

Disaster as a Catalyst for Injustice:

Experiences of Nepali Foreign
Labour Migrants during Covid-19

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Disaster as a Catalyst for Injustice:

Experiences of Nepali Foreign
Labour Migrants during Covid-19

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Research Context

- Disasters have the tendency to perpetuate further injustices and harms, sometimes termed the “second disaster” (Cuny 1994).
- “Justice claims” are at the heart of disaster politics, and often transcends well beyond the specific moment of crisis (Douglass and Miller 2018).
- “Disaster justice” encompasses elements of calls for both redistributive and procedural justice in the favour of the primary victims (Lukasiewicz 2020).
- Disaster justice as “the moral and legal responsibility of government to protect all its citizens to a minimally acceptable level.” (Bankoff 2018).

What is injustice? Injustice for whom? According to whom? How do they manifest?

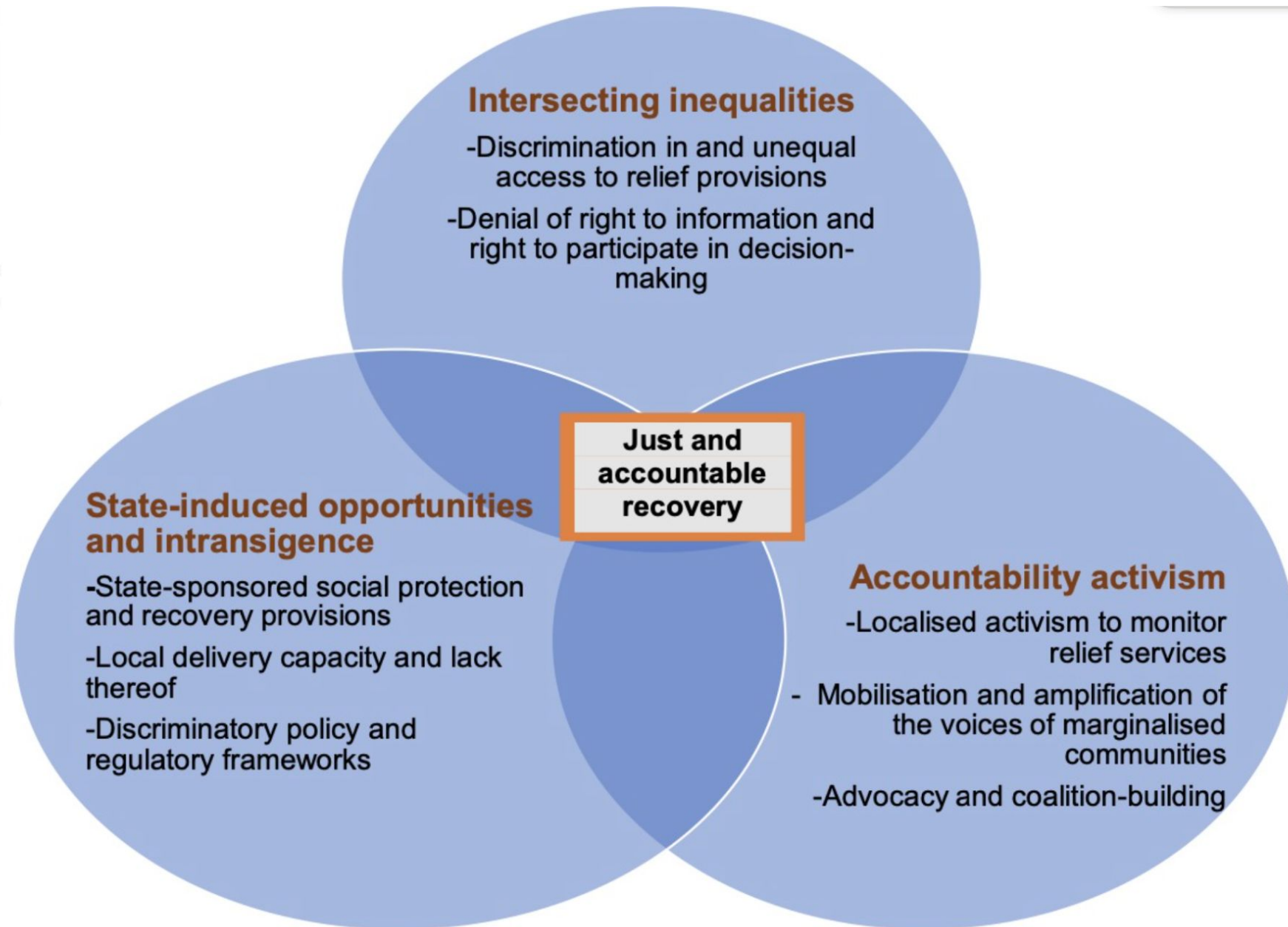


“A calamity would be a case of injustice only if it could have been prevented, and particularly if those who could have taken action had failed to try”

*(Amartya Sen, *The Idea of Justice*, 2009, 4)*

“Injustice must include not only the immediate cause of disaster, but also the refusal of persons and institutions to prevent and mitigate damage (‘passive injustice’), located in the lived experiences of the disaster-affected individuals.”

*(Judith N Shklar, *The Faces of Injustice*, 1990)*



'Justice politics' in the wake of the Covid-19

-Parliamentary probes into irregularities in medical procurement.

Public Accounts Committee begins investigation into Omni Group's procurement of medical supplies

-Migrants workers organising campaigns for 'right to work' and 'right to health'.



-Activation of horizontal democratic institutions.

-Socially-distanced protests and monitoring by youth activists.





राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission, Nepal

केन्द्रिय कार्यालय Central Office

हरिहर भवन, पुल्चोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



Press Release

April 2, 2020

Ensure Citizens' Human Rights

National Human Rights Commission of Nepal draws its attention seriously towards the situation of migrant workers including all the Nepali nationals stuck near to the international border of the country. Due to global COVID-19 coronavirus pandemic, the whole world including Nepal is lock

SC asks govt to bring back migrant Nepalis stranded in foreign lands

By Ram Kumar Kamat

Published: 06:45 am Apr 17, 2020



Context: Covid-19 and Labour Migrants

- Covid-19 has unveiled and exacerbated socio-economic vulnerabilities of labour migrants.
- The abrupt and “one-size-fits-all” lockdown and Indo-Nepal border closure violated rights and dignity of cross-border migrants (Dhungana, 2020b).
- Overcrowded and ill-maintained quarantine facilities.
- Stigmatisation as “Covid spreaders” and “super spreaders”.
- Wage thefts, unfair employment suspensions and terminations without compensation (Bhattarai, Baniya, Tumsa, Rai, 2022).

Key Arguments — Disaster Exposes Injustices

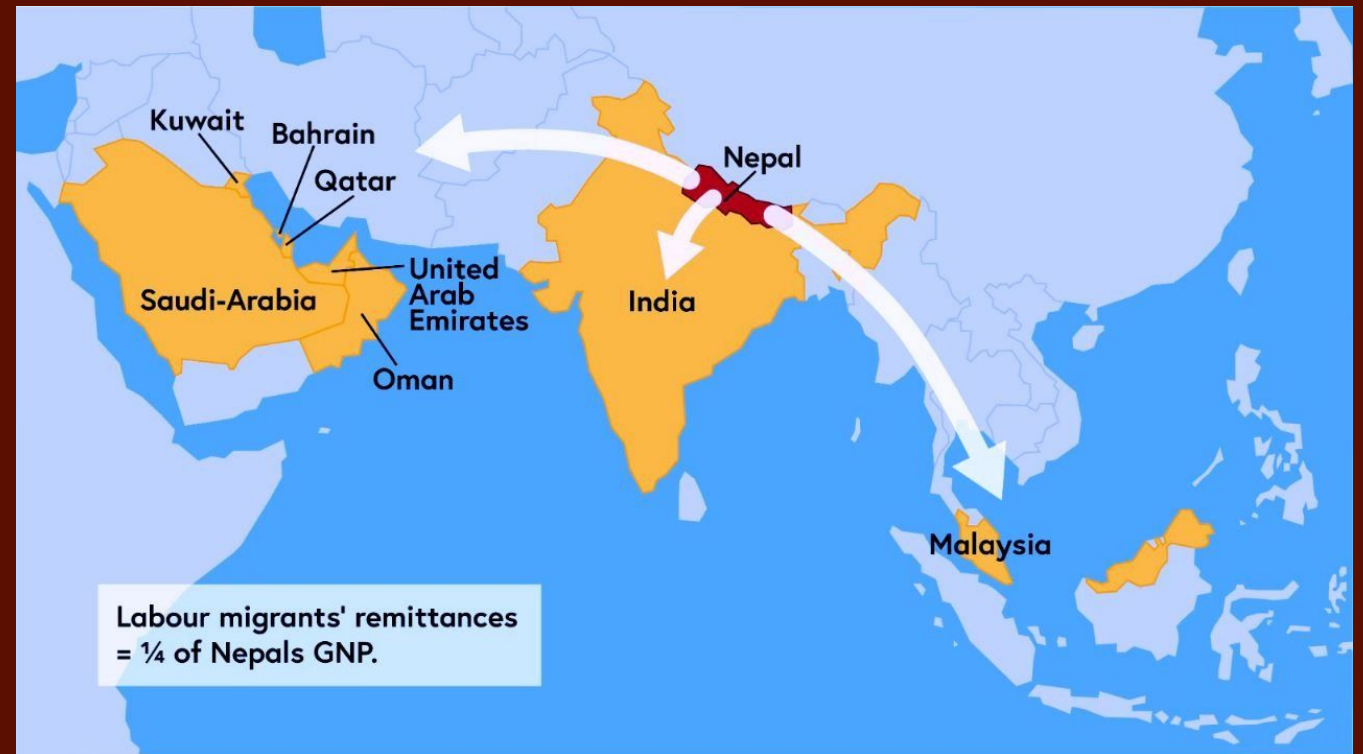
- The nature of injustices spans the migrant workers' experiences of intersecting forms of deprivation, inequalities and disruption in the destination country.
- Bringing the nascent scholarship on disaster (in)-justice in dialogue with migration scholarship, in this paper, we argue how Covid-19 acted as a mix of *injustice-unveiling* and *injustice-entrenching conditions*, Covid-19 acted as a mix of injustice-unveiling and injustice-entrenching conditions.
- The paper shows the unequal nature of hardships facing different groups of international migrants and the State's apathy and unpreparedness to mitigate such differential hardships.

Key Arguments — Disaster as a Catalyst

- **We use the ‘notion of catalyst’ to highlight the renewed possibilities for the migrant workers to approach Covid-19 as a prism through which to interrogate their experiences of intersecting nature of everyday and episodic disasters, together with their rights as citizens and their relationship with the State.**

Foreign Employment Numbers (FY 2079/80)

- **771,327** labor permits
- **Highest** in history
- Monthly average **64,277**
- Daily average **2113**



Source: www.futurelearn.com

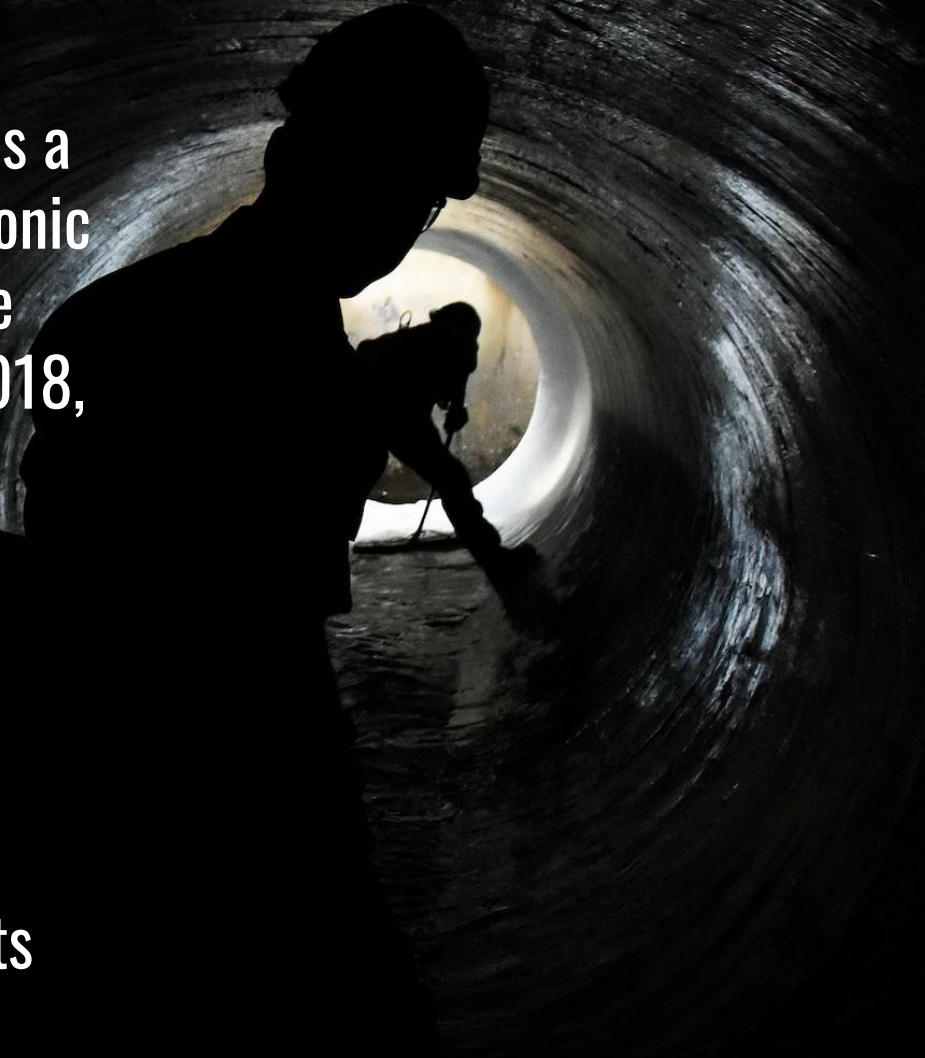


- Lack of adequate legal protection
- Exploitation and abuse from unregulated recruitment or intermediary agencies
- Common woes — deception regarding working and living conditions, payment of excess service fees, limitations on movement in the destination country, lack of compensation, and absence of redressal mechanisms, among others

Foreign Employment Woes

Methodology

- Informed by collaborative qualitative and experimental ethnographies, as a way to inform activism but also serve as a collective act of learning from disasters, contesting hegemonic forms of disaster epistemologies and developing alternative epistemological approaches (Fortun et al, 2014, Tamura, 2018, Aijazi et al, 2021)
- Advocacy initiative Coronavirus Civic Acts Campaign (CCC) spearheaded by the Accountability Lab Nepal
- Banke and Kavrepalanchowk
- 26 in-depth interviews with purposively selected labour migrants who returned during the time of Covid-19
- 18 key-informant interviews (KIIs) with the activists/experts
- Two public hearings and local town hall meetings



Interconnecting yet distinct nature of disasters

“ In Nepal, flights were closed for almost three to four months and even after it was reopened, it was done based on priority. However, it was not open to migrant workers. For example, pregnant women were on the priority list for priority health issues. The list was made based on priority. As a result, there came a lot of problems. After the problem of food and shelter, other problems are obvious to arise. People were facing mental health issues as well. Due to these reasons, various incidents occurred. We heard many heartbreaking stories from our friends. And during the time of COVID, problems related to food, health, and mental health, have become significant issues.

”

Unequal nature of hardship and associated social protection

“

Victims means those who did not have anything to eat, and they had such difficulties. That's the thing that those people could not come (*not repatriated*).

The thing is that the bigger companies have something for their backup and they can also provide salaries to their employees for 2-4 months. But in the case of small companies, the employees don't even have health insurance, proper facilities, or management for food. Nothing is planned for the long term. When viewed comparatively, the employees and our Nepali friends working in smaller companies who do not have health insurance faced many problems compared to the employees in larger companies. They were able to manage their food for up to a month, but the pandemic lasted for a longer period.

”

“ There were many differences in the situation before and after Covid. Prior to COVID, there were cases such as those related to contracts and the huge recruitment fees that were taken while coming from Nepal. There were problems such as not being able to find jobs even after paying a lot of money. There were many cases of local legal issues and cases related to support. However, there weren't many issues. But when Covid started, flights were stopped in the UAE during March, and the Nepal government also stopped their flights. ”

“ And it was also discussed about rescuing people in the pandemic. We have to pay 1500 rupees for the welfare fund while going for foreign employment. It seems that the government has around 7-8 billion rupees allocated from there, but if that money had been used only for a certain percentage, then people could have been rescued. As you mentioned, there was no proper documentation. Those who went abroad without a labor permit were not recognized as citizens by the government of Nepal. ”

“ Many people were forced to sleep on the ground. Moreover, people faced a lot of difficulties due to the bad management of toilets for menstruating women. The municipalities justified that by saying that it was a situation of a crisis and they had no solution. They did not allocate a budget for that issue. And they didn't even have money and it was difficult for them for financial management as well. ”

When precarity meets fear

“

When the pandemic started, people were running away from each other. Some of my friends told me that they also feared their own family members. While we also were afraid of the virus, we used to tell people not to be

”

“ There was a returnee man from India in my own village. Nobody went to his house. He was not even allowed to buy anything from the market for 10-12 days...And if someone came from India, it was assumed that they brought coronavirus with them, which was also being spread on social media and rumors. People tried to stay as far as possible from them. ”

“

While there was the threat/fear of Covid, there was also fear of the government policy of using masks at all times and the possible fine/detention if one fails to use a mask.

”

Conclusion

- The responds to the recent scholarly calls to make the ambiguous nature of disaster injustices more concrete (e.g. Drake, 2018), while locating injustices as preventable sources of harm and the failure of the State in their duty to safeguard the rights and welfare of the citizens (Bankoff, 2018).
- Covid-19 related hardships facing Nepali foreign labour migrants overlap with and are further reinforced by prior disasters that are both episodic and routine in nature – “mobile disaster” (Matthewman 2017).
- While Covid-19 has made concrete the heterogeneous forms of injustices facing labour migrants, the paper uses the notion of catalyst to highlight the renewed awareness among Nepalis to approach Covid-19 as a prism through which to interrogate their rights and experiences as citizens and the responsibility of the State in preparing for and responding to a major crisis.

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