Migrants, Landlords and Global Capital: Justice for Hanoi's Unregistered Many

by

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Abstract

The three papers in this portfolio examine three different facets of the 'migrant experience' in Hanoi, Vietnam. A special attention must be paid to the role of socio-political institutions in causing or exacerbating marginalization among the most vulnerable in society. As such, these three papers weave one powerful institution throughout the uncovering of the migrant experience: that of the *ho khau*, or household registration system. This portfolio uncovers the way such a system exacerbates the marginalization of informal and migrant workers. It is responsible for masking the role of the state in providing essential services to informal workers, it makes it difficult for informal migrants to benefit from the outcomes of globalization and an open market, and it allows for the justification of oppression and violence towards a class of people simply trying to improve their livelihood outcomes.

Vietnam has undergone drastic economic and social transformations that have created an uneven geography of investment, growth, speculation, poverty and struggle. By exploring the everyday experiences of people struggling to capture this growth, this portfolio reveals the ways in which this unevenness is laid out.

Foreword

This Major Portfolio is a culmination of over a year of fieldwork in Hanoi, Vietnam. Most of the year was spent waiting for the proper visa conduct interviews, but this allowed me ample time to learn more about the situation of informally employed migrants in Hanoi. It has also given me the opportunity to extensively review the literature on justice, neoliberalism and migration. These three major themes contribute greatly to understanding the processes and drivers of marginality in the region. None of these elements can be studied in isolation, and so it is also fitting that they come together in a portfolio such as this one. As the title of my specialization is Migration, Marginalization and Justice in the Global South, this portfolio is fitting in that it addresses all three subjects that take a central stage in my plan of study.

Acknowledgements

Earlier versions of these papers have been presented at conferences in the region and have greatly benefited from comments and suggestions by scholars on the topic as well as on the region. I also received many comments and suggestions from Dr. Lisa B. Welch Drummond throughout the struggle of writing the three papers in this portfolio. I would also like to acknowledge the support I received from Dr. Drummond through the Social Sciences and Humanities Research Council's "Water in the City" project. I am forever grateful to the waste workers and street vendors who were kind enough to speak to me about their lives.

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Introduction to Portfolio

Transformations on the urban and national level are creating a swarm of movement. The movement and transformation of capital, bodies, resources - the metabolism of the country - can be felt on every level, and this is especially felt in the large cities such as Hanoi. In the settling dust, however, there remains a landscape of inequality that begs for investigation. It is simply not enough to only think about the differences between the rich and the poor, as social and political processes cannot and should not be removed from this analysis. As such, this portfolio examines the social and political complexities within which informal workers and migrant residents of Hanoi negotiate access to essential services such as water and housing and experience their everyday. The research feeding into this portfolio examines the ways in which a marginalized community interacts with powerholders, state institutions, and global economic changes in their everyday interactions and livelihoods.

The portfolio weaves three key concepts: migration, globalization and justice. To look at the migrant experience in Hanoi is a complicated task, as many intersecting processes and realities are at play: mobility, precarity, informality, illegality, gender, all interact in shaping the heterogenous 'migrant experience'. Using interviews from my fieldwork and extensive literature review, this portfolio links the macro (globalization and justice) with the local (livelihoods, everyday interaction, and access to resources). It looks at the way in which Vietnam has increasingly integrated with the global system and reveals the nuanced ways in which those engaged in informal activities – those in the streets of Hanoi – are struggling amidst this economic integration.

The three papers that come together in this portfolio are the result of over one year of fieldwork where I mostly spent time figuring out the bureaucracy of doing fieldwork in Vietnam. My Research Assistant[1] and I spent endless days sitting in people's homes and eating street snacks listening to life stories that come out in these papers.

An earlier version of the paper titled *Water access, migrants, and landlords* was presented to the Asian Research Institute's 2016 Graduate Forum at the National University of Singapore. An earlier version of the paper titled "*They say it's because of China*" was presented at the Asia-Pacific Sociological Association's 2016 annual conference at the Royal University of Phnom Penh.

[1] I use the title Research Assistant because he went beyond simply translating. He was often the first person of contact in order help built a level of trust with the potential interviewee. As well, it is expected that most international researchers in Vietnam work with a local organization or researcher. My Research Assistant aided in conducting the interviews, while all analysis and writing is my own.

Water Access, Migrants, and Landlords: A socio-ecological exploration of relations in Hanoi.

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Vietnam's economic transition is creating transformational impacts on both urban and national levels, creating a swarm of movement in the process. The movement and transformation of capital, bodies, resources - the metabolism of the country - can be felt on every level, and this is especially felt in the large cities such as Hanoi. In the settling dust, however, there remains a landscape of inequality that begs for investigation. It is not enough to simply identify the differences between the rich and the poor; such analysis would potentially neglect the social and political causes and thereby hinder our understanding. Iris Marion Young (2011) contends that a focus on the structures and processes that result in the unequal distribution of resources (the metaphorical dust that settles) is as important as looking at the differences themselves. Urban political ecology infuses the concept of justice with a more nuanced lens on the production of inequalities and socio-ecological conflicts and struggles (Cook and Swyngedouw, 2012). Specifically, "[f]rom a progressive or emancipatory position, urban political ecology asks questions about who produces what kind of socio-ecological configurations for whom" (Heynen et al., 2006, p. 2)". In this paper, I analyse how political institutions and the decisions of powerholders result in certain socio-ecological outcomes that are unjust for migrant and informal workers.

Engaging with Urban Political Ecology

Whether intentional or not, the state's role in organising the socio-ecological conditions in the city cannot be denied (Cook and Swyngedouw, 2012). The responsibility of the state to mediate the consequences of socio-environmental processes is a main occupation of both environmental justice and urban political ecology (Swyngedouw and Kaika, 2014). Swyngedouw and Kaika (2014, p. 466) contend that socio-ecological processes are in fact "intensely political, and… urban theory without nature cannot be but incomplete". Marginalisation then, as a part of urban theory, cannot be complete without incorporating elements of nature. As such, this paper attempts to bring together marginalisation and nature in examining the way social institutions have shaped migrant informal workers' access to resources in Hanoi.

There is nothing unnatural about human social, political, and economic relations. As such, the consumption, use, and exchange of commodities – housing, water, and even care – can be framed within a socio-ecological lens that can help reveal global relations governed by natural processes. Any relationship between resource and person is – without exception – filtered through existing social and political realities. Such realities are not always obvious:

> This commodity relation veils and hides the multiple socio-ecological processes of domination/subordination and exploitation/repression that feed the capitalist urbanization process and turn the city into a metabolic socio-environmental process that stretches from the immediate environment to the remotest corners of the globe (Heynan *et al.*, 2006, p. 5).

According to the above authors, the production of the city creates changes in the physical and environmental conditions of the city which is cast in the shadow of power relations and never outside the struggle of class, ethnicity, race or gender. A national system of residential registration in Vietnam leaves hidden a landscape of barriers that differentiates between citizens. With the above in mind, rural to urban migrants in Hanoi are not merely *accessing* resources as much as *navigating* their lack of power in order to claim what should be rightfully theirs as equal citizens: decent housing, water, health and other conditions of life necessary for their survival and flourishing.

Migration and "The Migrant Experience"

Migration is not a new phenomenon of Vietnam's increasing global economic integration, but has occurred throughout the many political changes over the last century (Labbé, 2014; Zhang *et al.,* 2006). Colonialism, war, unification and a transition from socialist to a market driven economy have all shaped distinct migration patterns. One of the most important institutions that has shaped migration from the 1950s is that of the *ho khau* or land registration system. This system requires residents to register in their local district and is the central institution through which many urban rights are acquired. As Karis (2013, p. 261) explains: "[*ho khau*] permanent registration status is still necessary to register a car or motorbike, obtain loans from the bank, buy land or build a house, enrol children in public schools, gain legal access to water and electricity or to participate in progress for poverty reduction." Registration also allows citizens to access healthcare facilities and enroll in a preferential rate scheme for public utilities (Oxfam, 2015). None of the above rights can be accessed anywhere other than through the district in which someone is registered. As the process of changing official permanent registration status is often prohibitively difficult, due to needing to buy land or being sponsored by an employer, many migrants in Vietnamese cities forgo accessing these rights while living away from their hometown (Karis, 2013).

There is limited research investigating how the *ho khau* system marginalises migrants and impedes their access to resources. According to a 2015 World Bank report, the Vietnam Household Living Standards Surveym, the main mechanism by which the General Statistics Office of Vietnam collects detailed population data to inform policy-making, only collects data from registered households (World Bank, 2015; General Statistics Office, 2016). By not being counted, the majority of migrants are rendered invisible in official statistics. Vietnamese authorities have in recent decades eased restrictions on movement in the *ho khau* system by allowing migrants to register as 'temporary visitors' with few questions asked (World Bank, 2015; Oxfam, 2015). However, although migrants can now more easily move between country and city, there are vestiges of the *ho khau* system that limit the rights afforded to migrants. The unintended consequences of looser controls on *ho khau* is an increase of informal migrants who still are not

afforded the same rights as legally registered Hanoians. Interviews with informal migrant workers reveal the ways in which the *ho khau* system enables the denial of the conditions of life in Hanoi.

There is not one migrant experience that can be extracted from any singular study, discussion or statistical analysis. The plurality of the migrant experience is evident when taking a step back where one can see the multitude of identities that intersect to form one's experience in the cities of the Global South. In Hanoi, one cannot speak about the "migrant experience" without speaking of the ways in which migration, informalization, exploitation, and gender interact to form a unique experience for each migrant. Focusing on the realities of the worker rather than the way in which their labour is organised can help one understand the way in which intersectionality can be applied to informal workers (Lloyd-Evans, 2008). By following more recent interpretations of informality, one is able to overcome the theory of duality from applying to work status. Rather than following the formal/informal duality, an intersectional approach can help gain more understanding of the realities of the worker of the Global South. It is much more pertinent to perhaps examine communities based on elements of legality, informality, gender, mobility, race, class among other categories.

It is no longer helpful, as Lloyd-Evens (2012) acknowledges, to think of the worker of the Global South as merely formal/informal or migrant/native. Chang (2009) also points to the nature of informal work as borderless and changing. Borrowing from an intersectional approach, one can best understand the migrant worker of the Global South as at the intersection of a multitude of possible oppressions – illegal, poor, gendered, displaced. By creating an increased awareness of the forces at play, intersectionality can assist in building coalitions that are multi-frontal in fighting against oppressive forces. With an intersectional lens, this paper focuses on the informal migrant. These are the people one encounters on an everyday basis in Hanoi. They are both foreground and background to one's everyday experience. They are the vendors balancing a basket of boiling oil on one shoulder and a basket of fresh tofu and cold noodles on the other, held up by a bamboo pole and good rope work. They are the ones who repair, on the fly, the millions of motorbikes that ply Hanoi's streets. They are the ones who sift through waste in order to find the bits of garbage that can be resold for small change. They are the ones who have left their small agricultural hometown in Vietnam's Red River Delta to sew the silk blouse that will be sold on the main shopping streets in London and New York. The only universal characteristics shared by these informal migrants are that they work informally, either without a labour contract or as independent workers, and that they have migrated at some point in their lifetime from outside the area where they work.

Economic Development and Informalization

The Vietnamese economy has grown intensely over the last two decades. Growth of Gross Domestic Product in Vietnam over the last decade has been outpaced in Asia by only China (World Bank, 2015). Such growth has been maintained through constant economic reforms that have resulted in the dismantling of state-owned enterprises, the removal of trade barriers and membership in the World Trade Organization (Arnold, 2013). From 1990 to 2010, the share of

manufacturing reflected in the GDP almost doubled (ibid). By the 2000s, it was clear that Vietnam had joined what Chang (2009) calls the *Global Factory*, the Asian manufacturing complex that supplies the world with manufactured goods.

With the Asian Financial Crisis of the late 1990s and the global financial crisis in the late 2000s, there has been a contracting of the Vietnamese economy that saw many jobs being transferred to more precarious informal work. By the end of the global crisis, informal household businesses were estimated to represent more than half of all jobs outside the agricultural sector (Cling *et al.,* 2011).

Despite the increase in informal sector work during times of crisis, the myth of informal economies and underdevelopment no longer holds weight. Informal economic activities cannot be considered exceptions to a well-functioning economic system. Saskia Sassen (2004) in her examination of globalization noted that "the new informality… isn't an invention of the poor to survive but a substantial characteristic of advanced capitalism". In the development projects of the 1970s and 1980s it was believed that marginal informal workers would be naturally absorbed into the formal sphere as a result of economic growth (Gilbert, 2004; Beneria, 2001). This did not occur, and in fact the opposite is true. Past studies have shown that during times of *both* economic growth *and* decline, the informal economy expands, dispelling myths that an informal economy indicates underdevelopment. Vietnam, for instance, has seen an increase in informal employment over years of economic growth (Arnold, 2013). The growth and decline of the informal sector is perhaps unimportant in understanding human welfare. Perhaps what is more important is asking whether the lives of the informal sector are improving or worsening (Gilbert, 2006).

Methodology and Profile

My research assistant and I connected with fifteen migrants, leading to eight one-on-one in-depth interviews and more cursory interviews with others. More than half of the in-depth interviews involved discussions about two household members who have migrated to Hanoi, increasing the reach to twenty informal migrants. Two loosely arranged groups were selected for the research: suburban waste workers and centrally-located street vendors. The choice of the former group was influenced by previous work I had done with a non-governmental organisation in 2010. Four of the waste workers had previously met with me in 2010, while others had been referred to us by the original group of four. The group of street vendors were all selling identical products and occupied the same street which has become well known for buying that particularfood. In order to honour the anonymity of those interviewed, names have been changed and the specific food sold by the street vendors is not identified.

The two interview groups proved to have quite important differences. The waste workers were overwhelmingly women. Finding a male waste worker proved difficult. When asked if they knew of men doing the same form of work, many of the waste workers drew a blank. Whereas I was able to speak with an equal number of men and women when speaking with street vendors, I only spoke with one male waste worker who had only recently entered the work with his wife who had been collecting and selling waste for over a two decades. All of the waste workers hailed

from a district within a coastal province about 140 kilometres from Hanoi. Similar consistency was found with the street vendors we interviewed who came from the same district and province much closer to Hanoi, around 50 kilometres away. Waste workers seemed more likely to be older, as the age ranged from the fifties to the sixties. Comparatively, the range was much larger for the street vendors, as we met with those mostly in their thirties.

My research assistant and I met Mrs. Thuan at the newly built Commune People's Committee building adjacent to a newly urbanizing area, at the junction of a new highway and an elevated urban railway route under construction. In front of the imposing building were tarpaulins sprawled out on the vacant parking spaces. A couple drove up in a motorbike and raked the pieces of plastic shards that were drying in the heat of the sun, most probably awaiting their transformation into new plastics toys or flimsy stools so characteristic of Hanoi's street stalls. Once Mrs. Thuan arrived, she brought us to her living quarters through a dirt path that bordered a large vacant lot. "There used to be a lake here," she says, pointing to the large parcel of cracked brown soil. On the far side was a recently built elevated highway. This is undoubtedly an *interstitial* space, as described by Gandy (2016, p. 438), where "fragments of 'old urban nature' may persist… on the urban fringe". Newly built highways and road networks around Hanoi's urban fringe have interrupted the water irrigation system for rice production and as a result many sites lay vacant, most probably waiting to be transformed into a new residential commodity. "All this development around me, I don't see myself in it. It's not for me," Mrs. Thuan says (Interview, April 2016).

Access to Resources

Techno-managerial approaches in the provision of resources, especially with regards to water, have glossed over the more nuanced forms of access to water. Such an approach ignores the social and political processes that influence access (Swyngedouw and Kaika, 2014). For migrant and informal households, their access becomes marginalized as they must often pass through gatekeepers of resources, namely landlords and social institutions such as the state. Simply making available a service or resource such as water or health insurance is not enough to ensure access. This is a fundamental element of Nussbaum and Sen's (1993) notion of justice in the capabilities approach.

The difficult access to resources is in part due to a governance failure, a term used to describe when mechanisms and decision-making do not adequately take into consideration the needs of poorer households, resulting in differentiated access between different groups (Bakker *et al* 2008). The notion of governance failure can best be applied to the examination of the access informal migrants have to resources because three of the conditions are at play: political disenfranchisement, an elite-focused and top-down culture of governance in the decision-making process, and a tenure system that associates rights with a residential registration system (the *ho khau* system).

As Bakker *et al.* (2008, p. 1895) contend, "a focus on governance failure allows identification of institutional barriers common to both the public and private sectors (2008, p. 1895)," and can also allow one to focus on capabilities and constraints in accessing resources. Lack of access to

water is not necessarily the point of contention in Hanoi or in this paper, but rather a differentiation of water access that follows along the lines of registration status. More important to the examination of water access is the role of the *ho khau* system and the power of the landlord to extract water fees grossly disproportionate to the actual fee charged to the landowner.

Often absent from the debate on water access is the role of relationships of power that often operate informally and are outside of the private-public dichotomy. In Hanoi, the reselling of water to non-registered households renders the private-public debate unimportant because neither public nor private institutions are responsible for providing access to water; rather it is the landlord, who acts as the intermediary between the various private and public water suppliers and the migrant household. Rooming houses and housing where the landlord is present to oversee relations with the utility company open the opportunity for landlords to augment the rates of the utility and charge the tenant flat fees that overcharge the use of water. The result is that migrant workers typically are charged by the landlord almost three times the rates advertised by the water utilities (Oxfam, 2015). Mrs. Linh, living three in one room with one bed and only one electric hotplate, pays the same fixed price (around five US dollars) as the two others with whom she lives. Despite the high prices they pay, they still access water from a source that's shared with the other rooms on the property (Interview, April 2016).

> [When there's no water] we have to ask for it… from the other tenants in the area… we only ask for water to cook and wash ourselves. We can have shower at night. We don't use water much since we are out all day. Just for washing vegetables and cooking (Mrs. Thom, Interview April 2016).

As demonstrated in Mrs. Thom's example of occasionally asking other tenants to supply water, many migrants must rely on the social network they have built within their migrant community for assistance with acquiring daily necessities. Discourse of the "burdensome migrant" influences who they decide to seek assistance from, with many migrants unwilling to ask Hanoians for help out of concern that they will be cast as a further burden on the Hanoi resident and characterised as an "undeserving illegal". Media in Vietnam often depict migration as a negative force that must be dealt with. Hanoi residents often speak of the ruralisation of the city when discussing the population growth of Hanoi (Karis, 2013). It is not uncommon to hear about how pollution and bad habits are a result of the influx of rural residents into the city.

> I'm so often sick. I think because of place where I live which is very wet and humid. I am sure it's because of the environment. It started when I moved in. It's dark all the time. I need to use the light the whole day (Mr. Thang, Interview March 2016).

Issues of health are a common theme. The long arduous days of roaming the streets either selling food or collecting waste takes its toll on the body. We spoke to Mrs. Huong in her room, where she sat on her bed and rubbed her legs often. Her sister introduced her to the work of waste collection but has been out of commission due to "overworking". She worries about her own

health and spends a lot of her income on supplements recommended by a retired doctor (Interview, March 2016). Some of the informal migrant workers we spoke to have health insurance, but almost none have seen a doctor. The state health insurance scheme requires policy-holders to register with a hospital located near their place of registration, effectively rendering the insurance useless to many migrants.

Mrs. Thuan purchased insurance two years before we spoke to her, but she still only visits the pharmacy when she's feeling ill. Her husband's diabetes influenced the family's decision to get health insurance. They must travel once a year to their hometown in order to get a referral to access healthcare in Hanoi. Because of the husband's special ailment, doctors have referred him to a national hospital specialising in vital organ health issues. Because she cannot register her or her husband's residence in Hanoi, Mrs. Thuan would have to visit the hospital in her hometown over 120 kilometres away (Interview, April 2016). Cases such as Mrs. Thuan's are common, as many of the women we interviewed purchased health insurance to meet the needs of their husband. Many assessed that purchasing health insurance for their own needs would be too much hassle because returning to their hometown would only take away from prime income-earning.

The *ho khau* registration system has become a system of rights differentiation that is a governance failure on the part of access to resources. As a result of the illegal status of non-registered households, migrants are effectively silenced and left without a mechanism through with they can voice their concerns and grievances. The landlords, as gatekeepers of access, are the only powerholders to which unregistered households can plead their case during periods of difficulty. Mrs. Lanh, a waste worker in her fifties, feels that she cannot speak to local authorities when the water is cut because she does not own land in the district where she has lived for over ten years (Interview, April 2016). The price for water she and the other waste workers with whom she lives has increased two-fold over the last few years. Despite the rising costs, she feels she cannot move because she risks leaving the district she has become familiar with for her livelihood.

Waste Work and Street Vending: Differing Experiences

The importance of social networks and relationships reveals itself when looking at the two groups of migrants. The waste workers, having spent a longer time in Hanoi, live together within the same plot of land owned by the same landlord and know each other's lives intimately. They have found their present accommodation through word of mouth and recommendations from other waste workers from their home province. Mrs. Huong has the opportunity of living with her son who has married into a Hanoi family, but would dread having to familiarize herself with a new district. Other waste workers have moved around often, but always within the same district. In comparison, the street vendors we interviewed are more recent arrivals and have moved to very different areas. Compared to the waste workers, they haven't relied as much on relationship building.

The acceptability of the waste workers' activities allows them to work long enough to develop relationships with their fellow waste workers as well as with the residents from whom they

collect waste. Such relationships to the community have resulted in some being able to find more desirable work, such as housecleaning. Conversely, police crackdowns on street vending have pushed street vendors to become more mobile and elusive. Though they find street vending to be better paying than other forms of work, they are less likely to secure good relationships with regular customers and others who are also selling along the street.

Despite the flurry of development and positive economic growth being reported by development agencies (see World Bank, 2015), both the suburban waste workers and the street vendors report worsening conditions in their employment. The street vendors are increasingly subjected to police harassment that has been increasing over the last few years. Regulations in force since 2008 have banned street vending on the majority of Hanoi's main streets (Thao, 2013; Turner and Schoenberger, 2012). Mrs. Hue, a street vendor in her sixties and in Hanoi for two years, explains:

> You gotta run fast. Otherwise, you'll be arrested… They seize everything... [the fine is] more than one million [$50 US dollars]… It's getting more difficult. there are more sellers, plus, being chased around by the police. First year I was here there was only five or seven sellers so it didn't bother the police. Now there are more, so they are chasing and arresting (Interview, March 2016).

Though the waste workers have almost no issues with local authorities, their worsening livelihood situation has mostly been the result of an increase in their living costs and Vietnam's continued integration into the global economy:

> It was 8.000 Vietnam dong for a kilo. Now it is only 2.500 Vietnam dong… we just came here to live, and can only try our best and pray that we are taken care of. We don't know much about [market] things. We just collect them and sell right away because we don't have the space to store anything anyway (Mrs. Linh, Interview April 2016).

The above statement illustrates the frustration with a lack of control over the price of commodities, caused by external market forces associated with an increasing integration in the global commodity chain. Other waste workers reported drops in the price of iron and other materials that made it difficult to predict their income flow. The fluctuations in market prices for key materials (and especially manufacturing and industrial inputs like metals) are consistent with Gilbert's (2006) analysis of the particularly negative impacts of trade liberalization. Mrs. Linh is an example of an unskilled labourer who lacks the resources or ability to adapt to changing market prices and changing labour markets.

Once a peri-urban district, there have been increased pressures on the built environment surrounding the living quarters of the waste workers. A new elevated urban railway system will undoubtedly put even more pressure on the area, as landlords will want to upgrade living quarters to match the desirability of the area. Mr. Quang, a waste worker in his fifties, has experienced this with regards to his rented room, where an extra mezzanine was built by the

landlord. Mr. Quang welcomed the extra space and tolerated the resulting rent increase because he could afford to pay it (Interview, April 2016). It may not be long before the transformation will push him and the others out altogether. “It’s for luxurious people, definitely nothing there for me,” Mrs. Thuan says about new restaurants and shopping districts in the area. “It’s for people who have money” (Interview, April 2016).

Conclusion

Debates on water provision and access to key urban resources have often overlooked the way in which socio-political institutions and power holders influence access. As this paper demonstrates, debates have too often centered on the provision of resources at the level of production, ignoring the real interactions and channels through which access is regulated. For vulnerable groups, and in the case for the informal migrants in this research, the real points of access are the landlords who use their power and influence to extract rents and exploit those who lack the legitimacy (in the case, the legitimacy offered by permanent ho khau registration) to claim access directly from utilities or institutions.

The *ho khau* system has become a legal instrument and political institution that cements the focus on land ownership as the mechanism through which rights are accessed. As this paper demonstrates, without registration as permanent residents, informal migrants are left to accept their living conditions at the whim of the landlord. Cook and Swyngedouw (2012, p. 1969) call for the unravelling of “shifting and power-laden social relationships,” such as that between the migrant and the landlord, “that operate within cities and how these are mediated by and structured through processes of socio-ecological change.” By naming these processes and revealing them, we may begin to think about the next steps forward. Research on migration in Vietnam has only passingly referred to *ho khau* as unimportant to migration decision. Though the registration process has been loosened of late, we nonetheless cannot allow this to deflect from the vestiges of the *ho khau* system that still have real consequences on informal migrants’ access to the conditions of life.

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"They say it's because of China": Globalization and informality in the streets of Hanoi

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Ananya Roy, in exploring the politics of poverty in India highlights the paradox of development discourse at different scales. There is often a tension between macro-optimistic statistics of poverty rate reductions, economic growth rates and positive human development indicators and a micro-pessimistic observance of increased struggle, higher prices, frozen incomes and overall widening of inequalities (Roy 2003). This is the context for this paper that seeks to link globalization with the everyday experience of those on the streets. Through an exploration of specific socio-economic changes attributed to globalization, I explore the interaction between mobility, globalization and informality and the ways that they may further deteriorate the conditions of already marginalized informal urban migrants in Hanoi. In the context of positive discourse regarding Vietnam's development progress, I seek to highlight the micro-pessimistic to serve as a reminder that development should never lose touch with those at the bottom.

The nature of the informal sector and the difficulty of understanding the extent of labour mobility makes linkages and relationships difficult to draw. While the study of linkages cannot be as clear as within other more formal sectors, it is important to acknowledge that vendors, street workers and others engaging with informality must nonetheless function in an economy that is increasingly integrated with world markets and affected by globalization.

Specifically, this paper looks at the way in which urban migrants' everyday experience interacts with globalization in Hanoi. To study the migrant experience in Hanoi is a complicated task, as many intersecting processes and realities are at play: mobility, precarity, informality, illegality, and gender act to shape the migrant experience. Using interviews from my fieldwork and extensive literature review, this paper links the macro with the local. It looks at the way in which Vietnam has increasingly integrated with the global system and will reveal how those engaged in informal activities – those in the streets of Hanoi – are struggling in their everyday to adapt to these changes.

Methodology

The fieldwork for this paper was part of a larger research project on internal migration in Vietnam and access to key resources such as housing and water. The data collected from the interviews form the basis of the testimony "from the streets of Hanoi". Through the initial data collection, I spoke with fifteen migrants and conducted more in-depth interviews with eight informal and migrant workers. It is often difficult to enumerate exactly how representative the interviews are but many of the conversations included information about their spouses. As well, our conversations were conducted either in their living spaces or their work spaces which allowed

peers to chime in and speak about their experience, either confirm or further discuss points, or even offer to connect us with others fitting the profile we were looking for.

With this in mind, our data represents the experience of twenty migrants. Two groups were selected in order to capture variation along the spectrum of migrant livelihoods. The first group consists of waste workers living and working in a suburban district on the outskirts of the city centre. The second group consists of street vendors who sell along a central Hanoi road and offer the same array of snacks.

Globalization and Neoliberalism

Globalization has been strongly connected to the desire of international enterprises to make their operations more flexible in what is often called flexible specialization (Hoogvelt, 2001). More susceptible to global trends and a need for just-in-time production which delivers a product in a timely manner, transnational corporate production operations are constantly subjected to global capital's need for flexibility. Pressures for efficiency have resulted in a need for labour flexibility and labour relations that can facilitate rapid organizational changes in the face of market fluctuations. Nonconventional work schedules, more adaptable use of skills, and the ability to quickly lay off or hire, the labour context needed by transnational capital has skipped the traditionally regulated form of employment in favour of a greyer and more precarious form (Arnold and Bongiovi, 2013).

'Neoliberal globalization' refers to the spread of neoliberalism as the primary ideology of the global economy and seeks to remove barriers to the movement of capital (Kalleberg and Hewison, 2013). The idea that the market is about competition and fairness is disproven by the almost natural way monopolization and centralization of capital occurs in countries that have suddenly adopted market ideology. David Harvey (2005) speaks of China as an example where these processes have rapidly occurred, and Vietnam is quickly becoming another example. Harvey (2005, p. 2) describes neoliberalism as a contemporary market ideology that has become globally pervasive:

> Neoliberalism is in the first instance a theory of economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong property rights, free markets, and free trade. The role of the state is to create and preserve an institutional framework appropriate to such practices.

Since the 1970s, the world's economies have become more and more integrated forming an interconnected system of global capital. In this system, the most influential actors are transnational corporations who are inclined to invest in areas that are most advantageous to the free flow of capital and profit. Financial organizations and global entities such as the World Bank have actively broken down barriers to the free flow of capital through by advocating for market

liberalization and privatization of state enterprises (Chang 2009). With neoliberal globalization has come a shift of low-end capitalist activities toward the Global South where low-cost labour and more relaxed environmental and labour regulations make it more profitable to source production. The result has been a shrinking of transnational firm activities in the *core* and a growing network of outsourced activities along the supply chain in the *periphery* (Beneria, 2001). Cheap labour was greatly influenced by a mass migration of peasants from the countryside who could no longer sustain themselves with suppressed food prices, a result of integration into the world industrial system (McMichael, 2008).

In the new global order, labour and social relations are absorbed into capitalist relations. In this way, all labour (especially reproductive and social labour) becomes part of the economy (Chang 2009). This transformation has influenced the surge in informal work, as labour with previously low levels of incorporation into the capitalist system becomes a form of informal work once absorbed.[2] Regarding this effect of the opening of markets to foreign capital, Chang (2009) explains the way in which it transforms labour and social relations:

> When capital moves, it involves changes in social relations as well as labour captured in the social relations. These new sets of social relations turn employees into the unemployed, family members of the unemployed into employees, farmers into factory workers, housewives into women workers, pupils into migrant workers, communities into ruins, and the commons into private properties (p176).

Among development organizations, Vietnam has become a model country due to the rapid decline of the poverty rate and the record growth in gross domestic product. One need only to peruse the websites and materials produced by the World Bank and the Asian Development Bank to believe that truly there is something that can be learned and transferred to other struggling countries in the Global South. But such growth has not come without compromise and structural reforms have affected groups differently. Growth has been disproportionately concentrated in the manufacturing sector, leading to most jobs created in the low-skill assembly work at the bottom of the supply chain (Tran and Norlund, 2015). Chang's (2009) concept of the *Global Factory* can best be applied to the Vietnamese reality, wherein the majority of growth has been export-oriented and overly represented by low-skilled manufacturing and assembly.

As had been seen with previous integration into the Association of Southeast Asian Nations (ASEAN) economic bloc, Vietnam has become dependent on importing backward manufacturing supplies, where high-skilled component manufacturing is done elsewhere (often Thailand or South Korea). These inputs would feed into assembly and manufacturing processes that would then export to global markets. Vietnam's place amidst the global supply chain is where very little value-added transformation is occurring, and low-skilled assembly is attractive due to relatively low labour costs. Such a set-up also increases trade deficits and skews GDP data that relies heavily

[2] This is especially applicable for housework and food provision and housework. Many Hanoi residents, for example, will report the rapid development of street food that were very rare before the 1990s.

on exports while ignoring the importation of importing inputs (Mirza and Giroud, 2004; Tran and Norlund, 2015).

The Asian financial crisis of the late 1990s, the dismantling of state-owned enterprises, and the global financial crisis in the late 2000s has influenced a shift to informal businesses especially in support services. Many state-owned enterprises had to shed jobs due to their sale (or equitization) and to the exposure to new international market forces. Many of the workers resorted to informal business activities to make up for lost revenues and the loss of severance payments that had previously been guaranteed by state enterprises (Tran and Norlund, 2015). Though there are both high-skilled and low-skilled labourers engaged in informal labour, the following discussion focuses on low-skilled informal labour.

Defining informality and precarity

Informal work is not work that has yet to fall within a regulatory framework. Rather, it exists *in spite of* the existing regulatory framework. It is a result of the market being unable to provide adequate jobs for the influx of new workers as well as a neoliberalized market that absolves governments of the responsibility to ensure sustainable employment for fear of scaring away elusively mobile capital (Chang, 2009). Informal labour itself is a term that lurks in a grey area, with no clear boundary between itself and formal labour. In contemporary times, formal companies are increasingly seeking inputs through contracting and homework, a sector traditionally associated with informality. Clearly put, informal labour itself is no longer limited to the informal sector, as previously formal work is increasingly being informalized (Arnold, 2013; Chang, 2009).

Informal work is often considered precarious in that the common trajectory toward precariousness is in the transformation of formal work into informal work (Arnold, 2013). In referring to the process of informalization of labour, Chang (2009, p. 165, emphasis added) refers to the "increasingly informal or *formless* characteristics of capitalist labour". Precarious work is characterized by a deterioration of social and welfare support traditionally – and previously – provided by the state. While previous state provision of social protections may not have been a reality in many countries in the Global South, Vietnam's communist past tells a different story. Regardless, recent privatization of many state-owned enterprises and the associated layoffs of highly secure work has greatly transformed the labour market (Tran and Norlund, 2015). Today, informality is the new norm, as the majority of work is estimated to take place in the informal economy. In Vietnam a majority of non-agricultural work is considered informal and around twenty percent of the GDP is generated from the informal sector (Kalleberg and Hewison 2013; Cling *et al.,* 2011; Cling *et al.,* 2010).

Given the above discussion on precarity, the issue in Vietnam is that as provision of social benefits is being transferred to the formally employed through employer-paid health and social security, the conditions of informal work are further degrading. In parallel, the absorption of necessary reproductive labour by capitalism has pushed informality *into precarity.*[3] Therefore, rather than explaining informalization as a driver of precarity, it is more pertinent to consider that informal work is *becoming* more precarious due to a focus on formalization. Social protections are being loosened in favour of provision to those formally employed or those who have a standard employment relationship.[4] As countries in the Global South adopt more neoliberal policies and remove social support nets, it shifts the balance and creates more precariousness in the informal. The underlying process of creating what Chang (2009) calls the *formless characteristics of capital labour* remains the same: a result of a process that is deeply seated in a global process of integration that has been occurring over the last several decades.

Informal economic activities cannot be considered indications of an underdeveloped economy or labour market. Many scholars are pushing for a reconceptualization of the role of informality in the contemporary modern city (see AlSayyad, 2004a). Saskia Sassen (2005) considers informality to be an advanced capitalist expression, and a fact of modern global cities. AlSayyad (2016) uses the case of informality being a most common form of labour as evidence that a focus on processes of urbanization in the Global South is necessary, as there has been too heavy of a focus on importing knowledge of urbanization processes from the North (2004b). Though Sassen (2005) and Roy (2003) conceptualize informality differently, it is clear that a focus on formalization has not had the desired effects, as the formal sector has not absorbed the informal sector (Beneria 2001).

Informal workers are considered essential labour providers in much of the global North and South (Chang, 2009). In the current globalized system of capitalist social relations, informal and precarious workers serve as back-up labour in times of labour shortage and are disposed of during times of contraction (Kalleberg and Hewison, 2013). As Arnold (2013, p. 478) explains:

> Manufacturing production networks' need for low-wage, flexible labor in industrial zones exacerbates migrants' marginalization. In fact, many of these networks are dependent on maintaining a floating, precarious labor reserve.

[3] This absorption includes officially privatizing services and benefits such as social insurance and health insurance, where care and stability would be provided by a traditional village, family level support networks, or the socialist state. I would also consider the absorption of reproductive labour that was historically provided by household members (usually women) and has been absorbed by capital through work now increasingly provided by street vendors, housecleaners, childcare services, etc.

[4] For an in-depth look at the standard employment relationship (SER) and precarious employment, see Vosko (2009).

Household registration system as a driver of informality

All the informal workers I interviewed have migrated to Hanoi in their lifetime from a rural area. Many low-skilled migrants in Hanoi work in the low-income informal sector. This is partly to do with the fact that they cannot easily access contract jobs due to their socio-economic status and a lack of permanent residence through the household registration system, called *ho khau* (World Bank, 2015; Oxfam, 2015). The household registration system in Vietnam, which links social and labour protections to a person's hometown region, creates a barrier to becoming legally employed in another region. In the context of rural to urban migration, the consequences are widespread and have limited official access to services as well as jobs, pushing migrants into informal labour and increasing their marginalization. So while the Vietnamese economy is requiring more flexible and responsive labour relations, the government is not willing to allow political and social relations to become flexible (Arnold, 2013). In this way, the state is allowing the informal economy to continue its expansion, perhaps recognizing the need of advanced capitalism for 'labour reserves' while not willing to support those in the 'reserve'.

Everyday Experiences in Hanoi.

It is difficult to attribute one particular individual experience with such an elusive concept as globalization. Rather than seek causal relationships between globalization and the experience of those working in the streets of Hanoi, I seek to portray these as experiences that parallel increased globalization. These experiences provide an alternative to the macro-optimistic discourse of positive growth fueled by increased international integration and increased foreign direct investment. Several related issues of globalization and integration are used as a basis to look at the everyday local experiences of the informal migrants I interviewed. These issues relate to land-use changes, a speculative real estate market, volatile commodity markets, the rising cost of living, and desire for modernity. This section takes a turn towards an approach that is much more nuanced and based on ethnographic accounts of people's lives. The objective is to unwrap the above concepts in a way that reveals how globalization has reached those at the bottom of Vietnam's economic ladder.

Land-use: agricultural and urban

Land and land politics play a major role in the experience of the informal migrant in Hanoi. First, land revisions dating to before the period of integration (starting in the 80s) moved from a collective agricultural system to one based on the household (Hoang, 2009; Tria Kerkvliet, 2009; Labbé, 2014). One effect according to Hoang (2009) was the creation of redundant agricultural labour, favouring rural to urban migration. The plots of agricultural land are often too small to be able to support a household of multiple generations, forcing many rural people to look elsewhere for gaining a livelihood. As Mr. Quang, a waste worker in Hanoi, explains "I do have rice paddies.

3 sao (about one tenth of a hectare), but I let it go for others to farm. Otherwise it would just be vacant. In my village, they've abandoned a lot of the rice paddies. It's not profitable" (Interview, April 2016). This is a common story among all those we interviewed in Hanoi. Feeling useless, many have left their village because small plots of land didn't give them enough to earn a livelihood. They often return to the village several times a year to help in harvesting and transplanting from a sense of duty to their larger household.

The second influential land policy is that which pertains to the urban land market. The absorption of peri-urban areas into the urban zone of Hanoi created a new class of land-owning and relatively wealthy urbanites (Labbé, 2014). Changes in the laws governing land-occupancy and ownership, first occurring in 1993 but later amended in the 2000s, to encourage foreign enterprises to enter the real estate market, created a flurry typical of an overheating land market (Harms 2012). Such changes turned foreign direct investment (FDI) on its head and pushed real estate to represent almost half of all FDI in 2007, while manufacturing for the year dropped to only a quarter from well over a half two years earlier. As Harms (2012, p. 420) put it:

> Instead of making things in Vietnam, foreign investors are, quite literally, buying the place. In a labor-rich and land-scarce country, foreign investors are doing little to utilize labor and everything to make it harder for laborers to afford a place to live.

Such changes have released what was a latent land market, rapidly developing the periphery and centre of Hanoi. Many of the migrants we interviewed struggle with access to housing, as rents have been increasing and landlords have been taking advantage of their assets in land by exploiting those who have little access to ownership. Those without proper registration must negotiate with landlords who are often not willing to offer many conveniences and only see migrant residents as opportunities to monetize their real-estate holdings. The waste workers I interviewed lived in what was previously a small village surrounded by small-scale industry and agricultural land but which has now become swallowed by residential construction and fenced in by new boulevards, an elevated highway and a new elevated light rail line. All but one of the street vendors were living in an area close to Hanoi's centre that was considered the wrong side of the dyke. Today, with upstream controls on the Red River it is now considered a more secure and middle class neighbourhood, though it is still a popular area for rooming houses and low income settlements.

Rooming houses open the opportunity for landlords to augment the rates of the water and power utility companies and charge the tenant inflated fees for the use of water and electricity. Mrs. Linh and her roommates share a joint water source located outside in the courtyard area. Despite not having direct access, they *each* must pay a price that is often several times the cost of an entire household[5]. Mr. Quang, who is a waste worker, knows that the water is unreliable, but his landlord does not allow the installation of a tank on the roof of Mr. Quang's

living quarters to share with the other rooms that are part of the dense grouping of rooms that house mostly other migrants. He has bought a large plastic water tank he keeps inside his room, kept always full, to use when the water cuts. His rent has doubled since he first moved into the room seven years ago.

Volatile commodity prices and increasing cost of living

Following Vietnam joining the World Trade Organization, it became clear that the cost of integration was a higher level of economic uncertainty. The years following saw inflation that had not been seen since the instability of war and reunification (Truitt, 2012). Fears of inflation from economic integration were enough to affect consumer and monetary behaviour that fueled inflation to double digits in the mid-2000s. It was widely believed and recognized by top national economists that such inflation was the result of integration (Truitt, 2012). Market integration meant volatility was more likely to occur (Tran and Norlund 2015). Hanoi's streets are rife with stories about this volatility. Migrant waste workers whose livelihoods depend on markets for paper, plastic and metals know all too well how volatile the market can be.

Both the waste workers and street vendors all report that their livelihoods are becoming more and more precarious and difficult. Some, such as Mrs. Thuan, a waste worker, attributes it to forces outside their control:

> The biggest impact was from scrap iron. Before it was 5,000 Vietnam Dong[6], now it's only 2,500 Vietnam Dong per kilogram. And how can I ask [about the price]? They said because iron is being imported from China (Mrs. Thuan, Interview April 2016).

Mrs. Thuan and her fellow waste collectors know little about the supply chain and market forces that influence the prices on which they depend. She is unsure as to whether the fluctuation in price is due to the whim of the intermediary junk shop owner or the flood of Chinese materials into the international marketplace. Either way, she must continue to ply the streets of Hanoi in search of valuable materials or fail to send enough money to her family. Vietnam's integration into the global marketplace has led to exposure to volatility. Global integration of commodity chains often doesn't benefit unskilled informal labour, who lack the resources or capability to adapt to fluctuations or gain new skills to change jobs (Gilbert, 2006). In order to make up for

[5] During my time in Hanoi from the period 2009 until 2016, my average monthly share of water cost never exceeded 30,000 Vietnam dong ($2 CAD a month). Mrs. Linh and many of the other waste workers reported they pay 100,000 Vietnam dong ($7 CAD) each. This means for Linh's nine square metre living space she shared with two others, they collectively paid 300,000 Vietnam dong for water access in the central area outside the rooming compound located on the landlord's land.

[6] 5,000 Vietnam Dong (VND) is around $0.30 Canadian (CAD)

changing commodity prices, the workers we interviewed spoke of longer hours and expanding to territories farther and farther away. The majority of workers we interviewed worked over twelve hours a day and only took days off when they needed to return to their village to tend to family affairs.

Many interviewees report that there are more and more workers entering the domain of informal work. This points to the trend of informality in the face of pressures from all sides discussed so far in this paper. As Mr. Thang, a street vendor informed us "In general, it has been getting harder. When I first got here, there were fewer sellers. In my first two years, I did not encounter any police. Since last year, they've chased us around constantly" (Interview March 2016). All the workers acknowledge that they would be able to do better and more rewarding work, but lack access to land and capital that would allow them to invest in their work. "I want so many things," Mr. Thang told us, "But it depends on our ability. You always need capital, anything you do, you always need money" (Interview March 2016). In describing how she would like to move up to becoming a waste intermediary, Mrs. Thuan explains "[Intermediaries] make a lot more than us…They've invested the capital... and now they are getting it's benefits [*người ta có vốn...người ta bỏ vốn thì thu thôi*]" (Interview April 2016). Mrs. Thuan would need not only capital, but also land in order to store the goods, and knowledge about the market.

Migrants versus the state's desire for modernity

Ideology about what is proper behaviour in a modern Vietnam has led to the marginalization of informal workers (Drummond, 2012). In the late 2000s, the city of Hanoi banned street trading on the majority of its territory (Turner and Schoenberger, 2012). Illegal informal work such as street vending is often that which is marginalized not just through a low social status, but also through harassment and persecution from state authorities, which is the case in Hanoi as well as most other large Vietnamese cities (Turner and Schoenbeger, 2012; Lincoln, 2008). In banning, fining, and chasing illegal informal workers, local authorities are further marginalizing and worsening already precarious work. These workers must not only ensure an income large enough to support their families, but must also try and avoid the authorities or else risk fines and confiscation of the means of livelihood. Mrs. Hue, who we talked to on a warm spring day, described to us how she experiences the policing of her activities on a regular basis: "You gotta run fast. Otherwise, you will be arrested…They seize everything... [the fine is] more than one million dong [CAD65]" (Interview, 2016). Mrs Hue, in her 60s, must bicycle as fast as she can or risks paying CAD65 in fines, representing almost a quarter of her monthly income. Such persecution also led to a somewhat difficult interviewing, as my research assistant and I were frequently left in the dust as the street vendors would vanish upon sight of a police vehicle rolling down the street.

As both migrants and informal workers, all those we interviewed are "trangressors", to borrow a term from Cresswell (1996). Even though informal work is more common than formal work, to be informal is still considered *out of place*. International institutions (such as the International Labour Organization) continue to define legitimate work as that which is formal (tax-paying and countable) and Vietnamese norms of labour and work continue to delegitimize informal work as 'backward', while the *ho khau* system is a legal instrument that labels one as either *in place* or *out of place*. This strategy of delegitimizing informal work can sometimes successfully push some into a more legitimate form of work (one that is formal). For instance Mrs. Thom explained how close she was to taking up formal factory employment:

> I plan on selling here for as long as I can, unless the police get tougher. If they do, I can then work as a factory worker. There are industrial parks near my hometown. At first I wanted to work there when I got married but my mother in-law convinced me to sell on the street instead because it's more flexible (Interview, April 2016).

There is an awareness that the kind of work the informal migrants do is in the grey area of the legality. However, the sentiment is that there is little choice but to participate in this kind of activity. The choice is between difficult work with little pay or precarious or risky work with a potentially high return. Mr. Thang further elaborates: "To tell you the truth, no job is legit, even driving a truck because you need to overload it to make it worthwhile. That's what it's like in society. Hardly any job is legitimate" (Interview March 2016).

Conclusion

Vietnam has undergone drastic economic and social transformations that have created an uneven geography of investment, growth, speculation, poverty, and struggle. By exploring the everyday experiences of people struggling to capture this growth, we reveal the ways in which this unevenness is laid out. Industrialization, jobs, and progress are seemingly viable. People encounter stories and sights in their everyday that point to this 'progress'. As Mrs Huong, a waste worker in her 40s, explains though "All this development around me, I don't see myself in it. It's not for me" (Interview April 2016). As informal migrants in a city and country that is undergoing drastic economic and social changes, they are considered out of place. Many of the issues informal migrant face in Hanoi are due to the fact that they do not possess permanent registration, an unmistakable marker of being out of place in the capital city.

International integration has ushered in changes in monetary value, rapid urbanization and expansion of urban areas, land use changes, and policing of livelihoods and mobility. Empirical evidence shows that the focus on international integration and increasing foreign direct investment has had little spillover effect because of Vietnam's relatively low position in the global supply chain. The testimony from interviews illustrate the way in which migrant and informal waste workers feel that the ability to understand the changes and yield it for a better life is out of their hands. For those at the bottom, this paper illustrates the micro-pessimism of 'progress'

by globalization is mixed and often further disenfranchises and marginalizes informal migrants such as street vendors and waste workers.

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"To tell you the truth, no job is legit":
An exploration of justice for Hanoi's marginalized urban migrants

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The objective of this paper is to highlight the ways in which migrants in Hanoi face injustices in their everyday interaction within the social and institutional spheres, namely with the state and with urban residents. Several factors exacerbate the injustice of the migrant experience in Hanoi, and this paper explores the ways in which two groups of rural migrant who have migrated to the city and become self-employed, experience injustice. Recognizing injustice and identifying processes and institutions that influence unjust outcomes is the first step towards taking corrective measures and especially ensuring that economic gains and positive transformations are inclusive, especially for marginalized groups.

This paper argues that the residential registration system, called *ho khau*, directly marginalizes migrants. It does so through limiting their ability to register as permanent residents and thus gaining easy access to essential services such as healthcare, housing, water and electricity. I argue that due to the processes that make accessing essential services difficult for some groups of people but not others is unjust. The marginalized migrant worker endures discrimination on a daily basis, and the sacrifices many migrant workers go unrecognized in Vietnamese society, exacerbating the injustice experienced by the marginalized migrant worker.

The impressive growth Vietnam has experienced over the last two decades has had dramatic effects on poverty rates. However, efforts must now pragmatically address the gap that exists between different social groups. As mobility and informality are both important forces in the contemporary Vietnamese labour market, the gap that exists between migrants engaged in informal work and non-migrants engaged in formal work must be addressed. The inequitable distribution of resources as well as a decision-making process that does not recognize the needs of the poor and marginalized has become an issue of justice. By applying a justice lens to inequality in this regard, this paper calls for the elimination of the *ho khau* system as a major step towards justice. A justice lens reveals the way in which there is a de facto two-tiered citizenship in Vietnam that falls very closely along the lines of socio-economic class and can help strengthen the call to recognize the justice implications of the *ho khau* system and advocate for changes that can build a more equitable and just society for all Vietnamese citizens.

Methodology

Fieldwork for this paper was done in 2016 as part of a larger exploration of migration, informality, and access to key resources. My research assistant and I conducted eight in-depth interviews that lasted anywhere from one hour to several hours (and in a few cases, multiple visits). In-depth interviews sometime involved children and spouses of the interviewees and involved household

level information. For this reason, the research is representative of a much larger group, as information for over twenty people was collected during the interview process.

Two distinct groups were chosen for interviews in an attempt to provide space to the heterogeneity of the migrant experience while needing to parse through the nuanced differences between relatively homogeneous groups. The two groups arguably stand at opposite ends of the spectrum, though they are both composed of rural to urban migrants seeking work and who have become self-employed in the city. The first group consists of waste workers living and working in a suburban district of Hanoi that is going through rapid transformation. A new fabric of urban boulevards, light rail lines, apartment complexes, and shopping malls has been laid on top of what was once a small peri-urban village surrounded by rice paddies and light industry. The waste workers ply the streets of the surrounding area in search of materials that can easily be resold and recycled into a new supply chain. On their bicycles, they call out in a short melodic song urging households to sell any cans, papers, scrap metal or plastic. Those we interviewed came from the same province and clearly had a relatively tight community of support. Many lived together in the same rooming house and they often cooked and ate together. Many of the suburban waste workers we spoke with migrated to Hanoi in the late 1990s, when Vietnam was amongst the poorest countries in Asia.

The second group chosen consisted of street vendors who all sold the same type of snack along a busy stretch of road in the central area of Hanoi. On any given day, there are easily more than twenty people selling this snack. The vendors very quickly prepare the snacks by hand and to order for those who stop with their motorbikes on the side of the road. The vendors look quickly left and right ensuring police are not nearby, as street vending is not tolerated along this busy stretch of road. While those we interviewed knew each other, they often lived in different districts in areas surrounding the central zone where they vended. Despite being from the same province, there was less of a community among these vendors compared to the waste workers. This may be influenced by their dispersed living arrangements or their more recent arrival in Hanoi (Most of the street vendors interviewed had migrated to Hanoi within the last five years).

Migration and its gatekeeper, *Ho khau*

The necessity of living in one's place of official permanent residence is slowly becoming less and less important. While it has become easier to register as a temporary resident and forgo some of the benefits of being registered permanently in one's place of work, there are still important services linked to one's permanent registration. It is the purpose of this paper to show how many migrants must forgo these benefits in order to gain a livelihood in the contemporary Vietnamese economy. However, to deny such benefits to citizens based on their permanent residence is not only unjust, as this paper shows, but also is contradictory to domestic economic policy which has produced very dramatic shifts in the Vietnamese economy and the Vietnamese labour market.

Migration in Vietnam was historically tightly controlled through a residential registration system known in Vietnamese as *ho khau*. Because the provision of food subsidies and access to state employment was localized in the area of one's permanent residence, there was very little

movement of population from rural to urban, as the population was largely dependent on these state services (Nguyen *et al.,* 2012). Migration was more common in peri-urban districts where residents from nearby towns would be able to provide needed workforce or products in the short term and could return to the village frequently (Labbé, 2014). Since the early 1990s, there has been a remarkable mobility of the population due to the increase in private sector jobs as well as the lower reliance on state subsidy programs (Nguyen *et al.,* 2012).

Ho khau is the basic level at which every Vietnamese citizen interacts with the state. Permanent residence is still required to accomplish many things that are considered important such as registering a motorbike, enrolling children in public schooling, legally accessing water and electricity as well as participating in many pro-poor policies that are meant to help low-income households with certain financial burdens (Karis, 2013). Permanent residence is also very important for health insurance, as those who have state health insurance are only properly covered in the hospital chosen at the place of permanent residence (Oxfam, 2015). Article 4 of the 2006 law on residence states that a principle of the law on residence (regulating *ho khau*) is to ensure:

> harmony between the lawful rights and interests of citizens and the responsibilities of the State with the performance, the community and society; combining the assurance of the right to freedom of residence and… the tasks of socio-economic construction and development, the maintenance of defense and security and the preservation of social order and safety" (Law on Residence, article 4/81/2006/QH11).

Though it is clear the objective of the law is protect the interests of *citizens*, it requires a critical reading. This paper shows that the interests of marginalized Vietnamese citizens are not taken into consideration in the drafting and implementation of the law on residence. As such, many migrants are facing what Fraser (2005) calls *representational injustice*, whereas even within the frame of the nation-state, low-income migrants are denied the same level of citizenship based on their group membership of being an 'outsider'. Many have likened the *ho khau* laws as restricting rights to public services as akin to those encountered by international migrants in their destination country (Agergaard and Thao, 2011).

Such control has been unsuccessful. Survival, security and livelihoods has been a driving factor pushing households to disregard controls over mobility (Karis, 2013). This drive has also been influential in changing state policies or, at the least, loosening enforcement of regulations to control the peasant population in the socialist state. In *The Power of Everyday Politics*, Tria Kerkvliet (2005) explains that rural resistance was enough to topple the collective farming system in the 1990s and instigate a market-based economic order. The same has been experienced in migration policy whereby government schemes to populate remote areas for cultivation and control the mobility of already populated rural areas has fallen flat (Zhang *et al.,* 2006). As the head of a village collective during collectivization explains:

> We encouraged them to participate fully in collective farming work to fulfill their work points. But the amount of rice they received become less and less, so they withdrew their labour and involved in journeys to Hanoi for doing petty trade. We could not force them to work for the collective because, if they stayed in the collective, their families would be so miserable (Mr. Kha quoted in Agergaard and Thao 2011, p. 1094).

Despite regulations attempting to limit economic activity and mobility, seeking to improve the livelihood of the rural household was of utmost importance and thus policies encountered resistance from the local level. Those responsible for enforcing the system of collectivization and controlling the population had very little power for fear of revolt in the countryside (Tria Kirkvliet, 2005). Similarly, resistance to the registration system through movement despite the control, has led to a loosening of the rules. As such, indeterminate periods of temporary migration are tolerated while permanent residence remains inaccessible to most low-income migrants. In spite of restricted access to the services one could acquire from permanent residence, migrants often rely on networks of kin and village association to circumnavigate barriers (Karis, 2013). In the interviews we conducted, every street vendor and waste worker had relied on friends or family to either train and show them how to conduct their livelihood while avoiding police or introduced them to landlords who accept migrant renters. Migrants rely on each other to help assist in accessing scarce or unreliable resources. For example, in times of water outage, the waste workers visit the rooming houses of other migrants from their village to collect buckets of water for food preparation and washing.

The informal economy and migration is strongly linked in Vietnam. State policies, such as the registration system, restricting access to employment and social services as well as the flexibility of working independently has facilitated the funneling of migrants toward informal and precarious economic activities (Agergaard and Thao, 2011). Studies have indicated that over ninety per cent of migrants in Vietnam ended up in an employment that was precarious or temporary (Arnold and Bongiovi, 2012). Ironically, government strategies to create more formal employment and increase standard employment relationships have also increased the need for tertiary services such as subcontractors, homeworkers, and other informal occupations. An exponential effect occurs in that workers are increasingly relying on the informal sector to support their service needs:

> The informal sector assumes an increasingly important share of Hanoi's reproductive labor: convenient, inexpensive meals enable migrant workers and commuters to eat during an extended work shift, and to go without the long afternoon break that is customarily afforded to office workers (Lincoln, 2008, p. 263).

Justice

A major debate within the literature on justice involves the importance redistribution and recognition play in correcting injustices. While redistribution involves the fair and equitable distribution of goods and services across society, recognition focuses on the immaterial. For Fraser (1995a), issues of recognition are rooted in the way certain communities' cultural and symbolic traits are either rendered invisible or not recognized as being valuable to the dominant culture. Cultural domination, nonrecognition, and disrespect, in Fraser's (1995a) view, are considered issues of mal- or mis-recognition.

For Young (1990), the importance is placed not on distribution, but on the decision-making process in a society. A just society, in this view, is one in which all individuals are able to influence the policies and decisions that affect their lives. As Young (1990, p. 39) explains, "justice should refer not only to distribution, but also to the institutional conditions necessary for the development and exercise of individual capacities". She identifies domination and oppression as the two forces that disrupts an individual from fully participating in society and thus fully fulfilling the capabilities of one's life. Harvey (2012), albeit with a more urban focus, calls on the 'right to the city' as meaning more than just access to resources the city produces (a distributive outcome). For Harvey (2012) a right to the city is the right to change and influence the functioning of the city so as fulfill one's desires.

Young (1990) identifies what she calls the five faces of oppression: exploitation, marginalization, powerlessness, cultural imperialism and violence. Fraser (1995), in critiquing Young's classification, prefers to group the five oppressions into two broader groups; those rooted in political economy (exploitation, marginalization, powerlessness), and those rooted in culture (cultural imperialism and violence). In her critical reading of Young, Fraser (1995) is quick to point out tensions between the two broad groups of oppression. She explains "Whereas the remedy for the culturally-rooted oppressions promotes group differentiation, the remedy for the economically-rooted oppressions undermine it" (Fraser 1995, 176).

Young (1997) highlights that the tension in justice theory is in fact a dynamic dialogue between the struggle for cultural recognition and the struggle for a fair share of resources and wealth. Contemporary justice theory expands from distributive notions of justice where the central core of justice is focused upon the allocation of resources.[7] Nussbaum (2001) joins a myriad of other justice academics in believing that a proper justice theory must go beyond distributive outcomes. She states "the Rawlsian approach, in the end, doesn't sufficiently respect the struggle of each and every individual for flourishing" (Nussbaum, 2001, p. 69). The capability approach of Sen and Nussbaum puts a stronger value on the individual experience (the *realization* of justice) rather than only the rules and institutions (the *arrangements* of justice). According to Sen (2009, p. 10) we must not only "examine what emerges in the society, including the kinds of lives that people can actually lead, given the institutions and rules, but also other influences, including actual behavior, that would inescapably affect human lives".

[7] See Rawls (1971) for the founding theory of justice which focused primarily on distributive outcomes in societies.

Contemporary justice thinking is occupies itself with how and if available resources are accessed and what the options or strategies different groups are able to mobilize to transform such resources into flourishing lives (Nussbaum, 2001). For limits of possibility, one need only to look at the community or society in question to see the forms of possibility that exist. Existing tacit and non-tacit rules and institutions function as barriers and mechanisms that limit, or oppress individuals as members of groups, creating an unjust arrangement where some are able to access resources capable of flourishing while others are blocked or discouraged from such access. Oppressive forces marginalize groups and are a powerful force of injustice that many fight against in order to realize, attain or attempt a decent life. Injustice arises, according to Cudd (2006), when the separate treatment dictated by a social or legal institution has an outcome which leaves one group worse off than another.

Ho khau, as a legal institution and as an arrangement, is disadvantageous toward migrants, altering the outcomes of those who come from outside the immediate area. Higher income and skilled migrants are often able to secure land or state employment that can help facilitate registration (World Bank 2016). Those who are not able to register attempt to circumnavigate the barriers to have outcomes that may be similar to those who have secured registration. However, there is often a social and financial cost to this strategy such as strained family cohesiveness, loss of opportunities, or a more precarious livelihood. Such costs continue to bring up questions of justice, as these costs fall upon shoulders of migrants because the legal institutions bar those who are migrants from accessing the benefits of permanent registration.

The ugly faces of oppression

> "[O]ppression designates the disadvantage and injustice some people suffer not because a tyrannical power coerces them, but because of the everyday practices of a well-intentioned liberal society… Oppression in this sense is structural, rather than the result of a few people's choices or policies (Young 1990, 41).

There has been a contemporary shift in thinking about oppression from that which is inflicted by government on the masses (and specifically dictatorial leaders and fascist regimes) to understanding oppression as inflicted by one group upon another. Power and wealth has entered the concept of oppression and with it an analysis of processes of power and wealth generation as well as the recognition of privilege some groups have over others (Cudd 2006).

In a Marxist analysis, Cudd (2006) speaks of the way in which capitalist modes of organization conflates the value of the commodities one produces to one's value in society. This then becomes a basis for determining social values in relations. She quotes Marx as saying that it makes for "material relations between person and social relations between things"(Marx, 1978, p.321 quoted in Cudd, 2006). She further quotes Marx and Engels view that "only value of one's labor is what it can fetch in the market, and this is determined by the almighty commodity, or rather the "money-form"" (1978, p. 322 quoted in Cudd, 2006). The importance of economic prosperity in the market economy, and the importance of economic growth and production in

contemporary Vietnamese society, is an undeniable force in ascribing personal value and social contribution which in turn may justify to policymakers and community members differentiated treatment based on group perceived contribution to the nation-state. According to the theories of Young (1990) and Cudd (2006), such a differentiated treatment is oppressive and unjust.

Cudd (2006) argues that social groups are the unit at which to look at oppression. She explains that individuals are oppressed only as members of social groups. Cudd (2006, p. 46) defines social group as "a collection of persons who share (or would share under similar circumstances) a set of social constraints on action". Members of social groups (specifically non-voluntary social groups) become a group through the sharing of advantages and constraints imposed on them from the rest of society due to being members of the said social group. Cudd (2006) mentions that group consciousness or self consciousness does not need to be evident. Regardless, the concept of social groups and the constraints that membership entails are an important factor in social injustice. Non-voluntary social groups need not recognize that they are members of such a group, so long as they are experiencing the same constraints as others in the group. In this respect, those who have migrated or more specifically those who have not secured permanent residence fall into a non-voluntary social group.

The registration system is a legal institution that oppresses migrants in that it quite literally attempts to immobilize them based on group membership, though with various degrees of success. More importantly, as explained by Young (1990), oppression occurs through everyday practices and interactions that maintain and reproduce oppressive structures. This is the landlord who knows the migrant has no right to complain about living conditions, the resident who chases the itinerant seller away from her home, the media reports that scapegoat migration for the congestion and 'uncleanliness' of the city. There are myriad forms of oppression that forms the experience of the internal migrant. Of the five faces of oppression Young (1990) identifies and discusses, only the last one on cultural imperialism will not be discussed in this paper. Cultural imperialism is in itself a subject matter that deserves an in-depth discussion, and one that goes beyond the scope of this paper. The following discussion will look at the four faces of oppression that migrants experience.

Exploitation

A major concern for justice is that of exploitation within the capitalist mode of production. Young (1990, p. 49) writes "the injustice of capitalist society consists in the fact that some people exercise their capacities under the control, according to the purposes, and for the benefit of other people". Exploitation occurs when the rules that govern compensation and the social processes "operate to enact relations of power and inequality" (Young 1990, 50). Exploitation is at work when the efforts of the marginalized or resource-poor are used by those in power to further increase their wealth, power, or material possessions.

Interviews with both migrant waste workers and street vendors reveal the way in which their lack of permanent residence allows landlords to extract higher fees for electricity and water than

non-migrant households.[8] Thom, in her late 20s and a street vendor, knew when she found her present room that the going rate for electricity in Hanoi is under three thousand Vietnamese dong a kilowatt hour, less than twenty cents in Canadian dollars. Her landlord wanted almost twice that rate but she told us in interview that she managed to negotiate down to five thousand dong a kilowatt hour. Only through threatening to leave the apartment, was she able to get this partial reduction, but she knew the landlord could find another tenant very quickly who would accept the higher rate: "I don't understand anything about the electricity bill. It's only three thousand in my hometown and in most other place" (Thom, interview April 2016).

Marginalization

For Young (1990), marginalization is the most dangerous form of oppression in that it can block access to participation in the greater social sphere. However, marginalization sits uncomfortably as a distinct category of oppression, as some of the other faces of oppression (violence and powerlessness come most strongly to mind) can further exacerbate marginalization in a circular and self-perpetuating fashion. Marginality can be defined as "an involuntary position… at the margins of social, political, economic, ecological, and biophysical systems, that prevent them access to resources, assets, services… eventually causing poverty" (Gatzweiler *et al*., 2011 in von Braun and Gatzweiler, 2014, p. 3). The registration system denies them access to the resources that would provide them the conditions of life, thereby if not in fact causing poverty, at least denying them and their family resources that might help them rise out of poverty in the contemporary Vietnamese city.

Though Cudd (2006) does not as clearly differentiate between 'faces' of oppression, she considers oppression to be a driving force of marginalization. Oppressive forces such as violence and powerlessness push those who are marginalized by other forces further to the margins. It is never apolitical, such violence and powerlessness is supported and created by those with power in order to gain something in return (Cudd, 2006).

Powerlessness

I am compelled to draw on Young's (1990) notion of power as being necessarily diffuse in that there are many agents partaking in decision-making over those who are more or less powerless. Put differently, some are *relatively* more powerful than others and while they may not have the power to enact changes at the policy level, they may be involved in processes that determine the outcomes and possibilities for all, including those who are powerless to affect their own outcomes or possibilities. Powerlessness is enacted at various levels from the national level (policy) to the social relational level (interactions between individuals). Ignored almost completely at the policy level, temporary migrants in Hanoi find themselves unable to effect meaningful changes even in their everyday experience of the city.

[8] See *Water access, migrants and landlords: a socio-ecological exploration of relations in Hanoi* (in this portfolio) for more discussion on landlord and tenant relations in this context.

A form of economic powerlessness exists when, as reported by the waste workers, they do not have the necessary information to understand the higher-level operation of markets and the fluctuations of the global commodity prices on which their livelihoods depend. Some waste workers take on additional housekeeping jobs, but because they do not know enough about the market fluctuations it is difficult to adequately plan for market gluts. Compounding this factor, they cannot easily adjust their buying and selling practices. When prices drop in one material because of international commodity markets, they have little choice but to continue accepting the materials that no longer provide much profit. There is no room for only selecting from the most profitable items. They report that if you only buy one thing, then the household will no longer sell, as they want to get rid of all waste, not bother with too many collectors. As Mrs. Huong says: "You gotta buy [everything]. If you only buy some of them, no one would to sell you. When the price drops, you buy cheaper. That's it" (Interview March 2016). In this respect, there is very little room to dictate the conditions of their employment. If they protest, households will simply refuse to sell. All the waste workers we interviewed reported a loss in income that they have had to make up through working longer hours.

As discussed above, many workers try to diversify their work by taking on less volatile livelihoods such as housekeeping, but the availability of jobs is still scarce, meaning they must just accept lower income. The situation is much worse for the street vendors we interviewed. They are often fearful of leaving their habitual spots because of the risk of other vendors taking over vacant spots and forcing the old vendors out. This is especially the case with Hanoian vendors (who are reported to be native Hanoi residents), who can be aggressive and threaten violence to the out-of-town vendors. The migrant vendors do not possess the power that permanent residence and a Hanoi upbringing can bring to negotiation. The normal eye can distinguish the native Hanoian from the non-native on the street simply by observing their vending assets. The migrant vendors are on bicycles, making it much easier to escape the regular police sweeps to rid the street of illegal vending activities. Though the native Hanoians must also rush away with their goods, they are more brazen by selling from a box. Informal discussions with both migrant vendors and Hanoian vendors, revealed that Hanoians more easily evade police crackdowns do to their long standing connections with authorities in the area.

Violence

According to Cudd (2006), oppression has three material forces: violence, economic deprivation, or the threat of either of them. Cudd (2006, p. 88) defines violence as "the intentional, forceful infliction of physical harm or abuse on one or more persons or their material or animal possessions". Cudd makes a couple of important distinctions. First, she claims that not all cases of unjustified violence are considered oppressive. For the violence to be oppressive it must be systematic and as a result of the inflicted persons membership in a social group. Young (1990, p. 61) goes slightly farther in considering other forms of psychological violence such as "harassment, intimidation and ridicule simply for the purpose of degrading, humiliating, or stigmatizing group members". Violence becomes a form of social injustice when it is done in a systematic way and exists as an acceptable practice for a privileged or powerful group including duty-bearers (Young 1990). Also missing from this is the treatment of random acts of violence by duty bearers based on social group membership, which in itself may be considered violence as it can create a system

of acceptance of violence towards one group and so create an oppressive environment. Importantly, one need not suffer violence directly in order to be oppressed. The mere tacit knowledge of one's membership in a social class that has received violence is enough for an individual to operate under an oppressed reality. Our experience with interviewing reflected this generalized sense of violent oppression, particularly in the case of Mrs. Thom who expressed reservations in speaking with us. Although my research assistant was from a rural province, Mrs. Thom was afraid that a Hanoian would hear her complain about life in Hanoi and make her life more difficult. She would not tell us in what ways they may make her life more difficult.

My research assistant and I observed from afar, on another excursion to eat street snacks and speak with a vendor, a case of the unspoken and tacit communication between migrant and non-migrant. Thang was selling from his bicycle in what he had described to us as the best place to sell: under the large fig tree with its long tentacles reaching down creating perfect spots for storing supplies and its large canopy providing shade from Hanoi's oppressive sun. Before we could raise our hands or nod to our new vendor-cum-interlocutor-cum-friend, a young women placed her box of snacks directly in front of him, blocking access to the road. Without any speaking, Thang immediately hopped back on his bike and moved from the prime location to a less desirable one. On another occasion, we spoke to Thang who mentioned this women would come precisely at the same time every day to displace him from this spot. She was a Hanoian, and so he felt that he could not protest her silent daily take-overs especially after she had threatened to send her boyfriend to deal with him, describing him as a violent mafia member with access to explosives. This example also highlights the way in which an outsider's lack of power does not easily allow the assertion of personal space in the public sphere. Mr. Thang may stand on the most prized corner for selling his snacks, but as soon as his competitor, a Hanoian woman comes in, he must leave.

The violence of policing and enforcement must also be recognized in the oppression of migrants, and of street vendors in particular. There are several forces at work that legitimize the violence many street vendors experience at the hands of authorities. In order to fully understand we must seek to explain why such laws against street vending exist and their role in the perpetuation of negative attitudes toward such livelihoods. Public attitudes based on stereotypes and notions of 'modernity' lead many to regard street vending and itinerant livelihoods as backwards and undesirable in a modern city (Lincoln 2008; Turner and Schoenberger 2012).

Consumption and leisure patterns have been rapidly transforming in Hanoi, and with it has been a shift in attitudes about the role of public space (Drummond, 2012, p. 88). As Drummond explains "the discourse around street food sees it as dirty, unhygienic, the food of last resort (quick and cheap), primarily serving low-income workers, migrants". These attitudes have delegitimized the work typically done by migrants. As Mr. Thang, a street vendor confesses, "no job is legit, even driving a truck because you need to overload it to make it worthwhile. That's what it's like in society. Hardly any job is legitimate" (Interview March 2016). Discourse in popular Vietnamese media blames migrants and their livelihoods as a source of Hanoi's big-city ills such as traffic congestion and improper garbage disposal (Nguyen 2006). This allows for some level of acceptance that something must be done to ensure 'order' in the chaos of the city, even if it

means heavy handed enforcement officers. Videos distributed on the internet by news agencies, the general public, and through popular media outlets reveal the violence inflicted by police officials in Hanoi and across the country.[1]

What makes police violence against street vendors and other itinerant workers oppressive and a form of social injustice is that it is fueled by stereotypes and ideas of modernity, as mentioned above, *and* seeks to remove claims of social and economic legitimacy by pushing out individuals based on their involuntary membership of a social group. By virtue of their marginalization they are unable to contribute to the formation of policy that affects their lives and livelihoods and thus are powerless to affect change, and remain in this cyclical pattern of oppression. Mrs. Hue, a street vendor in her 60s, is chased by police on a regular basis. When we interviewed her she was very nervous about speaking to us:

> The other day I was chased. I crossed the road to other side. The police followed. There were people asking the police to spare me. There was even a [stranger] offering to pay the fine for me. The guy asked how much the fine was and said he would pay it (Interview April 2016).

The testimony from Mrs. Hue, as well as media reports exposing police violence on street vendors, indicates there is a limit to tolerance of police violence. That there are people who think police violence and enforcement is excessive reveals the oppressive nature of such treatment as well as perhaps a public that remembers a time when poverty was much more prevalent. However, with the recent promotion of the former director of the Hanoi police force to Chair of the Hanoi People's Committee, it is expected that police crackdowns on street activity will only increase.[2]

The Sacrifice of Mobility

Nguyen *et al.* (2012) demonstrate that many migrants to Hanoi keep hold on their rural roots by not selling their land. This acts as livelihood insurance in case they are no longer able to secure livelihood in the city. With low skills, there is little assurance that they would be able to easily find employment in Hanoi, and if all else they could easily fall back into agricultural work. Many simply do not have the means to purchase land in Hanoi without selling their land in the countryside and having a significant amount of savings. Nguyen *et al.'s* (2012) informant, Thuoc, gave up his family's land in order to send his son to school in Hanoi. This is the sacrifice many

[1] See for examples: *http://vnexpress.net/tin-tuc/cong-dong/video/thieu-phu-chap-tay-van-xin-dan-phong-dung-tich-thu- tom-ghe-3017498.html* and *http://video.vnexpress.net/chan-dung/nguoi-dan-ong-khoc-vi-bi-cam-ban-rau-via-he-2974977.html*

[2] I thank Dr. Hue Le for bringing this to my attention.

low-skilled migrant families must make: they must give up security (in the form of land) in order to secure a better life in Hanoi (in registering as permanent residents and accessing schooling, healthcare, etc). Without a diverse skill set and with severed ties to their rural livelihoods they are doubtless more vulnerable to economic stress.

Jensen *et al.* (2013) have found in their research that many of the roving vendors stay in Hanoi for important holidays, thus missing important days when the majority of Vietnamese households spend time together. This is a difficult decision for migrant vendors but this sacrifice would often mean the different between breaking even and taking a loss for the year, as these holidays are times when a buying frenzy takes over the nation's streets. Similarly our interviews with Thom and Minh reveal the fear of losing one's place along the street and thus losing potential revenue. As mentioned earlier, Thom does not visit home very often because she fears that Hanoi residents would kick her out of the public space she has been occupying for quite some time. Vietnam is characterized by the importance of family and of visiting one's ancestral home to pay respects to the community and family. Failure to do so is often considered a cultural taboo. However, many migrants must sacrifice their reputation to continue providing income to the extended family. Ironically, such faithful dedication to providing for one's family often leads to absenteeism that can downgrade one's position in the eyes of the home community (Jensen *et al.,* 2013).

Huong, a waste worker living in Hanoi for over twelve years, knows full well the kind of sacrifice migrating to the city involves. She has been saddled with debt from loans she took from the bank and extended family members that she used to send her son to a good school. She spoke about her son with a certain hesitation. Though she reported he has a high-salaried job, he refuses to pay for the 40 million Vietnamese dong debt (around $2,300 Canadian dollars) she has left to pay. He lives with his wife's family in a well-to-do area of the city. Though Vietnam is rapidly modernizing, traditional patrilineal[9] rules would require the son's spouse to live with Huong and her husband. When asked why she doesn't move in with her son, she becomes dismissive: "Oh, no, no, I'm much too old to learn how to collect waste in an entirely new area… I wouldn't have any connections" (Interview, March 2016). The refusal to pay the loan in order to support his new family and the low frequency Huong and her son see each other is a sacrifice she's had to make to ensure her son has a better life than she has had.

Looking forward

Recent reforms to the *ho khau* system have given cities more autonomy in decided the thresholds at which one would be able to permanently register. It is worrying that, according to the 2016 World Bank study, Da Nang and Hanoi have decided to make it *more* difficult for migrants to register permanently. The Capital City Law stipulates that in order to be granted permanent residence a migrant will have to live in Hanoi for three years (rather than the two years ordinarily required) and requires that their dwelling be occupied officially and consist of a minimum level

[9] See Jensen *et al* (2013) for a thorough study on the effects of migration and traditional Vietnamese values.

of floor area (World Bank 2016). Such laws would only make it more difficult for low-income migrants to qualify for permanent residence.

Political economic factors may also be addressed, as funding formulas rely on population data acquired through the *ho khau* system. Provincial policymakers representing the rural provinces are not likely to vote in favour of granting migrants permanent residence if many of their funding transfer payments are based on such numbers.[10] Additionally, the richest provinces and cities enjoy a revenue surplus that would only further erode if it were to offer services to migrants. This is because, to generalize a very complicated process, the calculation formula for transfer payments only increases by population if expenditures exceed revenues (World Bank 2016). Hanoi enjoys considerable surplus in this regard, and so any loosening of the *ho khau* system that forces the subnational entity to provide services such as access to schooling and health care facilities would only be a further cost to the city. However, it can be argued that Hanoi's surplus generation of revenue is precisely because it is a destination for investment that draws on the labour of migrants and low-wage labourers. Simply put, in this example Hanoi is profiting from as a migration destination but is not contributing to the wellbeing of those who are participating in national and regional wealth generation.

Given this, it is hypocritical at most, and contradictory at the least for domestic policy to be centered around industrialization and the manufacturing sector while keeping in place the *ho khau* system. To keep such a system in serves only a political and economic class that accumulates the wealth generated from such economic growth and related activities while not fairly compensating those who have contributed to said economic activity. More clearly, there is an unjust structure that allows the elite to amass the wealth generated by the exploited workers and no willingness to change the system, as it continues to operate without much disturbance or demand for change.

By applying justice theory to marginalized groups in Vietnam, we can begin to understand why they continue to be marginalized and do not rise out of poverty. A justice lens helps to reveal the systemic and cyclical ways that oppressive forces such as violence, marginalization, powerlessness and exploitation will hold back progress until these issues are addressed. The tight controls on the Law on Residence suggests that Vietnamese policymakers are preoccupied with the economic stability of the Vietnamese economy (World Bank, 2016). Such a focus is consistent with what Fanstein (2014) identifies as an obsession with cost-benefit analysis as an inadequate tool for policy development in many emerging economies. Justice-oriented goals should be adopted, and this should start with the abolishment of the *ho khau* system because, as this paper describes, the system is exacerbating injustices for marginalised urban migrants.

[10] I thank the urban livelihoods team at Oxfam in Vietnam for raising this point.

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