Organized Labor and Civil Society for Multiculturalism

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Organized Labor and Civil Society for Multiculturalism: A Solidarity Success Story from South Korea

BY

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List of Abbreviations

CCEJ	Citizens' Coalition for Economic Justice
CCPR	International Covenant on Civil and Political Rights
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CESCR	International Covenant on Economic, Social and Cultural Rights
CSO	Civil Society Organizations
EPS	Employment Permit System
ETU-MWD	Equality Trade Union – Migrant Worker Division of Seoul-Kyeongin-Inchon-Area
GongGam	Human Rights Law Foundation (translated from Korean)
ILO	International Labor Organization
IOM	International Organization for Migration
IWRAW	International Women's Rights Action Watch
JCMK	Joint Committee with Migrants in Korea
KCTU	Korean Confederation of Trade Unions
KIC	Korea Institute of Criminology
KIS	Korea Immigration Service
Korea	Republic of Korea or South Korea
KWAU	Korea Women's Associations United
MFA	Migrant Forum in Asia
MINBYUN	Lawyers for a Democratic Society (translated from Korean)
MTU	Migrant Trade Union (Korea)
MWSH	Migrant Worker Struggle Headquarter for Achieving Complete Labor Rights and Actualizing Freedom of Movement and Employment
NGO	Nongovernment Organizations
NOW	National Organization for Women
PSPD	People's Solidarity for Participatory Democracy
UDHR	Universal Declaration of Human Rights
UNHR	United Nations Commission on Human Rights
UNIFEM	United Nations Development Fund for Women (translated from French)

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About the Author

Joon K. Kim is a Professor of Ethnic Studies at Colorado State University. Born in Seoul and educated in New York and California, he acquired an academic interest in international migration and multiculturalism in the United States, Korea, and Latin American countries. As a Fellow of the Fulbright Fellowship and the Korea Foundation Field Research, his research focuses on the political economy of immigrant labor, Korea's migrant advocacy and civil society activism, the politics of race via immigration and citizenship, and multicultural education. His strength as a comparative and interdisciplinary scholar is demonstrated by publications in diverse fields and disciplines, including ethnic studies, sociology, history, education, and population studies. His focus on international and comparative labor migrations sprang from his earlier work, "The Political Economy of the Mexican Farm Labor Program, 1942-1964" (*Aztlan: A Journal of Chicano Studies*), which won the ABC-CLIO America: History and Life Award from the Organization of American Historians. He is currently pursuing a new research project on Korean communities of Sao Paulo, Brazil.

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Introduction

While walking across the Sproul Plaza on UC Berkeley campus, I chanced upon a Korean international-student-colleague who showed me a newspaper that featured on its front page a photograph of a man with one of his arms severed. As I read the article, I learned that this man was from Bangladesh and lost his arm working on a press machine in Korea. A question that struck me at the moment was, "How did this man from Bangladesh find himself working in a factory in Korea?" This was the spring of 1994. I was fascinated by this seemingly new development where, for decades, Koreans have gone overseas as laborers and immigrants, not the other way around. I was curious to find out for myself and applied for a research fellowship to study this phenomenon. I landed at Kimpo International Airport in Seoul the following June in 1995, and, since then, I have gone back more than a dozen times to study the evolving changes in Korea's immigrant labor and integration policies.

I was fortunate to secure a visiting graduate-student position at a university in Seoul and quickly figured out a way to meet some of these men from Bangladesh. I volunteered to work for an organization called the Association for Foreign Workers' Human Rights where I met workers from world over, including Pakistan, Myanmar, the Philippines, China, Indonesia, and Bangladesh. My primary work involved listening to various grievances and stories of their work conditions and adaptation to life in Korea. They were from diverse backgrounds; some had been teachers, professionals, and common laborers. Many were single men and women, but there were folks with spouses and children back home. But, in Korea, they shared a common story of abuse working long hours under adverse conditions. Their stories told of egregious violations ranging from passport confiscations and unpaid wages to verbal and physical abuse. My job was to report these cases to the regional labor office where we filed formal complaints against employers.

One day, I met with a group of Pakistani men, with whom we visited the various labor offices, and they invited me to a place of their worship. I learned that it was the holy month of Ramadan, and we took the subway to a city of Itaewon, known for ethnic diversity due to the presence of the US military base in the neighboring city. As we got out of the station and walked through a labyrinth of

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narrow streets, we were met with literally thousands of non-Koreans walking in one direction. And, suddenly, there appeared a huge, majestic Islamic mosque, which I never knew existed in the middle of the capital city of Seoul. It occurred to me then that this was an amazing sight, thousands of Muslims gathering in one place in a country where such a religion had been virtually unknown. And, immediately, I thought about how they would adapt to life in Korea and how Korea would adjust and evolve with the presence of Muslims and other migrant populations in their midst. This book, in part, seeks to document some of these transformations.

The main context of the changes begins some 30 years ago when Korea experienced a Lewisian turning point, which refers to a transition from labor-exporter to labor-importer, and began a temporary worker program modeled after Japan, Europe, and the United States. Framed as temporary population, the migrants were expected to return to the countries of origin upon fulfilling their economic role. However, this simple idea of repatriating migrants after a few years produced unintended consequences. Many decided to overstay their visas to maximize their earning potential. In short, the state and the labor market structure created conditions conducive of conflicts arising from manufacturing politically vulnerable and ethno racially identifiable population. However, what many of the conflict theorists have failed to consider is the role of civil society organizations in not only protecting and expanding the rights of migrants but also preempting conflicts through their advocacy work.

South Korea stands out among many labor-receiving countries principally because its civil society played a critical role in taking up the struggle to promote labor and citizenship rights of the migrant population. Since its inception, the broad spectrum of civil society organizations unified in opposition to the government's contradictory immigrant labor policies and waged a series of nationwide campaigns, which fostered ideological and cultural linkages among the wider audience by pairing the rights discourse with the plight of immigrant workers. What is most unique about such developments is that the progressive labor unions and labor rights advocates, who had a longstanding experience with labor organizing during the protest movements of the previous decades, spearheaded the labor rights struggles of new immigrant workers. It is difficult to find examples of such demonstration of solidarity between labor unions and immigrant workers anywhere in the world, for the former generally perceives the latter as their competitors who would undermine the labor and living standards. Numerous historical cases illustrate the contrary development has been the norm, where xenophobic rhetoric and antiimmigrant legislations have sprung from labor groups.

Moreover, their consistent advocacy efforts contributed to significant changes in immigration and naturalization policies. The earlier migrant advocacy work quickly spread to other similarly situated population, including the marriage migrants, heritage Koreans from China, Central Asia, and Russia, and the North Korean defectors. Within the past 10 years, the sudden and widespread use of the term *damunhwa* (literally meaning "multiculture") and its attendant policies and practices in government, educational, and private sectors represented an anomaly for a country that has historically exhibited tremendous pride in its presumed

homogeneity. The book explains why this transition was possible by tracing the various streams of migrant advocacy movements that successfully structured popular discourse and contributed to the institutionalization of migrant support organizations throughout the country. While started as an advocacy for labor rights of unauthorized workers, the broad spectrum of advocacy organizations and the rising support for diverse migrants greatly expanded the scope of organizations and their work regarding *damunhwa*. The relative few incidents of antiimmigrant movements in South Korea can be attributed to the role of civil society in structuring policies and discourses through their advocacy work since the early 1990s.

Chapter 1, titled "Manufacturing Unauthorized Workers and Advocacy in South Korea," examines the flaws of the industrial trainee system that began in the early 1990s as a way of bringing in workers from overseas. In particular, the chapter highlights the role of nongovernment organizations (NGOs) in their struggle to protect the rights of migrant workers. The successful collaboration of South Korea's civil society stems from its unique historical formation, rooted in democracy movements of earlier decades. More importantly, the role of South Korea's labor unions in advocating for immigrant labor stands out among the traditional countries of immigration, such as the United States and Canada, as well as among its peer nations, such as Japan and Taiwan. Historically, labor unions across the globe have typically perceived immigrant labor as potential competitors who would undermine their labor and living standards. In this regard, this chapter offers a social and political context of South Korea's exceptionalism, with a focus on progressive labor unions and the broad network of civil society organizations in embracing immigrant workers.

Building on their initial accomplishments, Chapter 2 examines the specific policy and legal changes regarding migrant rights by contextualizing the dynamic role of the state, the civil society groups, and the international conventions. While recent scholarship on international migration reflects a growing gap between postnational and state-centered theories, the South Korean case illustrates the dynamic interplay of actors involved in major policy developments concerning immigration and citizenship. South Korea is relatively a newcomer as a labor-receiving country, but the country has experienced a historic change in the Nationality Act and has recently improved the foreign worker policy by implementing the Employment Permit System. Providing the political context of these changes, this chapter shows that the successful outcome of NGO activism depends on the liberal position of the state, the organizational strength of NGOs, and the system of checks-and-balances structurally embedded in the way the state parties and NGOs cooperate in implementing international instruments.

The increased presence of migrant workers in industrial cities of Korea was soon accompanied by feminization of migration. Chapter 3, titled "Sex Workers, Marriage Migrants, and Gender Formation in Migration Advocacy," addresses the two major groups of international women who entered Korea since the mid-1990s. The first group of Russian entertainers and sex workers exemplify the role of race and nationalism in constructing the ideal type of Western women. By contrast, the sudden increase in the number of women "marriage migrants,"

who intermarried with Korean men predominantly in rural communities, prompted an aggressive effort on the part of the Korean government to speedily assimilate them into the Korean society. While migrant advocacy work generally centered on the precarious political status of industrial trainees who were predominantly males in the manufacturing sector, the influx of foreign women in Korea broadened the scope of public discourse around South Korea's internationalization and revealed layered complexities, one where issues of gender, national identity, race, and power all intersect in various forms of articulations and policies.

As the reliance on migrant populations deepened, the Korean government depended more on overseas heritage Koreans who have grown up in China, Central Asia, and Russia. Each of these Korean emirates and their descendants has a unique history that is tied with the geopolitics of Northeast Asia leading to the establishment of the Korean diasporic communities in these regions. Chapter 4, titled "North Korean Defectors, *Koryoin*, and the Korean Chinese: The Ethnic Question and the Role of Advocacy Organizations," teases out the politicolegal frameworks within which the various Korean heritage migrants entered Korea and the underlying fissures and commonalities that make up these communities in Korea. In their effort to advocate for their respective constituents, the civil society organizations are engaging these Korean heritage communities, reshaping ethnic boundaries, and challenging the essentialist definition of ethno-national identity.

In response to the rapid and significant changes in diversity, the Korean society has quickly adapted to the discourses of multiculturalism. The pace of institutionalizing multicultural education and the scope of support services for multicultural families have been simply unparalleled. While laudable, the projects seeking to promote *damunhwa*, literally translated as multiculture, in South Korea have inadvertently reinforced cultural stereotypes and reproduced cultural hierarchies. Unlike many studies that focus on discrimination against racial or ethnic minority populations, Chapter 5, titled "Internal Orientalism and Multicultural Acts: The Challenges of Multicultural Education in Korea," argues that the seemingly benevolent acts of the majority toward ethnic minority populations in Korea produced unintended consequences. Based on the descriptive content analysis of Internet news stories, this chapter demonstrates the manner in which the dominant Korean society developed an oppositional binary between citizen and foreigner. Building on Edward Said's work, this chapter introduces the concept of *internal Orientalism* that highlights the teleology of cultural distinction by rendering minority populations with weak subjectivity and stigmatizing them as vulnerable populations through a multitude of policies and programs designed to help them. Doing so ironically and simultaneously constructs opportunities for the Korean society to create a benevolent society, thereby crystallizing an interdependent binary between the dominant and minority population.

Chapter 6, titled "From Labor Rights to Multicultural Human Rights: Migrant Advocacy Organizations and Praxis Multiculturalism," examines the central role of the three migrant advocacy umbrella organizations in adapting the language of multiculturalism in their effort to expand the human rights discourse.

Their reliance on various international human rights and labor protocols provided a framework for furthering their advocacy work, but the transition to a discourse that combines multiculturalism with human rights implies a much more critical way of addressing both issues simultaneously. Finally, this chapter introduces the concept of "third-order multiculturalism" that seeks to move beyond the language of diversity by addressing structural and systemic forms of inequality. It calls for ways to reduce social distance across diverse populations, integrate social and cultural spaces through the generic process of everyday life, and diminish the effects of social hierarchy and relative group positions through praxis multiculturalism where the emphasis on individual rights is tempered by a vision of shared responsibility.

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Chapter 1

Manufacturing Unauthorized Workers and Advocacy in South Korea

On a wintry day in January 1995, 13 Nepalese workers chained themselves together in front of the historic Myeongdong Cathedral in Seoul to protest Korean government's complicity in abusing international guest workers (J. Kim, 2003; S. Park, 2010; Seok, 2003). Almost two decades later, on January 19, 2014, Cambodians, this time, clamored in front of Bosingak, another landmark in the heart of the bustling Seoul, rebuking the Hun Sen government's violent repression of garment workers who walked off their factories in Phnom Penh (J. Kim, 2015). These two events forecast and testify the struggles and advancement of foreign workers in Korean society. For a country with a great deal of ethnic pride, it would have been difficult to predict then that some 2.5 million foreigners and their Korea-born children would now work, attend schools, and reside in the country.[1] While Korea's demographic change during this period is significant, there are larger stories to be told about the dynamic and complex role of the civil society in not only advocating for the rights of international migrant workers, but also creating conditions for the Korean society to embrace diversity as an integral part of its social fabric.

The introduction of international migrant workers to the Korean society in the early 1990s was a response to the country's changing economic landscape (Fields, 1994; J. Kim, 1996; Y. Park, 1994; Watanabe, 1994). In the late 1980s, Korea had reached the Lewisian turning-point where the country transitioned from labor exporter to labor importer due to major economic developments. In response to the imminent need for labor in declining manufacturing industries, the South Korean government devised a labor-import scheme known as the "Industrial Technical Trainee System" in November of 1991. Since its inception South Korea's trainee system has been replete with problems, reflecting in part the government's inexperience in managing labor import programs as well as its unwillingness to make necessary reforms. Critics of the program argued that the

[1] *Korea Times*, "No. of Foreign Residents in Korea up 8.6% Last Year." Retrieved from http://www.koreatimes.co.kr/www/nation/2019/05/177_269616.html

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trainee system was tantamount to a "modern-day slavery" because the system was unable to prevent or deal with gross violations of trainees' basic labor and human rights (Korea Research Institute for Workers' Human Rights and Justice, 1995). The first protest led by the Nepalese workers mentioned above targeted the imperfections of the trainee system, particularly in the way the foreign workers were brought in disguised as trainees. Because of their precarious labor status, many trainees fled the companies with which they signed the contracts and became unauthorized workers. The sharp increase in the incidents of trainees-turned-unauthorized-workers ironically activated Korea's civil society (J. Kim, 2003; H. Lee, 2003).

Significant changes began to take place that demonstrated the resiliency of foreign workers and behind-the-scenes advocacy work by civil society. By consistently applying pressure against the government and the consortium of businesses that administer the trainee system, the civil society won a number of notable victories. These included the replacement of the Industrial Technical Trainee System with the Employment Permit System, which provided improved labor condition for the foreign workers; the landmark Supreme Court decision on the Nationality Act that now grants Korean citizenship to children born to mixed heritages; the application of Korea's Labor Standards Law, which now applies to all workers regardless of their political or immigrant status; the government support of more than 200 migrant advocacy and education centers throughout the country; the efforts to align Korea's treatment of migrant workers and other minorities within the parameters of the United Nations human rights instruments; and the embedding of multicultural education through education reforms in the K-12 system and the promotion of diversity through multicultural campaigns. All these efforts collectively helped to transform the politics of culture and curtailed xenophobic violence or antiimmigrant movements in Korea. Despite its relatively brief history, Korea's path to a multicultural society has been paved with sweat and the solidarity vision among the key leaders of its civil society. The difference they collectively made for Korea's multicultural success story is immense and far-reaching; however, it is perhaps even more valuable to appreciate the circumstances and contexts of their advocacy.

International Migrants in Korea's Labor Market

When South Korea's labor shortage in the manufacturing sector peaked at around 11% in the early 1990s, the government initiated a guest worker program modeled after Japan and Germany. Between 1994 and 1997, the government brought in, on average, about 50,000 trainees per year. In the aftermath of the 1997 IMF bailout period, the number of trainees increased significantly to about 145,000 per year between 1998 and 2002 (J. Kim, 2003, p. 244). Importing foreign labor considerably eased the labor shortage situation to around 2% until 2001 (Small and Medium Business Administration (SMBA), 2002). The consistent increase in the number of trainees revealed that the demand for migrant labor had not abated despite the downturns in the economy. One unintended consequence of the trainee system was that it manufactured unauthorized workers as trainees