LABOUR MIGRATION FROM COLOMBO PROCESS COUNTRIES: GOOD PRACTICES, CHALLENGES AND WAYS FORWARD

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Executive Summary

Since 2005, the Colombo Process (CP) Member Countries have taken concrete, proactive steps to manage labour migration by, for example, amending existing regulations or adopting new legislation, creating new government structures dedicated to managing labour outflows, signing bilateral agreements (BAs) and memoranda of understanding (MOUs) with key destination countries and launching innovative programmes and activities at various levels of government.

Despite successes in key areas, challenges remain, especially surrounding implementation. There is often a gap between the stated aims of policy measures and their application on the ground, particularly in four key areas: dissemination of information, the recruitment process, welfare support to migrants (at all stages of the migration cycle) and maximizing the benefits of labour migration.

Indeed, policymakers in CP Member Countries face a formidable task: creating efficient and equitable migration systems that benefit labour migrants and their families while contributing to long-term economic growth and development in both source and destination countries.

Governments have many options as they work to meet these and other challenges. This brief highlights 10 potential areas of focus, such as (1) improving pre-departure orientation programmes, (2) developing and harmonizing recruitment regulations between origin and destination countries and (3) enhancing welfare support at destination. Success requires serious investments in building capacity to fill critical information gaps. To this end, we recommend a three-pronged strategy: developing knowledge based on policy-relevant research, formalizing practical policy dialogues and forging meaningful partnerships among the major actors in labour migration.

I.   Introduction

The complex issues surrounding labour migration have been on the Colombo Process (CP)[1] agenda since the Second Colombo Process Ministerial Consultation in Manila in 2003. Policymakers and practitioners continued to prioritize labour migration through the most recent ministerial consultation, convened in 2011 in Dhaka. Meanwhile, labour migration within and from the 11 CP Member Countries – Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Viet Nam – is growing overall. In 2010 alone, roughly 4.2 million labour migrants from CP Member Countries migrated through official channels, compared to 3 million in 2005.[2] Most of those who migrate through regular channels leave on a temporary basis to work in the Middle East. Many are vulnerable, whether because of the risky nature of their jobs, their low skill level or in some cases, the irregular nature of their migration.

After a temporary decline due to the recent global financial crisis, migrant labour outflows from CP Member Countries have shown signs of recovery with figures for 2010 already exceeding the 2006 level. Meanwhile, the world's demographic balance is shifting as most countries in the Organisation for Economic Co-operation and Development (OECD) – along with a number of middle-income countries outside the organization – anticipate the labour-market impacts of rapidly aging populations. For these countries, at least in the short- to medium-term, the benefits of successfully accessing international labour markets are clearer than ever before. Policymakers in CP Member Countries face a formidable task: creating efficient and equitable migration systems that benefit labour migrants and their families while contributing to long-term economic growth and development in both source and destination countries.

This brief outlines current labour migration trends in the region and identifies the progress made and challenges faced by CP Member Countries and the policy levers at their disposal.

II.   Labour migration trends since 2005

In absolute numbers, the highest number of migrant workers comes from the Philippines – nearly 1.5 million in 2010 – followed by India and Indonesia. Bangladesh and Pakistan deploy around 400,000 workers abroad every year, while Nepal and Sri Lanka send less than 300,000 workers. The number from Thailand has been steady for some time at approximately 160,000 (but this declined by 9% in 2009 as a result of policy changes in Thailand and economic difficulties in major countries of

destination). The labour outflows of Viet Nam – the most recent CP Member Country to adopt a labour migration programme – totalled close to 500,000 between 2005 and 2010 (see Figure 1).

Considering only the official data country by country, approximately one in four workers from Sri Lanka is abroad, and almost one in six from Afghanistan. The Philippines (11%), Pakistan (8%), Bangladesh (7%) and Nepal (7%) have sizeable portions of their labour force abroad as well. Indonesia has only 3 per cent of its labour force abroad, India and Thailand have only 2 per cent and China just 1 per cent. The inclusion of migrants who move through irregular channels would change some of these proportions considerably, especially where migration to a neighbouring country is significant. Moreover, unauthorized migrants are surely among the most likely to be exploited and unprotected.

**Figure 1. Migration flows from selected CP countries, 2005–2010**
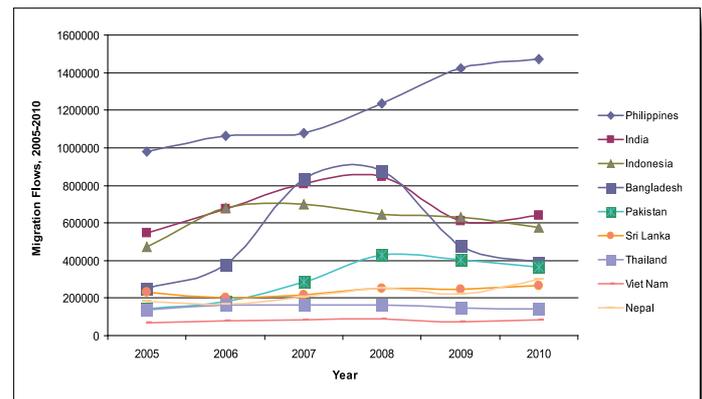
Source: International Organization for Migration (IOM) country assessments for 2005–2009 data.

Although migration flows from the CP region include more permanent flows to traditional countries of destination such as the Australia, Canada and United States, most are of temporary labour migrants going to the Middle East, especially the Gulf Cooperation Council (GCC) countries.[3]

In 2010 nearly all regular migrants from India (95.2%) and Pakistan (96.5%) went to GCC countries, as did the vast majority from Sri Lanka (85.6%). The largest concentrations of temporary migrants from India are in Saudi Arabia and the United Arab Emirates (UAE); significant numbers are also present in Bahrain, Kuwait, Oman and Qatar. Almost all migrants from Pakistan are working in Saudi Arabia and UAE, with a smaller number in Oman. Migrants from Sri Lanka are more evenly distributed across GCC countries, although Saudi Arabia is the primary destination. Labour migration to the GCC countries is also substantial from Bangladesh

(81.7%), the Philippines (61.3%), Indonesia (51.1%) and Nepal (56.10%) (see Figure 2).

Figure 2. Distribution of migrants by region of destination, 2010
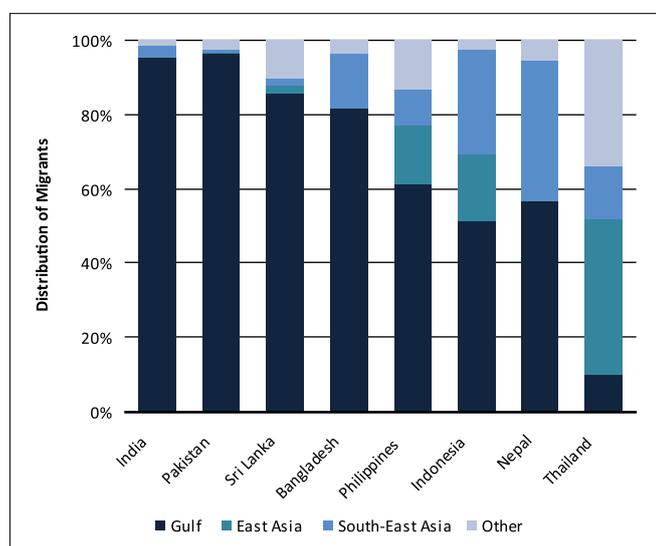
Source: Authors' computations.

In addition to the GCC countries, Jordan, Lebanon and Israel in the Middle East are destinations for migrant labour from the CP region, but these corridors are origin specific. For instance, migrants to Lebanon are mostly from Bangladesh (13,941 in 2009), with smaller flows from Sri Lanka and Nepal (IOM, 2010; Nepal Department of Foreign Employment, 2010).[4]

Labour markets in East, South-East and South Asia also employ a substantial number of migrants, but these destinations involve only some CP Member Countries. For instance, in Southeast Asia, Malaysia and Singapore[5] receive a significant number of workers from Indonesia, Bangladesh, Nepal and the Philippines.

Although the flows from all CP Member Countries include highly skilled migrants, their share remains relatively small. Some countries, such as the Philippines and India, have established a more solid presence in the highly skilled end of the international labour market. However, most migrants from the CP region work in less-skilled and semi-skilled jobs. This is especially true for those from Bangladesh, Indonesia, Nepal and Pakistan. For instance, nearly half of migrants who left Sri Lanka in 2010 were domestic workers while another quarter were unskilled labourers. Domestic workers also account for a huge majority of Indonesia's migrant labour outflow in 2011, reaching nearly 70 per cent. In Pakistan, where migration is still predominantly male, 42 per cent migrated as "labourers" in 2011.

III. Policy, institutional and programme development

CP Member Countries have taken concrete steps since 2005 to manage the ever-increasing and complex flows of migrant workers from the region. This has been achieved mainly in four ways, as outlined in the following subsections.

A. Legislation and policy formulation

Since 2005, eight of the 11 CP countries have amended existing regulations or adopted new legislation. This indicates that Member Countries are aware that they need to manage the labour migration process more effectively.[6]

The newly enacted laws and policies focus generally on two areas: regulating the recruitment process and enhancing welfare provision. With private actors controlling the bulk of migration from the CP region, these are clearly the top needs of CP Member Countries. Table 1 highlights the main changes in legislation introduced since 2009 and their key provisions.

Table 1. Changes in labour migration legislation and policy since 2009

Country	Main statute	Subsequent decrees	Key provisions
Bangladesh	Human Trafficking Deterrence and Suppression Bill (2012)		Addresses all forms of trafficking, including labour trafficking; considers trafficking as organized crime; includes provisions for compensation, legal and financial assistance and right to rehabilitation and privacy for victims of trafficking; proposes the creation of a fund to provide support to victims of trafficking; and sets up speedy tribunals in all districts and mandates that all cases must be completed within 180 days.
India	Emigration Act (1983)	Emigration (Amendments) Rules (2009)	Higher application fees and security deposit; obligation to produce documents verifying qualifications and financial health for recruiting agencies. Obligation for recruiting agencies to arrange pre-departure skill testing; insure workers; cap workers' fees at 45 days' worth of wages; renew workers' visas; and ensure that the provisions of employment contracts are respected by the foreign employer. • Agencies banned from retaining workers' travel and employment documents. • Reduction in number of ECR (Emigration Check Required) countries from 154 to 17 to reduce the regulation of movement. • Introduction of mandatory insurance (Pravasi Bharatiya Bima Yojana) at a nominal cost: life insurance and medical and legal expenses coverage. • Abolition of the mandatory provision for ECR passport holders to obtain a suspension from the government (protector of emigrants) to visit overseas for purposes other than employment.

Indonesia		Regulation of the Ministry of Manpower and Transmigration N°.PER.14/MEN/X/2010 regarding the placement and protection of Indonesian workers overseas	Increased regulation and monitoring of the recruitment process: compulsory registration of workers at district/municipal offices; recruiting agencies to hold a SIP (recruitment licence) issued and renewed by the ministry; selection process to be done jointly by recruitment agency and local Manpower and Transmigration offices; not charge recruitment fees to workers; and overseas employers to be approved by the government. • Agencies to provide all details of the contract to workers during a two-day pre-departure briefing to be conducted by local BNP2KI offices. • Government to provide a one-stop service to facilitate the migration process. • Agencies to monitor the conditions of workers in the country of destination and arrange their safe return upon completion of the contract. • Airport-based Migrant Worker Service Posts to screen and collect data on all returning migrant workers, provide preliminary health care to migrant workers reporting health problems and refer those in need of follow-up legal, physical and mental rehabilitation assistance to competent services and facilitate transport services to place of origin in Indonesia.
Pakistan	Emigration Ordinance 1979	National Migration Policy (2010)	Minimum wages for migrants raised by 16%; obligation to pay wages through check/bank transfer. Establishment of a comprehensive social insurance scheme (health and pension) for overseas Pakistanis. • Creation of a labour-market information system. • Extended scope of the Workers Welfare Fund: housing construction programmes, scholarships for migrants' children.
Philippines	Migrant workers and Overseas Filipinos Act of 1995 (RA 2042)	Amending Acts: RA10022 (2010): "Migrant Workers and Overseas Filipinos Act of 1995, as Amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, their Families and Overseas Filipinos in Distress, and for Other Purposes."	Evaluation of the levels of protection of overseas Filipino workers (OFWs) in receiving countries; establishment of criteria for host countries to guarantee protection through a certification process. • Foreign employer and recruiting agencies to be responsible for the repatriation of OFWs. • Penalties for offences such as illegal recruitment, loans by agencies and sending of minors abroad. • Additional personnel to staff Overseas Filipino Resource Centers. • Expansion of free access to skills and livelihood programmes. • Promotion of the use of the legal-assistance fund to settle cases against abusive employers. • Compulsory medical and life insurance for agency-hired workers.

Source: Agunias, Aghazarm and Battistella, 2011 (also for legislation between 2005 and 2008).

B. Dedicated government bodies to support labour migrants

Some CP Member Countries have also created special government bodies or authorities to streamline their migration-focused efforts, often alongside shifts in migration policy. Not surprisingly, then, as policies have focused on recruitment regulation and welfare/protection, so have institutional changes.

Since 2005, seven of the 11 CP countries have created new institutional structures (see Table 2). For instance, Pakistan established a Ministry of Overseas Pakistanis in 2008 to better understand the current situation of Pakistani migrants abroad, respond to their core issues and offer solutions. The ministry also offers short- and long-term programmes for manpower development and employment promotion. Like Pakistan, Sri Lanka created a ministry-level institution in 2007 that focuses on ensuring the welfare of migrant workers and increasing their ability to find suitable employment abroad. The Ministry of Foreign Employment Promotion and Welfare oversees the Sri Lanka Bureau of Foreign Employment, which regulates recruitment agencies, attends to complaints from migrant workers and conducts orientation and training programmes.[7]

Table 2. New migration institutions created since 2005

Country	Institutions	Function
Afghanistan	Employment Service Centres (ESCs) (2008)	Identify job-seekers to match demand for workers at any skill level (not fully operational).
India	Indian Council of Overseas Employment (ICOE) (2008)	Propose policy frameworks for migration management.
	Overseas Indian Facilitation Centre (OIFC) (2007)	Offer a one-stop shop on economic engagement: advice through knowledge partners, development through diaspora investments.
	Prime Minister's Global Advisory Council of People of Indian Origin (2009)	Development through policy inputs. • Development of an inclusive agenda for two-way engagement between India and overseas Indians.
Indonesia	National Board for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) (2006)	Implement Indonesia's policy for the placement and protection of Indonesian migrant workers as formulated and issued by the Ministry of Manpower and Transmigration (KEMENAKERTRANS): to provide services, and coordination and monitoring of the migration process in its various stages.
Nepal	Department of Foreign Employment (DoFE) (2007)	Exercise regulatory functions.
	Foreign Employment Promotion Board (FEPB) (2007)	Deals with the welfare of migrants, promotion of overseas employment, monitoring of pre-departure orientation and conducting of research.
	Foreign Employment Tribunal (2010)	Deals with cases related to foreign employment in an expeditious manner.

| Pakistan | Ministry of Overseas Pakistanis (2008) | Provides better services to overseas Pakistanis; sets up suitable schemes in housing, education, and health-care sectors; facilitates the rehabilitation of returning overseas Pakistanis. |
| Sri Lanka | Ministry of Foreign Employment Promotion and Welfare (MFEPW) (2007) | Overall supervision of migration management. |

Source: Agunias, Aghazarm and Battistella, 2011.

The other five CP Member Countries have also created new structures at other levels by establishing special offices, typically under the ministry of labour or foreign affairs or as autonomous authorities. Indonesia created the National Board for the Placement and Protection of Indonesian Overseas Workers (BNP2TKI) in 2006. BNP2TKI, a governmental board working in coordination with the Ministry of Manpower and Transmigration, aims to ensure the placement and protection of competitive, qualified and dignified Indonesian overseas workers in decent and productive employment.

C. International cooperation

CP governments have also vigorously pursued bilateral agreements (BAs) and MOUs with key destination countries. Based on data compiled by the IOM missions (2010), CP Member Countries have signed a total of 98 BAs and MOUs with 32 destination governments; 59 were signed just in the past five years (see Table 3 for the main ones). This encouraging trend signals increased cooperation among origin and destination countries. Previously, countries of destination were reluctant to enter into such agreements, which implied additional obligations and partners. The shift indicates that countries of origin and destination are beginning to recognize that effective migration management requires cooperation.

Table 3. Bilateral agreements and memoranda of understanding signed since 2005

Country	Bilateral agreements	Memoranda of understanding	In process
Afghanistan	Agreement with Etisalat UAE for the Graduate Trainee Induction Programme (2010); agreement with Iran for cooperation on social affairs (2010), technical labour dispatch protocol with Qatar.	n.a.	Iran, Kuwait and UAE
Bangladesh	n.a.	Qatar (1988/2008), UAE (2007), Oman (2008), Republic of Korea (2007), Libya (2008), Kuwait (2000/2008), South Korea (2007), Malaysia (2003/2006), Maldives (2011)	Bahrain, Italy and Jordan
China	Malaysia (2003) and Mauritius (2005)	United Kingdom (2005), Republic of Korea (2007)	Qatar
India	Qatar (2007)	UAE (2006), Kuwait (2007), Oman (2008), Malaysia (2009) and Bahrain (2009)	Libya, Poland, Republic of Korea, Saudi Arabia and Yemen
Indonesia	n.a.	Jordan (2001, renewed 2009), Australia (2005), Japan (2009), Republic of Korea (2010), United Arab Emirates (2007, renewed 2010), Malaysia (2004, 2006 domestic workers, renewed 2011 and 2010 private sector), Qatar (2008, renewed 2011 for the formal sector, 2010 for the health sector), and between IETO (Indonesian Economic and Trade Office to Taipei, Taiwan Province of China) and TETO (Taipei Economic and Trade Office in Indonesia) (2004, renewed 2011), Timor-Leste (2010)	Australia, Brunei Darussalam (draft submitted to the Government of Brunei Darussalam), Lebanon, Libya, Syria and Japan
Nepal	n.a.	Japan (JITCO—2003), Qatar (2005), UAE (2007), South Korea (2007) and Bahrain (2008)	Lebanon and Malaysia
Pakistan	Qatar (1978, 2008)	UAE (2006) and South Korea (2008)	Bahrain and Italy
Philippines	n.a.	Libya (1979, 2006), Jordan (1981, 2010), Korea (2004, 2005, 2006, 2009), Lao PDR (2005), Spain (2006), Saskatchewan (2006), Bahrain (2007), UAE (2007), Alberta, British Columbia, Manitoba (2008), New Zealand (2008) and Japan (2009)	n.a.
Sri Lanka	Jordan (2006), UAE (2007), Bahrain (2008), Libya (2008), Qatar (2008), South Korea (2004, 2010)	n.a.	n.a.
Thailand	n.a.	UAE (2007), Republic of Korea (2009), Japan (IMM 2010), Japan (JITCO—Record of discussion 1994, updated 2010)	n.a.
Viet Nam	Russia (1992, BA updated in 2008), Lao PDR (1994, BA last updated in 2009), Qatar (2008), Kazakhstan (2009)	Republic of Korea (2004, MOU updated in 2008), Oman (2007), Bulgaria (2008), Slovakia (2008), UAE (2009) and the Province of Saskatchewan in Canada (2006)	Japan (1992, updated in 2010) and Saudi Arabia (2006)

Note: n.a. = not applicable.
Source: IOM country assessments.

D. Innovative programmes at the national and local level

Lastly, many CP Member Countries have initiated and managed specific programmes and activities at various levels of government and in many cases with the cooperation of non-state actors. They aim to disseminate essential information to migrants at all stages of the migration cycle, regulate the recruitment process, provide welfare and other support services at origin and destination and maximize the benefits of labour migration for migrants and their families. Table 4 lists 52 innovative elements that CP Member Countries have introduced in their various programmes. Many can be considered good practices worthy of being replicated in other settings and/or scaled up.

Table 4. Innovative elements in various programmes implemented by CP Member Countries

Goal of programme	Innovative elements
Disseminate information to migrants to prepare for migration and employment	Partner with IOM and other actors in creating migration information or resource centres (MRCs); embed resource centres within existing structures; create an accessible and free 24/7 hotline; use Internet and text-messaging systems; provide information in various languages; decentralize responsibility to provide information to provinces and states; provide pre-departure orientation well before migrants make the decision to migrate; customize pre-departure training to certain countries and regions; make pre-departure training free, subsidized, or paid for by employers; provide information in local languages; offer complementary pre-departure orientation courses for migrants with special needs; include financial literacy training in orientation programmes; tap non-governmental organizations (NGOs) and "model" recruitment agencies as providers of orientations; administer an examination to workers to asses preparedness; include family members in pre-departure orientations.
Manage the recruitment marketplace through regulating private recruiters and /or managing the recruitment process directly	Make agencies jointly liable with employers; install a placement-fee ceiling; mandate the use of standard employment contracts; set minimum wage requirements; develop a code of conduct among agencies; validate contracts at diplomatic posts and provincial and state offices; sign contracts in front of government officials; set up integrated "one-stop" services to facilitate the processing of required paperwork and documents; register and accredit employers hiring migrant workers; maintain a ready pool of workers; require a foreign government to create a trust fund for migrants hired through government-managed recruitment channels; use a standard labour contract; ensure skills accreditation or standardization; create market research units (MRUs) in countries of origin; set up a Vigilance Task Force; introduce SMART cards for departing migrant workers.
Provide welfare support at origin and destination through implementing welfare fund and insurance schemes and supporting diplomatic missions	Use welfare funds to: make contributions towards legal aid and recourse, subsidize medical services and health care, finance pre-departure and related training and provide education and scholarships to children of migrant workers; maintain welfare desks at the departure and arrival lounges of international airports in the home country; partner with other insurance providers; use technology to streamline migrant support services; support diplomatic missions in key destination countries so that they can: provide legal recourse, counselling and grievance redressal; monitor the migrants' workplace; provide shelters within embassy grounds for migrants in distress; train labour attaches in migration issues; partner with service providers, including civil society, to support the work of diplomatic missions.
Maximize the benefits of labour migration while abroad and upon return	Support remittance transactions through mobile phones; use banks and postal systems to increase formal remittances; facilitate investment of migrants and diasporas abroad; provide preferential access to start-up investments of returnees; offer loans for new businesses at the local government level; provide entrepreneurship training to migrant women; support private-sector efforts to provide job-matching services to returnees; support reintegration support services that civil society actors provide.

Source: Agunias, Aghazarm and Battistella, 2011.

IV. Four sets of challenges and 10 steps forward

Despite success in many areas, difficult challenges remain. These centre on implementation in four areas, as outlined below.

First, efforts to disseminate information are hampered by gaps between the actual needs of migrants, migrants' access to pre-departure orientation and related services and the quality and scale of interventions. Broadly speaking, pre-departure orientation is not always effective. Some programmes do not fit the specific needs of workers, and some are not widely offered. Furthermore, accurate and up-to-date information from destination countries is often lacking. Available information is often highly centralized and thus inaccessible to most potential migrants.

Second, the cost of migration remains high for many migrants despite government efforts to regulate private recruiters' operations. Licensed recruitment agencies continue to charge migrants excessive and unauthorized fees. Fraud and deceit are common, and government control of informal brokers, sub agents and illegal recruiters remains limited. While the cost of migration is relatively well known, further research is required to ascertain how much debt migrants and their families accumulate. Migrants may fall into irregular migration situations as a result of debt, or may turn to irregular routes when the formal migration process appears overly cumbersome to navigate. Some government efforts to oversee recruitment, while providing a good model, are difficult to replicate on a large scale. An additional problem arises from the centralized nature of recruitment, which involves layers of brokers and sub agents.

Third, it is difficult to ensure that migrants (and their families) have the support they need at origin and destination, in large part because governments have limited experience in administering welfare funds, insurance schemes and other support services to a mobile and highly vulnerable population. In addition, migrants do not know how to access available programmes. Irregular migrants often fall off the radar. Limited government capacity to provide support at destination – either through labour attachés or government-run programmes – directly affects migrants' welfare. Providing legal protection and welfare support almost always requires an infusion of adequate resources, particularly investments in personnel such as labour attachés.

Lastly, maximizing the benefits of labour migration starts with a very basic aim that remains elusive: ensuring that the wages and social security benefits earned abroad can be fully transferred back home with minimal costs. In some migration corridors involving CP Member Countries, remittance costs remain quite high, and extending social security portability to more countries can be arduous. Therefore, successfully reintegrating migrants depends on both the services available and improvements in the overall social, economic and political conditions at home.

Potential steps forward: A menu of 10 viable sets of activities

In addressing these four sets of challenges, CP Member Countries may choose to build on progress already made and focus their efforts on improving current initiatives through more rigorous implementation, monitoring and evaluation. Viable policy routes and options are many and may fall in any of 10 sets of activities, outlined as follows.

1. Improve existing pre-departure orientation programmes.

Governments can better existing pre-departure interventions – and address several common weaknesses – by:
- Improving the content, delivery and accessibility of the information provided. This can be achieved in many ways, such as supporting evaluation of existing programmes and sharing experiences and lessons learned among CP governments. Decentralizing programmes and offering them in many more areas of migrant origin are among the most effective ways to improve access.
- Improving and/or developing programmes for vulnerable groups, such as domestic workers and other migrants working in unskilled and low-skilled sectors.
- Exploring bilateral arrangements for country-specific training and orientation. Destination

governments and foreign employers can provide technical support and financial resources for pre-departure orientations to increase outreach and quality. CP governments that send to the same countries can also work together and share the cost of developing country-specific curricula and training manuals. Businesses can also play a role by supporting public-private ventures in skills training and public information campaigns.

2. Develop and expand existing migrant resource or information centres and related services.

Resource and information centres that dispense information to migrants and their families are important. In particular, prospective migrants need to know the realities and risks of migration.

Such knowledge can form an essential part of the offerings of migrant resource centres but should also be part of a government's wider public awareness efforts, whether information campaigns or interventions at the local community level.
- CP governments that already have migrant-resource centres can focus on expanding these to more locations or providing mobile services so that prospective migrants do not have to leave their communities or travel far to get information. Governments that have yet to develop such centres could establish them.
- Providing real-time, updated and easy-to-understand information is critical but can consume significant resources at countries of origin. Destination countries can help in this task by building new centres or supporting existing ones and providing them with accurate information. The success of information centres run by destination countries in the OECD. for student visa seekers is a potentially good model to replicate.
- CP Member Countries can also coordinate by sharing information with one another and collating it in one CP-wide resource hub. Similarly, standardized training materials could help ensure that migrants across the region receive the same quality of services.

3. Develop, harmonize and enforce regulations governing recruitment agencies.

Excessive and complex regulations, especially those without meaningful enforcement, have created additional incentives and opportunities for unprincipled actors to game the system— among them unscrupulous recruitment agencies, corrupt officials and exploitative employers.
- CP Member Countries can start by sponsoring a mapping exercise to understand how countries in the region and key destinations regulate or control recruitment agency operations. This exercise would identify gaps and policy inconsistencies and highlight good practices and

lessons learned. Supplementing this mapping could be a systematic analysis of the reasons for the variations, the effect of different systems on each stakeholder and the impact of recently introduced innovations, if known. A particularly promising policy area to explore is the use of joint and multiple liability provisions.

4. Expand the use of standard contracts with explicit provisions on mutually acceptable placement fees, minimum or reference wages, job descriptions and skills accreditation.

The regulatory and enforcement efforts of CP governments are most likely to be effective if origin and destination countries are equally committed to introducing and enforcing compatible rules. Inconsistent placement fees, wages, job descriptions and skill requirements distort the incentives for all actors involved, especially recruiters.[8]

- CP governments may choose to identify existing rules and regulations that make reprocessing[9] and other types of contract-substitution cases prevalent. For instance, one problem seems to stem from the routine practice of signing contracts before departure and again upon arrival. Countries of origin and destination cannot control what happens at the other end, leading to contract-related fraud. One clear solution is to develop standard contracts that countries of origin and destination use and recognize. These contracts must reflect mutually acceptable provisions on appropriate placement fees, minimum or reference wages, job descriptions and skills accreditation. A further step would be for CP Member Countries to consider adopting standard CP-wide contracts, with negotiations possibly starting on vulnerable occupations, such as domestic work.

5. Support self-regulation among agencies.

Efforts focused on controlling recruiters' operations are important but may not be sufficient.

- CP Member Countries may consider supporting efforts among agencies to regulate themselves. One route is developing and enforcing voluntary codes of conduct or ethical recruitment guidelines among agencies at the national and transnational level (one example is the Commitment to Action in Pursuit of Ethical Recruitment, signed by 17 recruitment agencies across Asia in 2008).

6. Further develop government-managed labour migration schemes.

Giving migrants an alternative to agency-managed migration may produce cheaper and safer ways to migrate:

- In developing government-managed labour

migration schemes, CP governments may choose to start small, such as through pilot projects between origin and destination countries that can test ideas, both old and new. UAE, for instance, has been negotiating a pilot with India, the Philippines and Bangladesh. However, it is important to ensure that government-managed recruitment schemes are transparent to avoid suspicions of corruption.

- The potential danger of a rigid bureaucracy should also be avoided. Whether managed by agencies or governments, labour migration schemes should adopt quick, low-cost and streamlined procedures.

7. Improve administration of welfare funds and insurance schemes.

Managing welfare funds and offering insurance schemes are innovative ways that governments can share the cost of protecting migrant workers.

- To improve their administration of such schemes CP governments may start with reviewing and evaluating existing systems to understand how well they are meeting migrants' demands and to identify gaps and ways to fill them.
- In collaboration with destination country governments and foreign employers, CP governments may also choose to explore areas where they can provide support, whether technical or financial.
- An important goal in managing welfare funds is how to more effectively include irregular migrants, who are most vulnerable and are more likely to need support than those migrating through irregular channels, while ensuring the system's integrity.

8. Enhance welfare support provided at destination.

Providing welfare support at destination is one of the most important services CP Member Countries can offer their citizens abroad. Central to this task is ensuring that consular and diplomatic posts are equipped to meet the demands of migrants within their jurisdictions.

- CP Member Countries may start by measuring capacity – in terms of manpower, facilities and other resources – at key diplomatic posts and then find ways to augment capacity in both the short and long term. This may involve not only diverting financial resources to posts abroad, if needed, but also periodically training labour attachés and other relevant personnel on migration issues.
- CP governments may also choose to seriously explore how they can work with other CP Member Countries and, especially, destination country governments to complement efforts and share costs, especially those related to shelters and legal aid.

9. Reduce remittance transaction costs on remaining "high-cost" corridors.

- CP governments may choose to institute measures that increase competition among remittance providers, in particular by evaluating regulatory obstacles and providing information to migrants on the most cost-efficient service providers.
- Providing basic training in financial literacy, with a focus on remittance management and utilization, is also extremely useful.

10. Facilitate reintegration of returning migrants.

Maximizing the benefits of labour migration also requires concerted efforts to reintegrate migrants socially, not just economically.

- CP Member Countries may choose to expand efforts to assist returnees interested in establishing businesses and finding employment and, where necessary, access to job-related and financial literacy training. Depending on existing government resources, CP governments may play various roles, from providing information or referral services to managing projects that actually provide funds to migrants. To share the cost, these efforts can be implemented with the help of international organizations and even the private sector.
- CP Member Countries may also choose to expand social security portability by forging agreements with key destination countries.

V.   Conclusion: Building capacity at home and abroad

Far from being exhaustive, these 10 sets of activities are just a sample of avenues CP governments can take as they create better labour migration systems. As highlighted in IOM's *World Migration Report 2010*, successfully undertaking any of these activities requires serious investments in capacity-building (IOM, 2011). A government's agenda is only as good as the ability of institutions to implement it. Building institutional capacity, especially for institutions with expansive and multiple roles, must be a top priority.

When planning, designing and implementing policies and programmes, CP governments may consider adopting a three-pronged strategy to building capacity.

First, it is important to *generate and exchange knowledge about migration trends and the impact of policies and programmes on the ground.* CP governments may choose to start with an honest assessment of their capacity and available resources. They may consider supporting a systematic survey

of government capacities required to implement programmes more effectively. Specific areas of inquiry could include the level of coordination among various government agencies, sources of funding and key personnel's level of technical expertise. Further research may also consider more explicitly how destination countries interact with CP Member Countries on the issues of migrant recruitment, welfare and protection, and their role in helping to harness migration's development impacts.

Second, in developing their capacity to implement programmes, governments may also choose to *take advantage of the wealth of expertise within CP Member Countries by initiating practical dialogues at various levels of government and with non-governmental actors,* especially employers, recruitment agencies and civil society groups. CP Member Countries may, for instance, establish a technical working group of labour attachés working in one destination country to discuss how regulations on recruitment at both origin and destination affect their day-to-day operations and how these regulations can be improved. By convening periodic technical dialogues, governments can gather important feedback from the field that can inform policy; one result, for example, might be operational guidelines that make sense on the ground.

Lastly, developing capacity requires *pursuing meaningful partnerships with various actors.* The challenges of labour migration are transnational, and so are many of the solutions. Several problems highlighted in this brief will be most effectively solved through partnerships with governments in destination countries and among CP Member Countries, as well as with non-governmental actors drawn from the private sector and civil society.

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Endnotes

1. The Colombo Process (CP), a regional consultative process on the management of overseas employment and contractual labour for migrant-origin countries in Asia, provides its Member States and observers and external organizations a non-binding and informal environment to engage in dialogues and cooperation on issues related to labour migration that are of common interest and concern. The CP is led and governed by ministerial consultations in which recommendations and action plans are discussed and adapted by the ministers of the participating countries. The first ministerial consultation was held in 2003 in Colombo, Sri Lanka. Since then, three consultations have followed: in Manila, Philippines (2004); in Bali, Indonesia (2005); and in Dhaka, Bangladesh (2011).

2. Migrants from Afghanistan are not included as data were not available; data concerning India only refer to migrants who go to the 17 countries for which the Emigration Check Required (ECR) procedure is still maintained. These include Afghanistan, Bahrain, Brunei, Indonesia, Jordan, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, Saudi Arabia, Sudan, Syria, Thailand, the United Arab Emirates (UAE) and Yemen. The data for 2005 derive from IOM Country Assessments prepared by IOM Field Missions in 2010 and an unpublished manuscript on file with the authors. Unless otherwise indicated, data on migration for CP Member Countries come from the following sources: Bangladesh: Bureau of Manpower, Employment and Training; India: Ministry of Overseas Indian Affairs; Indonesia: National Board for the Placement and Protection of Indonesian Overseas Workers; Nepal: Department of Foreign Employment; Pakistan: Bureau Of Emigration and Overseas Employment; Philippines: Philippine Overseas Employment Administration; Sri Lanka: Central Bank Sri Lanka, Economic and Social Statistics of Sri Lanka; Thailand: Thailand Overseas Employment Administration, Ministry of Labour; Viet Nam: Ministry of Labour, Invalids and Social Affairs, Department of Labour.

3. The Gulf Cooperation Council (GCC) is a political and economic union involving Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the UAE.

4. IOM country assessments; Department of Foreign Employment (Nepal), 2010.

5. Thailand is also a major destination country, but for migrants from neighbouring Cambodia, Laos and Myanmar which are not part of the Colombo Process.

6. Authors' analysis of IOM country assessment reports.

7. Ibid.

8. To read more about policy mismatch between origin and destination countries, see Dovelyn Rannveig Agunias, *Migration's Middlemen: Regulating recruitment agencies in the Philippines-United Arab Emirates Corridor*. Migration Policy Institute, Washington, D.C. 2010.

9. Reprocessing refers to a practice where migrants leave the country of origin under a different occupation, employer or country of destination in order to bypass additional government requirements at origin to protect migrants working in more vulnerable sectors.

About the Authors

Dovelyn Rannveig Agunias is a Policy Analyst at the Migration Policy Institute (MPI) and a Regional Research Officer, focusing on Asia-Pacific policy, at the International Organization for Migration (IOM), where she is based in the Regional Office in Bangkok. She is also the Managing Editor of "Issue in Brief," a joint publication project of IOM and MPI.

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