

CROSS-BORDER MIGRATION IN NORTHEAST ASIA: IMPLICATIONS FOR MONGOLIA

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Introduction

The landscape of international relations in Northeast Asia is changing, and migration and other types of human flows within and between the countries of the region are becoming an important part. The state-centric approach to and view of international relations that prevailed in this part of the world during the Cold War can no longer describe or explain the logic and shape of emerging realities. The “Cold War,” as the ideological order of the state-centric world, has become a thing of the past, although its remnants can still be seen on the divided Korean peninsula. Old and new manifestations of nationalism are interacting with expressions of nascent regionalism.¹ Non-state actors that have transformed global politics have become important agents of change in this region as well. They are giving rise to new issues, new perspectives, and new identities among the peoples of Northeast Asia, although resistance to the forces of change is also visible. Such topics as human security, labor migration, human trafficking, and refugees are emerging as a focus of political debate and policy discussion in the region.

In order to examine the changing population trends and migration patterns in Northeast Asia and their implications for international relations in the region, the Monterey Institute of International Studies’ Center for East Asian Studies organized in 2002 a multi-year research project drawing on the expertise of researchers from the region as well as from the United States and the United Kingdom.² The findings and conclusions from this project were published in the book *Crossing National Borders: Human Migration Issues in Northeast Asia* from the United Nations University, Tokyo.³ The book illuminates the cases of Chinese migrants in the Russian Far East; Russians, Chinese, and

¹ Tsuneo Akaha, ed., *Politics and Economics in Northeast Asia: Nationalism and Regionalism in Contention*, New York: St. Martin’s, 1999.

² The project was jointly sponsored by the Center for East Asian Studies, Monterey Institute of International Studies and the Peace and Governance Programme, United Nations University (UNU), and supported by grants from UNU, the Freeman Foundation, and the US Institute of Peace.

³ Tsuneo Akaha and Anna Vassilieva, eds., *Crossing National Borders: Human Migration Issues in Northeast Asia*, Tokyo: United Nations University Press, 2005.

Koreans in rural Japan; North Koreans in China; and migration issues in South Korea and Mongolia.

This brief analysis draws on the findings from the above research project and additional considerations regarding human trafficking and human rights issues pertaining to international migrants and then discusses the implications for Mongolia. More specifically, the study will address the following questions: What are the current patterns of cross-border migration in Northeast Asia and what problems is international migration presenting? What opportunities and challenges does international migration represent for Mongolia? Finally, what specific steps should Mongolia take to gain benefits from international migration and limit the negative consequences thereof?

Cross-border Migration in Northeast Asia

At the end of the 20th century, there were an estimated 175 million international migrants, nearly 3 percent of the world's people and twice the number in 1975. Some 60 percent of the international migrants – about 104 million – were in developed countries and the remaining 71 million in developing countries.⁴ In 2000, 1,627 million—about 28 percent of the world's population—were living in the Northeast Asian countries of China, Japan, North and South Korea, Mongolia, and Russia. The population of migrants living in these countries numbered 19,029,000, which represented only 11.7 percent of the global migrant stock.⁵ The relatively small size of the migrant population in the region reflects the tight control the Northeast Asian governments have traditionally maintained over the movement of people across their national borders and points to the prospect for substantial future growth in cross-border migration in the region. Indeed Northeast Asia has lagged behind other regions of the world in the voluntary movement of individual citizens across state borders. However, there are signs throughout the region that a major change is afoot. Increasing numbers of ordinary citizens in all Northeast Asian countries are finding it necessary, desirable, and indeed possible to travel to neighbouring countries, some of them deciding to settle permanently in the host society, others finding temporary employment as migrant workers, and still others simply as tourists.

⁴ Commission on Human Security, *Human Security Now*, New York: Commission on Human Security, 2003, p. 41, <http://www.humansecurity-chs.org/finalreport/> (Accessed 12 August 2004).

⁵ Maurice D. Van Arsdol, Jr. et al., "Population Trends and Migration Patterns in Northeast Asia," in Akaha and Vassilieva, p. 21.

In Northeast Asia's modern history, the interests of central governments long dictated international relations.⁶ As the most powerful political institutions in the nation-states in the region, the central governments controlled political relations, commercial ties, and human contacts across national boundaries. In the post-Cold War period, however, voluntary movement of individual citizens across national borders has become a visible aspect of the region's international relations and it is growing. This development is challenging the national authorities' power to control their frontier areas, exposing their inability to limit the impact of migrant communities within their societies, and even threatening the host societies' ethnic and national identities.

The growing cross-border human flows in Northeast Asia have far-reaching implications at various levels. First, they have the potential to change the nature of international relations in the region. On the one hand, the cross-border movements of people may promote the development of a regional identity among the countries' leaders by creating opportunities for international cooperation to address migration-related challenges, such as migrant labor, transnational human resources development, human rights violations against migrants, infrastructure development for international education and tourism, international crime, trafficking in humans, drugs, and weapons, and the spread of HIV/AIDS and other infectious diseases. On the other hand, inability to forge effective international cooperation in addressing these problems may highlight disagreements, contradictions, and conflicts between the perspectives and interests of the governments of the region. Moreover, the movement of people across national borders has the potential to exacerbate the enmity and suspicion that have long characterized state-to-state relations in this region.⁷ The absence of a multilateral global framework for the management of movements of people across national borders is well recognized.⁸

Second, cross-border human flows in Northeast Asia present both opportunities and challenges to individual citizens, be they border-crossing

⁶ See Tsuneo Akaha, ed., *Politics and Economics in Northeast Asia*; and Samuel Kim, ed., *The International Relations of Northeast Asia*, Oxford, UK: Rowman & Littlefield, 2004.

⁷ For a comprehensive examination of factors stunting the development of regional cooperation, see Gilbert Rozman, *Northeast Asia's Stunted Regionalism: Bilateral Distrust in the Shadow of Globalization*, Cambridge: Cambridge University, 2004.

⁸ World Commission on the Social Dimension of Globalization, *A Fair Globalization: Creating Opportunities for All*, Geneva: World Commission on the Social Dimension of Globalization, 2004, p. 95.

persons or members of the host communities. As the final report of the Human Security Commission states, "For many people...migration is vital to protect and attain human security, although their human security may also be at risk while they are migrating."⁹ Migrants and other border-crossing people are known to expand opportunities for economic exchange between businesses and individuals, enlarge social networks between different nationalities, and promote the development of transnational communities made up of people of the same ethnic, cultural heritage living in separate countries. The cross-border movement of people may also contribute to the development of transnational identities that are based not on nationality or ethnicity but on shared professional interests and practices.¹⁰ On the other hand, international human flows can also threaten the material wellbeing of host community members by, for example, stressing their natural and social environment or displacing local workers. The welfare of migrants and other border-crossing individuals may also be endangered by outright violation of their human rights or more subtle forms of discrimination and injustice. Moreover, the influx of foreigners can also elevate social tension at the community level by threatening or being perceived as threatening the communal identity and social order of the host society, and emigration also reduces the pool of human resources and disrupts social networks in the sending communities.¹¹

The gravity of problems and concerns regarding migration issues varies from case to case. National security concerns are the most pronounced in the case of Chinese migration to the Russian Far East, although the analyses our colleagues in the joint project expose some of the exaggerated fears in the Russian Far East about the consequences of the influx of Chinese migrants into this economically fragile region. In contrast, the case of Russians in Japan, the situation of Koreans in Japan, and the circumstances of Chinese in Japan present not security concerns but cultural and social issues regarding integration, ethnic stereotypes, and discrimination against foreign residents in the provincial areas

⁹ Commission on Human Security, p. 41, <http://www.humansecurity-chs.org/finalreport/> (Accessed 12 August 2004).

¹⁰ Peggy Levitt, "Transnational Migrants: When 'Home' Means More Than One Country," *Migration Information Source*, Washington, D.C., 1 October 2004, <http://www.migrationinformation.org/feature/display.cfm?ID=261> (Accessed 20 January 2005)

¹¹ The World Commission on the Social Dimension of Globalization cautions that the promotion of international labor migration should be tempered by the recognition of the costs associated with it, for both sending and receiving countries. World Commission on the Social Dimension of Globalization, p. 97.

of Japan. The same can be said about the ill treatment of foreign migrants in South Korea and Mongolian women who are vulnerable to human trafficking. The most serious human security concerns are found in the case of North Koreans in China.

In the concluding chapter of the book *Crossing National Borders*, my co-author and I offer the following general observations:

First, although border crossing by ordinary citizens in Northeast Asia is mostly motivated by economic reasons and clearly has economic impacts on both the countries of origin and destination, it has political, social, cultural, and security implications as well. The influx of Chinese traders and migrant workers into the Russian Far East, for example, is an important and necessary stimulant for the region's economy, but it also is a source of irritation for local population whose sense of vulnerability has been aroused by the economic stagnation and depopulation they have been experiencing in recent years. In Japan and South Korea, abuses of visa overstayers and illegal foreign workers by shrewd employers are a growing concern to immigration and law enforcement authorities in the host countries. Also of concern are the deceptive practices of some labor export and import agents, as well as human trafficking organized by criminal groups, who exploit the vulnerable status of border-crossing persons, in China, Russia, Mongolia, Korea, and Japan.¹²

Second, crimes committed by foreigners are attracting the growing attention of the public and law enforcement agencies in all Northeast Asian countries. Criminal acts by foreigners, often in partnership with local organized crime, are testing the tolerance of impacted communities toward foreigners whom they often cast in negative stereotypes.

Third, lack of mutual understanding between foreign residents/visitors and local population often results from language and cultural barriers as well as from perceived disparities in the distribution of benefits from their interaction. Discrimination against and loss of ethnic identity among younger generations of Korean residents in Japan and elsewhere concern older members of the Korean communities in Japan those South Koreans who desire solidarity with Korean communities overseas.

Fourth, "brain drain" is an issue of growing concern to Mongolia as some of the most skilled and best educated citizens leave the country in search of

¹² Widespread labor recruitment malpractices, fraud, and abuses in many Asian countries are noted in International Labor Office, *Summary of Conclusions*, Report of the Regional Tripartite Meeting on Challenges to Labor Migration Policy and Management in Asia, 30 June-2 July 2003, Bangkok; cited in *ibid.*, p. 44.

opportunities abroad, although their remittances represent an important benefit for Mongolia's economy.

Fifth, the migration issue that is potentially the most troubling in political and security terms relates to the status of North Koreans who have left their country and are living in China, Mongolia, South Korea, and elsewhere. Unfortunately, we do not know what impact if any the highly publicized "defection" of North Korean citizens to other countries is having on the regime in Pyongyang. What we do know is that their presence in the foreign destination or transit countries has often been a subject of diplomatic tension.

Sixth, currently, there is no institutional framework for multilateral coordination of policies to address these issues in Northeast Asia. As Scalapino pointed out in "Preface", the need for multilateral cooperation is evident. How likely is it that the Northeast Asian countries will move beyond the current unilateral (internal) responses and bilateral adjustments and engage in serious multilateral cooperation? So far, we have seen no summitry among the national leaders of the region dealing with international migration issues. Nor is there any serious effort to establish institutional mechanisms for multilateral coordination. Virtually all policy changes in the migration sector have been through domestic (i.e., unilateral) or bilateral processes.

Seventh, cross-border migration has the potential to contribute to the development of a regional identity among the peoples of Northeast Asia through the sharing of cultural values and development of a sense of a common future across national boundaries. So far, however, ethnic, cultural, and national identities are still very powerful forces in Northeast Asia and the influx of foreign migrants and visitors into local communities is reinforcing those identities.

Eighth, what is the impact of international migration on the security concerns of the governments and peoples of Northeast Asia? The UN Commission on Human Security states, "Massive population movements affect the security of receiving states, often compelling them to close their borders and forcibly prevent people from reaching safety and protection. Armed elements among civilian refugee populations may spread conflict into neighbouring countries."¹³ Northeast Asian countries have yet to face such a dire situation. However, the countries in this region face some difficult issues of national and human security related to cross-border human flows. The instability on the

¹³ *Ibid.*, p. 42.

Korean Peninsula and possible North Korean refugee flows of massive proportions have the potential to disrupt the peace and stability there.

Ninth, human security concerns in Northeast Asia include the plight of North Koreans in China and elsewhere in the region, countless cases of discrimination, exploitation, human rights abuses against migrant workers and other border-crossing persons, and the illegal status of growing numbers of migrant laborers. There is also evidence that some migrants in vulnerable legal positions and without basic social support resort to crime. Criminal elements in both sending and receiving countries also present serious challenges to the law enforcement authorities in the region. Also, trafficking in person has also grown in Northeast Asia, and women and children are particularly vulnerable.

We would be remiss if we did not mention the growing phenomenon of human trafficking in Northeast Asia, although this was not explicitly a part of our international collaborative project.

All Northeast Asian nations are in some way involved in the process of the illegal transport of humans across national borders for commercial sexual exploitation and forced labor. There are no reliable data on trafficking in the Northeast Asian region, which is to be expected for an illegal activity that is often associated with organized crime networks. Some estimates put the global flow of trafficked persons at nearly one million individuals. If all of Asia accounts for about one-third of this number, then Northeast Asia’s share of human trafficking flows is naturally less than 300,000.¹⁴

Table 1: Human Trafficking Linkages in Northeast Asia

NEA Country	Sending to:	Receiving from:	Transit Point
China	Japan, ROK, Russia, Singapore, Sri Lanka, Taiwan, Rest of World	DPRK	Yes
DPRK	China, Russia	--	--
Japan	--	China, Philippines, Russia, Taiwan, Thailand	
Mongolia	China, ROK	--	--
ROK	Japan, United States, Canada	China, Philippines, Russia, Thailand	Yes
Russia	China, Japan, Mongolia, ROK, Gulf States, Macao, Sri Lanka	China, DPRK	Yes

¹⁴ *Ibid.* p. 112.

Sources: Piyasiri Wickramasekera, *Asian Labour Migration: Issues and Challenges in an Era of Globalization*, International Migration Programme, International Labour Office No. 57, Geneva: International Labour Office, 2002; Demetrious Papademetriou and Sarah Margon, "International Migration Trends and Patterns in Asian and Oceania," in Irena Omelaniuk, ed., *World Migration 2005: Costs and Benefits of International Migration*, Geneva: International Organization for Migration, 2005; U.S. Department of State, *Trafficking in Persons Report*, Office of the Under Secretary for Global Affairs No. 11252, Washington, D.C.: U.S. Department of State, June 2005.

The primary characteristics of human trafficking are similar across the region. The quest for economic opportunity is one factor. Many victims of trafficking are deceived by traffickers, who lure the former with promises of legitimate employment in foreign countries. In many cases, victims have even paid large sums of money to their exploiters as a service fee.¹⁵ The combination of restrictive migration policies and legal loopholes also facilitates the spread of trafficking. For example, Japan's "entertainer" visa system was long used for bringing in woman for commercial sexual exploitation, although recent regulatory changes may improve the situation.¹⁶ Another characteristic is the increasing feminization of international migration in Asia.¹⁷ Many of these women are legitimate economic migrants working as domestic help or healthcare providers.¹⁸ Others are women deceived by devious criminal schemes. Women migrants tend to be more vulnerable to trafficking, especially women in marginalized positions (divorced, widowed, etc.).¹⁹ It should be remembered, however, that trafficking victims are not exclusively women, nor are they used exclusively for sexual exploitation. Men, women and children throughout Asia are trafficked for exploitative labor, too, often bordering on involuntary servitude.²⁰

¹⁵ Piyasiri Wickramasekera, *Asian Labour Migration: Issues and Challenges in an Era of Globalization*, International Migration Programme, International Labour Office No. 57, Geneva: International Labour Office, 2002, pp. 19-20.

¹⁶ Demetrious Papademetriou and Sarah Margon, "International Migration Trends and Patterns in Asian and Oceania," in Irena Omelaniuk, ed., *World Migration 2005: Costs and Benefits of International Migration*, Geneva: International Organization for Migration, 2005, p. 113.

¹⁷ "World Migration 2005," in Irena Omelaniuk, ed., *World Migration 2005: Costs and Benefits of International Migration*, IOM World Migration Report Series, Vol. 3, Geneva: International Organization for Migration, 2005, p. 390.

¹⁸ Wickramasekera, pp. 13-14.

¹⁹ Papademetriou and Margon, p. 113.

²⁰ U.S. Department of State, *Trafficking in Persons Report*, Office of the Under Secretary for Global Affairs No. 11252, Washington, D.C.: U.S. Department of State, June 2005.

An important measure of a state’s commitment to the protection of human rights of migrants is whether it is a party to the core international human rights conventions and international treaties pertaining to migration. Table 2 lists such treaties and indicates the ratification status of the Northeast Asian states. Most states in the region are parties to the core international human rights treaties. The notable exceptions are China, which has not joined the International Convention on Civil and Political Rights, and North Korea, which is not a party to the International Convention on the Elimination of All Forms of Racial Discrimination or the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Russia has ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Japan and South Korea have signed but not yet ratified the protocol. However, Japan revised its penal code and immigration law in June 2005 to criminalize human trafficking.²¹ China, North Korea, and Mongolia have not signed the protocol.

Table 2: International Human Rights Treaties and States Parties in Northeast Asia (As of June 3, 2005)

	ICERD	ICCPR	ICE SCR	CED AW	CAT	CRC	Trafficking Protocol
China	a		r	r	r	r	
Japan	a	r	r	r	a	r	
ROK	a	a	a	r	a	r	
DPRK		a	a	a		a	
Mongolia	r	r	r	r	a	r	
Russia	a	r	r	r	a	r	r
	Vienna Convention	Refugee Convention	Refugee Protocol	ILO C97	ILO C143	ICM W	
China	a	a	a				
Japan	r	a	a				
ROK	r	a	a				
DPRK	a						
Mongolia	a						
Russia	r	a	a				

Ratification (r); accession (a); succession (s)

²¹ “Panel OKs Bills to Aid Victims of Trafficking,” *Japan Times*, 15 June 2005, <http://www.japantimes.co.jp/cgi-bin/makeprfy.p15?nn20050615a5.htm> (accessed 15 June 2005).

Notes:

- ICERD: UN International Convention on the Elimination of All Forms of Racial Discrimination (adopted in 1965; entered into force in 1969; ratified by 170 as of March 1, 2005)
- ICCPR: UN International Convention on Civil and Political Rights (adopted in 1966; entered into force in 1976; ratified by 154 states as of March 1, 2005)
- ICESCR: UN International Covenant on Economic, Social, and Cultural Rights (adopted in 1966; entered into force in 1976; ratified by 151 states as of March 1, 2005)
- CEDAW: UN Convention on the Elimination of All Forms of Discrimination against Women (adopted in 1981; not yet in force; ratified by 179 states as of March 1, 2005)
- CAT: UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (adopted in 1987; not yet in force; ratified by 139 states as of March 1, 2005)
- CRC: UN Convention on the Rights of the Child (adopted in 1989; went into force in 1990; ratified by 192 states as of March 1, 2005)
- Trafficking Protocol: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (adopted in 2000; entered into force in 2003; ratified by 87 states as of September 4, 2005)
- Vienna Convention: Vienna Convention on Consular Relations (adopted in 1963; entered into force in 1967; ratified by 166 states as of March 1, 2005)
- Refugee Convention: UN Convention relating to the Status of Refugees (applied to refugee situations before 1951; adopted in 1950; entered into force in 1954; ratified by 142 states as of March 1, 2005)
- Refugee Protocol: UN Protocol relating to the Status of Refugees (applied to refugee situations after 1951; adopted in 1967; entered into force in 1967; ratified by 142 states as of March 1, 2005)
- ILO C97: ILO Convention concerning Migration for Employment (Convention No. 97; adopted in 1949; entered into force in 1952; ratified by 42 states)
- ILO C143: ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Convention No. 143; adopted in 1975; entered into force in 1978; ratified by 18 states as of March 1, 2005)
- ICMW: UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted in 1990; entered into force in 2003; ratified by 27 states as of March 1, 2005)

Sources:

Office of the United Nations High Commissioner for Human Rights, "Status of Ratifications of the Principal International Human Rights Treaties." <<http://www.ohchr.org/english/bodies/docs/RatificationStatus.pdf>> (accessed August 31, 2005);

United Nations, "United Nations Treaty Collection," <<http://untreaty.un.org/sample/EnglishInternetBible/bible.asp>> (accessed August 31, 2005);

United Nations Office on Drugs and Crime, <http://www.unodc.org/unodc/en/crime_cicp_signatures_trafficking.html> (accessed September 3, 2005);

International Labor Organization, "Database on International Labor Standards," <<http://www.ilo.org/ilolex/english/newratframeE.htm>> (accessed August 31, 2005);

Stefanie Grant, "Migrants' Human Rights: From the Margins to the Mainstream," Migration Policy Institute, Washington, D.C., March 21, 2005, <<http://www.migrationinformation.org/Feature/print.cfm?ID=291>> (accessed August 6, 2005).

All Northeast Asian countries need to cooperate with the other countries of Northeast Asia in strengthening and harmonizing *human rights laws and practices in the region*. As in the case of European integration, where the European Council and the European Convention for Human Rights play a central role, so in Northeast Asia regional cooperation is necessary for the advancement and harmonization of human rights related policies and practices as part of regional integration efforts. As the movement of people across national borders increases, new institutions should be established and agreements concluded to protect the human rights of migrant and minority populations. More liberal migration policies and enhanced protection of human rights will help to reduce crime, alienation, and other social risks involving migrants and minorities.

Migration in Mongolia

The number of foreign visitors to Mongolia has increased dramatically since 1990, most of them short-term visitors or tourists in the summer. A large part of the foreign presence in the country is contract workers—mostly from China—employed by foreign-invested companies. There are also a considerable number of missionaries, especially from Korea, who are trying to establish Christian churches and are actively recruiting young believers.

The number of foreigners arriving in and departing from Mongolia has grown steadily and reached its peak in 2002 (Table 3), and declined in 2003 because of the SARS concern.

Table 3: Number of Arrivals and Departures by Country

Year Country /Region	Inbound			Outbound		
	2000	2001	2002	2000	2001	2002
USA	6,451	6,653	6,860	6,511	7,122	7,058
Australia	1,008	1,262	1,761	1,134	1,278	1,752
UK	2,800	3,122	3,537	3,032	3,021	3,306
South Korea	8,039	10,098	14,536	8,239	10,214	14,392
Germany	4,206	5,388	6,856	4,068	5,869	6,395
Denmark	602	617	863	639	627	721
Italy	743	961	987	801	914	958
Kazakhstan	1,677	1,569	1,976	1,510	1,536	1,740
Canada	611	825	1,062	663	782	1,058
Netherlands	1,391	1,352	1,739	1,302	1,595	1,665
Russian Fed.	49,456	66,415	71,368	48,712	62,037	66,985
Sweden	904	1,331	1,388	729	1,167	1,411
China	57,546	67,360	92,657	48,024	62,960	90,771
France	1,841	2,764	2,891	1,918	2,732	3,378
Switzerland	637	666	875	326	869	1,502
Japan	11,392	11,565	13,708	13,987	17,576	13,527
Other	8,901	10,109	12,201	8,168	9,826	13,727
TOTAL	158,205	192,057	235,165	149,763	190,125	230,346

Source: *Mongolian Statistical Yearbook 2002*, Ulaanbaatar: National Statistical Office of Mongolia, 2003, pp. 225.

The statistics above show that the majority of foreign visitors come from the two neighbouring countries, China and Russia. Overstaying of a visa is a common problem among foreigners in Mongolia. If a foreigner stays longer than 30 days, he/she must register with the Immigration Service or its offices in the provinces. In 2003 alone, 1,732 foreign citizens from 52 countries were fined for illegal visa extension or for violation of the registration policy. By far the largest segment of the foreigners who received fines for violating the registration requirement were Chinese citizens (1,224 persons or 70.6% of the total), followed by 132 Russians (7.6%).²²

As of August 31, 2003, there were 8,090 foreign contract workers from 72 countries registered with the Ministry of Social Welfare and Labor. Among them, Chinese workers numbered 2,890 (or 35.7%), Russians 1,744 (21.6%), and

²² Tsedendamba Batbayar, "Foreign Migration Issues in Mongolia," in Akaha and Vassilieva, p. 222.

Ukrainians 1,741 (21.5%). The foreign contract workers were working mostly in the construction sector (2,257 or 27.9%), mining (2,673 or 33.0%), and wholesale and retail trade (1,433 or 17.7%).²³

Mongolia's proximity to China makes it very attractive to Chinese citizens as a transit point to more advanced countries, but this has created some problems. In May 2001, for example, a Chinese citizen was arrested at Buyant-Ukhaa airport for attempting to bring 104 Chinese passports into Mongolia illegally.²⁴ In other cases, Chinese citizens have illegally bought forged Mongolian passports and subsequently used them in attempts to enter a third country. Mongolia has also attracted criminal schemes for human trafficking. For example, in January 2004, Korean national Pak Song-ki was deported from Mongolia for trying to sell over 400 Mongolian girls to Japan and Korea. An investigation revealed that the South Korean demanded \$300 from each woman who responded to fall advertisements for jobs overseas. It was confirmed that 50 of the women had gone to Japan.²⁵

Human trafficking has become a serious issue in Mongolia, as elsewhere in Northeast Asia and the rest of the world. Batbayar cites a study conducted by Center for Human Rights Development (CHRD), a Mongolian NGO. The report states that the trafficking network is well established in Mongolia and native residents have become more and more involved in private trafficking schemes.²⁶ The Human Rights Commission in Mongolia estimated that by the end of 2002 over 200 women had been trafficked.²⁷ Only in sensational cases (the first prosecution for human trafficking was in 2001, against Japanese businesses), such as when the victim returns to Mongolia, is the issue recorded. In 2003, there were fourteen prosecutions of human traffickers in Mongolian courts, and two persons were denied entry into the country on suspicion of being involved in trafficking activities. The generally held consensus is that South Koreans generally take girls via air, whereas Chinese traffickers generally focus on road and rail networks to move their victims out of the country. One of

²³ Reference material, Department of Employment, Ministry of Social Welfare and Labor, 8September 2003; cited in Batbayar, p. 223.

²⁴ *Zuunii Medee*, 25 May 2001; cited in Batbayar, p. 223.

²⁵ UB Post, (Mongolia's English weekly newspaper), 30 January 2004; cited in Batbayar, pp. 224.

²⁶ UB Post, 19 February 2004; cited in Batbayar, p. 224-225.

²⁷ "Mongolia", *Stop the Traffic 2 Conference*, Melbourne: Asia Pacific Forum of National Human Rights Institutions, 2003, <http://www.asiapacificforum.net/advisory/trafficking/news.htm> (accessed 28 January 2006).

the two denied entry to Mongolia in 2003 was a British citizen. A worrying trend in human trafficking from Mongolia is the use of former victims as traffickers. Mongolian women who have worked for a time in China, Macau, and Hong Kong are sent back to Mongolia to recruit new women. Although Mongolia has passed laws to prohibit such recruiting, the problem of human trafficking will continue so long as Mongolia remains one of the least developed countries in the region.²⁸

Other types of criminal activity, including narcotics trafficking, are also a growing concern to Mongolian law enforcement agencies. In 2000, for example, Mongolian police detained about 50 foreign citizens, including 23 Chinese and 21 Russians.

The U.S. State Department reports that Mongolia is not a party to the 1951 Convention Relating to the Status of Refugees or the 1967 Protocol. The Mongolian government has not established laws or rules for granting refugee status. Nevertheless, Mongolia did adhere to some bare minimum practices with regards to refugees, including non-refoulement. Asylum requests were rarely granted. The Mongolia Government has embarked upon minimal cooperation with UNHCR. No data are available on the refugee population of Mongolia, although there are reports of small numbers of North Koreans residing in Mongolia. Like China, the Mongolian government seems to prefer classifying these individuals as “economic migrants.”²⁹

The presence of North Koreans in Mongolia has attracted international media attention. The New York Times reported, for example, “Bolstered by President Bush’s re-election and a new American law that calls for spending \$20 million a year to help North Korea’s refugees, refugee advocates would like to see Mongolia, sandwiched between Russia and China, play roughly the same role as Portugal’s during World War II; a neutral state where refugees could be processed for settlement in other countries, preferably by the United Nations High Commissioner for Refugees.”³⁰

The number of Mongolian citizens traveling abroad has increased dramatically since 1990. The democratic reform in the country has resulted in

²⁸ “Mongolia”, *Country Reports on Human Rights Practices*, 2004, Washington, D.C.: State Department, Bureau of Democracy, Human Rights, and Labor, 2005, <http://www.state.gov/g/drl/rls/hrrpt/2004/41652.htm> (accessed January 29, 2006).

²⁹ “Mongolia,” in U.S. Department of State, *U.S. Department of State Country Report on Human Rights Practices 2004*, Washington, D.C.: U.S. Department of State, Bureau of Democracy, Human Rights and Labor, 28 February 2005.

³⁰ *New York Times*, November 21, 2004; cited in Batbayar, p. 225-226.

the institution of the right to travel abroad. Passports have been liberally issued to all Mongolian citizens 18 years of age and older. Accordingly to Batbayar, 30,000 Mongolian citizens traveled abroad in 1990 and by 1999 that number had increased 30 times. Russia and China are the closest and most popular destinations for Mongolian travelers abroad. Table 3 shows the number of Mongolian citizens who traveled for various purposes through the various ports of entry to Russia and China in 2002.

Table 4: Outbound Mongolian Passengers by Port and Purpose, 2002

Purpose Immigration ports	Total	Official	Private	Tourism	Permanent residence	Other
Buyant-Ukhaa (airport)	45,217	8,118	25,323	1898	480	9,398
Sukhbaatar (to Russia)	22,067	360	19,847	240	278	1,342
Altanbulag	50,676	923	48,854	144	474	281
Tsagaan Nuur	13,286	1,615	11,671	-	-	-
Ulgii	432	5	359	28	-	40
Khankh	3,568	10	3,558	-	-	-
Arts suuri	6,420	73	6,331	1	1	16
Ulikhan	2,210	241	1,959	-	4	6
Ereentsav	1,945	130	1,810	-	-	5
Borshoo	12,714	241	12,433	5	13	49
Zamiin Uud (to China)	296,140	10,199	275,311	5,324	89	5,217
Gashuun-Sukhait	22,025	-	22,025	-	-	-
Bichigt	3,451	77	3,374	-	-	-
Bulgan	20,819	75	20,744	-	-	-
Dayan	794	4	790	-	-	-
Baitag	6,045	15	6,030	-	-	-
Burgastai	1,025	-	1,025	-	-	-
Shivee-Khuren	12,101	-	12,101	-	-	-
Khavirga	14,051	8	14,043	-	-	-
TOTAL	536,306	22,156	488,819	7,693	1,338	16,354

Source: *Mongolian Statistical Yearbook 2002*, Ulaanbaatar: National Statistical Office of Mongolia, 2003, p. 226.

In 2003, an estimated 100,000 Mongolians were living and working in foreign countries. Over 17,000 were estimated to be in South Korea.³¹ Most Mongolians in South Korea are engaged in low-wage factory labor. One problem has been the overstaying of 30-day tourist visas on which most Mongolians enter South Korea. Many of them are illegally employed and face exploitation for cheap labor and lack of medical care and insurance protection. As the number of Mongolians deported from South Korea has increased, the Mongolian government has asked the Korean government to protect their interests. At the end of 2001, there were 976 Mongolians in the Czech Republic with valid work visas, and thousands more were estimated to be otherwise living and working there. It is interesting to note that 69% of the Mongolians legally working in the Czech Republic were women.³²

These types of problems are not unique to Mongolian migrants overseas. In fact, they are quite common in Northeast Asia and elsewhere around the world.

Conclusion: Implications for Mongolia

Some administrative reforms are necessary to improve inter-agency coordination on immigration policy in all Northeast Asian countries. Effective management of migration, exploitation of the benefits migration brings to both the sending and destination countries, and control of the harmful consequences of migration require timely coordination of policies that are normally developed and implemented by separate government agencies. For example, population policy, economic development policy, foreign policy, national security policy, public welfare policy, education policy, and labor policy all have direct and indirect effects on in-migration and out-migration. Yet, there is not one country in Northeast Asia where there is a focal point of policy coordination at the high echelons of government.

Against the background of globalization, cross-border human flows cannot but grow in the future in this and other parts of the world. In Northeast

³¹ "Human Rights and Freedoms in Mongolia," *Status Report*, Ulaan Baatar: National Human Rights Commission of Mongolia, 2003, <http://www.nhrc-mn.org/docs/Annual%202003%20Status%20Report.pdf>. (accessed January 30, 2006).

³² "The Times They Are A-Changing," *Sharing Experience: Migration Trends in Selected Applicant Countries and Lessons Learned from the 'New Countries of Immigration' in the EU and Austria*, Vienna: International Organization for Migration, 2004, <http://www.iom.int/DOCUMENTS/PUBLICATION/EN/ION_II_CZ.pdf> (accessed January 31, 2006).

Asia, economic interdependence is gradually deepening through market forces, particularly among Japan, China, and South Korea. As market economies continue to grow in Russia and Mongolia, so will the complementary linkages between these economies with the other economies of the region. Social integration proceeds through networks of individuals, enterprises, and other groups and organizations whose activities transcend national borders. Cultural integration can also deepen through exchanges between individual citizens, business organizations, and civil society groups. This region also needs integration through cooperation in non-traditional security fields, such as environmental protection, resource management, control of illegal trafficking in drugs, weapons, and humans, containment of the HIV/AIDS and SARS epidemic, counter-terror measures, and management of cross-border human flows.

What are the specific steps Mongolia should take?³³

First, there is a need to improve the overall legal framework to address new immigration issues and concerns more effectively. Questions are being raised both inside and outside of Mongolia about the desirability and practicability of the numerical limit on the number of foreign immigrants—that the number should not exceed one percent of Mongolian population at any given time—and the ban on dual citizenship. Mongolia’s emphasis on regional integration in Northeast Asia shows how necessary it is to balance sovereignty with mechanisms allowing transnational movements of goods, people, and services or through special economic zones. Labor import from such countries as China, Belarus, and Ukraine is likely to increase. Exceedingly low wages and incomes in Mongolia compared to developed countries are a major cause of “brain drain.”

Second, the government must put more efforts and resources into educating the public to change their attitudes towards foreigners. Overemphasis on the protection of ethnic identity, way of life, culture, and language leaves the public ignorant about the country’s need to engage the international community for its own interests. Unwelcoming treatment of foreign residents or visitors in Mongolia will hurt this need. More Mongolian citizens are supplementing their income with the help of foreigners. They obtain contracts with foreign companies or agencies, rent apartments to foreigners, and rely on foreign capital in establishing small businesses.

³³ This section draws heavily from Batbayar, pp. 233-234.

Third, increased exposure of Mongolia and its citizens to globalization forces has brought new problems, such as human trafficking, illegal migration, and transnational crimes. Mongolia should join the related UN conventions and strengthen its coordination with regional and foreign organizations dealing with these problems. Low income, high unemployment, and the desire to earn hard currency are the main incentives for many Mongolians to go abroad. While expatriate Mongolians may send family remittances from abroad, the exodus of potential workers can weaken the nation's human resources.

Fourth, since the late 1990s hundreds of North Koreans have come to Mongolia, obviously for reasons of personal safety. Most of the North Korean "defectors" who have entered Mongolia have found safe passage to South Korea, their destination of choice. Although Mongolia has dropped its earlier policy of moving North Koreans to China, partly because of pressure from international human rights groups, Mongolia has yet to join the 1951 Convention Relating to the Status of Refugees. It is urgent for Mongolia to join the convention and actively participate in the promotion of the human rights of international refugees.

Mongolia is now an open, democratic society and needs to be fully engaged in international affairs, including open flows of goods and services, information and technology, as well as people. The Mongolian government must embrace the international conventions and treaties defining and protecting the rights of migrations and others – both Mongolian citizens and others – who cross national borders to advance their well-being. Finally, the Mongolian people must find a balance between their need to maintain their national identity based on their history and culture and their growing need to work with people of other nationalities and citizenships, both inside Mongolia and outside.