment and Migration Act

One year after the G to G was introduced, Bangladesh introduced what has been by far the country's most rights-based migration policy since independence, namely the Overseas Employment and Migration Act 2013. This Act which replaced the 1982 Ordinance exhibits a concern with migrant workers' rights in several important respects:

- Unlike the Ordinance, the 2013 Act places the principle of equality at the top of its list of priorities (Article 6). It condemns all kinds of discrimination. It states that no one should be discriminated against on grounds such as gender, language, birth, colour, age, and ethnicity.

- It has provisions for the emergency return of migrant workers in destination countries experiencing a crisis and allows them to receive necessary assistance from the Bangladesh mission in the relevant foreign country (Article 29) (GoB, 2013). In this respect, it replaces Article 24 of the Ordinance which used to fine workers who breached their contracts before they expired. In fact, according to Article 29 (3) of the Act, if it is proved that a worker has had to leave his/her job for being in a situation of distress due to the negligence or illegal activity of a recruitment agent, the Bangladesh government can direct the agent concerned to bear the costs of the repatriation of that migrant worker (GoB, 2013).

- According to the 1982 Ordinance, migrant workers could not directly go to court to challenge the misconduct of a recruitment agent. By contrast, the 2013 Act provides scope for migrant workers to file cases themselves (Article 41). They are no longer required to approach an authorised government official to file a case for them. Moreover, in the past, cases could only be filed in four special labour courts. Under the 2013 Act, migrant workers can now file a case in any regular court in the country (Article 28 & 38) (GoB, 2013; Siddiqui, 2010: 12; Siddiqui & Farah, 2012: 5). In fact, the courts are required to deal with the cases filed by migrant workers within four months and if unable to do so, they have to record reasonable grounds for a two month extension (Article 38) (GoB, 2013).

- The 2013 Act introduces tough penalties for fraud in the migration sector. These tough laws are designed to make the activities of the recruitment agents transparent, ensure their accountability and protect the rights and interests of migrant workers. Punishments under the Ordinance were comparatively weak. The maximum punishment it provided was one to five years imprisonment for all types of rules violation including fraudulently inducing workers to emigrate and charging exorbitant fees (Article 20-23). At the same time, although it stated that recruitment agents could be fined for committing fraud, it did not clearly mention the amount of the fines (GoB, 1982). The 2013 Act, by contrast, specifies the fine to be Tk, 100,000 (around US$ 1200) (Article 31) for giving a fake promise of high wages and benefits. Additionally, it proposes a maximum of 10 years imprisonment and a penalty of at least Tk. 500,000 (US$ 7150) for sending a person overseas through a place other than the specified point of departure, for example via sea routes (Article 34) (GoB, 2013). The Ordinance did not mention this issue at all. The Act also proposes a seven year term of imprisonment and a fine of at least Tk. 300,000 (US$ 4300) for illegally collecting demand letters, visas or work permits from abroad and trading them at home (Article 33) (GoB, 2013). It suggests one year of imprisonment and a minimum fine of Tk. 50,000 (about US$ 600) for publishing or publicising advertisements for overseas employment without prior permission from the government (again, the Ordinance did not suggest any particular punishment for

this) (Article 9, GoB, 1982 and Article 32, GoB, 2013). In general, this Act has been an attempt on the government's part to reduce the number of victims of unscrupulous recruitment agents at home by significantly increasing the punishment provisions.

- The 2013 Act (Article 24) elaborates on the duties of the Labour Welfare Wing of Bangladesh missions mentioned in the 2002 rules. It declares that these duties include inspecting the work places of Bangladeshi migrant workers, meeting employers when necessary, and producing an annual report for the Bangladesh government along with necessary recommendations relating to the condition of Bangladeshi migrants working in the country concerned. Such details were not mentioned in the 2002 rules or the Ordinance.

- The Act (Article 25) provides the Bangladesh government with the authority to make MoUs and bilateral agreements with receiving countries to enhance workers' welfare. It stipulates that a potential principle of those agreements is protection of migrant workers' labour and human rights including their rights to access information, live in safety, and live with human dignity. No similar provisions were contained in the Ordinance.

- The 2013 Act provides for arrangements aimed at making the recruitment process worker-friendly particularly by reducing corruption and malpractice by private recruitment agents. According to the 2002 rules, recruitment agents' licenses were valid for only one year (Article 4) (GoB, 2002b: 4). While in theory this meant the government could easily shut down dodgy operators, it also served to attract recruiters who were interested only in quick profits and who would disappear after cheating migrant workers (ILO, 2010: 160). The 2013 Act (Article 11) extended the validity of recruiters' licenses to 3 years. It also sought to reduce corruption and malpractice by recruitment agents by requiring the government to classify them into different grades based on their performance (Article 16). Neither the Ordinance nor the 2002 rules had any comparable provision. Rather, the 2002 rules (Article 7 (4)) (GoB, 2002b) stated that if any recruitment agent failed to send 300 workers within five years from the date of the issuance of the license, the license of that agent would be

cancelled soon after the validity period of the license expired. In other words, the main emphasis was on the number of sent workers. By contrast, the Article 12 of 2013 Act cancels licenses if the agents are found to be involved in fraud and/or other breaches of the Act. In other words, it emphasises the positive and ethical conduct of recruitment agents instead of just the maximisation of recruitment.

The implementation of the 2013 Act has been quite poor. For instance, as of May, 2015, no case has been filed against any recruitment agent although several cases of their fraudulence have been reported (*Prothom Alo*, 2015b: 10).

Labour Attaches and Bilateral Agreements

In addition to the above discussed changes in recent policies, the number of Bangladesh labour attaches also increased in the period after 1990. According to MoEWOE officials[33], there are currently 16 Bangladesh labour attaches in 14 countries.

The previous chapter mentioned that Bangladesh did not sign any significant Bilateral Agreements or Memorandum of Understanding (MoUs) with the major receiving countries between 1971 and 1990. Since 1990, however, the government of Bangladesh has signed MoUs with several host countries including Qatar (2000), Kuwait (2000), Malaysia (2003, 2012), UAE (2007), Korea (2007), Oman (2008) and Libya (2008) (Yasmin, 2010: 33).

Summary

In sum, then, the period since 1990 has seen considerable improvement in the level of formal legal protection afforded to migrant workers' rights, with the 2006 OEP, ratification of the UN Convention and enactment of the 2013 Migration Act being particularly important in this respect. The period also saw the government eventually remove limitations on female migration after briefly imposing a total ban and then a restriction on female migration in the late 1990s and early 2000s. In the case of labour exports to Malaysia, the period witnessed a return to state control over labour recruitment following the Malaysian government's decision to customise the

---

[33] Interview with Akram Hossain and Babool from MoEWOE in Dhaka on 19 March, 2014.

recruitment process of Bangladeshi migrant workers in 2012. At the same time, though, there has been much continuity in the nature of Bangladesh's labour migration policies and their implementation during the post-1990 period. Except in the case of labour exports to Malaysia, private recruitment firms continued to dominate the labour export business. There have also continued to be widespread problems in the implementation of regulatory safeguards with regards to fraudulent recruitment, protection of migrant workers' rights, and the migration of female workers during the late 1990s and early 2000s when there were ban/restrictions on female migration.

The Political Economy of Labour Migration Policies and Their Implementation, 1990-the Present

In this section, I examine the way in which political and social dynamics have contributed to these policy and implementation outcomes. I argue that: i) the continued market-based orientation to labour migration policy and its implementation problems mentioned above have reflected the continued political dominance of an emerging domestic capitalist class and predatory state officials during this period; ii) the limitations on female migration reflected the continued ideological salience of Islam and the patriarchal nature of Bangladesh society in the early post-authoritarian period while the withdrawal of restrictions in the mid-2000s reflected the fact that Islam has declined its political influence over time; iii) the policy shift in favour of formal recognition of migrant workers' rights has reflected the new opportunities for subaltern elements to organise and participate in the policy-making process since 1990; and iv) the government's takeover of labour exports to Malaysia reflected the structural power of foreign governments in major labour export markets.

Class, Predation and the State

Although Ershad made a departure from his predecessor Zia's gradual approach to economic reform, it was not until the assumption of power by the democratically elected BNP government led by Khaleda Zia (widow of Zia) in 1991 that the country saw the implementation of a massive liberalization program. Under the leadership of Finance Minister M. Saifur Rahman, the regime announced the National Industrial Policy (NIP) in 1991 which 'emphasized the need for implementing a massive

privatization program' and the elimination of the subsidy in the jute industry which was considered a major drain on the budget (Quadir, 2000: 205). By simplifying investment procedures and eliminating government regulations, the government formally expressed its desire to assume a 'promotional' role in facilitating the development of the private sector (Quadir, 2000: 206). The NIP also sought to diversify the country's export base, encourage both local and foreign investors to set up export-oriented enterprises and, to these ends, it offered foreign investors tax exemptions on the interest on foreign loans, royalties and technical assistance fees. It also allowed them to 'freely import machinery and receive long-term credit facilities from financial institutions' (Quadir, 2000: 206). The NIP introduced a well-defined incentive system for local investors involved in export-related business activities (Quadir, 2000: 206). The government sought to promote export growth by 'announcing a relatively low tariff regime' (Quadir, 2000: 206).

As a result, the country witnessed a greater expansion of the private sector than occurred under Zia's and Ershad's regimes. For example, the garment industry emerged as an export earning sector in 1976-1977 but by 1982, Bangladesh only had 21 garment factories earning a total of $7 million. By 1999, by contrast, Bangladesh had almost 3000 garment factories employing around 1.5 million workers and accounting for 74% of the country's $5 billion income in exports (Kochanek, 2000b: 154). Similarly, when BAIRA was formed in December 1984, it started as a representative of only 23 recruitment agencies. In 1998, there were 408 private recruitment agents (Siddiqui, 1998: 9). Currently, there are more than 1200 registered recruitment agents in Bangladesh which indicates the significant growth of the labour migration industry since the 1990s. In brief, the pace of economic reforms reached a new height under the democratically elected regime of Khaleda Zia.

As during the military regimes, there continued to be a close nexus between government and business in the democratic period. Half of the BNP candidates in the election in 1991 were from the business community. This was in response to the rapidly changing nature of electoral politics in Bangladesh. From the mid-1980s, it increasingly became clear that candidates needed to spend a huge amount of money in order to ensure electoral victory. The staggering campaign costs encouraged the BNP led by Khaleda Zia to nominate 'millionaires' in the crucial parliament election of 1991 (Quadir, 2000: 207). Such an approach was not only limited to BNP. All other major

political parties that participated in the election of 1991 followed a similar policy. For instance, 32.9% of AL candidates and 33.3% of Jatiya Party candidates were from the big business sector (Quadir, 2000: 207). Similarly in 2001, 47% of the AL nominees were businessmen as the latter made substantial contributions to the party funds (Huque & Rahman, 2003: 415 & 416). In exchange for the support of businessmen, the Khaleda Zia regime in 1991 undertook massive reform programs in order to eliminate the barriers to both large and small-scale private sector investment.

The number of business representatives increased from 67 in 1973 to 91 in 1979 and 177 in the parliament of 1991. This included 94 businessmen and industrialists among the 141 BNP representatives in 1991 (Quadir, 2000: 207). As shown in Table 6.1, the business–industrialist group constituted over 50% of the newly elected members of the parliament in 1991, reflecting an increase of about 95% from 1979 (Quadir, 2000: 207; Maniruzzaman, 1992: 214). As former army officers became businessmen and industrialists by then[34], the number of members belonging to business and industrial class eventually rose to 59% of the total (Maniruzzaman, 1992: 214). Similarly, Table 6.2 demonstrates that as much as 58% of BNP ministers during Khaleda Zia regime in 1991 were businessmen and industrialists, including the army officers who became businessmen.

Table 6.1: Occupational Background of MPs, 1991

Occupation	Number	Percentage of Total
Lawyers	56	19
Businessmen and industrialists	160	53
Former army officers (later became businessmen and industrialists)	17	6
Landholders	12	4
Doctors	8	3
School and Madrassa teachers	12	4

[34] For instance, as an outcome of Ershad's privatisation policies and the US's Multi-Fibre Arrangement (MFA) (which has facilitated quotas for exporting readymade garments from developing countries to developed countries since 1974), some military officials of Bangladesh became involved with the garment business in the 1980s (Allchin, 2013; Khan, 2011b: 77 & 78; Ahmed et al., 2014: 261-264). They are reported to have established garment factories in collaboration with South Korean investors (Allchin, 2013).

University and college teachers	16	5
Student leaders	1	1
Journalists	6	2
Former government officers	6	2
Full-time politicians	6	2

Source: Maniruzzaman (1992: 214).

Table 6.2: Occupational Background of the Ministers of Khaleda Zia Regime, 1991

Occupational background	Number	Percentage
Lawyers	8	20
Businessmen and industrialists	18	45
Former army officers (later became businessmen and industrialists)	5	13
Landholders	1	2
University and college teachers	5	13
Former government officers	2	5
Full-time politicians	1	2

Source: Maniruzzaman (1992: 217).

What factors encouraged and/or forced Khaleda Zia to maintain the market-oriented reform that originated during her husband's regime? First, the external pressure of international donors has been a primary reason. Bangladesh's continued reliance upon foreign aid virtually made it impossible for the BNP regime to ignore donor advice. Between 1990 and 1995 Bangladesh received a total of US$ 7.5 billion in aid, which constituted some 48% of the country's development expenditure. On a number of occasions, key bilateral donor countries and/or organizations expressed their serious concern about the slow pace of reform (Quadir, 2000: 206). They indicated their dissatisfaction over the failure of Ershad's military regime to develop an appropriate legal and regulatory framework and his corrupt and ineffective government (Kochanek, 1996: 705). Their frustration was clearly manifest in the reduced aid commitment in the Aid Group meeting in 1990. Hence, after the collapse of Ershad's military regime, they began to push the BNP government to speed up its reform program in order to achieve

broader goals of economic development, poverty alleviation and employment generation (Quadir, 2000: 206). With the government dependent on aid, the BNP's economic policy closely followed the guidelines of the World Bank and IMF for structural reform (Kochanek, 1996: 705).

Second, the emergence of a more substantial domestic bourgeoisie, and its growing penetration of the state, placed pressure on Khaleda Zia's government to accelerate market reform programs. Like the donor community, the key domestic business actors deemed that both the Zia and Ershad regimes did not do enough to ensure private participation in the economic development of the nation. They, thus demanded concrete steps to further deregulate the economy and promote privatisation (Quadir, 2000: 206).

In the previous chapter, it was shown that both Zia and Ershad appointed military personnel to key positions in the bureaucracy. Basically, the majority of bureaucrats were loyalists of the ruling party and regime. As a result, it became easy for the politicians of the ruling regime, many of whom were businessmen, to arrange the required licenses and discounts in exchange of bribes to the bureaucrats. The return to democracy in 1991 did not change this situation in any significant way (Khan 2003: 401). Even after the democratic transition, the bureaucracy continued to be massively politicised by political leaders. As discussed in Chapter 2, although the politicians control the appointment, promotion and transfer of bureaucrats, they still had to maintain a good relationship with the bureaucrats because of their lack of administrative skills. This is particularly applicable for the politicians who are originally businessmen (Huque & Rahman, 2003: 415). Businessmen in Bangladesh have tended to be influential in the country's political economy through directing money to individual rent-seekers within the state (Blair, 2000: 193 & 194). Businessmen-politicians' lack of administrative skills increases the scope for predatory bureaucrats to continue rent-seeking from them in exchange for concessions and/or non-implementation of state regulations. For example, in Khaleda Zia's regime, the newly established Financial Loan Courts (which were set-up to facilitate debt recovery) made 'little progress in either recovering overdue loans from defaulters or in ensuring an improved performance of the lending institutions' (Quadir, 2000: 208). Apart from making the legal provisions for setting up these courts, the bureaucrats of the Bangladesh government hardly did anything to penalize the defaulters who were party sympathisers.

The bureaucracy in Bangladesh has frequently been politicised and thus unable to function free from undue political pressure and influence (Rashid, 2014: 151). The first dimension of the politicisation of the bureaucracy involves populating its higher echelons with as many party supporters as possible and 'cleansing' the past governments' supporters among the bureaucrats (Khan, 2003: 401). During Khaleda Zia regime, party loyalists were appointed to crucial positions in the bureaucracy and as key functionaries including the Chairman of the Public Service Commission (PSC) (Huque & Rahman, 2003: 411 & 412). The PSC is a constitutional body and is responsible for conducting examinations and recruiting personnel for the bureaucracy. Political interference in PSC examinations during the last decades has resulted in the recruitment of numerous underqualified or unqualified party supporters. There have been allegations of selection of candidates with strong ties to the ruling party throughout the 1990s (Huque & Rahman, 2003: 411; Jahan & Shahan, 2008: 314). All successive democratic governments have recruited candidates into the bureaucracy whose most important qualification was the loyalty to the ruling party. In fact, allegations of leakage of question papers for PSC examinations have become increasingly common in Bangladesh (Jahan & Shahan, 2008: 308 & 314; Rashid, 2014: 158). With every change in government, there are reassignments of party loyalists among the bureaucrats where they can continue to promote the interest of the ruling party (Huque, 2011: 66). It leads to a situation where appointment, transfer, promotion and other career decisions of bureaucrats are dependent on the will of the political masters, disregarding merit and seniority (Jahan & Shahan, 2008: 310; Rashid, 2014: 156). It is reported that during the BNP regime in 2001-2006, an unofficial cell of three former and two incumbent secretaries prepared lists of officials for transfer or sacking with the consent of Prime Minister's Office (Khan, 2003: 401). The lists were prepared on the basis of a number of criteria which included those who had served as field level officials during the AL regime in 1996- 2001, those who had served under different ministers of the AL, those who were actively involved in AL politics during student days, and those who had benefited 'unduly' during the AL regime (Khan, 2003: 402). The Ministry of Home Affairs also prepared a list of 83 officers who belonged to the AL (Khan, 2003: 402).

The second dimension of politicisation involves providing special benefits and patronage to party loyalists. The requirements of accountability are relaxed for party supporters, and 'their actions reflect much more power than they are officially accorded' (Huque, 2011: 67). The extension of tenure and appointments on contract after reaching the retirement age appeared to be driven by political consideration. Twenty of the posts at the highest level were occupied by bureaucrats on contract in 2000 (Huque & Rahman, 2003: 413). The continuation of politicisation in bureaucracy serves to ensure the perpetuation of predatory bureaucrats' scope for rent-seeking.

Under such circumstances, recruitment agents, some of whom have been and still are politicians, and predatory bureaucrats exercised the dominant influence over labour migration policy. As the bureaucrats and recruitment agents cum politicians are linked by political party allegiances as well as the formal relationship between the legislative and executive arms of government, the former have generally fallen into line with the latter's demands vis-à-vis migration policy. In other words, on the one hand, the fear of being punished through inconvenient transfers or otherwise compels the bureaucrats to serve the interests of politician recruitment agents while, on the other hand, the scope of rent-seeking through this process operates as a reward for predatory bureaucrats. In accordance with the rent-seeking agenda, predatory bureaucrats' interests imply an increase in the number of recruitment agents. Therefore, as during the military regimes, the growing presence of the emerging capitalist class in politics, the politicisation of bureaucracy, and the rent-seeking tendency of predatory bureaucrats in the democratic period have reinforced the continuation of neo-liberalism in labour migration policies and their implementation.

According to Rudnick (2009: 57), in 2001 when the MoEWOE was newly established, its minister was subordinate to the director of BAIRA in the hierarchy of the political party that they represented, the BNP. Therefore, it was generally postulated that there would be few strict arrangements for curbing the fraudulent activities of recruitment agents (Rudnick, 2009: 57). This hypothesis turned to be true when the 2002 rules concentrated on the administrative process of recruitment, instead of modifying and making severe penalties for fraudulent recruiters. As noted earlier, the 2002 rules were only marginally more pro-migrant workers' rights than the Ordinance. Hence, by occupying a higher position than the minister of MoEWOE in the hierarchy of the BNP, and thereby undermining the prospect of accountability, BAIRA was able to prevent

MoEWOE from developing strict arrangement against recruitment agents in the 2002 rules. Thus the inclusion of recruitment agents in politics plays a role in devising policy elements that are in favour of their neo-liberal interests.

Patriarchy and Islam

With Ershad's failure to establish Bangladesh as an Islamic state as he promised (his efforts led only to Islam being recognised as the state religion in the Constitution), he gradually lost the support of Islamic political organizations. His opponents, AL and BNP attempted to 'out-manoeuvre' him by appropriating his agenda and keeping the Islamists in their support (Riaz, 2005: 175). To make his regime collapse, opposite political parties including secularists worked closely with the Islamists, providing the latter with legitimacy in the political discourse. Given the ever increasing rise of Islam in Bangladeshi political discourse and social life particularly since Zia regime, the major political parties of Bangladesh in the democratic period did not show any interest to challenge the widely held notions about gender norms invoked by Islamists. 'Slogans by all political parties attempted to demonstrate their indomitable faith in Islam' (Riaz, 2005: 175). Therefore, politically, the return to democracy did little to stop the increasing influence of Islamic political parties in Bangladesh (Naher, 2010: 317). Throughout the democratic era, Islam and Islamic discourse have continued to be an important political force in the polity (Devine & White, 2013: 131).

Both the BNP and AL made concessions towards the Islamists (Rozario & Samuel 2010: 356). The leaders of these parties made visible moves to exhibit their Islamic credentials and to 'assure the public that under their stewardship, Islam would remain an integral part of political life and national identity' (Devine & White, 2013: 131). For example, the AL, which once took pride in secularism, made a remarkable change in its approach towards religion and religion-based political parties. By the early 1990s, it preferred to be portrayed as a party that valued Islam as an integral part of the culture of Bangladesh. Beginning in 1991, the statements of party leaders and party publicity materials demonstrated that AL was eager to present itself 'as a suitable custodian of Islam in Bangladesh' (Riaz, 2005: 175). Symbolic expressions of this change included the AL chief Sheikh Hasina carrying prayer beads and wearing head scarves. In addition to making pilgrimages to Mecca, Hasina began using Islamic phrases, such as

'*Bismillahir rahmanur rahim*' (In the name of Allah, the most gracious, most compassionate), '*Khoda Hafez*' (God bless you), and '*Insallah*' (God willing), in her public speeches. Party political posters also carried these phrases to portray the sincerity of its commitment to Islam (Riaz, 2005: 175). Prior to the 1991 election, BNP leader Khaleda Zia stated that if the AL was elected to office, it would remove '*Bismillahir rahmanur rahim*' from the Constitution. Sheikh Hasina immediately dismissed this as a 'smear campaign' against her party and declared that she had 'no quarrel with Bismillah' (Riaz, 2005: 175).

At the same time, with the transition to democracy, Jamaat-i-Islami launched itself into electoral competition and began to devise its own political ideology and strategy in a way that it had never been able to do under the military regimes (Devine & White, 2013: 131; Shehabuddin, 2008: 588). After the 1991 election, the BNP sought the support of the Jamaat-i-Islami to form government. With 140 seats in parliament, BNP was 11 seats short of being able to claim power (Riaz, 2005: 175). The Jamaat-i-Islami had won 18 seats. Hence, by this time, the Islamist forces in general and Jamaat-i-Islami in particular had not only gained recognition as a legitimate political actor but also emerged as 'kingmaker', both in the electoral equation and on the ideological terrain (Riaz, 2005: 176; Devine & White, 2013: 131; Naher, 2010: 316; Shehabuddin, 2008: 590). In electoral politics, they succeeded in fortifying a 'small but loyal' base and in drawing the attention of the larger population, chiefly because two major political parties, AL and BNP, lacked a 'clear and convincing ideological difference' (Riaz, 2005: 176). In other words, the main political parties failed to capture sufficient public support and, in the process, created the political vacuum that Jamaat-i-Islami filled (Devine & White, 2013: 131).

Nevertheless, the 'marriage of convenience' between BNP and Jamaat-i-Islami was over within two and a half years. By late 1993, the Jamaat-i-Islami had become a vocal critic of the regime and some of their comments were harsher than the regime's main opposition, AL. The then Jamaat-i-Islami chief, Abbas Ali Khan, commented that Islam, national sovereignty, and democracy were in danger under Khaleda Zia's regime (Riaz, 2005: 175). The Secretary General of Jamaat-i-Islami, Matiur Rahman Nizami, alleged that Khaleda Zia regime had 'failed to maintain the dignity of Islam, despite using the name of Islam to be elected to office' (Riaz, 2005: 176).

The AL won the election in 1996 and returned to power after twenty one years. Although there was never any formal explanation from the AL government for why it reimposed the ban on female migration in 1997, it appears to have been linked to the "king-making" role of Jamaat-i-Islami in 1991 and subsequent friction between BNP and Jamaat-i-Islami. The AL seems to have seen restricting women's mobility as a way of enhancing prospects for forming a coalition with Jamaat-i-Islami after the next election if required. At the same time, this strategy served to weaken the BNP by further weakening the relationship between them and Jamaat-i-Islami.

The ban was probably not driven entirely by this dynamic, however. It also seems to have been a response to the rights violations of Bangladeshi female migrant workers and continuing trafficking of them. CEDAW (1997: 35) and ADB (2003: 24) mention that about 200,000 Bangladeshi women and children were trafficked to the Middle East in 1980s and 1990s. As mentioned earlier, in its 1997 report to the CEDAW Committee, the Bangladesh government itself admitted that implementation of its migration laws was weak, partly because members of law enforcement were often themselves involved in trafficking (ADB, 2003: 89). According to Dannecker (2005: 657), regarding the ban in 1997, the Bangladesh government referred to the plight of women migrant workers as reported by human rights and women rights organisations although the latter did not recommend the imposition of such a ban. The available literature does not explain why the government decided to impose the ban. Nevertheless, it is evident that around the same time, there were reports in the international media regarding the plight of Bangladeshi female migrant workers. Maclean (1995) in *Reuters News*, for instance, reported that Asian domestic workers including Bangladeshis encountered more violations of rights at work in the Gulf than in any of the other regions they went to, mainly because of the fact that domestic workers were not covered by labour laws that set working conditions and pay scales.

Finally, the ban also appears to have been a response to growing international pressure on the Bangladesh government to reduce abuse of its female migrant workers and violations of their rights. The 1990s witnessed a global shift towards an increased emphasis on migrant workers' rights protection, particularly for female migrant workers. For example, the aforementioned UN Convention was formulated in 1990. In early 1997, the UN General Assembly undertook a resolution to eliminate violence against female migrant workers under which it encouraged states to adopt appropriate

legal measures against intermediaries who deliberately encourage the clandestine movement of workers and exploit women migrant workers. It also emphasised the need for states who send and receive women migrant workers to conduct regular consultations for identifying problems in protecting the rights of women migrant workers, adopting specific measures to address those problems and, in general, creating conditions that promote greater harmony and tolerance between women migrant workers and the rest of the society (United Nations, 1997; *The M2 Presswire*, 1997). The fact that the leading Bangladeshi rights-based migration NGOs—RMMRU, WARBE and BOMSA—were established between 1996 and 1998 also reinforced the then emerging gradual global shift towards migrant workers' welfare and protection. Given this emerging global emphasis on migrant workers' rights and the continuing trafficking cases of mostly female migrant workers, it appears that the Bangladesh government considered it sensible to ban women from migrating to release itself from the responsibility of curbing the trafficking and female migrant workers' rights violations overseas. The fact that government officials themselves were involved with trafficking made it practically difficult for the government to take action against its own in-house party loyalists.

The relaxation of the ban on female migration in 2003 and its official withdrawal in 2006 reflected the fact that Islam has declined in its political influence over time. The Jamaat-i-Islami was founded in 1941 in British-ruled India by Abul Ala Maududi (hereafter, Maududi) (Shehabuddin, 2008: 579). Its current rhetoric marks a significant change from the original position, elaborated by Maududi, that women's divinely-ordained place was the home. While Maududi encouraged women to vote at elections, he strictly discouraged them from taking part in politics (Shehabuddin, 2008: 586). Rather, he stipulated that women's primary contribution to Islam should be developing an Islamic home, raising their children as good Muslims, and keeping their husband on an Islamic path (Shehabuddin, 2008: 578). By contrast, in more recent times (and particularly from mid-1990s), Jamaat-i-Islami leaders have gone to great lengths to highlight that Islam recognises and supports women's right to study, work and vote although they have also expected women to fulfil domestic obligations. Shehabuddin (2008: 578) suggests that the Jamaat-i-Islami has adopted these recent modifications due to developments in Bangladesh's social and political context, especially the mobilisation of impoverished women in rural areas by local NGOs. He argues that the

leaders of Jamaat-i-Islami in recent times regularly emphasise women's privileged status to counter the claims of NGOs that Islam has been harmful to women and the only route to progress is to discard the shackles of Islam (Shehabuddin, 2008: 578).

Jamaat-i-Islami, which had won 18 seats in 1991, won just 3 seats in 1996 (Shehabuddin, 2008: 592). Even in the 2001 election, although it participated in a four-party alliance led by BNP, the Jamaat-i-Islami won 17 seats. Jamaat-i-Islami seemed convinced that the newly-mobilised impoverished women voters had been responsible for the disastrous performance in 1996 (Shehabuddin, 2008: 592). Particularly since the recommencement of national elections in early 1990s, many NGOs, in addition to promoting adult and legal literacy and women's rights, engaged in voter education programs to help the uneducated poor (Shehabuddin, 2008: 591). They played an important role in urging their members, the majority of which have been women, to vote either for or against a particular party (Shehabuddin, 2008: 591). It was evident that female NGO members played a significant role not only in mobilising voters against Islamic parties but also in getting elected to local bodies. In 1996, Grameen Bank alone had 200 elected local government representatives among its members (Haque, 2002: 420). Additionally, the ever increasing membership of NGOs was one of their strengths in relation to local and national politics. By 2002, BRAC had 3.3 million members and 23,000 full-time and 57,000 part-time employees in more than 15,000 villages, Grameen Bank had 2.3 million clients and more than 10,000 employees in 35,000 villages, Proshika had 1.9 million members and ASA had nearly 1 million (Haque, 2002: 421). Such a nationwide network implied that the NGOs had a strong rural support base. The economic empowerment of Bangladeshi women through access to credit provided by NGOs and high employment (80%-90%) in sectors such as the garments industry had been a major factor in women's empowerment and a significant 'bulwark' against the conservative social agenda of fundamentalist groups (Khan, 2011a: 61). The beneficiaries of NGOs' micro-credit schemes who were commonly women, were naturally opposed to the growth of fundamentalism which was seen as conflicting with women's rights to have greater mobility and access to public work (Khan, 2011a: 61). As a result, even the rural women who considered themselves to be good practicing Muslims turned their backs on the Jamaat-i-Islami in 1996, not so much because of their alleged collaboration with Pakistan in 1971 but as they were persuaded

that the Jamaat-i-Islami was opposed to their efforts to improve their lives through NGO activities (Shehabuddin, 2008: 592).

This lesson compelled the Jamaat-i-Islami to rethink its relationship to the poor and to women, in order to win eventually mass support for the following elections (Shehabuddin, 2008: 592). Therefore, although Maududi and Jamaat-i-Islami did not initially recognise the importance of women supporters, what changed from the mid-1990s was that the public rhetoric of Jamaat-i-Islami moved to a clear recognition that the impoverished and uneducated women have both material and spiritual needs (Shehabuddin, 2008: 592). In other words, it realised that it was not sufficient simply to promise voters 'direct passage to heaven' if they vote for them and that women were also concerned, for example, about access to education and employment, procuring sufficient food to feed their families, and a safe environment within and outside the home (Shehabuddin, 2008: 593). While *waaz mahfils* (public lectures) by Jamaat-i-Islami leaders were not a new phenomenon in Bangladesh, what was interesting in post-1996 *waazes* was how they appealed to women directly as a distinct and independent audience[35] (Shehabuddin, 2008: 593). Since 1997, Saidi, one of the then prominent leaders of Jamaat-i-Islami, set aside at least a half-day during the *waazes* to be devoted entirely to, as he called them, 'the mothers and sisters' (Shehabuddin, 2008: 593). Saidi dismissed the belief, particularly popular in rural Bangladesh, that heaven lies at the feet of one's husband. He claimed that the Prophet had said that heaven lies at the feet of one's mother instead (Shehabuddin, 2008: 594). He emphasised Muslim women's right to education, work and run businesses, as long as they maintain the *purdah* (literally meaning veil) (Shehabuddin, 2008: 594).

---

[35] In a lecture in 2005 for a women's gathering in Bogra in northern Bangladesh, Jamaat-i-Islami leader Saidi began by reminding his listeners that women and men are equal in the eyes of God, and that they receive equal *sawab* (reward) from God for the same deeds (Shehabuddin, 2008: 593). He further reminded them that when the Prophet came to this world, women had no rights, it was a curse to be born a woman in that era, infant girls were regularly killed, and Islam changed that. He elaborated that the angels of God come into a home where a daughter is born and bring blessings to her and to those who love her, and that one should always bring back gifts for one's children when one travels but should give the daughter her gift first (Shehabuddin, 2008: 593 & 594). Another common theme in his lectures was the notion that God has, in fact, made it easier for women to attain divine rewards. He mentioned that the Prophet said that because a woman suffers in many ways during pregnancy, she would receive rewards from God which is equivalent to what she would have received if she had spent all those months fasting, and for breastfeeding, women would receive rewards equal to what she would have received for saving a dying person (Shehabuddin, 2008: 596).

By emphasising women's equality with men in front of God and in the election booth in the face of changing realities, the Jamaat-i-Islami increasingly held back on demanding restrictions on women's mobility. On top this, on 28 July 2010, the Appellate Division of Bangladesh Supreme Court restored secularism in the Constitution and reinforced the inherent secular values of Bengali culture, although Islam remained the state religion (Khan, 2011a: 59). This amendment reduced the prospect of Islamic radicalisation in Bangladesh politics. The court stated that secularism means 'both religious tolerance as well as religious freedom', and that the state must not favour any particular religion (Khan, 2011a: 60). This in turn made it further unlikely for Islamic parties such as Jamaat-i-Islami to advocate for restrictions on women's mobility on the grounds that women violate Islamic principles by undertaking the breadwinning role through labour migration.

Additionally, the country's heavy reliance on U.S. aid, part of which from 2001 has been dependent on Bangladesh's ranking in Trafficking in Person (TIP) reports, also played a part in withdrawing the ban on female migration in 2006. The fact that trafficking continued despite the first relaxation on low-skilled women in 2003 led to a negative evaluation for the country in the June 2004 U. S. TIP report where Bangladesh was listed in Tier 3 (TIP, 2004: 39). Ever since TIP reports became available in 2001, this was the first time Bangladesh was ranked in Tier 3. This tier meant that the number of trafficked victims was significant and growing and that the Bangladesh government was not undertaking adequate measures to combat trafficking. The penalty for being in Tier 3 was that Bangladesh could be subject to sanctions—for example, the U.S. government could withdraw all its foreign assistance except humanitarian and trade-related assistance (TIP, 2004: 31). Additionally, it meant that Bangladesh may not receive further funding for its government employees' participation in education and cultural exchange programs arranged by the U.S. On top of this, it also placed Bangladesh at risk of experiencing U.S. opposition to assistance from international financial institutions such as the IMF and the World Bank (TIP, 2004: 31). Unsurprisingly, Bangladesh was unable to afford the risk of being subject to these sanctions. In this context, the country moved to the withdrawal of restriction on female migration in 2006. Many women migrant workers were already migrating despite the restriction, resulting in an increase in the scale of trafficking. Therefore, officially

legalising their migration was an endeavour of Bangladesh government to minimise trafficking and thereby, upgrade its position in the TIP report.

Subaltern Forces

Given that the advent of democratisation made the success of political parties and their leaders dependent on the public popularity, there appeared a strong incentive for Bangladeshi political leaders to promote populist causes that appealed to poor groups. In so doing, it increased the scope for poor groups including migrant workers and their NGO allies to participate in and influence the policy-making process. The intensive competition between AL and BNP in the democratic period and the necessity of expanding grass-roots support provided greater opportunities for NGOs to participate more in policy-making and secure pro-poor policy changes than they could under the military regimes (Haque, 2002: 414). In other words, competitiveness among politicians for public votes made them reach out to the poor, thus multiplying the opportunities for groups representing marginal social interests to engage in politics. Prior to 1990, all NGOs were subject to a lengthy bureaucratic approval process which ultimately led to increasing levels of corruption in government agencies and the abandonment of programs by small NGOs (Jamil, 2007: 142). From 1990, the government authorised the NGO Affairs Bureau to operate as a "one-stop" service centre for NGO registration and project approvals which ultimately made the approval process faster.

Additionally, following democratisation, a massive flow of foreign funds to NGOs led to a rapid proliferation of NGOs (Haque, 2004: 274; 2002: 424), some with a dedicated focus on labour migration or an agenda flexible enough to integrate the issues related to this topic. Hence, it became easier for NGOs to engage collectively for the desired policy change. The percentage of total foreign aid disbursed to Bangladeshi NGOs rose from 6% in 1990 to 18% in 1995 (Kabeer et al., 2010: 13). Foreign funds constituted nearly 70% of the total budget of many leading NGOs in 1993-1994 (Haque, 2002: 424). The number of national NGOs registered increased from 395 in 1990-1991 to 848 in 1995 and further increased to 1223 in 1999-2000 (Kabeer et al., 2010: 13; Naher, 2010: 316).

Moreover, the success stories and worldwide recognition of NGOs such as BRAC and Grameen Bank in 1990s as well as their involvement in business also underpinned the significance of NGOs (Haque, 2002: 414, 421 & 423). BRAC has engaged in several businesses including cold-storage, garment manufacturing, retail outlets, and milk products (Haque, 2002: 421). Similarly, Grameen Bank and Proshika are now into some businesses such as banking, garments, shopping complexes, telephone systems, transport services, cold storage, fisheries projects, fertilizers, deep-tubewells, and biotechnology (Haque, 2002: 421). Such extensive business ventures not only made NGOs financially independent of the government, but also enabled them to influence government policies in the relevant economic sectors. The direct work experience of development NGOs with the poor gives them additional leverage over the government to shape public opinion in favour of their espoused objectives and policies (Haque, 2002: 420). The increasingly influential position of NGOs reflected in the Fourth Five Year Plan (1990-95) and the Fifth Five Year Plan (1995-2000) where NGOs were considered as collaborative partners of the government for the implementation of development plans (Haque, 2002: 418).

When the first ban on female migration was imposed in 1981, no migration NGO had been established. All of the leading migration NGOs emerged in the mid to late 1990s (RMMRU in 1996, WARBE in 1997 and BOMSA in 1998). When the government reimposed the ban in November 1997, it was possible for the skilled women to amend it in their favour in December. They were more organised as a group than their low-skilled counterparts. Nurses groups such as the National Association of Diploma Nurses were vocal against the ban (Oishi, 2005: 78). By contrast, although there existed a major demand in the international labour market for low-skilled female labour in the domestic service sector, this unorganised group of women could not mobilise support in their favour against the ban (Siddiqui, 2000: 90). Low-skilled women migrant workers did not have their own association or any other forms of organization until BOMSA was established in 1998 (Nazneen, 2011: 6). Nevertheless, prior to the inception of BOMSA, other migration NGOs (i.e. RMMRU and WARBE) protested the ban in 1997. As this ban was inclusive of skilled women, compared to the earlier ban, it was greeted with even more massive opposition from the migration NGOs as they considered it unconstitutional and discriminatory against women and believed that it would contribute to illegal trafficking of women like the 1981 ban (Siddiqui, 2008a: 8).

They sent a joint petition to the Prime Minister demanding the withdrawal of the ban, referring to the provisions provided in the Constitution (Siddiqui, 2001: 60). Article 27-29 of the Constitution state that all citizens are equal before the law and are entitled to equal protection; that the state shall not discriminate against any citizen on the grounds of religion, race, sex or place of birth; that women shall have equal rights with men in all spheres of state and public life; that nothing shall prevent the state from making special provision in favour of women or for the advancement of any backward section of the population; and that no citizen on the ground of sex will be ineligible for or discriminated against in respect of any employment or office in service of the republic (GoB, 1972). The NGOs also argued that the right to leave one's own country is a basic principle generally upheld in all the codes of practice and ethical recruitment guidelines including Article 13 (2) of the Universal Declaration of Human Rights adopted in 1948, although the right of entry to another country is left to the immigration policy of individual receiving countries. In addition to the migration NGOs, national human rights and women's organisations criticised the ban, pointing out that the government should look beyond bans as a "protective mechanism" and emphasise briefing and empowering migrant workers before they leave the country and respond to their needs while overseas (Kingma, 2006: 138).

More organised opposition from NGOs against the ban came particularly after the interim government in 2001 invited RMMRU to prepare a Strategy Paper. In that Paper, RMMRU strongly recommended lifting the ban, reaffirming that the policy on women workers needed to be reconsidered in the light of reality and women's constitutional right to work (Reyes, 2013: 21; Yasmin, 2010: 20). Furthermore, research by RMMRU in 2001 (Siddiqui, 2001) showed that a substantial number of Bangladeshi women would be able to advance themselves in economic and social terms and in particular move out of poverty through migration. This finding strengthened RMMRU's and other NGOs' collective advocacy work to convince the government to withdraw restrictions on female migration. RMMRU organised several seminars and workshops, and a national media campaign with the collaboration of IOM, WARBE and BOMSA in 2001 through TV talk shows, documentary films and newspaper articles in order to promote the significance of lifting the ban (Reyes, 2013: 48 & 49). Other human rights NGOs such as BNWLA (Bangladesh National Women Lawyers' Association), *Naripokkho*, ASK (Ain o Salish Kendra), and BLAST (Bangladesh Legal Aid and Services Trust)

expressed their support for the campaign. They further carried out their own campaigns against discrimination, violence and the abuse of women in order to improve the status of women and promote gender equality in Bangladesh. Subsequently, the support of international organisations such as IOM and the networks established through RMMRU's research, seminars, policy dialogues and conferences at national, regional and international levels led to the female migration policy issue becoming a movement in itself. BOMSA and WARBE, as representatives of migrant workers kept organising campaigns through workshops, rallies and press conferences (Siddiqui, 2010: 13; 2009: 19; Reyes, 2013: 49). IOM as an international organisation backed them up (Reyes, 2013: 56). WARBE's engagement in female migration issues was crucial as their work involved educating not only migrant workers but also their families and communities. This process was aimed not only at building political support against the ban but also changing the perceptions of society in relation to female migration (Reyes, 2013: 56). RMMRU, BOMSA, WARBE and IOM collectively organised additional conferences and seminars and published newspaper articles in the national dailies in order to secure the attention of relevant stakeholders (Reyes, 2013: 48).

Some of the issues that played a role in making migration NGOs more influential in post 1990 period include the fact that the MoEWOE lacked a research wing of its own, the change of MoEWOE's location from the secretariat to a separate building in 2011, the presence of sympathetic individuals at the state level, and the urge to cultivate a positive image at the international level. To elaborate, as mentioned in Chapter 2, entering the secretariat requires a pass and to get that pass, one has to either bribe the gatekeepers or go through the bureaucratic long procedure. In short, NGOs did not use to have an easy access to the MoEWOE while it was located in the secretariat. However, when the MoEWOE was shifted to a separate building in 2011, not requiring any gate-pass or approval, the access to its secretaries, minister and other officials became easier for the NGOs. As the MoEWOE did not have its own research-wing to conduct the studies needed for policy recommendations, it was compelled to consider including the migration NGOs while formulating the Overseas Employment Policy (OEP) in 2006. In other words, the government's limited capacity to deal with migration policy issues has been a crucial factor in the inclusion of NGOs in policy-making. Also, the presence of some sympathetic persons at the state level during the interim caretaker government in 2001 when the processing of the OEP originally

started, worked in favour of migration NGOs being included in that policy-making process. Additionally, the arrangement of a High Level Dialogue by the United Nations around the same time indirectly pushed the introduction of the OEP and NGOs' inclusion in it[36]. Although the dialogue was non-binding, to attend the dialogue, Bangladesh wanted to have its policy in process to maintain a positive image within the UN. The imposition of multiple bans on Bangladeshi migrant workers from Malaysia in mid-2000s also accelerated the government's urge to brighten its image to Malaysia particularly, and the world generally, by setting-up a good migration policy.

In summary, in the post-democratic period, subaltern forces particularly the migration NGOs were able to proliferate and mobilise in defence of their agenda. Factor such as increased funds from donors played a role for the growth of Bangladeshi NGOs. The democratic reform has been the key factor in this regard. By making the attainment of power dependent on the support of public voting, democratisation created electoral incentives for politicians to pursue pro-poor policy changes. It resulted in opening up a greater space for subaltern forces to participate and influence policy decisions. As we will see in Chapter 7, migration NGOs played an important role in developing the contents of OEP 2006 and 2013 Act, which are by far the rights-oriented policies of Bangladesh.

Structural Power of Foreign Governments

As mentioned earlier, the idea of the G to G scheme was proposed by the Malaysian government. As soon as BAIRA came to realise that they were excluded from the export of sending workers to Malaysia, they threatened the Bangladesh government that they would stop their business and withdraw their recruitment licenses since they were no longer of any use and they would protest in the streets if they were not included in the system (Hasan, 2012). According to them, not having enough experience in sending workers overseas was one important reason for the Bangladesh government to limit its role only to a regulator (*The New Age*, 2014). However, the MoEWOE did not retract on its stance to send Bangladeshi labourers to Malaysia under the G to G arrangement (Hasan, 2012). Indeed, BAIRA's repetitive attempts to meet the MoEWOE minister before the Malaysian minister of human resources went to Bangladesh in September

---

[36] Interview with Syed Saifur Haque from WARBE in Dhaka on 19 May, 2015.

2012 to officially finalise the customised scheme were refused (Hasan, 2012). On top of this, in the conference with the Malaysian minister, the MoEWOE minister blamed the local recruitment agents for the closure of the Malaysian labour market. BAIRA members were offended to be called 'blood suckers' (Hasan, 2012). They claimed that the export of 99% of the total number of workers had been possible because of their engagement in the business. However, the MoEWOE minister commented that BAIRA agents still had 169 other countries in which they can continue their business (*Prothom Alo*, 2014: 21). Additionally, it claimed that the G to G was a proposal from the Malaysian government, hence, Bangladesh had almost no scope to alter it.

BAIRA leaders further claimed that the allegation that they sent more workers than demanded rather questioned the efficiency of government officials because every job opportunity needed to be verified by Bangladesh embassies in host countries[37], meaning the recruitment agents could not send a single worker without the attestation by the government. Additionally, since the employers were paying for all fees including flight fare for workers in the G to G scheme, BAIRA members challenged that they could send people to Malaysia with just Tk. 20,000 (US$285) while the government was charging them around Tk.30,000-50,000 (US$400-700). Importantly, BAIRA criticised the absence of any procedure for punishing BMET officials if they were found to be involved with corruption and fraud in recruiting migrant workers. The power of the government to cancel, suspend and withdraw licenses and forfeit security money was set-up when the government was not a recruiter. BAIRA emphasised that because the government started engaging in the business of labour recruitment through the G to G scheme, its accountability needed to be established in the law (RMMRU, 2013: 4).

BAIRA even called for the resignation of the MoEWOE minister. This made the minister very furious. He took it very personally[38]. The Prime Minister also took it personally, perhaps because the then minister was the Prime Minister's daughter's father-in-law[39]. Naturally, the Prime Minister did not allow BAIRA to disturb the minister's image by letting them continue their business at the expense of the G to G.

---

[37] In interview with Shameem A. Chowdhury from BAIRA in Dhaka on 29 March, 2014.

[38] In interview with Tasneem Siddiqui from RMMRU in Dhaka on 29 June, 2014.

[39] The then honourable Minister, Khandakar Mosharraf Hossain was the Prime Minister's (Sheikh Hasina) daughter's father-in-law. In Bangladesh's culture, relatives of powerful political persons usually can

Despite opposition and several threats from BAIRA, Bangladesh proceeded with the introduction of this scheme. Unscrupulous operations were jeopardising the industry, hence the government had to act in the general interests of capital. The general interest of capital is explainable from the structuralist approach of the state which recognises that the state cannot, in the long term, compromise and contradict the logic of the economic system. In order to resolve the political and economic crises that threaten the health of the economic system as a whole, the state intervenes accordingly (Robison, 1988: 55; Carnoy, 1984: 100). What made Bangladesh desperate about satisfying its general interests of capital was the structural power of foreign governments discussed in Chapter 3. If Bangladesh had not agreed to the G to G arrangement, Malaysia would have lost a little. But given that around the same time in 2008-2009, Kuwait and Bangladesh's largest labour market, Saudi Arabia, stopped recruiting Bangladeshi migrant workers due to their reported involvement with crimes in those countries (Hasan, 2014b: 1 & 4; Kibria, 2011: 114), the Bangladesh government could not afford to ignore the Malaysian government's demands. Additionally, the global economic recession of 2008 added an 'external source of volatility to Bangladeshi international labour movements' (Kibria, 2011: 115). Lest the refusal to undertake the scheme results in a permanent loss of the Malaysian labour market, the Bangladesh government had to agree at least to prove that it was sincere enough to attempt relaxing the freeze upon its workers.

For the same reason, the Bangladesh government proceeded with the launch of smart cards in 2010 despite BAIRA's objections. BAIRA claimed that migrant workers were experiencing harassment and too long waiting periods while arranging their digital finger prints on smart cards at the BMET centre. It also claimed that some of them were facing unexpected delays and unnecessary security checks at the airport for not having smart cards as many of them still were not aware about this (*Prothom Alo*, 2010). However, Bangladesh proceeded with the launch of smart cards as they were reported to reduce irregular migration to some extent (Hasan, 2013). Bangladesh conceived the practice of smart cards as an attempt to demonstrate its sincerity in curbing the irregularities in the recruitment process. In brief, it could not afford to risk losing the

exercise power no less equal than their politician relatives. Besides, for daughter's parents, her in-laws deserve especial respect and hospitality according to the social tradition of Bangladesh. A combination of all these issues made the then minister more powerful.

Malaysian labour market for a long-term. This reinforced the structural power of Malaysia as a receiving country. In the past, temporarily losing a big labour market such as that of Malaysia had been devastating for Bangladesh's national economy. For example, as an effect of Asian crisis in 1997, a large number of Bangladeshis working in Malaysia were sacked from their jobs and deported. This incident deepened the existing problem of ever rising unemployment in Bangladesh. It put additional pressure on the local labour markets, reduced incomes and left a multiplier deflationary impact on the economy (Ahmed, 1998: 371). In 1996, remittances from Malaysia were $72.70 million, however, in 1997 they dropped to $22.47 million (Ahmed, 1998: 376).

Conclusion

In sum, then, since 1990 Bangladesh's migration policies became increasingly focused on the protection of migrant workers' rights while retaining a neo-liberal emphasis on the role of the private sector and the maximisation of labour exports and remittances. The key exception to this pattern was the return of direct state involvement in migrant labour recruitment and placement in relation to Malaysia and the imposition of restrictions on female migration in the first decade. Nevertheless, through the introduction of the Overseas Employment Policy in 2006, this restriction was withdrawn. As underlying politics for these continuities and changes in policies, this chapter has argued that four factors were important. First, the continued dominance of businessmen in Bangladesh politics in the democratic period and the interrelationship between them and predatory state officials have been responsible for the continuation of a neo-liberal orientation to policy. Second, the salience of Islam in Bangladesh society and the political legitimacy of the main fundamentalist Islamic party—Jamaat-i-Islami—since 1991 have played roles in shaping a restrictive policy for female migrant workers in 1997. The shift in the ideology of Jamaat-i-Islami regarding women's freedom to work from a conservative to a fairly liberal one since the mid-1990s has been consistent with the end of restrictive policies for female migrant workers in 2006. Third, the emergence and influence of migration NGOs since the mid-1990s as an outcome of democratic reform, played a significant role in injecting a greater focus on migrant workers' rights into policy. Finally, the heavy reliance of Bangladesh on the Malaysian labour market allowed the Malaysian government to exercise its structural power effectively. Consequently, in 2012 Malaysian government successfully imposed

its preferred policy choice—the Bangladesh state's direct intervention in the recruitment process of its migrant workers.

Chapter 7

Subaltern Forces and the Political Economy of Labour Migration Policies and Their Implementation in Bangladesh Since 1990: Two Case Studies

This chapter illustrates how the political changes brought about by democratisation—in particular, growing scope for subaltern forces to participate in migration policy-making and its implementation—influenced the formulation of two key policy documents, the Overseas Employment Policy 2006 and the Overseas Employment and Migration Act 2013. Because enactment of the latter was closely tied to the government's decision to ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, it also examines the politics underlying this decision. The chapter analyses each of these cases in turn, focusing on the role played by subaltern forces, especially migration NGOs, in shaping the content of these two documents.

Case Study 1: The Overseas Employment Policy 2006

The formulation of the Overseas Employment Policy (OEP) 2006 marks the first time that migration NGOs were formally incorporated into the migration policy-making process. The process of producing this policy started in 1997. In December that year, Tasneem Siddiqui from RMMRU raised the issue of a comprehensive national policy on migration at a workshop entitled *National Responsibility towards the Migrant Workers of Bangladesh* organized by RMMRU in Dhaka (Siddiqui, 2010: 13; Yasmin, 2010: 20). ILO funded that workshop. After the interim government assumed office in July 2001, a then Advisor to the Labour and Employment Ministry, Rokia A. Rahman, tried to promote changes that would reduce the cost of migration and ensure better protection of migrant workers' rights by initiating a dialogue with different stakeholders such as the recruitment agents and BMET (Siddiqui & Abrar, 2002b: 3 & 6). In this endeavour, Rokia Rahman was motivated by her personal experience. Three years earlier, she had gone to Saudi Arabia to perform Umrah[40]. There she met several Bangladeshi migrant workers who had been either underpaid or compelled to work

---

[40] Umrah is a pilgrimage for Muslims to Mecca in Saudi Arabia carried out any time of the year, as opposed to Hajj which takes place between 8th and 12th days of the last month of the Islamic (Hijri) calendar.

without payment, experienced poor work conditions, lived in poor quality accommodation, and had their passports confiscated (Anonymous, 2002: 42). These stories shocked her and she decided that she would work for the benefit of migrant workers if she ever had the opportunity. She considered her appointment as an Advisor to the Ministry of Labour and Employment during the interim government in 2001 as a good opportunity to do so. Importantly, she was also appointed as an Advisor to the Ministry for Women and Children Affairs, Social Welfare and Cultural Affairs during the same interim government. The then Labour Secretary, Sirajul Islam, agreed to cooperate with her. IOM and ILO also expressed their support.

In this context, Rokia Rahman approached RMMRU and asked it to prepare a Strategy Paper to find ways to reduce the cost of migration for workers and ensure that they received better protection. RMMRU agreed to write the paper and, while doing so, secured the participation of multiple stakeholders in a brainstorming meeting. On RMMRU's request, Rokia Rahman then called for an inter-ministerial meeting comprising the Ministry of Home Affairs, the Ministry of Labour and the Ministry of Civil Aviation (Reyes, 2013: 20). This new government-NGO platform provided RMMRU with an unprecedented opportunity to present a series of preliminary papers, receive feedback, conduct further analysis and finally produce the draft Strategy Paper (Reyes, 2013: 20).

The government entrusted RMMRU with these tasks (and subsequent work examined below) for several reasons. RMMRU does not have any match in Bangladesh: it is the only research-driven NGO in Bangladesh working on migration issues. Since its inception in 1996, RMMRU has been working on this topic consistently. The fact that both of its founders are professors at Dhaka University, the most prestigious university in the country, and well-connected into government, gave RMMRU further weight and greater acceptance by the government. Also, these figures have important roles in different regional and international migration forums such as the South Asia Migration Resource Network (SAMReN), Migrant Forum in Asia (MFA), and International Centre for Migration Policy Development. Because of their consistent work on migration issues, they often contribute to the media. As a result, any discussion on migration necessarily includes them to at least some extent. Also, the fact that RMMRU initially was not a watchdog NGO or used to reviewing government policy to the substantial extent it now does, led it to maintain a neutral and acceptable image. Indeed,

it was a part of its strategy to avoid open clashes with the government from the very beginning.[41] Downplaying workers' rights issues was initially also a part of its strategy. Rather, RMRRU wanted to develop a good rapport with the government first. Its primary goal was to have the institutional structure—i.e. the policies and law—in place first so that it could accuse the government later if it did not implement these policies and law appropriately. Indeed, following its establishment, many times RMMRU's research studies focused on the necessity of increasing the MoEWOE's budget and manpower given the huge number of workers it looks after every year. This made the Expatriates' Ministry (MoEWOE) consider RMMRU one of its allies.

Once the Strategy Paper was completed, RMMRU organised a day-long workshop jointly with the Ministry of Labour and Employment and BAIRA on 24 September, 2001 to solicit the views of different segments of the community and finalise the strategies for reducing the cost of migration and ensuring better protection of migrant workers' rights. The title of the workshop was "Streamlining Labour Recruitment Process in Bangladesh for Employment Abroad". The workshop involved four Advisors of the interim caretaker government—Barrister Syed Ishtiaq Ahmed (Advisor, Ministry of Law, Justice and Parliamentary Affairs); M. Hafizuddin Khan (Advisor, Ministry of Finance and Planning); Abdul Muyeed Chowdhury (Advisor, Ministry of Information); and Rokia Afzal Rahman (Advisor, Ministry of Labour and Employment). The latter chaired both the inaugural and concluding sessions (Anonymous, 2002: 37). There were also senior functionaries of different ministries, leaders of civil society organisations, representatives of BAIRA and migrant workers' representatives (WARBE and BOMSA).

In the meantime, a national election was held on 1 October 2001. Some of the recommendations mentioned in the Strategy Paper were adopted by BNP in its election manifesto (Reyes, 2013: 33), most notably, the formation of a Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE). After BNP won the election, it set up this Ministry and tasked it with preparing a draft of Bangladesh's overseas employment policy. The Ministry assigned this responsibility to a retired government employee who simply copied the complete text of the Overseas Employment Policy of the

---

[41] Interview with Tasneem Siddiqui from RMMRU in Dhaka on 29 June, 2015.

Philippines[42] (Reyes, 2013: 22). The MoEWOE then formed a technical committee including the relevant government functionaries, BAIRA, BOESL[43], RMMRU, IOM and WARBE. The technical committee aimed to come up with an original draft of an overseas employment policy by organising regular brainstorming sessions. The fact that the government had failed to produce a concrete policy document forced it to grant migration NGOs the lead role in designing the draft policy. The mixed membership of this committee was a break-through in the overseas employment policy making history of Bangladesh as this was the first time the government, migration NGOs, international organisations (e.g. IOM) and private stakeholders (e.g. BAIRA) had sat together in a committee requested and organised by the government (Reyes, 2013: 34).

The committee assigned Tasneem Siddiqui from RMMRU, as a migration and gender expert, to formulate a comprehensive national policy reflecting the needs of both male and female migrant workers. During this time, a significant number of policy dialogues were held between RMMRU, recruitment agents, government organisations, women rights organisations, migrant workers' NGOs (e.g. BOMSA and WARBE) (Yasmin, 2010: 21). However, despite the efforts the committee made, the progress was slow (Reyes, 2013: 22 & 23).

For reasons that are unclear, the MoEWOE formed another "technical assistance committee" in August 2004 to continue work on the draft. The members of this new committee were from the same organisations as the ones in earlier committee—i.e. BMET, RMMRU, IOM, MoEWOE, BOESL, WARBE and BAIRA[44]. This committee consulted different policies of the major labour-sending countries such as Sri Lanka, the Philippines and the international conventions related to migration. It was decided that this committee would submit the draft policy on 30th September, 2004 (Yasmin, 2010:

---

[42] Interview with Tasneem Siddiqui from RMMRU in Dhaka on 29 January, 2014

[43] As mentioned in Chapter 5, Bangladesh Overseas Employment and Services Limited (BOESL) is the only state owned labour exporting company in Bangladesh. Since its inception, it has mostly processed the migration of skilled workers. Currently, BOESL is not very active in sending workers abroad as private recruitment agents have taken over this job.

[44] These individuals were: Major A.K.M. Riazul Islam, Additional Director General, BMET (Convener); Tasneem Siddiqui, Professor, Political Science, University of Dhaka and Chairman of RMMRU (member); Md. Shahidul Haque, Regional Representative, IOM, Dhaka (member); Abdus Sobhan Shikder, Deputy Secretary, MoEWOE (member); General Manager, BOESL (member); Kabir Ahmed Chowdhury, Deputy Labour Director, Department of Labour (member); Md. Abdul Alim, BAIRA (member); Syed Saiful Haque, Chairman, WARBE (member); and Nurul Islam, Director, BMET (Member Secretary) (Yasmin, 2010: 21).

21). This committee, after further consultations, again assigned Tasneem Siddiqui from RMMRU to prepare the draft policy and submit it to the technical assistance committee for feedback and suggestions. The Minister of MoEWOE agreed to this arrangement (Reyes, 2013: 23). For the next fifteen days, RMMRU focused exclusively on preparing the document which was constructed taking the Migrant Workers and Overseas Filipino 1985 policy into account as well as ILO and UN Conventions[45]. The document was handed over to the technical assistance committee upon the completion of the draft report. The committee suggested some changes. The document highlighted the responsibility of the government in facilitating human development, accessing employment opportunities, guaranteeing universal human rights, protecting migrant workers' rights in the workplace, and ensuring their social protection both at home and abroad (Reyes, 2013: 23). In early 2006, a High Level Committee was formed by 6 ministers of the BNP Government to appraise and finalise the policy submitted by the technical assistance committee. Among them were Morshed Khan (Minister of Foreign Affairs), Luttfat Zaman Babor (Minister of Home Affairs), Major Kamrul Islam (the then Minister of MoEWOE), Khondokar Mosharrof Hossain (Minister of Health and Family Welfare) and Moudud Ahmed (Minister of Law) (Yasmin, 2010: 24).

The OEP was adopted on 5 November 2006. It took the form of a government statement rather than a law passed by parliament. Within the scope of this policy, the Bangladesh government committed to protecting the rights, dignity and security of its migrant workers within and outside of Bangladesh, and to ensuring the social protection of families left behind and the assets of the migrant workers (GoB, 2006). Most importantly, as mentioned in Chapter 6, it acknowledged both men and women as potential primary migrant workers.

Nevertheless, it is important to note that the actual policy enacted was of much reduced scope compared to the draft prepared by the technical assistance committee effectively led by Tasneem Siddiqui from RMMRU. The original policy draft submitted by the technical assistance committee was much more comprehensive. The 6 ministers from the High Level Committee modified the draft policy and erased many provisions in the draft (Yasmin, 2010: 24 & 25). For example:

---

[45] ILO Convention 97—Migration for Employment Convention, ILO Convention 143—Migrant Workers (Supplementary Provisions) Convention, and the UN Convention 1990 (International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families).

- The draft policy stated that employment opportunities would be explored for all 'men and women' (GoB, 2004: 7). However, in the final policy, the term 'men and women' was deleted and replaced with "any citizen". Though "any citizen" meant both men and women, using the words men and women made it clearer that women were entitled to migrate for work purposes (Yasmin, 2010: 22). The rationale behind this provision was that Bangladesh Citizenship Act 1951 provides distinctive policy measures for men and women and, in most of the cases, privileges men[46] (Yasmin, 2010: 22). Hence, by explicitly including women, the draft policy confirmed their entitlement to migrate.

- The draft policy stated that the government would allocate 'adequate resources and institutional infrastructure' to promote female migration (Yasmin, 2010: 22). This clause was aimed at promoting female migration because there is a huge gap in the resource allocation and institutional infrastructure for female migration (Yasmin, 2010: 22). In the final version of the policy, this provision was removed completely.

- The draft policy stated that the Ministry of Women and Children Affairs would ensure the rights of unskilled and semi-skilled female migrant workers and the social security of the left-behind families accordingly. These provisions were omitted from the final policy (Yasmin, 2010: 22).

- The draft policy mentioned that the Ministry of Foreign Affairs and Foreign Missions would cooperate with the MoEWOE in exploring the external labour market, preparing quarterly reports on market-related information, investigating the genuineness of job opportunities collected by the recruitment agents, providing training to Foreign Service Officers, providing advice to migrant workers, and receiving complaints and visiting workers' workplaces (Yasmin, 2010: 23). These specific responsibilities were removed from the final policy.

---

[46] Before the amendment in 2009, according to Article 5 of Bangladesh Citizenship Act 1951, the children of a Bangladeshi woman married to a foreigner were not entitled to Bangladeshi citizenship. However, there was no such restriction about the children of a Bangladeshi man who was married to a foreigner. According to Article 10 which has not been subject to amendment, if a woman marries a foreigner she will lose her Bangladeshi citizenship unless her husband obtains Bangladeshi citizenship. Again, there is no such restriction for men.

- The original draft drew heavily on international instruments for the protection of human and labour rights such as the UN Convention 1990, the Universal Declaration of Human Rights, ILO Conventions 97[47] and 143[48] and other migration laws (Reyes, 2013: 27). However, the final policy did not refer to these legal instruments at all. The final policy dropped the components of the draft which upheld the government's commitment to these instruments (Siddiqui, 2009: 22).

- The final part of the draft policy included a section allocating specific responsibilities to different ministries involved directly or indirectly with migration issues in order to ensure better governance of migration (Reyes, 2013: 27). These ministries included MoEWOE, the Ministry of Home Affairs, the Ministry of Foreign Affairs and the Ministry of Women and Children Affairs (Reyes, 2013: 25). In the final policy, the majority of these sections were dropped (Siddiqui, 2009: 22). Although the final policy mentioned some duties and responsibilities of MoEWOE, they were of much reduced scope than proposed in the draft. For example, one important duty of MoEWOE which was omitted in the final policy was that it would be responsible for receiving migrant workers' complaints and taking the required actions for their redress in Bangladesh (GoB, 2004: 12).

- In the draft policy, there was a discrete section for actions against fraudulent recruitment agents. According to provisions in this section, victims of fraudulent recruitment agents had the right to make complaints to BMET and/or MoEWOE (GoB, 2004: 42). The section provided details about the resolution process for such complaints. For example, the alleged recruitment agents were required to explain the case and defend themselves within fifteen days following the receipt of a complaint (GoB, 2004: 42). This entire section was omitted in the final policy.

---

[47] This ILO Convention was set up in 1949. The concern of this Convention is migration for employment purpose.

[48] This ILO Convention, set up in 1975, is known as Migrant Workers (Supplementary Provisions) Convention. The concern of this Convention is migration in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers.

The omission of the above clauses reflected three main factors.

First, the various ministries involved in producing the policy lacked commitment to addressing migrant workers' rights issues. This was made clear by their objection to having their responsibilities specified in the policy (Reyes, 2013: 35). This lack of commitment was closely associated with the economic and political difficulties of carrying out the aforementioned responsibilities given the limited resources of the country and fear about the possible impact on labour markets. Greater resources were needed in order to implement adequate functioning and coordination of the ministries. The ministries also feared that the assignment of individual responsibilities to particular ministries would increase the scope for NGOs to demand accountability of the government in turn undermining its popularity (Reyes, 2013: 35). In an interview, one MoEWOE official[49] described NGOs' calls for stronger protection of migrant workers' rights as "dreamy" because it required abundant resources to implement in practice. The government could not undertake responsibilities that it did not have the resources for, she claimed.

Second, the government came under significant pressure from local recruitment agents to water down the content of the draft policy (Reyes, 2013: 35). BAIRA exercised influence because of its members' direct access to state officials and their structural power—that is, the fact that Bangladesh relied on private recruitment agents to send significant numbers of migrant workers each year. It proved to be very effective in applying this pressure. In the final policy, BAIRA also managed to secure certain privileges for its members such as freedom from responsibility to monitor contractual obligations between employers and employees and limitation of their role to commercial facilitation of job contracts between employers abroad and Bangladeshi migrant workers (Reyes, 2013: 35). Finally, BAIRA managed to water down protections for migrant workers contained in the original draft. Sections of the draft policy which upheld the government's commitment to international conventions were dropped altogether (Siddiqui, 2009: 22).

---

[49]Interview with Rehnuma Khan from MoEWOE in Dhaka on 23 March, 2014.

BAIRA was the only non-government institution to be mentioned in the 2006 OEP (Reyes, 2013: 35). Interestingly, the responsibilities assigned to BAIRA in the OEP are supposed to be carried out by the government. For example, some of the assigned responsibilities included taking effective measures in curbing unethical competition among recruitment agents, providing assistance to the government in establishing transparency and accountability in the trade, monitoring recruitment agents' compliance with government rules and regulations, and taking necessary action to eliminate harassment of migrant workers by middle-men (GoB, 2006: 10).

Finally, although multiple stakeholders' opinions and suggestions were sought in different seminars, workshops and conferences that formed part of the policy-making process, the ultimate power to finalise the policy laid in the hands of the Minister of MoEWOE. In theory, he was supposed to face questions about the content of the policy from the subordinates within the Ministry. However, in reality, the subordinates did not raise many questions as they feared it could result in them being transferred to remote places in the country or otherwise penalised.[50]

Despite these dynamics, however, the formulation of the OEP 2006 was arguably, at that time, the most inclusive migration-related policy-making process that had ever occurred in Bangladesh. The committee that was involved in framing the 2002 rules, for instance, comprised of representatives from the Ministry of Finance, Ministry of Home Affairs, Ministry of Foreign Affairs, Bangladesh Bank, BMET and BAIRA (Siddiqui et al., 1999: 27). Labour groups or NGOs were not represented in the committee. By contrast, as we have seen, the OEP 2006 was formulated through a process in which NGOs—and RMMRU in particular—played a central role. Migration NGOs may not have won all battles over the policy, but with a seat at the table, they were able to inject a rights-orientation in the OEP 2006 that had not been present in previous official statements of migration policy.

---

[50] Interview with Parvez Siddiqui and Marina Sultana from RMMRU in Dhaka on 23 February, 2014.

Case Study 2: The Ratification of the UN Convention and the Formulation of the Overseas Employment and Migration Act 2013

As discussed in Chapter 6, although Bangladesh signed the UN Convention in 1997, it did not ratify it at that time. Ratification was impeded due to concerns about the country possibly losing labour export markets, the cost of implementation, and potential criticism from the UN in cases of improper implementation. In 2010 when Abdelhamid El Jamri, Chairperson of the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families travelled to Bangladesh to meet with the Law Minister of Bangladesh, Secretary of MoEWOE, Director General of BMET, and Secretary of Ministry of Foreign Affairs, the government of Bangladesh declared its intention to ratify the Convention. Later in August, 2011, the country witnessed the official confirmation of the ratification.

Migration NGOs had been calling on the government to ratify the Convention ever since Bangladesh signed it in 1997 (Hoque, 2012: 12). In particular, these calls began with the earlier mentioned workshop titled "National Responsibility towards the Migrant Workers" organised by RMMRU in December 1997. A need for immediate ratification of the Convention was highlighted in the keynote address by Tasneem Siddiqui from RMMRU at this workshop and in the following discussion (Siddiqui, 1998). RMMRU subsequently organised a series of national consultations on the ratification with various stakeholders including government officials, BOMSA and WARBE, human rights organisations, and trade unions. RMMRU, in association with BOMSA and WARBE, had been advocating that even when some nationals live and work in other countries, they are still the responsibility of their own government. Bangladesh is therefore obliged to protect the rights of its own migrant workers and ratification of Convention is an important recognition of this obligation. Furthermore, they claimed that the size of MoEWOE and other relevant ministries and departments such as the Ministry of Civil Aviation, the Customs department, the Immigration department, and BMET; and the rapid growth of the huge private recruitment sector (which at that point employed at least 2 million people including intermediaries) was, to a large extent, determined by the flow of migrant workers. Hence, making a commitment to protecting migrant workers' rights is actually in the best interests of the government and business to the extent that it promotes an increase in the number of

migrants who bring billions of dollars every year back to the country. Therefore, they suggested that Bangladesh should ratify the Convention if only out of good business sense (Siddiqui, 2007). Also, since the early 2000s, migration NGOs in Bangladesh have been observing International Migrants' Day on 18 December each year. In so doing, one of the key demands that they reiterated was for ratification. They created a push for ratification in the form of rallies, campaigns, petitions, seminars, conferences, demonstrations, workshops, newsletters, media interviews, newspaper articles, documentaries, TV talk shows, and published discussion papers (e.g. Siddiqui, 2009: 60; Udbastu, 2001).

Another factor that contributed to ratification was the administrative development of MoEWOE. Established in 2001, it suffered during its early years from a severe lack of resources and a lack of experience on the part of its officials in dealing with migration at the policy level. A lack of clarity about the division of labour between it and the Ministry of Labour and Employment, the ministry which earlier used to be in charge of labour migration industry, led to a "blame game" between the two ministries in relation to ratification. By 2011, however, the MoEWOE had become more organised. Currently it has several departments with their own joint secretaries and deputy secretaries indicating a move towards decentralisation of responsibilities and increased efficiency. The distinctive roles of MoEWOE and the Ministry of Labour and Employment have been sorted out.

A third factor that contributed to ratification was electoral competition between the AL and the BNP. In the 2001 election, the AL lost to the BNP which had promised to establish the MoEWOE and work for the betterment of migrant workers. This gave the AL, which regained power in late 2008, an incentive to then ratify the Convention as an attempt to maintain and increase its popularity for the next election (which it eventually won). Also, the migration NGOs had better access to the AL MoEWOE Minister, Khandakar Mosharraf Hossain, due to his former experience working in the ILO. He already had a personal commitment to principles of decent work.

A final factor that contributed to ratification relates to the international context. The Philippines and Sri Lanka did not lose any of their respective labour markets as a result of ratifying the UN Convention in 1995 and 1996 respectively (Iredale et al., 2005: 7 &10). More importantly, Bangladesh's experience in losing the Malaysian market due

to irregularities in the recruitment process deepened the country's need to ratify the Convention; ratification became important in order to reopen this market and avoid losing any further markets. Article 66 of the Convention places responsibility for the supervision of workers' recruitment on state parties. Article 68 states that it is the state parties' responsibility to detect and eradicate the clandestine movement of workers and impose effective sanctions on the persons or groups who assist in operating this movement (United Nations, 1990). Ratification thus had the potential to signal a positive national image to Malaysia and other receiving countries generally about the Bangladesh state's concern about its migrant workers' rights including the recruitment related issues.

The government's decision to ratify the UN Convention in 2011 in turn led to the enactment of legislation translating its provisions into domestic law[51]. This took the form of the Overseas Employment and Migration Act 2013. Migration NGOs had demanded a replacement of the 1982 Ordinance for a long time. They claimed that the Ordinance warranted a replacement as it did not address the changes that had taken place in the global labour market since its formulation. The Ordinance was framed when overseas employers used to offer decent wages, airfares, accommodation, yearly vacations and overtime to the workers and commission to recruitment agents as part of labour recruitment deals (Siddiqui, 2010: 12). However, fierce competition among labour exporting countries over the years caused a reversal in these arrangements. Once the supply of migrant workers became greater than the demand for such workers, employers stopped providing the above facilities including the commission to recruitment agents. Rather the latter had to buy visas from employers at high prices. This was due to the entry of many other countries into the labour-export market that would send workers without demanding a commission. Moreover, as discussed earlier, the collapse of international oil prices in the early to mid-1980s led to the indigenisation of the labour force in many recipient countries and significant declines in migrant workers' wages (Faruque, 2006: 24; Siddiqui, 1998: 9). For example, in 1975, the average salary of a Bangladeshi low-skilled migrant worker in the Middle East was

---

[51] According to United Nations (n.d.), 'ratification defines the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act'. In the cases of multilateral treaties, ratification thus requires states to seek 'approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty' (United Nations, n.d.).

US$300-400 per month for 40 hours a week. However, by early 2000, for a similar type of work, a worker would get a salary of US$80-100 per month working 60 hours a week (Rahman, 2004: 181). In addition, the migrant worker had to pay a huge service charge and did not enjoy the previously paid annual month-long holiday. All these changes left migrant workers exposed to economic misery (Rahman, 2004: 181). The abundant supply of foreign workers persuaded host countries to resort to practices which were unethical at the best and extremely exploitative at the worst.

At the same time, the principles of the Convention and those of the Ordinance contradicted each other. For example, as noted earlier, according to the Ordinance, those who did not complete their contract with foreign employers were to be punished. By contrast, the Convention provided privileges to migrant workers to address the issue of contract violation by the employer (Article 54) and granted them the right to enjoy equal treatment with local workers and an entitlement to a fair and public hearing by a competent independent and impartial tribunal established by the law (Article 18 (1)) (United Nations, 1990). Indeed, according to the Convention, it was the state parties' responsibility to take care of those workers who needed to return home (Article 65 & 67) (United Nations, 1990). On top of this, its Article 20 stated that workers should not be imprisoned simply for failing to fulfil the period of the contract and its Article 18 allowed workers to file a case themselves in contrast to the Ordinance.

MoEWOE began the process of replacing the Ordinance with new legislation in 2009, shortly after the AL's election the year before, by setting up an inter-ministerial committee including representatives of BAIRA, RMMRU and the Manusher Jonno Foundation. Being a specialist research unit focussed on migration, RMMRU provided technical expertise to review the 1982 Ordinance. Around the same time, the Law Commission of Bangladesh initiated another review process. At the invitation of the Law Commission, RMMRU formed a separate high level committee by designating Sumaiya Khair, the then Chair of the Department of Law of the University of Dhaka, as the convenor. Other members of this committee included Shahdeen Malik, a law expert; Selim Reza, Additional Director General of BMET; Abul Kalam, Deputy Secretary of the MoEWOE; Tasneem Siddiqui and C. R. Abrar from RMMRU; and Asif Nazrul from the Department of Law at the University of Dhaka. In mid-2011, this committee in consultation with the MoEWOE, BMET and the Law Commission drafted a new law titled Emigration and Overseas Employment Act 2011. While making the draft, the

migration policies of other major labour-sending countries such as Sri Lanka, India and the Philippines were studied and consulted. In the same year the committee handed over the draft to MoEWOE first and then to the Law Commission for suggestions (Siddiqui, 2010: 12; Siddiqui & Farah, 2012: 5; RMMRU, 2013: 1). It received valuable input from Justice Syed Refaat Ahmed and Professor Shah Alam, the then members of the Law Commission (RMMRU, 2013: 1). In this context, RMMRU met the MoEWOE Minister a few times and discussed the draft that it had submitted to the Ministry (MoEWOE) and the Law Commission. The Minister took keen interest in the draft law and held a number of day-long meetings with RMMRU in his office. In light of the recommendations of those meetings, RMMRU revised the draft Act and re-submitted it to the MoEWOE and National Law Commission in early December 2012. Around this time in Bangladesh, the concept of "decent work" introduced by the ILO was being widely discussed, in relation to international migrant workers and the reintegration of returnee migrant workers (*The Daily Star,* 2012). With a particular focus on workers' rights in terms of standard wages, working environment and general employer-employee relationships, the ILO had a project specifically on the principles of decent work. One of the core objectives of the project was to provide the government with technical support to frame its legislative measures. As a result, the ILO and MoEWOE were working closely together. In fact, the ILO's office for this particular project was located in the same building as the MoEWOE. The draft law submitted by the high level committee was further scrutinized by the consultant hired by the ILO for the project. From this stage, the ILO provided the MoEWOE with its principal source of technical support throughout the finalisation of the draft as requested. The Act was taken to the Parliament by the then Minister of MoEWOE, Khandakar Mosharraf Hossain, on 23 October 2013 where it was passed by voice vote[52].

It may appear that the draft submitted by the high level committee was totally ignored and there was a clash between the committee and the ILO's Decent Work Project about the ownership of making the draft. However, in reality, there was no such complexity. All RMMRU, Manusher Jonno Foundation, MoEWOE and ILO officials who I interviewed said that when the ILO took the lead in finalising the draft, it did so by incorporating the ideas of the previous draft and also by asking the team members for

---

[52] In a voice vote, MPs cast their votes verbally or by raising their hands *for* or *against* a proposal. By its nature, it implies no serious debate as part of the vote.

their further suggestions. A series of meetings, seminars and workshops were held between ministry officials, migration NGOs (including WARBE and BOMSA), BAIRA members and ILO officials. The draft law was reviewed by the Ministry of Law, Justice and Parliamentary Affairs. Apparently, all parties were satisfied with the way ILO provided its technical support and led the process. In interviews, RMMRU and Manusher Jonno Foundation officials[53] did not seem to be upset about the ILO's involvement. Rather they were satisfied with the fact that the Act was finalised in 2013.

Having said that, they agreed that some of the rights that were in the high level committee's draft were not reflected in the final Act. For example, the final Act did not provide for punishment of corrupt government officials involved in the migration process. Nor did it outline any particular time frame for implementation of the proposed changes. In the draft developed by high level committee, there was also one section about making the management of the Wage Earners' Welfare Fund transparent. However, this was also omitted from the final version although the migration NGOs were told that the section would be included in the rules that would be made in future under the 2013 Act. It is unclear what precise form of political intervention led to these changes but their consistency with the interests of predatory officials is clear.

Before the finalisation of the Act, BAIRA expressed concern over the severe punishments provided in the Act for 'cheating migrant workers' (Islam, 2013a). They claimed that recruitment agents should not be the only parties held responsible for migration related crimes (Islam, 2013a). All stakeholders including migrant workers, MoEWOE officials, embassies and immigration officials needed to be judged and punished for any criminal actions (Islam, 2013a). In particular, BAIRA was angered by the fact that government officials were apparently exempt from punishment despite being part of the problem (Islam, 2013b). Following the introduction of the customised G to G scheme with Malaysia under which the government played the role of a recruiter, BAIRA claimed that the 2013 Act should have a section detailing punishments for government officials who engaged in deceitful actions in the recruitment process. The Bangladesh immigration department, it noted, was involved in visa forgery in the past (Islam, 2013b). On May 2, 2013 a five-member team led by

---

[53]Interview with Tasneem Siddiqui from RMMRU in Dhaka on 29 January, 2014 and with Sarwat Islam from Manusher Jonno Foundation in Dhaka on 12 March, 2014.

BAIRA President, Shahjalal Majumder, met RMMRU Chairperson Tasneem Siddiqui and expressed their concern over the proposed law (Islam, 2013a). However, MoEWOE refused to consider their objections at that stage saying that the draft was prepared following consultation with various stakeholders including BAIRA (Islam, 2013a). In this instance, then, the ministry opted to prioritise the interests of predatory officials over the interests of private recruitment agents.

The migration NGOs were nevertheless satisfied with the fact that the Act got passed by the Parliament in mid-2013 especially given the fact that a national election was due by 24 January 2014. There was a fear among them that if the then current government did not pass the Act and there was a different government the next year, they would have to start all over again. The mentioning of the Convention at the beginning of the Act was considered to be an achievement for the consecutive efforts that migration NGOs had made.

Other than the NGOs' pressure on the government and the ratification in 2011, another important aspect that led to finalisation of the Act was that the then Secretary of MoEWOE, Zafar Ahmed Khan, held the position for 4-5 years. As a result, the migration NGOs did not have to convince successive ministers to formulate a new act. Additionally, the current Secretary of MoEWOE, Begum Shumshun Nahar, was the then Joint Secretary of MoEWOE throughout this period. Other key positions such as Additional Secretary and Deputy Secretary were also held continuously by the same people. One interviewee[54] observed that because of frequent changes in senior policy positions, ministries in the past tended to lose institutional memory, continuity, ownership, commitment and the thrust of policies. In some cases, policies took complete 'U-turns' or were suspended. In some cases, policies suffered due to the lack of complementary changes in legislative and structural arrangements (Aminuzzaman, 2013a: 453). The fact that there was continuity in MoEWOE staffing reduced the likelihood that progress of the 2013 Act would be hampered by such problems.

As mentioned earlier, one interviewee[55] from MoEWOE said that some of the recommendations made in the draft were not possible for Bangladesh to make

---

[54] Interview with Sarwat Islam from Manusher Jonno Foundation in Dhaka on 12 March, 2014.

[55] Interview with Rehnuma Khan from MoEWOE in Dhaka on 23 March, 2014.

commitments to given its limited resources. According to her, it was unsurprising because academics always make recommendations that may be the best ones for country's interest but are not necessarily achievable given resource limitations. As briefly mentioned earlier, she compared the NGOs' and particularly RMMRU's or academics' recommendations with unachievable "dreams".

Conclusion

This chapter has shown how the growing scope for subaltern forces, especially migration NGOs, to participate in migration policy-making and its implementation following democratisation produced a stronger orientation towards migrant rights in two key policy documents, the Overseas Employment Policy 2006 and the Overseas Employment and Migration Act 2013. With a seat at the table, migration NGOs were more effective in promoting their agenda than they had been in the period prior to the democratic-reform. They were not totally successful particularly where their agenda encountered resistance from BAIRA and predatory elements in the state apparatus. However, their active role in the policy-making process has been significant in ensuring the incorporation of some rights-based elements in the aforementioned policies which were largely absent in previous policies, for example, the 1982 Ordinance.

Chapter 8

Conclusion

This dissertation has sought to fill the gap in the existing literature on the political economy of migration in labour-sending countries by analysing the contestations that have occurred over Bangladesh's labour migration policies and their implementation since the country achieved independence in 1971. It has put forward two main arguments.

First, it has argued that Bangladesh's labour migration policies and the way they have been implemented have evolved through two main phases. Specifically, it has suggested that the nature of the policies introduced between 1971 and 1990 (the first phase) was neo-liberal with weak protection of migrant workers' rights and moments of direct state intervention. A shift in the labour recruitment business from state-domination to a laissez-faire arrangement in the late 1970s and early 1980s marked the advent of a neo-liberal era in the country's migration policies, although it was temporarily interrupted by a ban and then restriction on female migration. This ban/restriction on female migrant workers, along with punitive arrangements for all workers who breached job contracts prematurely and restrictions on their ability to access regular courts on their own, demonstrated an absence of rights-protective measures in the policies of this period. Although the 1982 Ordinance provided government with the authority to cancel recruitment agents' licenses due to business malpractices, poor implementation of this provision further undermined the protection of migrant workers' rights.

The country's migration policies since 1990 (the second phase) have also been broadly neo-liberal in nature. A laissez-faire approach to the recruitment business has continued until today with private sector firms dominating the industry, except in the case of labour exports to Malaysia where a state takeover occurred in 2012. The withdrawal of restrictions on female migration in the second decade of democratisation has also been consistent with this neo-liberal orientation. In contrast to the first phase, however, there has been stronger formal protection of migrant workers' rights during the second phase. Some of the ways the policies of this period have demonstrated an increased focus on migrant workers' rights include the withdrawal of restrictions on female migration (in addition to being consistent with neo-liberalism, this change in policy was also consistent with a human rights agenda), the introduction of severe punishments for

fraudulent recruitment agents and permission for migrant workers to access regular courts on their own. Although the implementation of these rights-based elements has been weak in practice, overall this second phase can be distinguished from the earlier one by its increased focus on migrant workers' rights.

Second, this dissertation has argued that the above shifts and continuities in the nature of labour migration policies and their implementation have been the outcome of four key features of politics in Bangladesh:

i) the continued political dominance of the emerging domestic bourgeoisie and predatory state officials since independence. This has provided the political foundations for the dominance of neo-liberalism in migration policies and their implementation.

ii) the salience of patriarchal and conservative Islamic principles. This created a context conducive to the adoption of restrictive policies on female migration under the military regimes of Zia and Ershad, then subsequently under the democratically elected AL regime. Likewise a decline in the salience of patriarchal and conservative Islamic principles during the 1990s/2000s produced a reversal in this respect. As we have seen in Chapter 6, in the face of changing realities, the Islamic party in Bangladesh underwent a shift from an orthodox conservative ideology to a fairly liberal one in the mid-1990s in relation to women's freedom, contributing to an eventual withdrawal of the ban on female migration.

iii) the emergence of a more inclusive policy-making process following democratisation in 1990. During the military regimes of Zia and Ershad, the process of decision making was highly centralised, exclusionary and non-transparent. By contrast, democratisation created a more inclusive political settlement as it altered the balance of power in favour of pro-poor groups such as migration NGOs which were previously excluded from the policy-making process. It opened up opportunities for migration NGOs to access, contest, and influence policy outcomes in their favour. By making the attainment of power dependent on the support of the voting public, democratisation created an incentive for politicians to pursue policies that

favour these groups and, thereby, removed key obstacles for them to emerge, organise and mobilise in defence of their agendas.

iv)   the structural power of foreign governments. Foreign governments, particularly those in labour-receiving countries and donor countries, have been influential in asserting their interests and making Bangladesh respond accordingly. Given Bangladesh's desperate need to maximise the number of labour migrant workers and its heavy reliance on foreign aid, the receiving countries (some of which have been aid donors) became successful in imposing their interests and promoting their preferred policy changes.

In presenting this analysis, this dissertation has made two important conceptual contributions to our understanding of the relationship between migration and development and, in particular, the role of political economy factors in shaping that relationship.

First, it has shown that the political economy of migration policy and its implementation in labour-sending countries matters because these countries' emigration policies and the way they are implemented influence who has access to overseas migration, on what terms, and to whose benefit. For instance, by imposing restrictions on particular categories of migrant workers, governments in sending countries potentially deny migrant workers in these categories the opportunities associated with labour migration. At the same time, to the extent that these workers migrate anyway through more dangerous pathways, these governments potentially expose them to harm. Likewise, sending countries' approaches to dealing with fraud by recruitment agents and migrants' access to the courts influence the extent to which the potential financial benefits of labour migration for migrant workers are undermined by theft and rights abuses. To get a complete view of the political economy of migration and its impact on development, therefore, this dissertation indicates that, in addition to labour-receiving countries, we also need to examine the political and social struggles over migration policies and their implementation in sending countries.

Second, this dissertation has illustrated the insights that can be gained by using a social conflict approach to analyse contestation over migration policy and its implementation. This approach suggests that we need to look beyond the institutional factors emphasised

in Weberian analyses of the state and the discursive factors emphasised by scholars such as Tyner (2009, 2000b, 1999, 1997), Rodriguez (2002) and Silvey (2004) in earlier work on labour-sending countries. It suggests that labour migration policies and the way they are implemented are the outcome of contentious political and social struggles about who benefits from labour migration, how and to what extent. As a result, the developmental impacts associated with labour migration are conditional upon political and social factors which determine whether or not migration leads to development and, if it does, to whose development in particular. Therefore, this dissertation suggests that we need to understand the nature of the interests and agendas that shape the terms of labour migration and the actors that pursue/promote them.

Having discussed the arguments of this dissertation and its intellectual contribution, the remainder of this conclusion outlines the implications of these arguments in policy-related terms.

Policy Implications

The policy implications of the analysis presented in this dissertation are sixfold.

First, the dissertation suggests that migrant rights advocates in non-democratic labour-sending countries, for example Vietnam and China, should support efforts to promote democratic reform, even if only through the provision of covert moral support. Likewise, rights advocates in democratic sending countries such as India and Indonesia, should take advantage of the civil and political rights and opportunities that democracy provides them to push their case for change.

As we have seen, democratic reform in Bangladesh was crucial in opening up opportunities for social forces such as advocates of migrant workers' rights to access and influence the policy-making process. In non-democratic settings, citizens are often viewed as simply the recipients of state-delivered policies. By contrast, democracy increases the prospect of 'co-governance', that is 'the opening up of the core activities of the state to societal participation' (Ackerman, 2004: 448). Co-governance allows citizens to play a role as 'active participants' who engage in the making and shaping of policies (Cornwall & Gaventa, 2000: 50). It also reinforces the practice of accountability. By bringing together those who are directly affected by policy and those

who are charged with ensuring responsive service provision, democracy opens up opportunities for enhanced accountability and responsiveness at all levels (Cornwall & Gaventa, 2000: 58). This is because it enables citizens to express their concerns more directly to those who hold the power to influence the policy process (Cornwall & Gaventa, 2000: 58; Cornwall, 2004: 1) and provides a broader mechanism for citizens to monitor and evaluate the implementation/non-implementation of policies (Cornwall & Gaventa, 2000: 54)—that is a mechanism that extends beyond the accountability effects of elections.

Free and fair elections, which are an essential part of democracy, are a powerful mechanism by which citizens can ensure that governments are accountable for the actions. In theory, they result in the election and re-election of political leaders who work in favour of the general public and the removal from office of leaders who do not do so (Ackerman, 2004: 448). However, there are some structural problems with elections as a means of ensuring accountability. For example, elections simply hold elected officials accountable while a large number of public officials are appointed bureaucrats who do not necessarily have to face an election (Ackerman, 2004: 448). Additionally, the effectiveness of elections as an accountability mechanism is undermined by the distance between political and civil society, the clientelistic nature of political parties, and the general lack of public information about the actions and inactions of government and particularly about the specific behaviour of individual officers (Ackerman 2004: 449). Accordingly, there is a need for additional accountability mechanisms such as those provided through systems of co-governance. And the case of Bangladesh suggests that these are crucial, as part of wider processes of democratic transition, in shifting migration policy in a pro-rights direction.

Second, this dissertation implies that labour-sending countries concerned about protecting migrant workers' rights should establish a dedicated ministry for the management of labour migration industry. The establishment of MoEWOE in Bangladesh in 2001 facilitated the practice of co-governance. This ministry created new policy spaces that enabled subaltern actors to participate more substantially in the policy-making process. For example, in the policy-making process of both the 2006 OEP and the 2013 Act, migration NGOs were invited by the MoEWOE to contribute in developing policy drafts. In fact, in both cases, RMMRU, the leading migration NGO in Bangladesh, provided the initial technical expertise requested by the MoEWOE. Before

this ministry was set up, there was no government office which was solely focused on this topic. As a result, it was difficult for migration NGOs to press for their demands via a specific government authority. Therefore, the creation of a ministry with an exclusive focus on labour migration has the potential to ensure a greater participation of rights advocates in the policy-making process.

Third, this dissertation implies that in order to obtain rights-based policy reform, migrant rights advocates in labour-sending countries should focus their efforts on policy areas where the prospect of policy change is highest, namely areas where the interests of rights-based and powerful groups are aligned rather than in conflict. As resources are limited, it is important for rights advocates to invest their resources and effort in those areas first. This is not to say that rights advocates should not consider trying to promote change in policy areas where powerful groups oppose change, especially if change is crucial for protection of migrant workers' rights. But they should do so fully cognisant of the risks involved. In short, rights advocates need to recognise the distinctive politics of each policy area and devise strategies according to their objectives and risk preferences. To this end, it will be useful for them to analyse the issues at hand using a social conflict approach. Furthermore, this dissertation suggests that rights advocates ought to recognise that pro-rights policies do not usually emerge naturally out of the good hearts of politicians; rather, the process of achieving these policies is often tough and conflict-driven.

Bangladesh's experience provides some insight into which rights are likely to be more challenging for rights advocates to promote and which are likely to be less challenging. Bangladeshi migration NGOs achieved a relatively quick and easy victory in the case of female migration where their interest and that of neo-liberal forces such as BAIRA was essentially the same. Both sides demanded the withdrawal of the ban and restriction on female migration although for different reasons. This policy change was rational for predatory elements in BMET because the more workers migrated, the more BMET officials receive fees from compulsory emigration clearance for migrant workers. The first ban on female migration was imposed in 1981 and replaced with a restriction in 1988. Following this, the last ban was imposed in November 1997 and it was relaxed in 2003. In both cases, the ban remained valid for only 6 or so years. By contrast, it took 13 years for migration NGOs to achieve victory in having the government ratify the UN Convention on migrant workers' rights (Bangladesh signed the Convention in 1998 but

only ratified it in 2011). Moreover, it took Bangladesh more than 30 years (since 1982 Ordinance) to introduce severe punishments for fraud by recruitment agents, allow workers to file court cases independently, and breach contracts with foreign employers prematurely in 2013. Changes in these areas of policy were directly in conflict with the interests of BAIRA as well as predatory officials in BMET. For example, allowing workers to file cases in regular courts without being required to go through BMET officials reduced opportunities for predatory officials to enjoy unauthorised fees for arranging permission for case-filing. Likewise, the introduction of severe punishments for irregularities in recruitment was a direct threat to members of BAIRA. The upshot was that migration NGOs found it harder to advance their agenda in these areas.

Fourth, the dissertation suggests that regional migration forums and international organisations—particularly ones that are directly focused on migration issues and the principles of decent work such as IOM and ILO respectively—should initiate/continue providing financial and non-financial support to rights advocates in labour-sending countries who are directly engaged in the struggle for protecting migrant workers' rights. It is evident from Bangladesh's case that financial constraints have been a challenge for some of its migration NGOs, particularly during the initial stages of their existence. For example, had BOMSA not received funds from IOM shortly after its inception (as mentioned in Chapter 3), it would have been more difficult for it to continue advocacy for migrant workers' rights. ILO funded the workshop arranged by RMMRU in 1997 which served as the primary basis of the 2006 OEP. Additionally, as discussed earlier, regional migration forums in Asia such as MFA and CARAM Asia have provided training to Bangladeshi local migration NGOs in advocacy, and opened up new opportunities for them to develop connections to migration NGOs from other countries and participate in relevant international workshops and conferences. Such events have often included Bangladesh government officials, enabling local Bangladeshi NGOs to express their views and have an opportunity to directly lobby government officials. Therefore, to facilitate rights-based reform, these international communities should provide both financial and functional support to rights advocates from labour-sending countries.

Fifth, this dissertation suggests that rights advocates need to cultivate allies within the government in order to sustain their influence. It also suggests that it can be advantageous in their respect if there is continuity in staffing arrangements within the

government. As noted earlier, Bangladeshi migration NGOs' efforts to lobby the government in relation to the 2013 Act were aided by the fact that the then Minister of MoEWOE was Khandakar Mosharraf Hossain, a person who had previous experience of working with labour issues in the ILO, and the fact that other key positions in the Ministry such as Secretary, the then Joint Secretary, Additional Secretary and Deputy Secretary were held by the same individuals for several years. Similarly, the employment of sympathetic individuals such as Rokia A. Rahman as the Advisor to the Labour and Employment Ministry in the interim government in 2001 assisted the Bangladeshi migration NGOs in occupying a seat at the table and contributing to the formation of the 2006 OEP.

Finally, this dissertation implies that rights advocates in labour-sending countries should promote the practice of evidence-based policymaking (EBP), particularly to the extent that it provides an opportunity for rights-oriented research/knowledge to enter the policy-making process. At the same time, they should continue and expand the scope of their research. In those labour-sending countries where the governments do not produce research-based evidence for policy choice considerations, research can be an "entry point" for rights advocates into the policy-making process. We have seen this in the Bangladesh case where the government (MoEWOE in particular) does not have a research-wing of its own. It has consequently been compelled to consider incorporating the research-findings of migration NGOs, at least at the initial stage of policy-making.

The production of research-based evidence in favour of migrant workers' rights protection can enable rights advocates to advance their agendas in a more powerful way. After all, the notion that policy-making should be based on evidence rather than unsupported opinion/information is unlikely to be contested (Wells, 2007: 23; du Toit, 2012: 2). EBP emphasises that the development of policy decisions should not be based simply on political sentiment and ideologies, but rather on the 'assessment of scientific evidence' (du Toit, 2012: 2). The basic assumption of EBP is that policy decisions of government are rational to the extent that their formation is based on 'sound evidence' (Sanderson, 2002: 62). A consequence of such an assumption is that the quality of policy decisions is perceived to be dependent on decision makers' access to the 'best', 'right' and 'enough' evidence (du Toit, 2012: 2 & 4). According to this notion, understanding social reality is simply a matter of understanding the evidence (du Toit,

2012: 4). It does not take into account the fact that evidence itself is often a complex and politically contested matter (du Toit, 2012: 5). Therefore, the understanding of evidence that EBP suggests 'can perhaps best be described as naive empiricism' (du Toit, 2012: 4). It discounts the partisan nature of evidence and the political nature of knowledge production. It does not specify what shall count as 'evidence', how it should be interpreted, and how these interpretations should be communicated (du Toit, 2012: 2).

Taking advantage of these gaps in the notion of EBP, rights advocates should produce research-based evidence that supports the necessity of protecting migrant workers' rights and ensure that policy-makers can access and use that evidence. The point is that research-based evidence has the potential to increase the prospect of ensuring victory for rights advocates. Therefore, instead of advocating for migrant workers' rights simply because they are important in human development terms, it will be more functional if rights advocates can provide supportive evidence through their research findings regarding, for example, the positive impacts on a country's development that can be brought about by protecting migrant workers' rights.

Potential Areas of Future Research

As outlined in the methodology section, the scope of this dissertation is limited to voluntary and temporary international migration of Bangladeshi low-skilled workers. It has not taken other dimensions of labour migration into account such as internal migration, permanent migration, involuntary international migration and migration of skilled workers. Thereby, these areas of migration from Bangladesh appear to be potential areas of future research.

By examining the role of political and social factors in shaping the migration policies in the case of Bangladesh, this dissertation has set up a basic analytical template for future studies on other countries. By employing this same analytical approach, future researchers can explore and analyse the nature of migration policies, particularly of other labour-sending countries.

As discussed in Chapter 2, this dissertation has provided the theoretical framework of social conflict theory which hitherto has not been applied to understand the Bangladesh state in the existing literature. With the understanding of Bangladesh state provided by this theory, future researchers can continue analysing the nature of other polces that the country has in place.

Hope for the Future?

Currently, Bangladesh has a good legal framework for migrant worker rights' particularly in the wake of ratification of the UN Convention and enactment of the 2013 Migration Act. However, realising these rights in practice in the future is not inevitable.

Rosser (2015) has argued that in low quality democracies (of which Bangladesh is undoubtedly an exemplar), the acknowledgement of rights in legal frameworks facilitates the realisation of poor and vulnerable groups' rights in practice. This is because legal recognition i) can act as a spur to political mobilisation (i.e. 'the pursuit of human rights causes through political mechanisms such as lobbying, protest and shaping public opinion') by poor and vulnerable groups, and ii) provides a basis for poor groups and their supporters to challenge and seek redress for rights breaches through legal means such as courts (Rosser, 2015: 182 & 185). As long as there are legal and political pathways available to citizens to promote, defend and enforce their rights, and citizens can mobilise the required resources to initiate and continue legal and political action, recognition of rights in legal frameworks can lead to some rights realisation in practice (Rosser, 2015: 182 & 186). In this sense, the formation of Bangladesh's 2013 Act appears to be a worthwhile endeavour.

Given the structural power of neo-liberal forces in Bangladesh and their opposition to migrant workers' rights, the implementation of the 2013 Act—and specifically the rights provided within it—is likely to depend on processes of political and social struggle between these forces and proponents of rights-based approaches to migration such as migration NGOs. In other words, the fate of Bangladeshi migrant workers' rights ultimately rests on the outcome of these struggles. We must hope that they play out in a way that is largely beneficial to migrant workers.

References

Abella, M. (1995) 'Asian migrant and contract workers in the Middle East' in R. Cohen (ed.) *The Cambridge survey of world migration,* Cambridge University Press, Cambridge.

Ackerman, J. (2004) 'Co-governance for accountability: beyond "Exit" and "Voice"' *World Development,* vol. 32, no. 3, pp. 447-463.

Adams, R. (2003) 'International migration, remittances and the brain drain: a study of 24 labour-exporting countries', World Bank Policy Research Working Paper 3069, June, World Bank, Washington DC.

Adams, R. and Page, J. (2005) 'Do international migration and remittances reduce poverty in developing countries?' *World Development,* vol. 33, no. 10, pp. 1645-1669.

ADB (Asian Development Bank) (2003) 'Combating trafficking of women and children in South Asia', Regional synthesis paper for Bangladesh, India and Nepal, April.

AFP (Agence France Presse) (2006) 'Malaysia bans Bangladeshi workers again', 5 October.

AFP (Agence France Presse) (2007) 'Malaysia imposes new ban on Bangladeshi workers', 4 October.

Afsar, R. (2005) 'Conditional mobility: the migration of Bangladeshi female domestic workers' in S. Huang, B. Yeoh and N. Rahman (eds.) *Asian women as transnational domestic workers,* Marshall Cavendish Academic, Singapore.

Afsar, R. (2009) 'Unravelling the vicious cycle of recruitment: labour migration from Bangladesh to the Gulf States', Working Paper 63, May, International Labour Office, Geneva.

Afsar, R., Yunus, M and Islam, A. (2002) *Are migrants chasing after the "golden deer"? A study on cost-benefit analysis of overseas migration by the Bangladeshi labour*, International Organisation for Migration, Regional office for South Asia, Dhaka.

Agunias, D. (2012) 'Regulating private recruitment in the Asia-Middle East labour migration corridor', Issue in Brief, Issue no. 4, August, International Organization for Migration and Migration Policy Institute.

Agunias, D., Aghazarm, C. and Battistella, G. (2011) 'Labour migration from Colombo Process countries: good practices, challenges and ways forward', IOM Report, International Organisation for Migration.

Ahamed, E. and Nazneen, D. (1990) 'Islam in Bangladesh: revivalism or power politics?' *Asian Survey,* vol. 30, no. 8 (August), pp. 795-808.

Ahmed, F., Greenleaf, A. and Sacks, A. (2014) 'The paradox of export growth in areas of weak governance: the case of the ready made garment sector in Bangladesh' *World Development,* vol. 56, pp. 258-271.

Ahmed, N. (2003) 'From monopoly to competition: party politics in the Bangladesh parliament (1973-2001)' *Pacific Affairs,* vol. 76, no. 1 (Spring), pp. 55-77.

Ahmed, N. (2010) 'Party politics under a non-party caretaker government in Bangladesh: the Fakhruddin interregnum (2007-09)' *Commonwealth and Comparative Politics,* vol. 48, no. 1 (February), pp. 23-47.

Ahmed, S. (1998) 'The impact of the Asian crisis on migrant workers: Bangladesh perspectives' *Asian and Pacific Migration Journal,* vol. 7, nos. 2 & 3, pp. 369-393.

Ahmed, S. (2000) *Forlorn migrants: an international legal regime for undocumented migrant workers,* The University Press Limited, Dhaka.

Alam, A. (1993) 'The nature of the Bangladesh state in the post 1975 period' *Contemporary South Asia,* vol. 2, no. 3, pp. 311-325.

Alam, A. (1994) 'State and capital accumulation: the problems of capitalist transformation in Bangladesh' *South Asia: Journal of South Asian Studies,* vol. 17, no. 1, pp. 43-55.

Alam, Q. and Teicher, J. (2012) 'The state of governance in Bangladesh: the capture of state institutions' *South Asia: Journal of South Asian Studies,* vol. 35, no. 4 (December), pp. 858-884.

Alam, S. (1993) 'Islam, ideology and the state in Bangladesh' *Journal of Asian and African Studies,* vol. 28, nos. 1 & 2, pp. 88-106.

Alamgir, F. and Cairns, G. (2014) 'Development or dispossession? An interpretation of global integration of public sector jute mills in Bangladesh' *Critical Perspectives on International Business,* vol. 10, no. 3, pp. 207-223.

Ali, S.; Arif, A.; Habibullah, A.; Hossain, A.; Islam, R.; Mahmud, W.; Osmani, S.; Rahman, Q.; and Siddiqui, A. (1981) 'Labor migration from Bangladesh to the Middle East', World Bank Staff Working Paper no. 454, April, World Bank, Washington DC.

Allchin, J. (2013) 'Parochial progress', *The New York Times,* 20 November.

Aminuzzaman, S. (2013a) 'Dynamics of public policy: determinants of policymaking and implementation in Bangladesh' *Public Organisation Review,* vol. 13, pp. 443-458.

Aminuzzaman, S. (2013b) 'Public policy processes and citizen participation in Bangladesh' in M. Sabharwal and E. Berman (eds.) *Public administration in South Asia: India, Bangladesh, and Pakistan,* CRC Press, Boka Raton.

Amnesty International (2004) 'Malaysia: Irene Fernandez defends rights of migrant workers despite conviction', AI Index: ASA 28/015/2004, December.

Anonymous (2002) 'Proceedings of the workshop on streamlining labour recruitment process in Bangladesh for employment abroad, 24 September, 2001' in T. Siddiqui (ed.) *Beyond the maze: streamlining labour recruitment process in Bangladesh*, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

APF (Asia Pacific Forum) (2012) *Promoting and protecting the rights of migrant workers: the role of national human rights institutions*, Asia Pacific Forum of National Human Rights Institutions, Sydney.

Arango, J. (2000) 'Explaining migration: a critical view' *International Social Science Journal,* vol. 52, no. 165, pp. 283-296.

Archavanitkul, K. (1999) 'Managing the flow of migration regional approaches', Discussion paper prepared for the international symposium on Migration: Towards Regional Cooperation on Irregular/Undocumented Migration', April 21- 23, Organised by the Ministry of Foreign Affairs of the Kingdom of Thailand and the International Organisation for Migration (IOM), Bangkok.

Asis, M., Piper, N. and Raghuram, P. (2010) 'International migration and development in Asia: exploring knowledge frameworks' *International Migration,* vol. 48, no. 3, pp. 76-106.

ASK (Ain o Salish Kendra) (1997) 'A tarnished golden deer: the regime for Bangladesh migrant workers', Dhaka.

Aspinall, E. (2013) 'Popular agency and interests in Indonesia's democratic transition and consolidation', *Indonesia*, vol. 96, pp. 101-121.

Azad, A. (2005) 'Migrant workers' remittances: a source of finance for micro-enterprise development in Bangladesh' in S. Maimbo and D. Ratha (eds.) *Remittances: development impact and future prospects*, World Bank, Washington DC.

Baden, S., Green, C., Goetz, A. and Guhathakurta, M. (1994) 'Background report on gender issues in Bangladesh', Report prepared for the British High Commission, August, Dhaka.

BAIRA (Bangladesh Association of International Recruiting Agencies) (n.d.a) 'List of general members of Bangladesh Association of International Recruiting Agencies' http://www.baira.org.bd/extra/addresswithphoto.php, accessed on 8 November 2016.

BAIRA (Bangladesh Association of International Recruiting Agencies) (n.d.b) 'Past president and secretary general of BAIRA' http://www.baira.org.bd/index.php/past-president-and-secretary-general, accessed on 8 November, 2016.

Bal, C. (2013) 'The politics of obedience: Bangladeshi construction workers and the migrant labour regime in Singapore', PhD Thesis, Murdoch University, Australia.

Bangladesh Parliament (n.d.) 'MPs' http://www.parliament.gov.bd/index.php/en/mps/members-of-parliament/former-mp-s/list-of-8th-parliament-members-bangla, accessed 27 September, 2016.

Baxter, C. and Rahman, S. (1991) 'Bangladesh military: political institutionalization and economic development' *Journal of Asian and African Studies,* vol. 26, nos. 1 & 2, pp. 43-60.

BBC Monitoring South Asia (2007) 'Malaysia suspends recruitment of Bangladeshi workers', 4 October.

Beine, M., Docquier, F., and Rapoport, H. (2001) 'Brain drain and economic growth: theory and evidence' *Journal of Development Economics,* vol. 64, pp. 275-289.

Beine, M., Docquier, F. and Rapoport, H. (2008) 'Brian drain and human capital formation in developing countries: winners and losers' *The Economic Journal,* vol. 118 (April), pp. 631-652.

Bertocci, P. (1982) 'Bangladesh in the early 1980s: praetorian politics in an intermediate regime' *Asian Survey,* vol. 22, no. 10 (October), pp. 988-1008.

Blair, H. (1978) 'Rural development, class structure and bureaucracy in Bangladesh' *World Development,* vol. 6, no. 1, pp. 65-82.

Blair, H. (2000) 'Civil society, democratic development and international donors' in R. Jahan (ed.) *Bangladesh: promise and performance,* Zed Books, London and New York.

BMET (Bureau of Manpower, Employment and Training) (n.d.) 'Category-wise overseas employment from 1976 to 2015'

http://www.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=27, accessed on 16 November, 2016.

Bruyn, T. and Kuddus, U. (2005) 'Dynamics of remittance utilization in Bangladesh', January, IOM Migration Research Series no. 18, International Organization for Migration.

Carnoy, M. (1984) 'Structuralism and the state: Althusser and Poulantzas' in *The state and political theory,* Princeton University Press, Princeton, New Jersey.

Castles, S. (1987) 'Temporary migrant workers: economic and social aspects', Occasional Paper 9, Centre for Multicultural Studies, University of Wollongong, Australia.

Castles, S. (2004a) 'The factors that make and unmake migration policies' *International Migration Review,* vol. 38, no. 3 (Fall), pp. 852-884.

Castles, S. (2004b) 'Why migration policies fail' *Ethnics and Racial Studies*, vol. 27, no. 2, pp. 205-227.

CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) (1997) 'Consideration of reports submitted by states parties under article 18 of the Convention on the Elimination of All Forms of Discrimination Against Women', Third and Fourth periodic reports of state parties: Bangladesh, April, Committee on the Elimination of Discrimination Against Women.

Chossudovsky, M. (1997) 'Bangladesh: under the tutelage of the "aid" consortium' in *The globalisation of poverty: impacts of IMF and World Bank reforms,* Third World Network, Penang.

Chowdhury, D. (2007) 'How to stimulate Bangladesh's manpower export', Working Paper no. 08/2007, Shamunnay, Dhaka.

Chowdhury, F. (2009) 'Problems of women's participation in Bangladesh politics' *The Round Table: The Commonwealth Journal of International Affairs,* vol. 98, no. 404, pp. 555-567.

Cohen, R. (2006) 'Citizens, denizens and helots: the politics of international migration flows after 1945' in *Migration and its enemies: global capital, migrant labour and the nation state*, Ashgate Publishing Limited, Hampshire.

Commander, S., Kangasniemi, M. and Winters, L. (2004) 'The brain drain: a review of theory and facts' *Brussels Economic Review,* vol. 47, no. 1 (Spring), pp. 29-44.

Cornia, G., Jolly, R. and Stewart, F. (1987) 'Summary and conclusions' in G. Cornia, R. Jolly and F. Stewart (eds.) *Adjustment with a human face,* vol. 1. Protecting the vulnerable and promoting growth, Clarendon Press, Oxford.

Cornwall, A. (2004) 'Introduction: new democratic spaces? The politics and dynamics of institutionalised participation' *IDS Bulletin* 35, no. 2 (April), pp. 1-10.

Cornwall, A. and Gaventa, J. (2000) 'From users and choosers to makers and shapers: repositioning participation in social policy' *IDS Bulletin,* vol. 31, no. 4, pp. 50- 62.

Crouch, H. (1979) 'Patrimonialism and military rule in Indonesia' *World Politics,* vol. 31, no. 4 (July), pp. 571-587.

Dadush, U. (2014) 'The effect of low-skilled labor migration on the host economy', Working Paper 1, April, Global Knowledge on Partnership on Migration and Development (KNOMAD), World Bank.

Dannecker, P. (2005) 'Transnational migration and the transformation of gender relations: the case of Bangladeshi labour migrants' *Current Sociology,* vol. 53, no. 4 (July), pp. 655-674.

Dannecker, P. (2009) 'Migrant visions of development: a gendered approach' *Population, Space and Place,* vol. 15, pp. 119-132.

de Haas, H. (2005) 'International migration, remittances and development: myths and facts' *Third World Quarterly,* vol. 26, no. 8, pp. 1269-1284.

de Haas, H. (2010) 'Migration and development: a theoretical perspective' *The International Migration Review,* vol. 44, no. 1 (Spring), pp. 227-264.

Devine, J. and White, S. (2013) 'Religion, politics and the everyday moral order in Bangladesh' *Journal of Contemporary Asia,* vol. 43, no. 1 (February), pp. 127-147.

du Toit, A. (2012) 'Making sense of "evidence": notes on the discursive politics of research and pro-poor policy making', Working Paper 21, September, Institute for Poverty, Land and Agrarian Studies (PLAAS), UWC: Bellville.

Elias, J. (2008) 'Struggles over the rights of foreign domestic workers in Malaysia: the possibilities and limitations of "rights talk"' *Economy and Society,* vol. 37, no. 2, pp. 282-303.

Elias, J. (2010) 'Transnational migration, gender, and rights: advocacy and activism in the Malaysian context' *International Migration,* vol. 48, no. 6, pp. 44-71.

Elias, J. (2015) 'Realising women's human rights in Malaysia: the EMPOWER report' *Asian Studies Review,* vol. 39, no. 2, pp. 229-246.

Elias, J. and Rethel, L. (2016) 'Southeast Asia and everyday political economy' in J. Elias and L. Rethel (ed.) *The everyday political economy of Southeast Asia,* Cambridge University Press, The UK.

Farid, K., Mozumdar, L., Kabir, M. and Hossain, K. (2009) 'Trends in international migration and remittance flows: case of Bangladesh' *Journal of Bangladesh Agricultural University,* vol. 7, no. 2, pp. 387-394.

Faruque, M. (2006) 'International instruments and Bangladeshi migrant workers' rights', Occasional Paper 12, June, South Asia Migration Resource Network (SAMReN) and Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Feiler, G. (1991) 'Migration and recession: Arab labor mobility in the Middle East, 1982-89' *Population and Development Review,* vol. 17, no. 1 (March), pp. 134-155.

Feldman, S. (2000) 'NGOs and civil society: (un)stated contradictions' in R. Jahan (ed.) *Bangladesh: promise and performance,* Zed Books, London and New York.

Feldman, S. (2001) 'Gender and Islam in Bangladesh: metaphor and myth' in R. Ahmed (ed.) *Understanding the Bengal Muslims: interpretative essays,* New Delhi.

Franco, J. (2013) 'The language of labor export in political discourse: "modern-day heroism" and constructions of overseas Filipino workers (OFWS)' *Philippine Political Science Journal,* vol. 34, no. 1, pp. 97-112.

Freeman, G. and Kessler, A. (2008) 'Political economy and migration policy' *Journal of Ethnic and Migration Studies,* vol. 34, no. 4 (May), pp. 655-678.

Friedmann, J. (2002) 'Transnational migration: spaces of incorporation' in *The prospect of cities,* University of Minnesota Press, Minneapolis and London.

Gamlen, A. (2008) 'The emigration state and the modern geopolitical imagination' *Political Geography,* vol. 27, no. 8, pp. 840-856.

Gardner, K. (1995) *Global migrants, local lives: travel and transformation in rural Bangladesh*, Clarendon Press, Oxford.

Gauri, V. (2004) 'Social rights and economics: claims to health care and education in developing countries' *World Development,* vol. 32, no. 3, pp. 465-477.

George, A. and Bennett, A. (2005) *Case studies and theory development in the social sciences,* The MIT Press, Cambridge.

Giuliano, P. and Arranz, M. (2005) 'Remittances, financial development and growth', IMF Working Paper, December, International Monetary Fund.

GMG (Global Migration Group) (2010) *Mainstreaming migration into development planning: a handbook for policy-makers and practitioners*, Global Migration Group.

Go, S. (2005) 'Fighting for the rights of migrant workers: the case of the Philippines' in OECD/Federal Office of Immigration, Integration and Emigration, *Migration for employment: bilateral agreements at a crossroads,* OECD Publishing.

GoB (Government of Bangladesh) (1972) 'Constitution of the people's republic of Bangladesh', November, Government of the People's Republic of Bangladesh.

GoB (Government of Bangladesh) (1982) 'The emigration ordinance 1982', Ministry of Law and Land Reforms (Law and Parliamentary Affairs Division), September, Government of the People's Republic of Bangladesh.

GoB (Government of Bangladesh) (1990) 'Probashi Bangladeshi kormider deshe o bideshe kollanarthe "Wage Earners' Kollan Tohobil" gothon o todsongkranto bidhimala' [Rules for establishing the "Wage Earners' Welfare Fund" for the welfare of expatriate Bangladeshis in home and abroad], November, Government of the People's Republic of Bangladesh.

GoB (Government of Bangladesh) (2002a) 'Emigration rules', Ministry of Expatriates' Welfare and Overseas Employment, Government of the People's Republic of Bangladesh.

GoB (Government of Bangladesh) (2002b) 'Rules for conduct and licensing recruiting agencies', Ministry of Expatriates' Welfare and Overseas Employment, Government of the People's Republic of Bangladesh.

GoB (Government of Bangladesh) (2002c) 'Rules for wage earners' welfare fund', Ministry of Expatriates' Welfare and Overseas Employment, Government of the People's Republic of Bangladesh.

GoB (Government of Bangladesh) (2004) 'Bangladesh overseas employment policy', Draft for Discussion, 7 April.

GoB (Government of Bangladesh) (2006) 'Overseas employment policy', Notification, Ministry of Expatriates' Welfare and Overseas Employment, November, Government of the People's Republic of Bangladesh.

GoB (Government of Bangladesh) (2013) 'Boideshik kormoshongsthan o ovibashi ain' [Overseas employment and migration act 2013], October, Bangladesh National Parliament.

Goetz, A. (1995) 'The politics of integrating gender to state development processes: trends, opportunities and constraints in Bangladesh, Chile, Jamaica, Mali, Morocco and Uganda', Occasional Paper 2, May, United Nations Research Institute for Social Development, United Nations Development Programme.

Grabel, I. (2008) 'The political economy of remittances: what do we know? what do we need to know?', Working Paper Series no. 184, Political Economy Research Institute, University of Massachusetts Amherst, United States.

Griffiths, M. and Hasan, M. (2015) 'Playing with fire: Islamism and politics in Bangladesh' *Asian Journal of Political Science,* vol. 23, no. 2, pp. 226-241.

Haider, Z. (1999) 'Role of military in the politics of Bangladesh: Mujib, Zia and Ershad regimes (1972-1990)' *Journal of South Asian and Middle Eastern Studies,* vol. 22, no. 3 (Spring). pp. 57-82.

Halder, N. (2004) 'Female representation in parliament: a case study from Bangladesh' *New Zealand Journal of Asian Studies,* vol. 6, no. 1 (June), pp. 27-63.

Hameiri, S. (2007) 'Failed states or a failed paradigm? state capacity and the limits of institutionalism' *Journal of International Relations and Development,* vol. 10, pp. 122-149.

Hammadi, S. (2014) 'Government has shown more inefficiency than recruiting agencies', *The Daily Star,* 27 June.

Hanson, G. (2010) 'The governance of migration policy' *Journal of Human Development and Capabilities,* vol. 11, no. 2, pp. 185-207.

Haque, M. (2002) 'The changing balance of power between the government and NGOs in Bangladesh' *International Political Science Review,* vol. 23, no. 4, pp. 411-435.

Haque, M. (2004) 'Governance based on partnership with NGOs: implications for development and empowerment in rural Bangladesh' *International Review of Administrative Sciences,* vol. 70, no. 2, pp. 271-290.

Harris, J. and Todaro, M. (1970) 'Migration, unemployment and development: a two-sector analysis' *The American Economic Review,* vol. 60, no. 1, pp. 126-142.

Hasan, M. (2009) 'International labour migration governance: the case of Bangladesh', MA Dissertation, Institute of Governance Studies, BRAC University, November, Dhaka.

Hasan, R, (2015) 'Rising extremism in Bangladesh: a voyage towards uncertainty' *Journal of South Asian Studies,* vol. 3, no. 2, pp. 143-153.

Hasan, S. (2012) 'Jonoshokti roptani bondho korar chinta BAIRA sodosshoder' [Members of BAIRA consider stopping manpower export], *Prothom Alo,* 19 September, p. 21 & 24.

Hasan, S. (2013) 'BMET er kormocharirai bikri koren aat hajar smart card!' [BMET officials sold eight thousand smart cards!], *Prothom Alo,* 21 March, p. 3.

Hasan, S. (2014a) 'Shagor pothe tin bochore showa lakh manob pachar: UNHCR er tottho' [125 thousand people became victims of human trafficking through sea routes in 3 years: UNHCR], *Prothom Alo,* 18 December, p. 1 & 4.

Hasan, S. (2014b) 'Probashi ai komche' [Foreign income is reducing] *Prothom Alo,* 18 July, pp. 1 & 4.

Hasan, S. (2014c) 'Khotipuron pete durbhoge probashe mritoder sojonera' [Relatives of deceased migrant workers are experiencing problems in receiving compensations], *Prothom Alo,* 15 November, p. 1 & 4.

Hasnain, S. and Jasimuddin, S. (2012) 'Barriers to knowledge transfer: empirical evidence from the NGO (non-governmental organisations) sector in Bangladesh' *World Journal of Social Sciences,* vol. 2, no. 2 (March), pp. 135-150.

Hewison, K., Rodan, G. and Robison, R. (1993) 'Introduction: changing forms of state power in Southeast Asia' in K. Hewison, R. Robison and G. Rodan (eds.) *Southeast Asia in the 1990s: authoritarianism, democracy and capitalism,* Allen and Unwin, New South Wales.

Hickey, S., Sen, K. and Bukenya, B. (2015) 'Exploring the politics of inclusive development: towards a new conceptual approach' in S. Hickey, K. Sen and B. Bukenya (eds.) *The politics of inclusive development: interrogating the evidence,* Oxford University Press, The UK.

Hindustan Times, (2016) 'Bangladeshi tycoon with $12bn in Swiss bank faces graft charges', 10 March.

Hollifield, J. and Wong, T. (2004) 'The politics of international migration: how can we "bring the state back in?"' in C. Brettell and J. Hollifield (eds.) *Migration theory: talking across disciplines,* Routledge, New York and London.

Hoque, M. (1998) 'Migrant labour perspective unheard voice of Bangladeshi workers in Malaysia', Session 4 of a seminar on The Media and Labour Migration in Malaysia,

Organised by Asian Institute for Development Communication in collaboration with The Asia Foundation, 27-29 October, Kuala Lumpur.

Hoque, R. (2012) 'Protecting migrant workers of Bangladesh: a study of compliance of laws and practices with the 1990 UN convention on rights of migrant workers and members of their families', Report, United Nations Development Programme and National Human Rights Commission of Bangladesh, November, Dhaka.

Hossain, A. (1993) 'Financial reforms, stability of the money demand function and monetary policy in Bangladesh: an econometric investigation' *Indian Economic Review,* vol. 28, no. 1 (January-June), pp. 85-100.

Hossain, M. and Alauddin, M. (2005) 'Trade liberalization in Bangladesh: the process and its impact on macro variables particularly export expansion' *The Journal of Developing Areas,* vol. 39, no. 1 (Autumn), pp. 127-150.

Hossain, N. (2005) 'Productivity and virtue: elite categories of the poor in Bangladesh' *World Development,* vol. 33, no. 6, pp. 965-977.

Hugo, G. (2005) 'The new international migration in Asia: challenges for population research' *Asian Population Studies,* vol. 1, no. 1, pp. 93-120.

Huguet, J. (2010) 'Linking international migration and development in Asia', Background paper for the workshop on Strengthening National Capacities to Deal with International Migration, 22-23 April, Bangkok.

Human Rights Watch (2008) *As if I am not human: abuses against Asian domestic workers in Saudi Arabia*, Human Rights Watch, New York.

Huque, A. (1997) 'The impact of colonialism: thoughts on politics and governance in Bangladesh' *Asian Affairs,* vol. 28, no. 1, pp. 15-27.

Huque, A. (2011) 'Accountability and governance: strengthening extra-bureaucratic mechanisms in Bangladesh' *International Journal of Productivity and Performance Management,* vol. 60, no. 1, pp. 59-74.

Huque, A. and Rahman, M. (2003) 'From domination to alliance: shifting strategies and accumulation of power by the bureaucracy in Bangladesh' *Public Organization Review: A Global Journal,* vol. 3, pp. 403-418.

Hussain, Z. (2013) 'For Bangladesh, more migrants mean more money' http://blogs.worldbank.org/endpovertyinsouthasia/bangladesh-more-migrants-mean-more-money, accessed on 10 November, 2016.

ILO (International Labour Organisation) (2009) *Protecting the rights of migrant workers: a shared responsibility*, International Labour Organisation, Geneva.

ILO (International Labour Organisation) (2010) *International labour migration: a rights-based approach*, International Labour Organisation, Geneva.

ILO (International Labour Organization) (2014a) *Promoting cooperation for safe migration and decent work*, International Labour Organisation country office for Bangladesh, Dhaka.

ILO (International Labour Organisation) (2014b) *Skilling the workforce: labour migration and skills recognition and certification in Bangladesh*, International Labour Organisation country office for Bangladesh, Dhaka.

ILO (International Labour Organization) (2014c) *The cost: causes of and potential redress for high recruitment and migration costs in Bangladesh*, International Labour Organisation country office for Bangladesh, Dhaka.

IOM (International Organization for Migration) (n.d.) 'Labour migration' http://www.iom.int/labour-migration, accessed on 8 November, 2016.

IOM and INSTRAW (2000) *Temporary labour migration of women: case studies of Bangladesh and Sri Lanka,* United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) and International Organisation for Migration (IOM).

Iredale, R. and Piper, N. (2003) 'Identification of the obstacles to the signing and ratification of the UN convention on the protection of the rights of all migrant workers: the Asia-Pacific perspectives', October, UNESCO series of country reports on the ratification of the UN convention on migrants.

Iredale, R., Piper, N. and Ancog, A. (2005) 'Impact of ratifying the 1990 UN convention on the rights of all migrant workers and members of their family: case studies of the Philippines and Sri Lanka', August, Working Paper no. 15, Asia Pacific Migration Research Network, Funded by UNESCO.

Islam, M. (2011) 'Migration from Bangladesh and overseas employment policy', Government of the People's Republic of Bangladesh.

Islam, R. (2013a) 'BAIRA expresses concern over proposed migration law', *Dhaka Tribune,* 5 May.

Islam, R. (2013b) 'BAIRA needs to fall in line', *Dhaka Tribune,* 20 May.

Islam, R. (2013c) 'New migration law likely: bill to be placed in coming JS session', *Dhaka Tribune,* 25 August.

Islam, R. (2013d) 'Workers' migration: BAIRA points finger of blame at government', *Dhaka Tribune,* 23August.

Islam, S. (1984) 'The state in Bangladesh under Zia (1975-1981)' *Asian Survey,* vol. 24, no. 5 (May), pp. 556-573.

Islam, S. (1985) 'The role of the state in the economic development of Bangladesh during the Mujib regime (1972-1975)' *The Journal of Developing Areas,* vol. 19 (January), pp. 185-208.

Istiak, K. (2012) 'Foreign aid to Bangladesh: some iconoclastic issues' *Journal of Developing Areas,* vol. 46, no. 1 (Spring), pp. 331-343.

Jahan, F. (2006) 'Public administration in Bangladesh', Centre for Governance Studies Working Paper 1, BRAC University, Dhaka.

Jahan, F. and Shahan, A. (2008) 'Politics-bureaucracy relationship in Bangladesh: consequences for the public service commission' *Public Organization Review,* vol. 8, no. 4, pp. 307-328.

Jahan, F. and Shahan, A. (2012) 'Bureau bashing and public service motivation: a case for the civil service of Bangladesh' *International Journal of Public Administration,* vol, 35, no. 4, pp. 272-284.

Jahan, R. (1975) 'Women in Bangladesh' in R. Rohrlich-Leavitt (ed.) *Women cross-culturally: change and challenge,* De Gruyter Mouton, USA and Canada.

Jahan, R. (1976) 'Members of parliament in Bangladesh' *Legislative Studies Quarterly,* vol. 1, no. 3 (August), pp. 355-370.

Jamil, I. (2002) 'Administrative culture in Bangladesh: tensions between tradition and modernity' *International Review of Sociology,* vol. 12, no. 1, pp. 93-125.

Jamil. I. (2007) *Administrative culture in Bangladesh,* A H Development Publishing House in association with Centre for Development Governance, Dhaka.

Janta, H. (2011) 'Polish migrant workers in the UK hospitality industry: profiles, work experience and methods for accessing employment' *International Journal of Contemporary Hospitality Management,* vol. 23, no. 6, pp. 803-819.

Jayasuriya, K. (2005) 'Beyond institutional fetishism: from the developmental to the regulatory state' *New Political Economy,* vol. 10, no. 3, pp. 381-387.

Jayasuriya, K. and Rodan, G. (2007) 'Beyond hybrid regimes: more participation, less contestation in Southeast Asia', *Democratization,* vol. 14, no. 5, pp. 773-794.

Jayasuriya, K. and Rosser, A. (2001) 'Economic orthodoxy and the East Asian crisis' *Third World Quarterly,* vol. 22, no. 3 (June), pp 381- 396.

Jha, N. (2011) 'Domestic bases of foreign policy' in E. Sridharan (ed.) *International relations theory and South Asia: security, political economy, domestic politics, identities, and images,* vol. 1, Oxford Scholarship Online.

Jureidini, R, and Moukarbel, N. (2004) 'Female Sri Lankan domestic workers in Lebanon: a case of "contract slavery"?' *Journal of Ethnic and Migration Studies*, vol. 30, no. 4 (July), pp. 581-607.

Kabeer, N. (1988) 'Subordination and women: women in Bangladesh' *New Left Review,* no. 168 (March), pp. 95-121.

Kabeer, N. (1991) 'The quest for national identity: women, Islam and the state in Bangladesh' *Feminist Review,* no. 37 (Spring), pp. 38-58.

Kabeer, N. (2011) 'Citizenship narratives in the face of bad governance: the voices of the working poor in Bangladesh' *The Journal of Peasant Studies,* vol. 38, no. 2 (March), pp. 325-353.

Kabeer, N., Mahmud, S. and Castro, J. (2010) 'NGOs' strategies and the challenge of development and democracy in Bangladesh', IDS Working Paper 343, June, Institute of Development Studies, University of Sussex, UK.

Kabir, B. (1990) 'The politics of religion: the Jamaat-i-Islami in Bangladesh' in R. Ahmed (ed.) *Religion, nationalism and politics in Bangladesh,* South Asian Publishers, New Delhi.

Kallol, A. (2015) 'Intel finds no trace of Prince Moosa's fabled $12bn' *Dhaka Tribune,* 25 November.

Kapur, D. (2005) 'Remittances: the new development mantra' in S. Maimbo and D. Ratha (eds.) *Remittances: development impact and future prospects*, World Bank, Washington DC.

Karim, L. (2001) 'Politics of the poor? NGOs and grass-roots political mobilisation in Bangladesh' *Political and Legal Anthropology,* vol. 24, no. 1 (May), pp. 92-107.

Karim, L. (2004) 'Democratizing Bangladesh: state, NGOs and militant Islam' *Cultural Dynamics,* vol. 16, no. 2 & 3, pp. 291-318.

Karim, M. (2016) 'Update: a research guide to the legal system of the Peoples' Republic of Bangladesh' http://www.nyulawglobal.org/globalex/Bangladesh1.html, accessed on 4 December, 2016.

Khalidi, T. (2013) 'Behind the rise of Bangladesh's Hifazat: group that triggered deadly protests has surprised many with its rise to prominence' http://www.aljazeera.com/indepth/features/2013/05/201356134629980318.html, accessed on 9 May, 2016.

Khan, M. (2003) 'State of governance in Bangladesh' *The Round Table,* vol. 92, no. 370 (July), pp. 391-405.

Khan, M. (2010) *Political settlements and the governance of growth-enhancing institutions*, Economics Department, School of Oriental and African Studies, University of London.

Khan, M. (2011a) 'Islamist militancy in Bangladesh: why it failed to take root' *Journal of Policing, Intelligence and Counter Terrorism,* vol. 6, no. 1 (April), pp. 51-64.

Khan, M. (2011b) *The political settlement and its evolution in Bangladesh*, School of Oriental and Asian Studies, University of London.

Khan, Z. (1985) 'Islam and Bengali nationalism' *Asian Survey,* vol. 25, no. 8 (August), pp. 834-851.

Khan, Z. (2000) 'Decentralized governance: trials and triumphs' in R. Jahan (ed.) *Bangladesh: promise and performance,* Zed Books, London and New York.

Khan, Z. and Doza, A. (2012) 'Our major limitation is that we remain dependent on unskilled workers' *The Daily Star*, 12 September.

Kibria, N. (2011) *Muslims in motion: Islam and national identity in the Bangladeshi diaspora,* Rutgers University Press, New Jersey and London.

Kingma, M. (2006) *Nurses on the move: migration and the global health care economy,* Cornell University Press, Ithaca and London.

Kochanek, S. (1993) *Patron-client politics and business in Bangladesh,* Sage Publications, New Delhi.

Kochanek, S. (1996) 'The rise of interest politics in Bangladesh' *Asian Survey,* vol. 36, no. 7 (July), pp. 704-722.

Kochanek, S. (2000a) 'Governance, patronage politics, and democratic transition in Bangladesh' *Asian Survey,* vol. 40, no. 3 (May and June), pp. 530-550.

Kochanek, S. (2000b) 'The growing commercialization of power' in R. Jahan (ed.) *Bangladesh: promise and performance,* Zed Books, London and New York.

Krueger, A. (1974) 'The political economy of the rent-seeking society' *The American Economic Review,* vol. 64, no. 3 (June), pp. 291-303.

Lamonge, M. (2012) 'Neo-liberalism, social conflict and identity of Papuan indigenous people: case study of Merauke Integrated Food and Energy Estate (MIFEE) in Papua', Research Paper, December, International Institute of Social Sciences, The Hague, The Netherlands.

Lan, P. (2003) 'Maid or madam? Filipina migrant workers and the continuity of domestic labor' *Gender and Society,* vol. 17, no. 1 (April), pp. 187-208.

Lewis, D. (2004) 'On the difficulty of studying "civil society": reflections on NGOs, state and democracy in Bangladesh' *Contributions to Indian Sociology,* vol. 38, no. 3, pp. 299-322.

Lewis, D. (2011) *Bangladesh: politics, economy and civil society,* Cambridge University Press, Cambridge and New York.

Lim, L. and Oishi, N. (1996) 'International labor migration of Asian women: distinctive characteristics and policy concerns' *Asian and Pacific Migration Journal,* vol. 5, no. 1, pp. 85-116.

Liow, J. (2003) 'Malaysia's illegal Indonesian migrant labour problem: in search of solutions' *Contemporary Southeast Asia,* vol. 25, no. 1 (April), pp. 44-64.

Louai, E. (2012) 'Retracing the concept of the subaltern from Gramsci to Spivak: historical developments and new applications' *African Journal of History and Culture,* vol. 4. no. 1 (January), pp. 4-8.

Low, K. (2013) 'Sensing cities: the politics of migrant sensescapes' *Social Identities: Journal for the Study of Race, Nation and Culture,* vol. 19, no. 2, pp. 221-237.

Maclean, W. (1995) 'Asian maids suffer abuse in wealthy Gulf' *Reuters News,* 7 July.

Maimbo, S. and Ratha, D. (2005) 'Remittances: an overview' in S. Maimbo and D. Ratha (eds.) *Remittances: development impact and future prospects*, World Bank, Washington DC.

Mamun, K. and Nath, H. (2010) 'Workers' migration and remittances in Bangladesh' *Journal of Business Strategies,* vol. 27, no.1 (Spring), pp. 29-52.

Maniruzzaman, T. (1992) 'The fall of the military dictator: 1991 elections and the prospect of civilian rule in Bangladesh' *Pacific Affairs,* vol. 65, no. 2 (Summer), pp. 203-224.

Mansuri, G. (2006) 'Migration, sex bias, and child growth in rural Pakistan', World Bank Policy Research Working Paper 3946, June, Washington DC.

Marcelli, E. and Cornelius, W. (2001) 'The changing profile of Mexican migrants to the United States: new evidence from California and Mexico' *Latin American Research Review,* vol. 36, no. 3, pp. 105- 131.

Martin, P. (2008) 'Another miracle? Managing labour migration in Asia', United Nations Expert Group Meeting on Population Division, Department of Economic and Social Affairs, United Nations Economic and Social Commission for Asia and the Pacific, 20-21 September, Bangkok.

Massey, D. (1999a) 'International migration at the dawn of the twenty-first century: the role of the state' *Population and Development Review,* vol. 25, no. 2 (June), pp. 303-322.

Massey, D. (1999b) 'Why does immigration occur? A theoretical Synthesis' in C. Hirschman, P. Kasinitz and J. DeWind (eds.) *The Handbook of International Migration*: *the American Experience*, Russell Sage Foundation, New York.

Massey, D., Arango, J., Hugo, G., Kouaouchi, A., Pellegrino, A. and Taylor, J. (1993) 'Theories of international migration: a review and appraisal' *Population and Development Review,* vol. 19, no.3 (September), pp. 431-466.

Mehdi, A. (2004) 'Globalization, migration and the Arab world' in *Arab migration in a globalized world*, International Organisation for Migration (IOM), Geneva.

MFA (Migrant Forum in Asia) (2011) 'Labour recruitment to the UAE: gaps between policy and practice in Sri Lanka, Nepal, Bangladesh and Philippines', January, Report prepared by Migrant Forum in Asia.

Minghunan, L. (2004) 'Labour brokerage in China today: formal and informal dimensions', Duisburg Working Papers on East Asian Series no. 58/2004, February, Institute for East Asian Studies, Duisburg.

Mistry, R. (2008) 'Labour mobility from Bangladesh: opportunities through the general agreement on trade in services', Occasional Paper 17, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Mohsin, A. (2014) 'The violence of democracy: Bangladesh context' in B. Chakma (ed.) *South Asia in transition: democracy, political economy and security,* Palgrave Macmillan, The UK.

Mollah, M. (2011) 'Growth and development of civil service and bureaucracy in Bangladesh: an overview' *South Asian Survey,* vol. 18, no. 1, pp. 137-156.

Moniruzzaman, M. (2009a) 'Parliament democracy in Bangladesh: an evaluation of the parliament during 1991-2006' *Commonwealth and Comparative Politics,* vol. 47, no. 1, pp. 100-126.

Moniruzzaman, M. (2009b) 'Party politics and political violence in Bangladesh: issues, manifestation and consequences' *South Asian Survey,* vol. 16, no. 1, pp. 81-99.

Murshid, K., Iqbal, K. and Ahmed, M. (2000) *A study on remittance inflows and utilisation*, International Organisation for Migration, Dhaka.

Mustafa, S. (2013) 'Hefazat-e-Islam: Islamic coalition' http://www.bbc.com/news/world-asia-22424708, accessed on 6 May, 2016.

Naher, A. (2010) 'Defending Islam and women's honour against NGOs' in Bangladesh' *Women's Studies International Forum,* vol. 33, pp. 316-324.

Nath, H. (2010) 'Special issue on migration, remittances and trade agreements: an introduction' *Journal of Business Strategies,* vol. 27, no. 1 (Spring), pp. 1-6.

Nazneen, S. (2011) 'Mobilising for women's rights and the role of resources: case study of Bangladesh Ovibashi Mohila Sramik Association', March, Pathways of Women's Empowerment Research Programme, and BRAC Development Institute, BRAC University, Dhaka.

Nazneen, S. and Mahmud, S. (2015) 'The gendered politics of securing inclusive development' in S. Hickey, K. Sen and B. Bukenya (eds.) *The politics of inclusive development: interrogating the evidence,* Oxford University Press, The UK.

Netto, A. (2001) 'Malaysia: ban on Bangladesh workers pushes search for cheap labour', *Inter Press Service,* 25 February.

O'Connell, P. (2007) 'On reconciling irreconcilables: neo-liberal globalisation and human rights' *Human Rights Law Review,* vol. 7, no. 3, pp. 483-509.

Oishi, N. (2002) 'Gender and migration: an integrative approach', Working Paper no. 49, March, The Center for Comparative Immigration Studies, University of California-San Diego, California.

Oishi, N. (2005) *Women in motion: globalization, state policies and labor migration in Asia*, Stanford University Press, California.

Onis, Z. and Senses, F. (2005) 'Rethinking the emerging post-Washington consensus' *Development and Change,* vol. 36, no. 2, pp. 263-290.

Osman, F. (2010) 'Bangladesh politics: confrontation, monopoly and crisis in governance' *Asia Journal of Political Science,* vol. 18, no. 3 (December), pp. 310-333.

Osmani, S. (1986) 'Bangladesh' in G. Gunatilleke (ed.) *Migration of Asian workers to the Arab world,* The United Nations University, Japan.

Palma, P. (2008) 'Malaysia door opens again for workers', *The Daily Star*, 6 July.

Panday, P. (2008) 'Representation without participation: quotas for women in Bangladesh' *International Political Science Review,* vol. 29, no. 4, pp. 489-512.

Pandey, P. (2004) 'Political culture in Bangladesh: does leadership matter' *Social Change,* vol. 34, no. 4 (December), pp. 24-37.

Phillips, N. (2006) 'Migration and the new political economy of inequality in the Americas' *Pensamiento Propio,* vol. 24, pp. 9-38.

Phillips, N. (2009) 'Migration as development strategy? The new political economy of dispossession and inequality in the Americas' *Review of International Political Economy,* vol. 16, no. 2 (May), pp. 231-259.

Phillips, N. (2011a) 'Informality, global production networks and the dynamics of "adverse incorporation"' *Global Networks,* vol. 11, no. 3, pp. 380-397.

Phillips, N. (2011b) 'Migration and development in Latin America' in N. Phillips (ed.) *Migration in the global political economy,* Lynne Rienner Publishers, United States of America.

Phillips, N. (2011c) 'Migration in the global political economy' in N. Phillips (ed.) *Migration in the global political economy,* Lynne Rienner Publishers, United States of America.

Phillips, N. (2013) 'Unfree labour and adverse incorporation in the global economy: comparative perspectives on Brazil and India' *Economy and Studies,* vol. 42, no. 2 (May), pp. 171-196.

Phillips, N., Bhaskaran, R., Nathan, D. and Upendranadh, C. (2014) 'The social foundations of global production networks: towards a global political economy of child labour' *Third World Quarterly,* vol. 35, no. 3, pp. 428-446.

Phillips, N. and Mieres, F. (2015) 'The governance of forced labour in the global economy' *Globalizations,* vol. 12, no. 2, pp. 244-260.

Phillips, N. and Sakamoto, L. (2012) 'Global production networks, chronic poverty and 'slave labour' in Brazil' *Studies in Comparative International Development,* vol. 47, no. 3, pp. 287-315.

Piper, N. (2004a) 'Gender and migration polices in Southeast and East Asia: legal protection and sociocultural empowerment of unskilled migrant women' *Singapore Journal of Tropical Geography,* vol. 25, no. 2, pp. 216-231.

Piper, N. (2004b) 'Rights of foreign workers and the politics of migration in South-East and East Asia' *International Migration,* vol. 42, no. 5, pp. 71-97.

Piper, N. (2008) 'Feminisation of migration and the social dimensions of development: the Asian case' *Third World Quarterly,* vol. 29, no. 7 pp. 1287-1303.

Piper, N. (2010) 'Temporary economic migration and rights activism: an organisational perspective' *Ethnics and Racial Studies,* vol. 33, no. 1 (January), pp. 108-125.

Prodip, M. and Rabbani, G. (2014) 'Abolition of non-party caretaker government system in Bangladesh: controversy and reality' *Global Journal of Arts, Humanities and Social Sciences,* vol. 2, pp. 24-42.

Prothom Alo (2010), 'BAIRAr dabi janano hobe shorkar ke: bideshgami shromikder jonno smart cardoi chalu thakche' [The demands of BAIRA will be forwarded to government: smart cards for international labour migrants], 12 February, p. 16.

Prothom Alo (2014) 'Malaysiay beshorkaribhabe kormi pathanor shujog nei: BAIRAr shobhai probashi kollan montri' [There is no chance of sending workers to Malaysia through non-government means: Expatriate's Minister in the meeting with BAIRA], 22 August, p. 21.

Prothom Alo (2015a) 'G to G plus poddhotite sommoto dui desh' [Two countries have agreed to G to G Plus system], 16 September, p. 3.

Prothom Alo (2015b) '*Manob pachar bondhe jowtho uddog gore tulun'* [Form joint forces to stop human trafficking], 13 May, p. 10.

Prothom Alo (2016a) 'Malaysiay tin bochore 15 lakh kormi pathanor ghoshona' [Announcement of sending 15 hundred thousand workers to Malaysia in 3 years], 9 February, p. 20 & 17.

Prothom Alo (2016b) 'Probashi aye dhakka: komeche 2.55%' [A reduction of 2.55% in foreign remittances], 12 July, p. 13.

Quadir, F. (2000) 'The political economy of pro-market reforms in Bangladesh: regime consolidation through economic liberalization?' *Contemporary South Asia,* vol. 9, no. 2, pp. 197-212.

Quddusi, K. (2008) 'Governance in Bangladesh: contemporary issues' *J.R.S.P.* vol. 45, no. 2, pp. 65-82.

Quibria, M. and Mahmood, R. (1994) 'International migration and remittances' in H. Zafarullah, M. Taslim and A. Chowdhury (eds.) *Policy issues in Bangladesh,* South Asian Publishers, New Delhi.

Rahaman, M. (2007) 'Origins and pitfalls of confrontational politics in Bangladesh' *South Asian Survey,* vol. 14, no. 1, pp. 101-115.

Rahim, E. (1990) 'Electoral politics in Bangladesh: 1975-1988' in R. Ahmed (ed.) *Religion, nationalism and politics in Bangladesh,* South Asian Publishers, New Delhi.

Rahim, E. (2001) 'Bengali Muslims and Islamic fundamentalism: the Jama't-i-Islami in Bangladesh' in R. Ahmed (ed.) *Understanding Bengali Muslims: interpretative essays,* Oxford University Press, New Delhi.

Rahman, M. (2004) 'Migration and poverty in Bangladesh: ironies and paradoxes' in H. Oda (ed.) *International labour migration from South Asia,* Institute of Developing Economics, Japan External Trade Organisation, Chiba.

Rahman, M. (2009) *In quest of golden deer: Bangladeshi transient migrants overseas,* VDM Verlag Dr. Muller Aktiengesellschaft & Co. KG, Germany.

Rahman, M. (2011a) 'Bangladeshi migrant workers in the UAE: gender-differentiated patterns of migration experiences' *Middle Eastern Studies,* vol. 47, no. 2, pp. 395-411.

Rahman, M. (2011b) 'Does labour migration bring about economic advantage? a case of Bangladesh migrants in Saudi Arabia', ISAS (Institute of South Asian Studies) Working Paper no. 135, September, National University of Singapore, Singapore.

Rahman, M. (2011c) 'Recruitment of labour migrants for the Gulf states: the Bangladeshi case', ISAS (Institute of South Asian Studies) Working Paper no. 132, September, National University of Singapore, Singapore.

Rahman, M. (2011d) 'Emigration and the family economy: Bangladeshi labor migration to Saudi Arabia' *Asian and Pacific Migration Journal,* vol. 20, nos. 3 & 4, pp. 389-411.

Rahman, M. (2012) 'Bangladeshi labour migration to the Gulf states: patterns of recruitment and processes' *Canadian Journal of Development Studies,* vol. 33, no. 2, pp. 214-230.

Rahman, M. and Yong, T. (2015) *International migration and development in South Asia,* Routledge, London and New York.

Randall, V. and Theobald, R. (1998) *Political change and underdevelopment: a critical introduction to third world politics,* Duke University Press, Durham.

Ranney and Kossoudji, S. (1983) 'Profiles of temporary Mexican labor migrants to the United States' *Population and Development Review,* vol. 9, no. 3 (September), pp. 475-493.

Rashid, A. (2014) 'The role of the bureaucracy in policymaking in Bangladesh' *Asia Pacific Journal of Public Administration,* vol. 36, no. 2, pp. 150-161.

Ratha, D. (2005) 'Workers' remittances: an important and stable source of external development finance' in S. Maimbo and D. Ratha (eds.) *Remittances: development impact and future prospects*, World Bank, Washington DC.

Ratha, D., Mohapatra, S. and Scheja, E. (2011) 'Impact of migration on economic and social development: a review of evidence and emerging issues', Policy Research Working Paper 5558, February, World Bank, and Poverty Reduction and Economic Management Network, Washington DC.

Reyes, C. (2013) 'Migrant rights: role of CSOs in influencing public policy in Bangladesh', Occasional Paper 22, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Riaz, A. (2005) 'Traditional institutions as tools of political Islam in Bangladesh' *Journal of Asian and African Studies,* vol. 40, no. 3, pp. 171-196.

RMMRU (Refugee and Migratory Movements Research Unit) (2013) 'Proceedings of a national dialogue on draft emigration and overseas workers' bill', RMMRU, May, Dhaka.

RMMRU (Refugee and Migratory Movements Research Unit) and *The Daily Star* (2007) 'Policy reform agenda on safe migration and remittances', Report of a policy dialogue, 10 June, Dhaka.

Robison, R. (1986) *Indonesia: the rise of capital,* Asian Studies Association of Australia, Australia.

Robison, R. (1988) 'Authoritarian states, capital-owning classes and the politics of newly industrialising countries: the case of Indonesia' *World Politics,* vol. 41, no. 1 (October), pp. 52-74.

Robison, R. (2004) 'Neoliberalism and the future world: markets and the end of politics' *Critical Asian Studies,* vol. 36, no. 3, pp. 405-423.

Robison, R. (2012) 'Interpreting the politics of Southeast Asia: debates in parallel universe' in R. Robison (ed.) *Routledge handbook of Southeast Asian politics,* Routledge, London and New York.

Robison, R. and Hewison, K. (2005) 'Introduction: East Asia and the trials of neo-liberalism' *The Journal of Development Studies,* vol. 41, no. 2 (February), pp. 183-196.

Rodan, G., Hewison, K. and Robison, R. (2001) 'Theorising South-East Asia's boom, bust and recovery' in *The political economy of South-East Asia: conflicts, crises and change,* Oxford University Press, Melbourne.

Rodan, G., Hewison, K. and Robison, R. (2006) 'Theorising markets in South-East Asia: power and contestation' in G. Rodan, K. Hewison and R. Robison (eds.) *The political economy of South-East Asia: markets, power and contestation,* Oxford University Press, Melbourne.

Rodan, G. and Jayasuriya, K. (2006) 'Conflict and the new political participation in Southeast Asia', Working Paper no. 129, Murdoch University, Australia.

Rodriguez, R. (2002) 'Migrant heroes: nationalism, citizenship and the politics of Filipino migrant labor' *Citizenship Studies,* vol. 6, no. 3, pp. 341-356.

Rosenblum, M. (2004) 'Moving beyond the policy of no policy: emigration from Mexico and Central America' *Latin American Politics and Society,* vol. 46, no. 4 (Winter), pp. 91-125.

Rosser, A. (2008) 'Introduction: neoliberalism and its discontents in Australian aid policy' *Australian Journal of International Affairs,* vol. 62, no. 3 (September), pp. 315-318.

Rosser, A. (2015) 'Realising rights in low quality democracies: instructive Asian cases' *Asian Studies Review,* vol. 39, no. 2, pp. 180-193.

Rosser, A., Roesad, K. and Edwin, D. (2004) 'Indonesia: the politics of inclusion', IDS Working Paper 229, July, Institute of Development Studies, Brighton, England.

Roth, G. (1968) 'Personal rulership, patrimonialism and empire-building in the new states' *World Politics,* vol. 20, no. 2 (January), pp. 194-206.

Rozario, S. and Samuel, G. (2010) 'Gender, religious change and sustainability in Bangladesh' *Women's Studies International Forum,* vol. 33, pp. 354-364.

Rudnick, A. (2009) *Working gendered boundaries: temporary migration experiences of Bangladeshi women in the Malaysian export industry from a multi-sited perspective*, Vossiuspers UvA- Amsterdam University Press, Amsterdam.

Ruhs, M. (2005) 'The potential of temporary migration programmes in future international migration policy', Paper prepared for the policy analysis and research programme of the Global Commission on International Migration, September.

Ruhs, M. (2010) 'Migrant rights, immigration policy and human development' *Journal of Human Development and Capabilities,* vol. 11, no. 2, pp. 259-279.

Sakhawat, A. (2014) 'Moosa Bin Shamsher asked to appear before ACC' *Dhaka Tribune,* 5 December.

Sanderson, I. (2002) 'Making sense of "what works": evidence based policy making as instrumental rationality?' *Public Policy and Administration,* vol. 17, no. 3 (Autumn), pp. 61-75.

Sarker, A. (2008) 'Patron-client politics and its implications for good governance in Bangladesh' *International Journal of Public Administration,* vol. 31, no. 12, pp. 1416-1440.

Shehabuddin, E. (2008) 'Jamaat-i-Islami in Bangladesh: women, democracy and the transformation of Islamist politics' *Modern Asian Studies,* vol. 42, nos. 2 and 3 (March-May), pp. 577-603.

Shrestha, N. (1985) 'The political economy of economic underdevelopment and external migration in Nepal' *Political Geography Quarterly,* vol. 4, no. 4 (October), pp. 289-306.

Siddiqi, D. (2006) 'Ain o Salish Kendra: twenty years on the frontline', ASK 20th Anniversary Commemorative Report, December, Ain o Salish Kendra, Dhaka.

Siddiquee, N. (1999) 'Bureaucratic accountability in Bangladesh: challenges and limitations' *Asian Journal of Political Science,* vol. 7, no. 2 (December), pp. 88-104.

Siddiqui, A. (1986) 'The economic and noneconomic impact of labor migration from Bangladesh' in F. Arnold and N. Shah (ed.) *Asian labor migration: pipeline to the Middle East,* Westview Press, Boulder and London.

Siddiqui, T. (1998) 'National responsibility towards the migrant workers', Occasional Paper 1, July, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. (2000) 'State policy and nature of female migration from Bangladesh' in C. Abrar (ed.) *On the margin: refugees, migrants and minorities,* Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. (2001) *Transcending boundaries: labour migration of women from Bangladesh,* The University Press Limited, Dhaka.

Siddiqui, T. (2003a) 'An anatomy of forced and voluntary migration from Bangladesh: a gendered perspective' in M. Morokvasic, U. Erel and K. Shinozaki (eds.) *Crossing borders and shifting boundaries,* vol. 1, *Gender on the move*, Germany.

Siddiqui, T. (2003b) 'Migration as a livelihood strategy of the poor: the Bangladesh case', Paper presented at the Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia, Refugee and Migratory Movements Research Unit and the Department for International Development, 22-24 June, Dhaka.

Siddiqui, T. (2003c) 'Short-term labour migration of women and gender relationships: the Bangladesh case', Working Paper Series no. 1, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. (2004a) 'Bangladesh: the complexities and management of out-migration' in P. Ahn (ed.) *Migrant workers and human rights: out-migration from South Asia*, International Labour Organisation, New Delhi and Geneva.

Siddiqui, T. (2004b) 'Efficiency of migrant workers' remittance: the Bangladesh case', Working Paper Series no.2, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. (2004c) 'Migration challenges of Bangladesh: options and policy responses' in P. Mitra and J. Hossain (eds.) *Orderly and humane migration: an emerging development paradigm,* Institute of Bangladesh Studies, University of Rajshahi and International Organisation for Migration (IOM), Bangladesh.

Siddiqui, T. (2005) 'International migration as a livelihood strategy of the poor: the Bangladesh case' in T. Siddiqui (ed.) *Migration and development: pro-poor policy choices,* The University Press Limited, Dhaka.

Siddiqui, T. (2006a) 'International labour migration from Bangladesh: a decent work perspective', Working Paper no. 66, Policy Integration Department, National Policy Group, International Labour Organization, Geneva.

Siddiqui, T. (2006b) 'Protection of Bangladeshi migrants through good governance' in C. Kuptsch (ed.) *Merchants of labour*, International Labour Organization and International Institute of Labour Studies, Geneva.

Siddiqui, T. (2007) 'Ratifying the UN convention on migrant worker rights' *The Daily Star*, 18 December.

Siddiqui, T. (2008a) 'Migration and gender in Asia', United Nations expert group meeting on International Migration and Development in Asia and the Pacific, United Nations Economic and Social Commission for Asia and the Pacific Population Division, September, Department of Economic and Social Affairs, Bangkok.

Siddiqui, T. (2008b) 'Women migration from South Asia: emerging issues', Paper presented at the Regional symposium on Deployment of Workers Overseas: A Shared Responsibility, Jointly organised by the ILO and the Ministry of Expatriates' Welfare and Overseas Employment, Government of Bangladesh, supported by the Swiss Agency for Development and Cooperation, 15-16 July.

Siddiqui, T. (2009) 'International labour migration and remittance management in Bangladesh', Occasional Paper 19, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. (2010) 'Recruitment cost in Bangladesh: challenges of governing migration in the countries of origin', Working Paper Series no. 25, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. (2012a) 'Impact of migration on poverty and development', Migration out of Poverty Research Programme Consortium Working Paper 2, September, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. (2012b) 'South Asian regional collaboration on protection of migrant rights', Working Paper Series no. 29, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. (2014) 'A year of stunted labour and remittance flow' *The Daily Star*, 1 January.

Siddiqui, T. and Abrar, C. (2002a) *Contribution of returnees: an analytical survey of post return experience*, International Organization for Migration Regional Office for South Asia, Dhaka.

Siddiqui, T. and Abrar, C. (2002b) 'Streamlining the labour recruitment process in Bangladesh' in T. Siddiqui (ed.) *Beyond the maze: streamlining labour recruitment*

process in Bangladesh, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. and Abrar, C. (2003) 'Migrant worker remittances and micro-finance in Bangladesh', Working Paper no. 38, September, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. and Bhuiyan, R. (2013) 'Emergency return of Bangladeshi migrants from Libya', April, NTS Working Paper Series no. 9, RSIS Centre for Non-Traditional Security Studies, Singapore.

Siddiqui, T. and Farah, M. (2012) 'Policy brief on facing the challenges of labour migration from Bangladesh', Working Paper Series no. 42, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T., Jahan, I., Farah, M., Billah, M. and Rahman, W. (2010) 'Targeting good governance: incorporation of migration in the 6th five year plan', Working Paper Series 17, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Siddiqui, T. and Mahmood, R. (2015) *Impact of migration on poverty and local development in Bangladesh,* Refugee and Migratory Movements Research Unit (RMMRU) and Swiss Agency for Development and Cooperation (SDC), Dhaka.

Siddiqui, T., Malik, S. and Abrar, C. (1999) 'International labour migration and the role of trade unions', International Labour Organization (ILO), July, Dhaka.

Siddiqui, T., Rashid, R. and Zetlyn, B. (2009) 'Accessing migration information: cases of Sri Lanka, the Philippines and Bangladesh', Occasional Paper 20, March, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.

Silvey, R. (2004) 'Transnational domestication: state power and Indonesian migrant women in Saudi Arabia' *Political Geography,* vol. 23, pp. 245-264.

Sobhan, R. (1993) *Bangladesh: problems of governance,* Konark Publishers Pvt Ltd, New Delhi.

Sobhan, R. (2000) 'Building a responsible civil society: challenges and prospects' in R. Jahan (ed.) *Bangladesh: promise and performance,* Zed Books, London and New York.

Sobhan, R. (2003) 'Globalization and the challenge to democracy' *International Journal of Development Issues,* vol. 2, no. 2, pp. 1-14.

Sobhan, R. (2004) 'Structural dimensions of malgovernance in Bangladesh' *Economic and Political Weekly,* vol. 39, no. 36 (September), pp. 4101-4108.

Taylor, J. (1999) 'The new economics of labour migration and the role of remittances in the migration process' *International Migration,* vol. 37, no. 1, pp. 63-88.

The Daily Star (2006) 'Malaysia again bans Bangladeshi workers', 6 October.

The Daily Star (2012) 'ILO helps migrant Bangladeshi workers', 23 July.

The Daily Star (2014) '4000 victims from Sirajganj', 23 November.

The Financial Express (2016) 'ACC questioning Moosa Bin Shamsher', 28 January.

The M2 Presswire (1997) 'UN: commission on human rights concludes fifty-third session (part 4)', 23 April.

The New Age (2014) 'Malaysian plantation jobs: G2G system fails to deliver*'*, 18 August.

The New Nation (2009) 'Dr. Moosa Bin Shamsher: famous architect of manpower export', 14 August.

Thimothy, R. and Sasikumar, S. (2012) *Migration of women workers: from South Asia to the Gulf*, V.V. Giri National Labour Institute and UN Women South Asia Sub Regional Office, New Delhi.

Tigno, J. (2014) 'At the mercy of the market?: state-enabled, market-oriented labor migration and women migrants from the Philippines' *Philippine Political Science Journal,* vol. 35, no. 1, pp. 19-36.

TIP (Trafficking In Person) (2004) 'Trafficking in person report', June, Department of State, The United States of America.

Todaro, M. (1969) 'A model of labor migration and urban unemployment in less developed countries' *The American Economic Review,* vol. 59, no. 1, pp. 138-148.

Tyner, J. (1997) 'Constructing images, constructing policy: the case of Filipina migrant performing artists' *Gender, Place and Culture: A Journal of Feminist Geography,* vol. 4, no. 1, pp. 19-36.

Tyner, J. (1999) 'The global context of gendered labor migration from the Philippines to the United States' *American Behavioral Scientist,* vol. 42, pp. 671-689.

Tyner, J. (2000a) 'Global cities and circuits of global labor: the case of Manila, Philippines' *Professional Geographer,* vol. 52, no. 1, pp. 61-74.

Tyner, J. (2000b) 'Migrant labour and the politics of scale: gendering the Philippine state' *Asia Pacific Viewpoint,* vol. 41, no. 2 (August), pp. 131-154.

Tyner, J. (2009) *The Philippines: mobilities, identities, globalisation,* Routledge, New York and London.

Udbastu (2001) 'Importance of raising awareness of community leaders and activists on labour migration process', Udbastu: the uprooted, A newsletter on Refugee and Migratory Movements, Issue 17, July-September, Dhaka.

Uddin, S. (2005) 'Privatization in Bangladesh: the emergence of "Family Capitalism"' *Development and Change,* vol. 36, no. 1, pp. 157-182.

Ullah, A. (2010) *Rationalizing migration decisions: labour migrants in East and South-East Asia,* Ashgate Publishing Limited, UK and USA.

United Nations (n.d.) 'Glossary of terms relating to treaty actions' https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml#ratification, accessed on 1 December, 2016.

United Nations (1990) 'International convention on the protection of the rights of all migrant workers and members of their families', adopted by General Assembly resolution 45/158 of 18 December.

United Nations (1997) 'Resolution adopted by the General Assembly: violence against women migrant workers', Fifty-first session, Agenda Item 103, 28 January.

United Nations (2016) *International Migration Report 2015,* Department of Economic and Social Affairs, Population Division, September, New York.

Vennesson, P. (2008) 'Case studies and process tracing: theories and practices' in D. Porta and M. Keating (eds.) *Approaches and methodologies in the social sciences: a pluralist perspective,* Cambridge University Press, Cambridge and New York.

Waddington, C. (2005) 'International migration policies in Asia: recruitment management, migration protection and facilitation of remittances and investments' cases' in T. Siddiqui (ed.) *Migration and development: pro-poor policy choices,* The University Press Limited, Dhaka.

Weber, M. (1958) 'The three types of legitimate rule' *Berkeley Publications in Society and Institutions,* vol. 4, no. 1 (Summer), pp. 1-11.

Weiner, M. (1990) 'Immigration: perspectives from receiving countries' *Third World Quarterly,* vol. 12, no. 1 (January), pp. 140-165.

Wells, P. (2007) 'New labour and evidence based policy making: 1997-2007' *People, Place and Policy Online,* vol. 1, no. 1, pp. 22-29.

White, S. (1999) 'NGOs, civil society, and the state in Bangladesh: the politics of representing the poor' *Development and Change,* vol. 30, pp. 307-326.

Winters, J. (1996) *Power in motion: capital mobility and the Indonesian state,* Cornell University Press, Ithaca and London.

World Bank (n.d.a) 'Bangladesh' http://www.worldbank.org/en/country/bangladesh, accessed on 16 November, 2016.

World Bank (n.d.b) 'Indonesia' http://www.worldbank.org/en/country/indonesia, accessed on 16 November, 2016.

World Bank (n.d.c) 'Philippines' http://www.worldbank.org/en/country/philippines, accessed on 16 November, 2016.

World Bank (n.d.d) 'Thailand' http://www.worldbank.org/en/country/thailand, accessed on 16 November, 2016.

World Bank (n.d.e) 'Unemployment, total (% of total labor force) (modelled ILO estimate)' http://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?end=2014&locations=BD&start=1991&view=chart, accessed on 13 November, 2016.

World Bank (2006) *Global economic prospects: economic implications of remittances and migration*, World Bank, Washington DC.

World Bank (2013) 'Bangladesh: safe migration for Bangladeshi workers', World Bank Project ID no. P125302.

World Bank (2016) 'Migration and remittances: recent developments and outlook', Migration and Development Brief 26, April, Washington DC.

Xiang, B. (2012) 'Predatory princes and princely peddlers: the state and international labour migration intermediaries in China' *Pacific Affairs,* vol. 85, no. 1 (March), pp. 47-68.

Yamanaka, K. and Piper, N. (2005) 'Feminized migration in East and Southeast Asia: policies, actions and empowerment', Occasional Paper 11, United Nations Research Institute for Social Development.

Yamin, A. (2011) 'Power, suffering and courts: reflections on promoting health rights through judicialization' in A. Yamin and S. Gloppen (eds.) *Litigating health rights: can courts bring more justice to health?* Harvard University Press, United States of America.

Yasmin, F. (2010) 'Gender responsiveness of Bangladesh Overseas Employment Policy: implication on female migration', Occasional Paper 21, June, Refugee and Migratory Movements Research Unit, Dhaka.

Zafarullah, H. (1987) 'Public administration in the first decade of Bangladesh: some observations on developments and trends' *Asian Survey,* vol. 27, no. 4 (April), pp. 459-476.

Zafarullah, H. (2007) 'Bureaucratic elitism in Bangladesh: the predominance of generalist administrators' *Asian Journal of Political Science,* vol. 15, no. 2 (August), pp. 161-173.

Zafarullah, H. and Huque, A. (2001) 'Public management for good governance: reforms, regimes and reality in Bangladesh' *International Journal of Public Administration,* vol. 24, no. 12, pp. 1379-1403.

Zafarullah, H. and Rahman, R. (2008) 'The impaired state: assessing state capacity and governance in Bangladesh' *International Journal of Public Sector Management,* vol. 21, no. 7, pp. 739-752.

Zafarullah, H. and Siddiquee, N. (2001) 'Dissecting public sector corruption in Bangladesh' *Public Organisation Review: A Global Journal,* vol. 1, pp. 465-486.

Zeitlyn, B. (2006) 'Migration from Bangladesh to Italy and Spain', Occasional Paper 11, June, Refugee and Migratory Movements Research Unit (RMMRU), Dhaka.