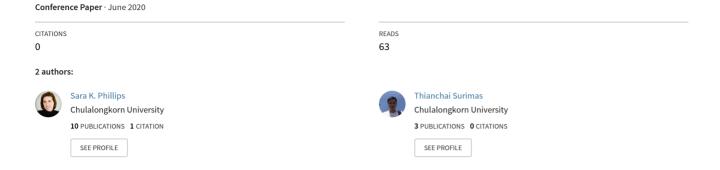
Addressing Climate Change Adaptation Through International Trade Mechanisms: Labour Migration and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership in Vietn...





ADDRESSING CLIMATE CHANGE ADAPTATION THROUGH INTERNATIONAL TRADE MECHANISMS: LABOUR MIGRATION AND THE COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP IN VIETNAM

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ABSTRACT

This paper examines the connections between international trade mechanisms and climate change adaptation, with a focus on internal, domestic labour migration. The paper considers labour migration in Vietnam's Mekong Delta and how the newly promulgated Comprehensive and Progressive Agreement for Trans-Pacific Partnership has the potential to affect the governance of Vietnam's internal migration and influence domestic climate change adaptation approaches. Drawing from information and narratives gathered during fieldwork conducted as part of the Knowledge Networks of Transdisciplinary Studies program, the paper explores trends in labour migration as climate change adaptation strategies, including the effects of the ho khau household registration system on the region's most vulnerable populations. The paper concludes with an analysis of how Vietnam's status as a member party of a major international trade deal could affect the country's future labour protections and thus, potentially benefit internal migrant labourers. **Keywords:** international trade; climate change; labour migration; adaptation; CPTPP.

1. INTRODUCTION AND BACKGROUND

The Mekong River Delta of Vietnam is one of the world's most vulnerable regions to climate change (Chaudhry & Ruysschaert, 2007). Sea level rise (Dasgupta et al., 2007), flooding, and saline intrusion (Eastham et al., 2008) all threaten to displace already vulnerable populations, with negative impacts on livelihoods and security (United Nations in Viet Nam, 2014). As Tuan and Chinvanno (2011) explain, the impacts of climate change are complex and will lead to increased challenges to rural production and



significant declines in freshwater supply. Drought-related threats to food security and biodiversity may also be accompanied by the spread of weather-related illnesses, including mosquito-borne infectious diseases (Tuan & Chinvanno, 2011). For those persons vulnerable to climate change and environmental stresses, migration may be an adaptation strategy that can be used to diversify sources of income and improve resilience (United Nations in Viet Nam, 2014). In other cases, migration is a "survival strategy" and may "lead to new and greater vulnerabilities" for those communities most at risk (United Nations in Viet Nam, 2014, p. 10). This may be due to a variety of factors, including government policies that do not provide adequate protections for migrant labourers and at-risk populations.

On 12 November 2018, Vietnam ratified the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP; see Burke & Nguyen, 2018), signifying the country's agreement to undertake certain legal reforms intended to harmonize trade provisions among CPTPP member states. These reforms include labour protection standards that, if successfully implemented, could function to extend several social benefits that are currently unavailable to Vietnam's internal migrant workers. Such benefits could strengthen the resilience and adaptability of Vietnam's most vulnerable populations in terms of their ability to cope with the stresses of climate change.

This paper presents a preliminary hypothesis that there exist beneficial linkages between domestic climate change adaptation strategies and international trade mechanisms, with a particular view to the potential of the CPTPP to enhance labour protections for migrant workers from Soc Trang and Tra Vinh, two of Vietnam's most rural and impoverished provinces in the Mekong Delta region. These labour protections may, in turn, work to address shortcomings of Vietnam's ho khau system, which provides social welfare benefits based on an individual's place of permanent residence. The ho khau's residency restrictions can leave many migrant labourers and their families without the ability to access basic social services, such as education and healthcare. If the CPTPP functions to strengthen Vietnam's labour standards, we hypothesize that there may occur a cascading effect in regard to other social benefits, such as the ability to access public services in the location of temporary residence. Our analysis of these linkages is informed by the notion of human security in the context of climate change as defined by Adger et al. (2014, p.



759): "a condition that exists when the vital core of human lives is protected, and when people have the freedom and capacity to live with dignity."In March of 2019, the authors participated in group fieldwork in Vietnam's Mekong River Delta as part of the Knowledge Networks of Transdisciplinary Studies (KNOTS) program, hosted by Ho Chi Minh City Open University. Over the course of a five-day period, issues related to migration, vulnerability, and salinity intrusion were studied using transdisciplinary research methodologies. Field site arrangements were made by Ho Chi Minh City Open University and included the Tran De District of Soc Trang Province and the Tra Cu District of Tra Vinh Province. The data and results below are based on information gathered from interviews, participant observation, and focus group discussions. Field reports were composed based on data collection and analysis, which were presented to KNOTS participants in April 2019 at Ho Chi Minh City Open University. The analysis herein is also based on the content of those reports and additional data provided in the KNOTS program guidebook. Research findings from Soc Trang and Tra Vinh Provinces have been combined due to the parallel and overlapping conditions found in each case study. At the time of our fieldwork with the KNOTS program, no data was collected that relates directly to the CPTPP. The connections we draw between international trade and the stories of labour migration that are described below originated several months later, as we continued to analyse our fieldwork results and consider the broader implications of the information gathered. We present our fieldwork findings and our hypothesis in the following pages; however, we note that additional time (perhaps several years) will be needed before the influence and effects of the CPTPP in Vietnam can be better understood. Our primary goal in this paper is to present an idea, a hypothesis, of how international trade interacts with domestic labourers and what potential benefits can be gleaned for those persons most vulnerable to climate change in Vietnam's Mekong Delta. Following the introduction and background of section one, we provide a synopsis of climate change impacts in Vietnam's Mekong Delta region and present a narrative analysis of fieldwork results gathered in March 2019. Section three then draws connections between climate-related labour migration and the CPTPP, emphasizing how the CPTPP may be able to address existing gaps in governance that increase migrant workers' vulnerabilities. Section four is our conclusion, where we identify opportunities for future research on this topic.



2. CLIMATE CHANGE IN VIETNAM'S MEKONG DELTA: VULNERABILITY AND MIGRATION

2.1. Salinity Intrusion in Soc Trang and Tra Vinh Provinces

Vietnam is expected to be one of the world's most severely impacted countries as a result of climate change (Mekong River Commission, 2009). There are 13 provinces in the country's Mekong Delta, and Soc Trang and Tra Vinh Provinces are two of the most vulnerable. Climate change impacts are made more acute by the high levels of poverty within the region. Of a population of more than one million, approximately 30 percent of Soc Trang's inhabitants are of the Khmer ethnic group. Most (roughly 70 percent) of the province's population live in rural areas, with livelihoods based on agriculture and aquaculture. The Khmer people are also an ethnic minority in Tra Vinh Province, where they are among the highest risk segment of the population. Like Soc Trang, the people of Tra Vinh live in rural areas (90 percent) with agricultural-based livelihoods. Regionally, livelihoods are threatened by saline intrusion, drought, and rising sea levels (including flooding). In a 2013 assessment of Vietnam's environment and climate change, the Asian Development Bank (ADB) identified negative impacts to the agricultural sector as one of the growing challenges faced by the country. In particular, the ADB's report linked rising sea levels to increased salinization, crop damage, and a significant reduction in rice production (Asian Development Bank, 2013), discussed further below. Approximately 70 percent of the land now under cultivation in Vietnam is vulnerable to saltwater intrusion (Asian Development Bank, 2013), with ethnic minorities and impoverished populations being among those most vulnerable to the impacts of climate change (Nhat, 2015). Rising sea levels also threaten freshwater sources for human consumption, with shortages expected as demand for water rises alongside escalating global temperatures (Asian Development Bank, 2013). By the year 2100, Vietnam's densely populated Mekong River Delta is expected to be severely inundated by seawater, with an increase in migration expected as the region becomes progressively uninhabitable (Mekong River Commission, 2009; Asian Development Bank, 2013).

During our investigation of salinity intrusion in the region, the primary study site in Soc Trang Province was Bang Lang Village. Prior to 1990, rice had been the main agricultural product, and the majority of the village's land was used for rice cultivation.



It was around 1990 that saline intrusion began to cause issues for rice production and by the early 2000s, the transition to shrimp farming had begun. Shrimp thrive in the brackish water caused by salinity intrusion and as fresh water sources became increasingly scarce, rice farming was no longer tenable. The transition from rice to shrimp farming was supported by the Vietnamese government, primarily in the form of infrastructural support, such as constructing canals to aid the flow of brackish water to shrimp farms. Similar shifts in production were found in Tra Vinh Province, where those farmers financially capable of adapting to changing environmental conditions turned to shrimp cultivation. As Dun (2012, p. 85) describes, changes to salinity levels have had both positive and negative effects for Vietnam's Mekong Delta, with "mixed outcomes on human security, generating some benefits and creating new vulnerabilities." In both Tra Vinh and Soc Trang Provinces, shrimp farming is considered to be economically intensive and thus, many farmers are unable to make this shift in livelihood. The struggle to adapt is often most challenging for Khmer farmers as they may lack the financial resources required to establish shrimp farming operations 1 or the technical knowledge to maintain them. Landlessness is one of the primary consequences of the Khmer struggle to maintain shrimp farming operations. Many sold their land or shrimp farms in order to survive, which has resulted in increased labour migration among the Khmer populations of the region. The impacts of salinity intrusion also extend to other aspects of life, including food sources. Khmer villagers in Bang Lang witnessed a decrease in the area's biodiversity and a reduction in the number of freshwater fish in nearby rivers and canals. Salinity intrusion has thus affected not only the livelihoods of the Khmer people, but also their ability to subsist off the land. These findings indicate that climate change adaptation strategies in the Mekong Delta are likely to be determined by capacities, including knowledge of technical farming operations and the financial resources necessary to maintain livelihoods and meet basic needs.

¹ Our research indicated that the setup cost of such endeavours is approximately VND 10 million (or USD 430).



2.2. Labour Migration as a Climate Change Adaptation Strategy

The authors note that there are several causes of labour migration that may or may not be directly linked to climate change; however, our narrative analysis of fieldwork results revealed that, especially in Tra Vinh Province, participants expressed direct links between their decision to migrate and salinity intrusion, with several interviewees referring specifically to climate change as the primary cause of their economic hardship. The fieldwork was framed around the effects of salinity intrusion, which our research found to be a direct result of changing climate conditions. This assertion is based on interviews with government officials, agricultural officers, nongovernmental representatives, local farmers, labourers, and reports cited in this paper. Nevertheless, it is important to highlight that the push-pull factors of labour migration are likely more complex than what our fieldwork results indicate. In this context, causality may be impossible to determine with complete certainty.

The narratives that emerged from the field were illustrative of the use of labour migration as an adaptation strategy to changing environmental, and subsequent changing economic, conditions in Soc Trang and Tra Vinh Provinces. Many individuals and families were landless or had sold their land after economic hardships left them with no viable alternatives. Other persons laboured seasonally, migrating between farms and urban areas, where they would work on construction sites during times of salinity intrusion when no harvesting or planting occurred. Migration often meant that families would be separated for a given period of time, with grandparents becoming the primary caregivers to children while parents worked in urban areas (discussed further below).

The trend toward urban migration was not consigned to those families facing economic hardships. Our research indicated that even for those more affluent members of the community with successful farming operations, there was an increase in migration of the younger generations from rural regions to urban ones. Most residents viewed these changes as positive. There was a general perception that an urban lifestyle offered more financial stability and opportunity, as compared to the labour-intensive work of farming and unpredictable climate conditions. However, there was also a sense of "loyalty to the land," as characterized by one interviewee, with most families expressing the belief that those who had migrated for work would eventually return.



2.3. The Effects of Ho Khau on Labour Migration

Migration from Soc Trang and Tra Vinh Provinces was primarily to Ho Chi Minh City, Dong Nai Province, Binh Duong Province, and Nha Trang in Khánh Hòa Province. In Bang Lang Village, more than half of the village's population had migrated by the time our fieldwork was undertaken. Many villagers who remained, including children of migrant workers, did so in part as a result of the ho khau household registration system, which places certain limitations on the movement of people within Vietnam. Originally "an instrument of public security, economic planning," and migration control, the ho khau system was instituted over 50 years ago and created a registration system whereby households could access public services based on their registered location, i.e. permanent residence (World Bank and Vietnam Academy of Social Sciences, 2016, p. ix). Change in permanent residence was only allowed with government permission (Anh et al., 2016). The history, effect, and content of the ho khau system are much more complex than what can be presented in this paper, suffice to say that ho khau works to disadvantage migrant workers to some degree. In their 2018 book on migration and flooding in Southeast Asia, Elmhirst et al. (2018, p. 6) explain that reducing vulnerabilities through migration is dependent on several factors, including government policies that "either facilitate or inhibit mobility," such as household registration systems. A 2016 report by the Vietnam Academy of Social Sciences and the World Bank stated that under the ho khau system, "temporary registrants continue to face limitations in social service access, particularly with regard to public schools, health insurance for young children, access to credit, and basic procedures like registering a motorcycle" (Anh et al., 2016, p. 1). As a result of these limitations, temporary registrants, like migrant labourers, often choose to leave their children in the location of permanent residency to ensure the children's continued access to healthcare and education, among other services. This may lead to the indefinite separation of families, with some interviewees indicating they had been apart for as long as 15 years.

As addressed further in section three below, the CPTPP may have potential, albeit perhaps unintentional, consequences for the ho khau system and the vulnerabilities that ensue as a result of the system's inability to accommodate migrant labourers in their temporary place of residence. The connections between ho khau and the CPTPP stem from the agreement's



provisions on labour standards, which include the right to establish labour unions and to engage in collective bargaining. As labour rights in Vietnam are strengthened, we posit that the demand for access to public services and other benefits may also increase. This may be especially pertinent in light of the data presented above, which anticipates substantial increases in labour migration as climate change conditions worsen in Vietnam.

3. INTERSECTIONS BETWEEN INTERNATIONAL TRADE AND LABOUR MIGRATION: A BRIEF ASSESSMENT OF THE COMPREHENSIVE AND PROGRESSIVE AGREEMENT FOR TRANS-PACIFIC PARTNERSHIP

The CPTPP is a free trade agreement between the countries of Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam. The CPTPP, a revised version of the former Trans-Pacific Partnership, is comprised of 30 chapters and is one of the world's largest free trade agreements (Goodman, 2018). Heralded as setting "a new standard for global trade," the CPTPP is intended to, inter alia, eliminate tariffs and other barriers to trade and facilitate the development and production of supply chains among member states (Hoang & Hoan, 2019, p. 2). The agreement covers not just trade in goods, but services as well. Ratifying states must commit to reforms in labour standards, environmental practices and protections, and intellectual property regimes, among other requirements (see e.g., chapter summaries at Government of Canada, 2018).

For Vietnam, the CPTPP is projected to boost foreign trade by 30.1 percent and foreign investment by 14.4 percent by the year 2030 (Hoang & Hoan, 2019). Approximately 20,000 to 26,000 jobs are expected to be created per year on average, particularly in the manufacturing sector (Hoang & Hoan, 2019). However, in order to achieve these gains, member states are required to adopt core labour standards delineated in the International Labour Organization's 1998 ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up (see CPTPP, ch. 19.3.1 at New Zealand Foreign Affairs and Trade, n.d.; see also, art. 2, International Labour Organization, June 1998). These standards include freedom of association, the ability to engage in collective bargaining, and "the elimination of discrimination in respect of employment and occupation" (International Labour Organization, June 1998, art. 2). Among other provisions of the CPTPP, article



19.4 on non derogation prevents member states from "weakening or reducing the protections afforded in each Party's labour laws" to "encourage trade or investment" (New Zealand Foreign Affairs and Trade, n.d.). Further, article 19.14 on public engagement requires that member states establish means by which the public may "provide views on matters regarding" the CPTPP's labour provisions (New Zealand Foreign Affairs and Trade, n.d.).

In Vietnam, the expectations under the CPTPP are that workers will be permitted to establish unions and that the country will eventually "modernize its labor laws and industrial relations system," leading to the promise of other rights, such as collective bargaining, freedom of association, and the elimination of forced labour ("ILO: CPTPP helps Vietnam advance labor reforms," 2018; International Labour Organization, 2018). It is anticipated that it may take between three to five years for Vietnam to become CPTPP compliant ("CPTPP expects to help Vietnam advance in labour reforms," 2018), meaning that the country must go through a process of amending its legal infrastructure to address those laws that may not be in agreement with the trade deal's terms.

Such amendments may hold great promise in terms of expanding labour protections for migrant workers and addressing existing gaps in Vietnam's governance of internal labour migration. The implementation of antidiscrimination laws, for example, could work in multilayered ways. Depending on their level of enforcement, such protections may strengthen the role of women in the workplace, address gender pay disparities, and provide increased access to Vietnam's labour market (see Mai, 2018; International Labour Organization, 2018). This could have significant impacts for female labour migrants, especially those who are the primary earners for their families. These same protections could be extended to minority Khmer migrant workers who may find themselves working in discriminatory conditions or receiving less pay as a result of their ethnic identity. While the International Labour Organization has generally viewed the CPTPP as a positive advancement for Vietnam's workers (see e.g., "ILO: CPTPP helps Vietnam advance labor reforms," 2018), the agreement has been criticized as a general weakening of labour protections by labour unions in other member states, such as Canada (see e.g., National Union of Public and General Employees). Criticisms focus on Vietnam's five year grace period for compliance, referenced above, as well as the CPTPP's high



threshold for establishing a violation of labour rights (National Union of Public and General Employees). In order to establish a violation, the agreement requires that the complaining party demonstrate that a member state has "failed to adopt or maintain a statute, regulation or practice in a manner affecting trade or investment" (New Zealand Foreign Affairs and Trade, n.d., art. 19.3.1, p. 19-2). This means that violations of labour rights alone are not enough. The violation must also be shown to affect trade or investment between member parties. Additionally, concerns regarding a widening of the informal workforce have been connected to the CPTPP's more rigid labour standards, alongside questions of whether the agreement will widen inequality in Southeast Asia (Ariffin, 2019).

Despite the concerns described above, Vietnam has already made strides in reforming its labour protections in accordance with the CPTPP ². On 5 July 2019, the country ratified the Right to Organise and Collective Bargaining Convention (also known as Convention 98), providing a pathway for collective bargaining and the establishment of labour unions in the country (International Labour Organization, 2019b; Trang, September 2019). Following this ratification, Vietnam's National Assembly adopted *Labour Code No.* 45/2019/QH14, which will come into effect in January of 2021 (Nguyen, 2019). This new labour law recognizes the right of Vietnam's workforce to establish independent employee representative organizations, outside the purview of the Vietnam General Confederation of Labour, currently the country's only trade union (Nguyen, 2019). Additional safeguards against discrimination have also been added (Dezin Shira & Associates, 10 December 2019).

If the above projections regarding job creation come to fruition, even in part, Vietnam will likely experience greater migration to its urban regions, including a shift from agricultural to non-agricultural livelihoods. This means that the demand for public services will increase in urban centers. It is possible that some of these demands could be met by

² Vietnam has made similar commitments with regard to labour standards under the June 2019 European Union-Vietnam trade and investment agreements (see International Labour Organization, 2019a).



employers, especially with the advent of collective bargaining arrangements and the formation of labour unions. Labour unions can also be an effective way for workers to negotiate better social protections from the government, enhancing migrant labourers' capacities to influence government policies that affect them. While these scenarios are only speculative at this time, the CPTPP may create pathways that could work to address many of the vulnerabilities currently affecting Vietnam's internal migrant population.

4. CONCLUSION

The connections between international trade and climate change are often made at the global level, with discussions focused on the effects that climate change has on trade (see e.g., Dellink et al., 2017) or regarding how trade can work to offset or reduce the negative impacts of climate change through readjustments to production, supply, or consumption patterns (see e.g., Tamiotti et al., 2009). However, connections between a country's internal adaptation measures and international trade mechanisms can also be made – connections that link current observations of labour migration patterns due to climate change with expected potentialities of international trade in terms of labour protections. We have provided here a preliminary assessment of those connections.

A 2014 United Nations report on migration and climate change in Vietnam indicated that "[m]obility is often understood as a common and potentially beneficial adaptive response and strategy for vulnerable households" (United Nations in Viet Nam, 2014, p. 8). Our research indicates that labour migration has had primarily positive effects for some of Vietnam's most impoverished communities. Yet, internal labour migration creates new vulnerabilities, particularly those linked to social sacrifices, such as the separation of families and the inability to access public services in the location of work due to restrictions found in the ho khau system. At the time of this writing, it is not possible to accurately predict whether the CPTPP will successfully usher in many of the labour protections that are anticipated; however, we speculate that if these changes were to go into effect, many migrant workers would see improved working conditions as well as additional reforms to the ho khau system.



With new commitments to labour reforms alongside the ratification of the CPTPP, Vietnam presents an ideal case study for further exploration of the interrelationship of domestic climate change adaptation and international trade. The process by which Vietnam achieves CPTPP compliance and the resultant outcomes will offer ample opportunities for ongoing and future research into the linkages between international trade, climate change, and internal labour migration, including closer scrutiny of both the purported benefits and potential pitfalls of such connections.

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