

**MIGRATION OF NEPALESE YOUTH FOR FOREIGN
EMPLOYMENT: PROBLEMS AND PROSPECTS**

(A Review of Existing Government Policies and Programmes)

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List of Abbreviations

| | |
|--------|---|
| ATITP | The Alien Industrial Technology Training Programme |
| CDPS | Central Department of Population Studies |
| DFID | Department for International Development |
| FDW | Foreign Domestic Workers |
| GATS | General Agreements on Trade and Services |
| HMG | His Majesty of Government |
| ICPD | International Conference on Population and Development |
| ICT | Information Communication and Technologies |
| ILO | International Labour Organisations |
| IPS | Inter Press Service |
| IUSSP | International Union of Social Scientists in Population |
| KFSB | Korean Federation of Small Business |
| LEPD | Labour and Employment Promotion Department |
| LSL | Labour Standard Law |
| NGO | Non Governmental Organisation |
| NIDS | Nepal Institute of Development Studies |
| NLP | National Labour Policy |
| NPC | National Planning Commission |
| OHCHR | Office of the High Commissioner for Human Rights |
| PIK | Professional, Technical, Kindard |
| TCP | Technology Cooperation Programme |
| UN | United Nations |
| UNIFEM | United Nations Development Fund for Women |

ABSTRACT

Study regarding the “Migration of Nepalese youth for Foreign Employment: Problems and Prospects” has been carried out with the aim of evaluating the Nepalese government’s policies and programmes related to the regulation and management of foreign employment profession in Nepal. This study, at the same time has seek to identify the issues and challenges on foreign employment, nature of labour migration trend and the number of socio-economic and demographic aspects related to the migration of Nepali migrant workers. Similarly, this study has also evaluated the internationally recognised policies and programmes to protect the rights of the migrant workers.

Both qualitative and quantitative information has incorporated to the completion of this study. So the trend analysis of Nepali labour migrants by fiscal year and the concentration of people in different countries in different period of time are also observed. It is found that, migrants workers have faced problems both in the home country and the country of destination, where as the problems in abroad are highlighted very much as compared to the problem that they are being in the national level. Nepalese government polices are not able enough and properly implemented to the regulation and management of foreign labour migration. At the same time Nepalese government is not found sincere to the implication of international provisions to protect the rights of the migrant workers. Government mechanisms are not found very much effective to assure safe migration of potential labour migrants.

Finally the study has concluded that the foreign labour migration can be regulated with the proper implementation of government policies and programmes. The foreign employment profession should also be accepted as a dignified occupation as because of its importance to strengthen the national economy and it also making our young people engage in some sorts of income generating activities even in the difficult period of the country.

CHAPTER-I

INTRODUCTION

1. General Background

Migration of people from one place to another is a usual phenomenon since the beginning of human civilization. The migration in the beginning was for the sake of food and exploring new places for security purpose. But gradually the migration took the shape in diverse form and now has become a very essential and common in each and every corner of the world. International labour migration is one of the integral components while talking about international migration. Millions of people from around the world (especially from the developing world) are leaving their usual place of residence for seeking better employment opportunities and supply food for their dependents. Globalisation and integration of regional economics have added impetus to the growing mobility of workers across borders (ILO, 2003). Poverty and the inability to earn enough or produce enough to support oneself or a family are major reasons behind the movement of work seekers from one place to another. These are not only characteristics of migration from poor to rich states; poverty also fuels movement from one developing country to others where work prospects seem-at a distance, at least-to be better (*OHCHR, 2004*).

Labour migration has, in the 21st century, moved to the top of the policy agendas of many countries - countries of origin, transit and destination. Most of the world's estimated 150 million migrants are people searching for improved economic opportunities abroad.

Three key factors drive migration and will continue to fuel this kind of movement for many years. They are:

- The "pull" of changing demographics and labour market needs in many industrialized countries.
- The "push" of population, unemployment and crisis pressures in less developed countries.
- Established inter-country networks based on family, culture and history.

An alarmingly large proportion of labour migration occurs illegally, aided and abetted by a clandestine and often criminal industry. Increasingly, governments of both sending and receiving countries are developing regulatory mechanisms to manage labour migration. These include selective recruitment policies by countries needing labour, and strong marketing and overseas employment strategies by countries supplying labour.

For some countries of destination, labour migration, particularly of the highly skilled, is more than a temporary manpower adjustment strategy; and can have long-term implications for immigration. For countries of origin, it can support development, for example through remittances. The private sector can play a key role in making labour migration demand-driven in destination countries, and in recruiting workers in countries of origin.

By observing the trend of labour migrants it seems that most of them are either unskilled or semi skilled and a few portion of them are highly skilled. According to estimates by non-government group, there are over 19 million Asian migrant workers in Asia and over 25 million Asian migrant workers working across the world. At least half of the migrant workers are women, and many are in domestic work, the entertainment industry and also in irregular woks (*Marwan Macan-Marka, IPS, 2003*). A huge number of Nepalese workers go abroad to work in the absence of fruitful local employment opportunities. Migration is nothing new to Nepal, and the total stock of Nepalese nationals working overseas (excluding about one mission in India) in different capacities is estimated to be about half a million (ILO-DFID 2002). The history of formal entrance of Nepalese citizens in foreign employment begins in 1814-1815 after the Nepal-British India war. A total of 4,650 Nepalese youngsters were recruited to the British armed forces as a British-Gurkha regiment.

Similarly, the migration of Nepalese people for other employment purpose begins to work in the tea states of Dargelling and forest of Assam by the second half of the 19th century. Economic migration to the Middle East from South Asia and other parts of the world was spurred-on by the oil boom in the early 1970s. The reasons behind the migration are almost same in Nepal as other parts of the world. Existing poverty, limited employment opportunities, deteriorating agricultural productivity, armed

conflict are some of the reasons about the motives behind international labour migration. There are many villages in Nepal where the labour migration has been established as a culture of community to go abroad for work for a while and return back with some money and experience of placement in different geographical location. The influence of friends, relatives and well wishers has also played a prominent role to the promotion of international labour migration.

The ongoing armed conflict situation of the country has made people displaced from their usual place of residence and the alternative means of employment for displaced youth is established as foreign employment. The conflict has also limited the development activities throughout the country and expansion of industries is stopped. This situation has created more scarcity to get employment within the national border and ultimate step of the people is to go abroad for foreign employment. Though the concrete research has not been conducted yet, the young people from conflict prone areas are compelled to go for foreign employment to save their life.

The remittance that country receives each year is not used in productive work. Most of the amounts are being spent on household expenditure, health services, education for the children and constructing new houses, other essential reconstruction work and pay back loan taken by the migrant workers. It is seen that neither our government nor the migrants have appropriate vision to invest their earning in the productive work.

1.1 Statement of the Problem

The migrant worker is not a product of the twentieth century. Women and men have been leaving their homelands in search of work elsewhere ever since payment in return for labour was introduced. The difference today is that there are far more migrant workers than any period of human history. Millions of people are now earning their living--or looking for paid employment--came as strangers to the States where they reside. There is no continent, no region of the world, which does not have its contingent of migrant workers (*OHCHR, 2004*).

Migrant workers are aliens. This may, on this account alone, be the targets of suspicion or hostility in the communities where they live and work. In most cases, financially poor, they share the handicapped economy, society and culture of the

least-favoured groups in the society of the host state. Discrimination against migrant workers in the field of employment takes many forms. These include exclusions or preferences as regard the types of jobs which are open to migrants, and difficulty to access to vocational training. Different standards are often applied to nationals, on the one hand, and migrants, on the other, as regards job tenure, and contracts may deprive migrants of certain advantages.

Cases are cited of legal and administrative rules which force migrants to remain in certain occupations and specific regions, as well as inequalities in pay. Migrant workers are known to be excluded from the scope of regulations covering working conditions, and have denied the rights to take part in trade-union activities.

So far in the Nepalese context, foreign labour occupation has been developed as an emerging business in Nepal. But the business has not remained as a dignified profession at all. The reports about irregularities in foreign labour migration, problems faced by potential labour migrants before and after their departure for foreign employment are not properly addressed from the policy level.

A migrant worker has to face numerous problems while he/she makes decision to migrate for foreign employment. A migrant takes a blind decision to migrate for work without any consideration of actual income that he/she receives in the country of destination. Similarly, he/she has to face problem to find sufficient money that should be spent for going abroad and the only way to get money is through the local feudal with high interest rate. Government, except some cases, has not special provision to provide loan in subsidies interest rate.

Information is lacking in each and every step for potential labour migrants. Most of them are not aware where they are going, what work they have to do, the actual cost they need to spend to go for work and other social and cultural information about the country of destination. As a result, there are numerous realistic stories of the suffering of Nepalese migrant workers abroad. It is believed that Nepalese workers are accepted in East and South Asia as well as Gulf countries only because of they are cheap and they do whatever job given. Most of the migrants are educated from middle and lower

middle class families who go abroad with the hope of earning much within a short period. A large number work illegally (*Rimal, 2004*).

Most of the migrant workers in aboard are working in a vulnerable situation without any effective legal protection by the Nepalese government as well as the receiving government. The exploitation made by the foreign companies in the work places is reported several times but no specific labour diplomacy has been adopted by the Nepal government except some cases. Workers are not allowed to work in each and every country around the world but we have several serious cases about the pathetic situation of the Nepalese migrant workers who are working in the unauthorised countries without any legal and social protection by the host countries. The massacre of 12 Nepalese workers by an extremist group in Iraq on August 2004 can be taken as a good example of that. There are many other cases where illegal Nepalese workers are kept in prison for a long time in charge of both fake and genuine cases. But our government is not adopting proper political diplomacy to rescue them and assure their safe return to the homeland.

Statistics show that the remittance sent by the migrant workers is nearly one hundred billion each year and the amount of remittance has kept great importance to the national economy. Some economists have analysed Nepalese economy as remittance economy, which has played a prominent role to keep the national in balance in the difficult financial situation of the country. The amount of remittances sent through the informal channel are not calculated yet but that is to be estimated as equal to it come from the formal channel.

While observing the government policies and programmes, it is found several lacking to protect the rights of the migrant workers and assure their safe migration in the country of destination. Government has made promotional policy regarding foreign employment but at the same time less attention has been paid to provide services and facilities in the home ground. Some of the provisions mentioned in the Foreign Employment Act-2042 are like controlling the foreign employment business rather than promotional one.

Despite the great extent, international labour migration has long been paid little attention in Nepal. On the one hand the importance of international labour migration as an income source for Nepal's households and to the economy of Nepal as a whole remained officially invisible. This is due to the fact that the officially registered international labour migrants only represents a small proportion of the real number, and the value of remittances is not fully recorded in the national accounts. On the other hands, until the late 1990s, most studies of Nepal emphasised the importance of agriculture in the national economy, and the National Planning Commission (NPC) deemed agriculture to be the key to the rural development (*NIDS: 2004*). But the scenario of economy is changed i.e. agricultural based economy turned toward remittance based economy which has been proved by several studies conducted by governmental and non governmental agencies. Thus, it is needed to address the issue of international labour migration from the policy level, which could assist to promote safe migration and the management of labour migration in an effective way. This study has explored some of the policy oriented issues that should be improved and amended in the future.

This research under the title "Migration of Nepalese Youth for Foreign Employment: Problems and Prospects" has been conducted to evaluate the existing government policies and programmes to the regulation of international labour migration. This research has also approached to identify the major problems of international labour migrants as well as socio-economic and demographic impact of international labour in the Nepalese context.

The research is primarily based on the secondary source of information where some of the key observations of the research are also based on the primary source of information obtained from the key informants, observing the key government documents and the documents published by United Nations (UN) and other international agencies.

In the observation part of the research volume and trend of international labour migrants and remittance has been analysed. Similarly the key aspects of Foreign Employment Act 1985 to its amendment in 1992 have also been included. The analysis of National Labour Act and other government policies and programme

included in different budget speeches are also observed in the same section. The relevancy of International Convention on the Rights of the Migrant Workers and other international conventions for the protection of migrant workers are also observed due to the importance of international policy in the national context. Finally the major findings, conclusions and recommendations are also presented as key aspect of the research

1.2 Objectives

The general objectives of this research is to identify the policy as well as ground level problems occurred in the migration of Nepalese youth for foreign employment, anticipate its future and suggest specific changes and improvement for the welfare of migrant workers going abroad. The specific objectives of this study are;

- To identify the major issues and challenges in foreign employment
- To identify the problems faced by migrant workers both in home country and the country of destination
- To identify the problems of female migrant workers both in home country and the country of destination.
- To prioritise the needs of international migrant labours.
- To evaluate the existing government policies and programmes and suggest appropriate amendments in the existing policies.
- To observe the international instruments that has focused on the issues of labour migrants.

1.3 Methodology

1.3.1 Research Design

Mostly qualitative and some quantitative information are collected to observe the situation of international labour migration in the Nepalese context. It is so because of the qualitative nature of the research. The information are obtained from the national and international publications, authorised documents produced by His Majesty's Government (HMG), information provided by Government, Non-government and UN bodies in their websites, article written by different scholars on the issues of international labour migration and so on.

Primary information on the issues was also taken with the help of an in-depth interview with the experts and the person working on migrant workers' issues. Some open questions were asked to them to get their inputs in this research. Informal discussions were also held with the experts and concerned individuals to obtain detail information about the topic.

The list of the persons selected for in-depth interview is given in "Appendix A"

1.3.2 Sampling

The sampling process of this study was unconstructive. In order to collect information through in-depth interview, experts and the people working on the issues of foreign labour migration was identified and they were approached through the telephone conversation and email. The sample size for in-depth interview of this study was 10 and people selected for that purpose were experts involving in research and study on foreign labour migration, representatives of trade union organisations, government officials, people from foreign employment entrepreneurs, inter governmental agencies and media persons with reporting bit on foreign labour migration. The major aim behind the selection of such diverse sample is because of getting bunch of information from different perspectives and analyse them in a proper way.

1.3.3 Questionnaire Preparation

Some questionnaires were designed for this study. There was live question answer session during face to face dialogue with the concerned individuals. During the interview session with the experts, basically personal experiences were noted down. The questionnaire asked is given in "Appendix B".

1.3.4 Data Analysis Technique

Available data of this research has been analysed through the descriptive technique i.e. interpretation of presented table in words and the explanation of qualitative information in an organised way.

1.3.5 Problems/ Difficulties Faced

- Socio-economic and demographic analysis of volume and trend of migrant labour was very complicated due to the lack of proper data tabulation system within the government level.
- Meeting with the experts was also very challenging due to their availability during the research period.
- Very few literature on the concerned issues were available that made difficult to carry out research on the basis of secondary information.

1.3.6 Lessons Learnt

- It is essential to have enough resources (both financial and human) and proper time to carry out a good research
- Realistic research design and other research activities should plan very carefully.

1.4 Significance of the Study

Report of current Living Standard Survery-2004 has mentioned that the major reason behind the failing of under poverty population is because of increased expenditure of person or family engaged in foreign employment

Issue regarding the involvement of bulk of young people in foreign employment is very burning one but very few studies were conducted in the past. While observing the past research documents it is seen that most of the studies are very specific to provide information on the status of foreign labour migrants. Some of the studies have only focused on remittance where some others are only highlighted the issues of female migrant workers. Articles written by different scholars and trade union activists are not very much updated even in the long year's gap and that is because of the lack of proper information. So, this study will generalise the issues of international labour migrants and provides up dated information regarding the status of international labour migration.

The study provides a glimpse of the situation of international labour migration. It is like a mirror to observe the issues and challenges, cause and consequences and the Nepalese government's policies and programme on labour migration. It could be said that it is an in-depth study on the issues of foreign labour migration, so the recommendation of this study will be useful for the concerned authority to make better policies and programmes to manage and regulate the international labour migration.

Emerging issue but fewer activities are performed. The issue regarding foreign employment is established like an issue of trade unions. The work of most of other NGOs is only focused on the issues of migrant works going India and other border side cities. This study is a part to observe the situation of migrant workers who are going other countries than India for foreign employment. The policy made by government is also very much focused on the employees going in Gulf States and other East Asian countries.

It is also because of keen interest to present the whole scenario of foreign employment and migrant workers in a compiled form which can be used by concerned authorities to adopt their policies and programmes for securing the rights of migrant workers as well as their welfare

1.5 Limitations

There is lack of information to justify this study as a complete one. Very few literatures were found in the websites and in other printed form and my approaches in the concern authorities was not perfect to do a complete study in this vague subject.

Another limitation of this study was financial and human resource that was essential to do a complete study on this subject. Despite the technical support from Youth Action Nepal, all research work had to be done by the researchers himself. All research work from the beginning to the end had to be done by a single person, which is almost impossible in a perfect research work

The sample of this research is also not adequate. It is purposive sampling but not complete at all due to the availability of respondent. Research/study is also based

upon the secondary information and very little primary information is taken from the in-depth interviews and informal discussion with the experts.

All the experts and key respondents could not be met due to the availability of their time. Initial plan was to contact 10 different professionals and experts to talk on this issue but only six of them were available in the specified time of the study.

It has more or less covered the issues of migrant workers going in Gulf, South East Asian and other Countries excluding India. Although there are thousands of migrant workers currently residing in India and working blue colour job in a very vulnerable situation.

CHAPTER-II

LITERATURE REVIEW

2. An Overview of Labour Migration

Over the past three decades, policies in the area of labour migration have developed along four major paths: growing restrictiveness and selectiveness in the admission of labour migrants in developed countries; a significant increase in the number of countries, particularly developing countries that have become host to foreign workers; the rising recognition that the rights of migrant workers and their families need to be protected and; the adoption of regional agreements on the free movement of persons (*UN, 2002*).

Globalisation of integration of regional economies has added impetus to the growing mobility of workers across abroad. In Asia the movement of labour is becoming an important and enduring phenomenon associated with economic growth and development since it eases skill imbalances in labour markets and provide broad cultural and economic benefits for sending and receiving countries. Migrants' remittances, for example, are now a valuable and stable source of foreign exchange to many origin countries. At the global level, the importance of migration to development is now reflected in the fact that it has become the part of agenda of multilateral institutions, as for example in the trade negotiations within the framework of General Agreement on Trade and Services (GATS).

While market forces are driving labour migration, there are several signs of market failure associated with its related processes. A number of risks have been associated with migration including trafficking and forced labour, recruitment malpractices such as fraudulent job offers and exorbitant placement fees, debt bondage, sexual and physical harassment, employment in hazardous jobs, and under or non payment of wages. Experience suggests that state intervention through appropriate regulatory institutions and measures are essential to the efficient and equitable working of the labour market.

Recruitment malpractices, fraud and abuses are widespread in many Asian Countries. To combat them government should have transparent systems in place for licensing and supervising private recruitment agencies. There should be stiff sanctions against fraud and against the practice of charging workers excessive placement fees, while providing incentive for good performance and cutting down lengthy bureaucratic procedures through such measures as establishing “one-stop” contract registration processing centres (*ILO 2003*).

Despite major barriers to migration, irregular migration has grown in recent years in Asia due to, among others, restrictive labour migration policies which are not in line with labour market needs. There is consensus that irregular migration is undesirable and must be minimised particularly as it often results in putting workers in a position of vulnerability to violation of their basic human rights.

Until the first war, international migration played a key role in the integration of economies on both sides of the Atlantic. After the Second World War, migration of workers contributed to economic and social integration between countries in South and North. During both these periods, labour went hand in hand with capital mobility, and migration was key factor in the globalisation of economies. International migration now seems to be excluded from the new process of globalisation.

At the beginning of the twenty-first century, the total number of persons living outside their countries of origin worldwide was 175 million including 120 million migrant workers and their families according to the ILO estimates. It is estimated that 20 million African men and women are migrant workers and that by 2015 one in ten Africans will live and work outside their countries of origin. While migration is bound to grow and offers development opportunities for both countries of origin and destination as well as for individual migrant workers, ill-conceived or inadequate policies have led to a series of problems that are of direct concern to the International Labour Organisation and its constituents (UN, 2002).

It is surprising to know that the larger share of international population movements is in developing countries. The refugee burden is particularly heavy in developing countries, which receive nearly three-quarters of all officially-designated refugees and untold numbers of other forced migrants. In addition, the developing world contains

numerous magnets for economic migrants, including the newly industrializing economies of Asia; the oil-producing Middle East Gulf States; West Africa and-- increasingly--South Africa; and the Southern Cone, Venezuela, and Mexico in Latin America. While international migrants represent only a small fraction of the world's population, the impacts of these movements can be larger compared to the numbers who move. (ILO: 2003).

Who are these international migrants? They include people who have moved more or less "voluntarily" (e.g., short and long term workers ranging from unskilled labourers to highly skilled "professional, technical, and kindred" [PTK] workers), as well as those whose movement is in some sense "forced" (e.g., refugees and bona fide asylum seekers, and people who move for environmental reasons or "ecomigrants"). Included along this spectrum are many whose movement is a response to poverty and lack of employment at home.

Some are settlers, whose migration--whether undertaken legally or illegally--is essentially permanent; others have moved (at least initially) on a temporary basis. In general, migrants tend to be young adults. Again, it comes as a surprise to many that between 40 and 60 percent of all international migrants worldwide--and over one half of refugees--are women and girls. In some migration streams (such as those from Sri Lanka and Indonesia to the Gulf States), the majority of migrants in the 1980s were women.

Increased attention to the volume and directions of international population movements has been accompanied by growing awareness that migration is linked often in ways that are poorly understood to the process of development itself. Developing countries, which both send and receive the majority of international migrants, are trying to understand better the role of migration in the development process. Industrial countries, for their part, are examining the ways in which their trade, aid, investment, and development assistance policies affect and are affected by international migration, especially from developing areas. In the case of migration, globalisation and its dominating facet, foreign direct investment, may mean two opposing things. It can be viewed as the necessary complimentary between of movements of production factor labour and flows of capital and goods or, conversely, as an alternative to the movement of workers. In the first case, globalisation would

lead to the growth and diversification of migration flows, while in the second international trade and capital movements would substitute migration.

Beyond quantitative changes, the essence of new developments brought in by globalisation is the transformation of pattern of trades and productive systems. High skilled labours become more capital alike and is characterised through high international mobility, while movements of low skilled labour may become superfluous regarding rising capital portability.

Many developing country governments encourage international labour migration, more often implicitly than explicitly. By providing employment for both unskilled and skilled workers, emigration offers an outlet for domestic frustrations that might otherwise present serious political problems, and can produce large inflows of valuable hard currency remittances. The consequences of international migration for development (of development on migration) in countries of origin and destination remain hotly debated.

Many countries around the world are facing rapidly changing dynamics of labour migration. Migration pressures are increasing in all regions of the world. Migrant workers are often still subject to severe forms of exploitation in recruitment and employment, to forced labour, substandard housing, exclusion from social protection, and denial of many basic human rights.

All too frequently, national migration policies, legislation and practices are outdated. Many governments acknowledge that existing law and practice are manifestly inadequate to assure effective management of today's labour migration conditions.

During 2000 to 2001, a number of governments in Central and South-East Asia, the Caucases, the Persian Gulf and Latin America have asked the ILO to provide advice and technical assistance towards reformulation and modernization of labour migration legislation, structures, policies and practices. Our aim is to offer the relevant government a comprehensive review-analysis-recommendations package to address labour migration issues and needs, update legislation, policy and practices, and implement measures for effective management of labour emigration and immigration. The ILO International Migration Branch has the accumulated knowledge, expertise

and framework to respond to these challenges. It however, requires additional resources to provide adequate and timely cooperation to constituents.

2.1 International Migration from Demographic Perspective

The relationship between international migration and other demographic factors-- population size, population growth, age structure, and internal population composition--is neither simple nor deterministic. For example, popular views hold that high fertility in areas of migrant origin, juxtaposed with low fertility in areas of destination, is a major cause of international migration. Yet such differentials do not explain the greatest volume of migration, which is between developing countries, where both origin and receiving areas are characterized by high fertility and youthful age structures. Nor do they explain the significant volume of migration from Eastern to Western Europe -- both regions of low fertility.

This is not to say that demographic differentials are irrelevant, but rather that they create only the potential for international movement, and are only one among many sources of migration pressure or inducement. In the case of developing countries, high fertility coupled with declining rates of infant and child mortality has produced very "young" age structures. It is after a substantial lag of 15 to 20 years, as these successively larger groups of children reach the age of labour force entry, that the "expulsive" force of high fertility might be felt. Unless job growth is sustained at exceptionally high levels, the labour market for young adults becomes saturated, and relative incomes decline for this segment of the population. Typically this is accompanied by substantial rural-to-urban migration and, if circumstances permit, by follow-on migration to more favourable labour markets in other countries.

Similarly, low fertility in receiving countries may serve as a kind of inducement to international migration, if only indirectly and again with a long delay. In some countries with high in-migration, fertility rates are at extraordinarily low levels. In Germany, for example, the total fertility rate in 1993 was 1.4 children per woman; in Italy 1.3. Such low fertility rates may elicit pressures on governments from employers worried about future "labour shortages," or from politicians expressing collective fears of population decline, and may contribute to the adoption of explicit or implicit policies favouring openness toward substantial in-migration.

The magnitude of potential demographic pressures for international migration from developing countries is striking. According to ILO estimates made in the mid-1980s, in the two decades from 1970 to 1990, the economically-active population of the developing world increased by 59 percent, or some 658 million people. By comparison, the economically-active population in the developed countries increased by only 23 percent, or 109 million people. Over the two decades from 1990 to 2010, growth of the economically-active population in the developing world is projected to be considerably larger in absolute terms (733 million) and somewhat smaller in percentage terms (41 percent) than over the prior two decades. In contrast, the economically active population in developed regions is expected to increase by only 50 million people, or 9 percent. Even if high fertility in developing countries were to decline to moderate levels tomorrow, the demographic pressures for migration would continue for several decades.

2.2 Theories Regarding International Labour Migration

There is no single, well-developed theory of international migration. In view of this state of the art and the recent growth in transborder population movements, the International Union of Social Scientists in Population (IUSSP) has formed a Committee on South-North Migration, which is systematically examining international migration theories, their assumptions, supporting evidence, and policy implications.

Among the various models attempting to explain why international migration begins, five major approaches can be discerned:

- Neoclassical economics: macro theory (arguably the body of theory most familiar to World Bank staff) views geographic differences in the supply and demand for labour in origin and destination countries as the major factors driving individual migration decisions. Among the assumptions of this model are that international migration will not occur in the absence of these differentials, that their elimination will bring an end to international movements, and that labour markets (not other markets) are the primary mechanisms inducing movements. Government policy interventions affect

migration by regulating or influencing labour markets in origin and destination countries.

- Neoclassical economics: micro theory focuses on the level of individual rational actors who make decisions to migrate based upon a cost-benefit calculation that indicates a positive net return to movement. In this approach, human capital characteristics that raise the potential benefits of migration, and individual, social, or technological factors that lower costs, will lead to increased migration. Differences in earnings and employment rates are key variables, and governments influence migration through policies that affect these (e.g., through development policies that raise incomes at the point of origin, decrease the probability of employment at destination, or increase the costs of migration).
- The new economics of migration views migration as a family (i.e., group) strategy to diversify sources of income, minimize risks to the household, and overcome barriers to credit and capital. In this model, international migration is a means to compensate for the absence or failure of certain types of markets in developing countries, for example crop insurance markets, future markets, unemployment insurance, or capital markets. In contrast to the neoclassical models, wage differentials are not seen as a necessary condition for international migration, and economic development in areas of origin or equalization of wage differentials will not necessarily reduce pressures for migration. Governments influence migration through their policies toward insurance, capital, and future markets, and through income distribution policies that affect the relative deprivation of certain groups and thereby their propensity to migrate.
- Dual labour market theory holds that demand for low-level workers in more developed economies is the critical factor shaping international migration. To avoid the structural inflation that would result from raising entry wages of native workers, and to maintain labour as a variable factor of production, employers seek low-wage migrant workers. In this model, international migration is demand-based and initiated by recruitment policies of employers or governments in destination areas. Wage differentials between origin and destination areas are neither necessary nor sufficient conditions

for migration. The options for government policy intervention to affect migration are limited--short of major changes in economic organization in destination areas.

- World systems theory focuses not on labour markets in national economies, but on the structure of the world market--notably the "penetration of capitalist economic relations into peripheral, no capitalist societies," which takes place through the concerted actions of neo-colonial governments, multinational firms, and national elites. International migration is generated as land, raw materials, and labour in areas of origin is drawn into the world market economy and traditional systems are disrupted. The transports, communications, cultural and ideological links that accompany globalization further facilitate international migration. In this view, international migration is affected less by wage or employment differentials between countries than by policies toward overseas investments and toward the international flow of capital and goods.

As the IUSSP Committee stresses,"...the conditions that initiate international movement may be quite different from those that perpetuate it across time and space....new conditions that arise in the course of migration come to function as independent causes themselves...[making] additional movement more likely, a process known as cumulative causation." Several theories address the perpetuation of international movements:

- a) Network theory stresses that migrant networks serve to reduce the costs and risks of international migration and thus to increase the likelihood of movement. The development of such networks are often facilitated by government policies toward family reunification and, once started, migrant networks can make international flows relatively insensitive to policy interventions.
- b) Institutional theory points to the fact that once international migration has begun, private and voluntary organizations develop to support and sustain the movement of migrants. These include a variety of legal and illegal entities that provide transport, labour contracting, housing, legal and other services, many of which have proven difficult for governments to regulate.

- c) Cumulative causation theory holds that, by altering the social context of subsequent migration decisions, the establishment of international migration streams creates "feedbacks" that make additional movements more likely. Among the factors affected by migration are the distribution of income and land; the organization of agricultural production; the values and cultural perceptions surrounding migration; the regional distribution of human capital; and the "social labelling" of jobs in destination areas as "immigrant jobs." Again, once a "migration system" has developed, it is often resistant to government policy intervention.

The IUSSP Committee concludes that theories regarding the initiation or perpetuation of international migration need not and should not be viewed as contradictory or mutually exclusive. Rather, "it is entirely possible that individuals engage in cost-benefit calculations; that households act to diversify labour allocation; and that the socio-economic context within which these decisions are made is determined by structural forces operating at the national and international levels. The task of assembling and evaluating the empirical evidence to support, refute, or refine these theoretical approaches is currently in progress.

2.3 International Migration from Labour Perspective

In many countries of destination, international migrants are an important source of labour supply to ease manpower constraints and facilitate rapid economic growth. This was the case in Western Europe during the post-World War II years up to 1973-74; it continues to be the case in the Arab Gulf, and in burgeoning Asian economies such as Malaysia's. The effects of migrants on the employment of natives continue to be a subject of debate, probably because those effects vary, not only by country but also by sector, occupation, and type of migration. For example, while there has been little evidence of negative effects in selected U.S. labour markets (largely because migrants and natives were complements), one recent study showed negative wage effects among blue collar workers in Germany. However, empirical evidence on the issue is sparse, especially so for developing countries.

The costs and benefits of international migrants for social services and entitlements, similarly is hotly debated. On the one hand, migrants tend to have high rates of

employment and, where taxation systems function, of tax contributions. On the other hand, it is argued that migrants impose costs through their use of social welfare, health, and education services. Studies of these issues yield conflicting results; most are confined to developed countries, and few if any apply longitudinal cost-benefit methods of analysis.

Although labour migration has been limited for over 25 years in developing countries, the foreign labour force has significantly increased during this period. The apparent paradox points to the fact, in many developing countries, large numbers of foreign workers entered the host country as family members—now the largest share of migration flows in OECD countries—or refugees.

In a climate of growing policy restrictiveness, policies reflect an evolution towards greater selectiveness, favouring the groups of individuals and people who meet specific labour needs, such as those in science and technology, those with skills considered in short supply in the labour market, those who are able to bring in capital.

2.4 Causes and Consequences of International Labour Migration

The causes of international migration are multiple and, for any given country, change over time. Understanding those causes, identifying what—if any—issues they raise for migrants and their countries of origin and destination, and determining appropriate and effective policy options for addressing such issues needs to be done on a country-by-country basis.

Consequences in countries of origin: Many developing country governments have encouraged international labour migration, more often implicitly than explicitly. Such countries include Turkey, the Philippines, South Korea, India, Pakistan, Bangladesh, Sri Lanka, Jamaica, Cuba, Barbados, Mexico, El Salvador, and Nicaragua. Their reasons are multiple. Emigration can provide relatively well-paid employment, especially attractive for governments struggling to keep pace with rapid labor force increases. In some countries (Egypt, Sri Lanka and India are prominent examples), educational systems are producing numbers of highly-educated graduates far in excess of domestic demand for such persons. By providing employment for both unskilled and skilled workers, emigration offers an outlet for domestic frustration that might

otherwise present serious political problems, and can produce large inflows of valuable hard currency remittances. Moreover, some governments have welcomed, if not encouraged, the emigration of selected ethnic groups and political dissidents.

At the same time, sending country governments express concern that emigration deprives these nations of their best human resources, represents a transfer of educational investment from poor to rich countries and leads to abuses or exploitation of their workers. Out-migration can also pose the risk of rather serious and sometimes dramatic economic problems and the need to make sudden adaptations when migrants return unexpectedly and in large numbers, as occurred in the aftermath of Iraq's incursion into Kuwait in 1990.

The consequences of international migration for development (and the effects of development on migration) in countries of origin remain hotly debated--and poorly understood. The positive links are most clear over the long term, as illustrated historically by countries such as Sweden, Germany, and Britain, and more recently by "transition cases" such as Italy, Greece, South Korea, and Taiwan, all of which went from being countries of emigration to countries of in-migration. Over the short term (10 to 20 years), it has proven difficult to demonstrate empirically any "automatic mechanism" by which international migration results in development. At the same time, there is evidence that rapid and successful development may increase emigration in the short term.

Although the poorest seldom have the means to migrate, remittances have been shown to play an important role in poverty alleviation for migrant households and in sub-national areas of out migration. The consequences of remittances for income inequality depend greatly on the income composition of a given migrant stream. Inequality may increase if migrants are concentrated in upper-income households, but may have a neutral effect where migrants are fairly evenly distributed across income levels.

The consequences of migration for labour markets and human capital in countries of origin are multiple and most often context-specific. It has been difficult to demonstrate absolute reductions in unemployment as a result of international migration, but emigration does appear to play an important role in absorbing labour

force growth. Whether or not emigration constitutes a "drain" of workers at any skill level sufficient to hinder the development process depends upon the availability of human and other resources to fill the gap. Similarly, migration may or may not contribute to the acquisition of skills abroad. It is more clearly evident, however, that migration and remittances improve the ability of migrant families to educate and provide health care for their children.

Consequences in countries of Destination: Migrant-receiving countries are a heterogeneous lot, and generalizations about the consequences of international migration for them as a whole are difficult to make, especially given that migration patterns and reactions to them change over time and with changing circumstances. Arguably the most universal consequence is that international population movements--however small--can alter the ethnic, racial, cultural, and sometimes the political composition of receiving societies. While these diverse populations are often successfully integrated, they may also contribute to social conflict and, in extreme cases, violence against migrant groups.

2.5 Problems Faced by Migrant Workers in Sending Countries

In Philippines there is little or no employment opportunity in the home country, or there is only an under-employment opportunity. Workers must pay a placement fee to a local employment agency or a special fee to their own home government. Workers often must borrow money at high interest to pay these fees.

Similarly in Thailand, there is need for pre-departure orientation programs for Thai workers who wish to go overseas for work. The Ministry of Labour does have programs in operation to facilitate the process. The problem is an insufficient budget for pre-departure orientation programs and proper administration. The bureaucracy set up to handle the growing number of interested Thai candidates for jobs abroad is also very complicated and the process is very time consuming.

This has been further complicated by a burgeoning number of private job placement agencies that have found that it is very profitable to step into the system and offer their services to Thais who want quick jobs abroad. These job brokers travel to village after village offering quick overseas employment and present a picture of instant wealth to villagers who are very vulnerable to their spiel. The condition for such

employment, of course, is paying the broker a placement fee. The official fee is roughly 60,000 baht (c. US\$1,350) but in fact the amount being paid fluctuates according to the demands of the job broker and the gullibility of the job-seeking workers. Often the figure is closer to three times the official quota.

Contracted work overseas is rarely long-term. Usually the work contract lasts two years. For the worker to recoup the amount of money paid to the broker as a placement fee a full two years is virtually essential and, even so, any meaningful profit requires a good deal of overtime work.

There is much activity at present at the Ministry of Labour to update their procedures to be more relevant to the situation and more protective of the workers seeking overseas employment.

Thai overseas workers tend to be non-confrontational to employers, hard working, and docile so they are in demand. The Thai government actively promotes overseas jobs and tolerates the job brokers' involvement.

2.6 Globalization and Regional Integration in Asia

Migration and management of labour migration are now acknowledged as central issues of concern for governments and social partners worldwide. Recent ILO figures indicate that there are some 5 to 7 million migrant workers and their dependents outside their countries of origin across Asia and another 8-9 million in the Middle East, the majority from Asia (www.ilo.org).

An increasing number of governments have recognized the need to establish, modernize or improve their legislation, policies, practices and administrative mechanisms to address migration issues, particularly labour migration.

Initial emphasis has been on migration control. Visa requirements, increased border controls, monitoring and other mechanisms have been strengthened in Asian countries, some of which have historically experienced considerable cross-border movements.

2.7 Major Concerns in Asia

Economic development, trade, and labour dimensions of migration have been identified as important concerns by a number of Asian countries. How does labour migration contribute to development? What benefits can labour mobility confer on regional economic integration? How can States ensure appropriate attention to employment standards and other measures to discourage irregular migration and unfair competition with national workers? What costs does the loss of skills and talent "brain drain" incur for some countries?

Labour migration is of major economic and social interest for a number of countries in the region. Migrant remittances represent a significant portion of foreign exchange earnings for Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka and Vietnam, among others (worldwide, a total of 73 billion dollars per annum, second only to petroleum). For several industrializing countries in the region migrants provide a significant portion of their semi-skilled and/or unskilled labour needs.

For some States in Asia and elsewhere, the loss of skilled workers and trained professionals through emigration represents a serious threat to development efforts. A regional approach to migration must enhance the beneficial aspects and at the same time develop mechanisms to encourage the retention or return of talent.

Migrant workers in host countries in Asia and the Middle East face extensive abusive and exploitative situations according to many reports. Application of human and labour rights norms to non-citizens is inadequate or seriously deficient in many countries in the region, particularly as regards irregular migrants, those without authorization to enter or remain in the country.

Increasing migration pressures coupled with stronger control measures has contributed to growth of smuggling and trafficking of migrants. Trafficking in migrants has been given considerable visibility in inter-governmental fore, in the news media, and by governmental and non-governmental organizations in Asia. Women and children are especially victimized; many are trafficked into conditions of slave labour and/or forced prostitution.

Experience in various countries has demonstrated that enforcement of minimum labour and workplace standards serves as an effective deterrent to irregular migration and employment by discouraging sub-standard exploitative conditions that make utilization of unauthorized foreign workers attractive to certain employers and that render such employment uncompetitive for national workers.

2.8 New Needs and Challenges

The rapid expansion of concern by governments and social partners across Asia regarding labour migration presents a major challenge for ILO. The unique specialized experience and expertise of ILO and its values and standards-based approach should be the basis for shaping national and regional labour migration management policy and practice in Asia.

However, given limited resources, a strategic ILO approach and close cooperation between the International Migration Branch (MIGRANT) and field offices is required to ensure that indeed ILO meets this broad challenge and responds effectively to government and social partner need for information and analysis, policy orientation, technical advice and assistance and programmatic cooperation in effective labour migration management and protection of the rights and dignity of migrants.

2.9 History of International Labour Migration in the Nepalese Context

Nepal has also long history of International Labour migration. Around 200 years ago, Nepalese started to seek work abroad and send remittances back to their families in Nepal. In early 19th century, for instance, the first men migrated to Lahore (in today's Pakistan) to join the army of the Sikh ruler, Ranjit Singh. They earned the nickname "Lahure" which is still used today for Nepalese employed in foreign armies abroad. In 1815/1816, the first British army of India and were then, and still are called "Gurkhas". Since then, international labour migration of Nepalese has never ceased. Especially in the recent decades, it has greatly increased and diversified in pattern (*NIDS, 2004*).

The Nepalese government now intends to actively promote international labour migration and to safeguard the interest and welfare of migrants. Only a few initiatives have been taken so far. Among these are bilateral talks with the governments of the

Gulf States in order to increase the number of posts for Nepalese and to increase security as well as to improve the conditions of employment of the migrants. Furthermore the government is trying to regulate the procedure of recruitment. It is therefore listed a number of Gulf States and Asian countries to which Nepalese workers may be recruited officially and defined conditions for registered recruiting agencies, including the condition that these have to be based in the Kathmandu valley, that is, in or near the capital.

Numerous cases of intolerable sufferings of Nepalese migrant workers have been found abroad. It is bitter reality that Nepalese workers are accepted in East and South East Asia as well as Gulf countries only because they are cheap and they do whatever job they get. Most of them are educated male and female from middle and lower middle class families who go abroad with a hope to earn much within a short period of time. The large number among them works illegally. Nepalese whether by training visa or by illegal measures, used to reach their destination countries after paying considerably huge amount to the middle man or the so called employment agencies. They are generally forced to work under '3-Ds' (Dangerous, Difficulty and Dirty) conditions.

As a response to physical and sexual abuse of women migrants to the Middle East, in 1998 the His Majesty's Government of Nepal officially banned female migration of Gulf States. The migration of female is a bit restricted. To obtain a passport a women have to produce a permission letter from their guardian, that is, from their husband if they are married or from their father if they are unmarried. Further ideas of the government, with the objectives to promote international labour migration, which have not yet realised, are (1) the creation of a 'foreign employment bank' which should replace the informal channels that are now used for remittances, and (2) creation of revolving fund which will provide collateral free loans to individuals from deprived sections of society

For all households involved in the migration is the lack of opportunities in Nepal for employment and for secure livelihood strategies that leads to migration whether within the country, within the region or overseas. Household that are poor have less

choice with regard to migration opportunities and the very poorest households are the most vulnerable when it comes to illegal migration and various forms of trafficking. The recent Maoist insurgency also basically reflects frustration of youth with poverty and lack of opportunities, which is again exerting migration pressure from the affected areas to other parts of Nepal or overseas, particularly India (ILO-DFID, 2002).

2.10 Previous Research Works on International Labour Migration

Various researches have been conducted internationally on the issue of international labour migration but in the Nepalese context, it is found that very few researches/studies have been conducted to analyse the overall situation of labour migrants. Some of the prominent one found during this research are as follows;

- David Seddon of University of East New Anglia has been involved in some research works on the issue of labour migration. His recent article in an website (www.migrationinformation.org) is published under the tile of “Nepal’s dependence on Exporting Labour”. He has also been involved in other number of researches/studies in association with Nepal Institute of Development Institute (NIDS)
- Prominent Research Work by NIDS is “New Lahures” published in the year 2004.
- Similarly UNIFEM, HMG/Nepal and SAMANATA have conducted a rapid assessment social investigation under the tile of “Policies, Service Mechanisms and Issues of Nepali Migrant Women Workers” in the year 2003.
- Dr. Bal Kumar K.C. In his article “Migration Poverty and Development in Nepal” published in Asian Pacific Migration Journal has also mentioned the issues of International Labour Migration.
- Ganesh Gurung of NIDS has prepared a report on the “Patterns in Foreign Employment and Vulnerability of Migrant Workers” in 2002.
- ILO-DFID mission to Nepal on migration in 2002 was prepared a report for “Managing Foreign Employment in Nepal: Issues, Challenges and Strategies”

2.11 Conceptual Framework

Very rare dissertations are found on the issue of Nepalese international labour migration even though the limited literatures and specification studies on this issue made a difficult task to perform. Despite of those lacking, this study tries to identify the features, characteristics, levels and trends of the Nepalese international labour migration on the one hand and the prevailing national and international policies existing on behalf of the rights of labour migrants abroad on the other. Based on the various theories, laws, and the social structure of the Nepalese society, the concept of this research work can be summarised in the following ways:

- According to the Neo-classical economic theory, Dual labour market theory and others, this research work aims to find out the demand and supply of labour from the low economies to the higher economies.
- It is also observed the labour policies in different labour sending and receiving countries which can guide to evaluate the existing Nepalese policies on the issues of labour migration.
- The causes and consequences of international labour migration in different labour sending and receiving countries will also guide to contextualise this research in the Nepalese context.
- The history of labour migration in the context of Nepal is found to be an old phenomenon but the concentration of labour migrants has changed after the restoration of democracy in 1990. No proper policies were needed in the past but these days the voice for protecting the rights of the migrant worker from the national and international community has increased significantly. So this research work is intended to respect the international provisions on the issue of migrant workers and formulate better labour migration policies and programmes in the Nepalese context.
- The main concern of this dissertation is to reflect the reality of Nepalese international labour migration scenario and alert Nepalese government and concerned authorities to be more focused on the management of labour migration.

2.12 Research Questions

On the basis of the above review of literature and conceptual framework the following research questions were set:

- i. What are the level, trend and concentration of Nepalese labour migrants excluding India?
- ii. What are the national and international instruments on the issue of labour migration?
- iii. What are the issues and challenges on labour migration?

To fulfil the above research/study questions numbers of observational analysis are dealt in Part III and IV of the research/study. Part three is about observational analysis of volume and trend of Nepalese labour migrants, observation of national policies and acts and other international instruments on the issues of migrant workers, where as the part IV is about situational analysis on the basis of primary sources of information.

CHAPTER-III

POLICIES AND LAWS

3. Analysis of Existing Policies Regarding Foreign Employment in International Arena

While talking about policies and laws it is essential to observe national as well as international policies that deals the issues of foreign labour migration. This chapter has approached to reflect most of the national and international provisions especially the instruments declared by UN, ILO and government's foreign employment act of Nepal.

3.1 The UN International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families

The convention was adopted by the United Nations General Assembly Resolutions 45/158 of 18 December 1990. The convention opened a new chapter in the history of efforts to establish the rights of migrant workers and to ensure that those rights are protected and respected. It is a comprehensive international treaty, inspired by existing legally binding agreements, by United Nations human rights studies, by the conclusions and recommendations of meetings of experts, and by the debates and resolutions on the migrant worker question in United Nations bodies over the past two decades (<http://www.unhcr.ch/html/menu6/2/fs24.htm>). And the basic features of this convention are;

- It addresses the treatment, welfare and rights of this specific group of people
- provides and internationally recognised definition of “migrant worker” and certain categories of migrant workers
- Considers migrant workers as more than economic entities or labourers. They are social entities with families
- Recognises that migrants have human rights regardless of their legal status, whether they are documented or undocumented. It defines human rights of migrant workers whether legal or illegal, and also defines other rights, which are applicable only to migrant workers in a regular situation.

- Seeks to establish minimum standards for the protection of legal, political, economic, civil, social and cultural rights for migrant workers.
- Recognises the importance of women as migrant workers in their own right
- Recognises the complexity of the situation migrant workers face in the contemporary world
- Provides the definitions for specific categories of migrant workers-such as “frontier workers”, “seasonal workers”, “project-led workers” and self-employed workers”
- Does not propose new human rights exclusively for migrant workers, but draws attention to the dehumanisation of migrant workers and members of their families.
- Outlines duties of all states, specifically those belonging to sending states and states of employment.
- Requires states to take appropriate measures against those who organise illegal migration and to impose sanctions on those who use violence, threats or intimidation against migrant workers.

Like all other international human rights agreements, the convention sets standard which create a model for the laws and the judicial and administrative procedures of individual states. Governments of state which ratify or access to the convention undertake to apply its provisions by adopting the necessary measures. They undertake to ensure that migrant workers whose rights have been violated may seek judicial remedy.

The convention provides that States must respect the basic human rights of all migrant workers. They must also prevent clandestine migration for employment and stop manpower trafficking activities. Furthermore, states must declare and pursuer a policy to secure equality of treatment in respect of matters such as employment and occupation, social security, and trade union and cultural rights.A total of 29 countries has ratified this convention till 2005 May. Nepal has still not ratified this convention.

3.2 Other International Conventions and Conferences

ILO Migration for Employment Convention of 1949 (No. 97): The convention provides the foundation for equal treatment between national and regular migrants in

recruitment procedures, living and working, access to justice, tax and social security regulations. It sets out details for contract conditions, participants of migrant in job training or promotion and deals with provisions for family reunification and appeals against unjustified termination of employment or expulsion and other measure to regulate the entire migration process.

ILO Migrant Workers (supplementary Provisions) Convention of 1975 (No. 143): The convention was elaborated at a time when concern about irregular migration was growing. It sets out the requirements for respect of the rights of the migrants with an irregular status, whilst providing for measures to end clandestine trafficking and to penalise employers of irregular migration.

The world conference on human rights held at Vienna in June 1993 in its Declaration and Programme of Action urged all States to guarantee the protection of human rights of all migrant workers and their families. The conference also stated that the creation of conditions to foster greater harmony and tolerance between migrant workers and the society of host States was of particular importance.

The International Conference on Population and Development (ICPD), held at Cairo in September 1994, dealt with migration issues and, in particular, with the question of global migration. In chapter X of the Programme of Action which it adopted, the conference called for a comprehensive international approach to dealing with international migration. Among the areas requiring action, the conference identified mainly the root causes of migration and called for measures to deal with documented, as well as undocumented migrants.

World Summit for Social Development, held at Copenhagen in March 1995, states committed themselves, at the international level, to ensure that migrant workers benefits from the protection provided by relevant national and international instruments, to take concrete and effective measures against the exploitation of migrant workers and to encourage all states to consider ratifying and fully implementing international instruments relating to migrant workers.

The fourth World Conference on Women, held at Beijing in September 1995, paid considerable attention to the situation of migrant women. In the platform of action, which it adopted, the conference called on states to recognise the vulnerability to violence and other forms of abuse of women migrants, including women migrant workers, whose legal status in the host states depends on employers who may exploit their situation. It also urged governments to establish linguistically and culturally accessible services for migrant women and girls, including migrant workers who are the victims of gender based violence.

Similarly, International Labour conference 2004 adopted a plan of action to ensure that migrant workers are covered by the provision of international labour standard. Framework accepted in the conference will comprise international guidelines between sending and receiving countries that address different aspects of migration; promoting decent work of migrant workers; licensing and supervising agencies for migrant workers; preventing abusive practices migrant smuggling and trafficking in persons; protecting their human rights and preventing and combating irregular labour migration.

The plan also covers specific risks for all migrant workers-women and men-in certain occupations and sectors with particular emphasis on dirty, demeaning and dangerous jobs and on women in domestic service and the informal economy. It also seeks to labour inspection, create channels for migrant workers to lodge complaints and deals with policies to encourage return migration, re-integration into the country of origin and transfer of capital and technology by migrants.

3.3 Government Policies Regarding Migrant Workers in other Asian Countries (both sending and receiving countries)

3.3.1 Hong Kong

Anti-Migrant Policies- The Hong Kong Government has a dualistic policy in dealing with foreign workers: Expatriate professionals, info-tech specialists, business people, academics and other high-skilled expatriates are enticed to come to Hong Kong where they are treated in high respect. Aside from company perks and benefits enjoyed by expatriates, the immigration policies pertaining to them are very liberal: after working

for a continuous period of seven year, the professional expatriates can claim the right of residence. Also, while being employed, they can bring in their spouse and dependents. They can shift to other job categories. Once terminated, they can quite freely seek other jobs without being subjected to the "two week rule" (explained below).

Labourers and other so-called low-skilled migrants, e.g., FDWs and construction workers, are allowed in legally, although with restrictions and quota ceilings.

FDWs and migrant labourers are placed under highly restrictive immigration controls which the low-skilled workers undergo. The NCS policy ("two week rule") began in 1987, purportedly to stop FDWs from abusing their employment in Hong Kong by moving from one employer to another. The basis has long been challenged by migrants as outrageous, since FDWs are typically the victims of arbitrary termination by employers. Once out of work, the FDW their visa will expire in two weeks. Once terminated, they are virtually thrown out onto the street, with no place to stay, any money or source of income, no insurance, and not allowed to take new employment until her papers (most all are women) are processed anew. It is also the practice of some employers even to manufacture up false charges, e.g. theft (like planting money in their belongings and calling in the police) to legitimize the unceremonious expulsion of the FDW.

The process of applying for a new visa (If they are able to find a new employer within two weeks) depends greatly on a good letter of reference and upon the verbal word of the previous employer. So, in effect, for most cases, they have to return to their homeland and save up money to apply thru an agency again.

Since the early 1990s, many NGOs and other groups have campaigned for the scrapping of the NCS policy. Nonetheless, the Immigration Department and Employers' Association has stuck adamantly to this discriminatory policy.

Removal of migrants' minimum wage, thus allowing an institutional wage discrimination policy based on FDWs nationality (like in Singapore).

Labour Policies: Foreign Domestic Workers (FDWs) are on probation for the first few months of their employment. During that probationary period, they can be fired for any reason.

FDWs are covered by a minimum wage policy and a standard employment contract issued by the government. The contract spells out the wages, benefits, terms of employment and the responsibilities of both the FDW and the employer.

However, reality speaks a different story as many FDWs are denied the right to claim these benefits. Some of the most prevalent problems faced by FDWs are underpayment of wages, denial of days off, inhuman treatment, and exorbitant agency fees. Aside from contract violations, FDWs are also subjected to discriminatory treatment especially in shops, markets and in public in general.

3.3.2 Japan

A new law regarding overstayers went into effect on February 18, 2000. It is estimated that there are about 250,000 overstayers in Japan. If the overstayer is deported, he/she cannot reapply for entrance to Japan for 5 years. However, there was a case in January 2001 where a Filipino overstayer (for 12 years) married Japanese. He was granted legal status in Japan.

3.3.3 South Korea

Policies Related to Migrant Workers in Korea: The Alien Industrial Technology Training Program (AITTP) was established in 1991. It allowed trainees from third world countries to learn industrial skills and technology. Through AITTP, entry of workers became legal with three types of Trainee programs:

Joint Venture: A Korean company, through the Ministry of Trade, enters into an agreement with a foreign company whose business is compatible or complementary to the business of the Korea partner.

Technology Cooperation Program (TCP): Korean companies to send trainees in order to learn technical developments.

Korean Federation of Small Business (KFSB): Factories in Korea bring in foreign workers because of shortage of local manpower.

Many of the NGOs in Korea are trying to abolish the present "trainee" visa system of the government. It degrades the background and skilled training of those who come to Korea. For those unskilled workers, it puts them on lower footing than their Korean counterparts doing the same job with the same amount of training. Also, seeing the higher pay and greater freedom of movement, which undocumented workers enjoy, many trainees are tempted to "run away."

3.3.4 Taiwan

The Taiwan government is business/employer friendly. It does not favour the migrants but it wants them to come to Taiwan because their wages are far below those of local workers. In Taiwan many factories are going bankrupt with migrant workers being sent home without severance pay, unpaid overtime and the forced savings of up to 30% of their earned wages. Vietnamese migrant workers must pay 12% taxes on their overseas earnings to their home government.

Taiwanese law does not protect migrant workers who are undocumented. Once captured, they must pay taxes on 160% of the minimum wage for the period of time they have been in Taiwan whether they were employed or not. The Labour Standards Law does not cover domestics, caregivers and fishermen. The Taiwan government cannot force the employer to follow the Labour Standards Law (LSL). There is no rule of law in Taiwan. A legal system requires that laws are enforceable, enforced, orderly and uniform. These qualities are lacking in Taiwan's legal system.

3.3.5 Thailand

Thailand Policy Relating to Migrant Workers: The Ministry of Labour is mandated to deal with Thai workers who wish to go overseas for work and the Ministry does have programs in operation to facilitate the process. The problem is insufficient budget for pre-departure orientation programs and proper administration. There is much activity at present at the Ministry of Labour to update their procedures to be more relevant to the situation and more protective of the workers seeking overseas employment.

Undocumented residents in Thailand are officially seen as "illegal" and this translates into being "without protection under Thailand's Labour Law". They are paid well below the standard minimum wage, can be fired without cause, can claim no medical compensation, are not protected by any limit on hours of work, and are constantly in fear of police who demand bribes for not arresting them. This reality extends also to the families of undocumented alien workers residing in Thailand. These families cannot legally rent or buy housing. They have only limited access to schooling for their children. They are subject to arrest and deportation at any time.

Officially, the Thai government sees these undocumented aliens as a threat to the society and security of Thailand, as taking jobs away from Thai workers, and as an intolerable burden. Thai government officials would insist that all these workers should be deported at once. And there have been periodic efforts to do just that. However there is enormous pressure put on the government by the powerful Thai business lobby that claims that the Thai economy, especially in the areas of fishing, agriculture, construction, and small / medium industry, would shut down overnight if this source of cheap and willing labour were lost.

Therefore there is a vicious cycle of conflicting policy. Forced deportation is followed by a period when the government relents and gives in to the demands of powerful business interests. This works for a while and then there is another period of deportation and so on.

There are many obvious problems with this present process. Employers think that the fee is too high. Six months, even one year's employment, is not enough time to job-train the workers. There is no assurance that the workers will return willingly to their native countries afterwards. There is no assurance that the registration will stop the inflow of new migrants.

3.4 National Scenario

3.4.1 Nepalese Foreign Employment Act-2042

The foreign Employment Act-2042 is the act no 26 of the year 2042 and the date of Royal Seal and Publication are on 2042/7/14/4. This is act made to provide for the

matters relating to foreign employment, which was first amended on 2049 B.S. The basic features of this act can be summarised as follows;

- It deals about licence process of employment agency and foreign employment enterprises
- Provision of prior permission to be taken by the licence holder employment agency
- Provision of giving public information to the potential migrant workers through the advertisement
- Compulsory involvement of government representatives during the selection process of the workers
- Justifiable contract mechanism between the recruitment agency and the worker
- Counselling: The recruitment agency should provide information on the subject of the country to be visited by the worker. The information includes geographical location, culture, labour laws as well as economic, political and social conditions of the concerned country
- Complain Mechanism is also provisioned for the benefit of the worker: If the employment agency has not fulfilled its contract responsibility or licence-holder who has not taken necessary and appropriate action to make the contract conditioned fulfilled
- Compensation- The licence holder or employment agency has to provide compensation to the worker in case they could not find contracted job or any exploitation or injuries occurred by the worker

Current act on foreign employment act in most senses a control oriented. The preamble of Foreign Employment Act-2042 has specified that the idea behind this act of to regulate and manage foreign employment from the government level. The act came in practice in 1985 and foreign employment was quite new working area of the government. The manpower agencies were not experienced and other private sector institutions were not capable enough to work on foreign employment.

Shankar Nepal, Section officer in the Labour and Employment Promotion Department said “Control mechanism on foreign employment is government’s obligation to reduce the exploitation of migrant workers”. Some other Asian countries like

Philippines and Sri Lanka are also adopting control mechanism though the private sectors are also in very powerful position.

The control mechanism in one way is good for the welfare of migrant workers but on the other hand it has some practical problems. Licence-holder recruitment agency in most the case work with time constraint and they should supply the workers in the specified time of foreign companies. But in some cases, as mentioned in the Foreign Employment Act, due to the long administrative process will hinder the recruitment companies to send the workers on time.

Government is now in the process of formulating new employment act and migration policy separately, which is under discussion. Proposed new employment act and migration policy are the output of second labour conference organised by the Ministry for Labour and Transport Management. These policies will come out as in improved form than the existed control oriented Foreign Employment Act- 2042 and the National Labour Policy-2056.

3.4.2 National Labour Policy 1999

National Labour Policy (NLP) 1999 (2056) has dealt the government policies and programmes on different labour issues where the issue regarding the promotion and reliability of international labour migration is also highlighted to some extent. The provision mentioned in the NLP on the issues of international labour migration is like a complementary action to increase the effectiveness of Foreign Employment Act-2042.

While observing the document, the last point in the objective section of the policy is dealt about foreign employment service profession. The provision is “by providing continuity to foreign employment service profession, special attempts shall be made for its institutional development”

Similarly, in the policy section of NLP, under the “Employment Promotion, Trainings and Human Resource Development” has mentioned about foreign employment stating that “to increase foreign employment and to make reliability on it, appropriate

changes and amendment on prevailing Foreign Employment Act and Policy to encourage foreign employment company shall be adopted”.

The working policy section of NLP four major policies regarding migrant workers is incorporated. The policies are

- For the protection of rights and security of Nepalese workers in foreign country, diplomatic mission of Nepal, to the countries where the greater possibility of foreign employment exists and other government agencies shall be mobilised and in addition labour attaché shall be kept according to necessity
- For the expansion of foreign employment and increment of the reliability of its business, a high level advisory committee shall be constituted with the participation of Ministry of Labour, Home, Finances and National Planning Commission and foreign employment entrepreneurs’ organisations
- For the development of foreign employment, if necessary, foreign employment institution shall be established, with the participation also of the private sector and
- To encourage the skilled human resources to the self employment or foreign employment, the programme to expansion the self-employment and foreign employment shall be preceded as campaign by providing loans at the concession rate without security.

In the filed wise working policy of NLP 1999 under tile of “Training, Employment and Skills Development” has emphasised “to create environment to send Nepalese worker in maximum number to maximum countries for employment be expanding foreign employment worker” and for this purpose, the programme of sending Nepalese workers in the foreign employment as skilled labour shall be given, and the involvement of private sector in the training programme are also included.

Provision regarding the rules and regulation of NLP especial emphasis has given to establish bilateral labour relation committee in the enterprise level. At the same section the ratification of the important conventions amongst the convention passed by the International Labour Organisation (ILO) is also stated.

By observing all these provisions and policy oriented activities of NLP it is found that the government looks very sincere and dedication to increase the effectiveness of

international labour migration. Nepalese government is accepted the importance of foreign labour migration in our context and the sincerity of government is reflected in NLP.

3.4.3 Institutional Arrangement

Institutional arrangement in the government level is also vital for the promotion of foreign labour migration. As per the information of concerned government official in the Labour and Employment Promotion Department, Ministry for Labour and Transport Management is responsible for designing the policies and programme regarding the subject of foreign labour migration and the Labour and Employment Promotion Department (LEPD) is working as a key implementing agency of government policies and programmes. Major work of LEPD is to provide work permission to the manpower agencies and verify the documents of labour migrants. It also gives due consideration to judge the cases of falsification. The cases of falsification is monitored and judged by the LEPD in Kathmandu valley and by the labour offices in other districts out of Kathmandu valley.

The license process of also not very complicated and no specific technical experiences is needed for the foreign employment enterprises. In the first stage, the employment agencies need to be registered in the “Office of Company Register” under the Ministry of Industry and Commerce. Then a licence for work permission is issued by LEPD. Each company has to submit a police report, 2.5 million rupees as a fixed bail bond and ten thousand rupees as service charge to obtain a licence. The company should also pay rupees five thousand as a renewal fee in each fiscal year.

The National Labour Policy-1999 has made a provision for the formulation of high level advisory committee for the expansion of foreign employment and increment of the reliability of its business. The advisory committee also exists at present that provides feedback to the government for making a policy and the simplification of provisions mentioned in the act.

Besides these major provisions, government also conduct consultation meetings with the experts, occupational groups, trade unions and foreign employment enterprises to make rules and regulations for the promotion and management of foreign employment occupation.

CHAPTER-IV

SOCIO ECONOMIC AND DEMOGRAPHIC CHARACTERISTICS

This chapter is about the socio-economic and demographic analysis of Nepali migrant workers. Volume and trend of by fiscal year and the concentration of labour migrants on the basis of the country of destination is analysed in the beginning two section of this chapter. The remaining chapter is about problems, issues, nature and motives behind migration, which are very often deals about the socio economic characteristics of the people.

4.1 Volume and Trend of International Labour Migrants by Fiscal Year

The volume and trend of international labour migration by fiscal year is presented here based on the available government data from 1993/94 to 2004 December. The trend analysis of labour migration is to observe the concentration of migrant workers by fiscal years.

Table 1: Volume and Trend of International Labour Migrants by Fiscal Year

| S.N. | Year | Total Number of Migrants |
|------|--------------------------|--------------------------|
| 1 | 1993-1994 | 3605 |
| 2 | 1994-1995 | 2159 |
| 3 | 1995-1996 | 2134 |
| 4 | 1996-1997 | 3259 |
| 5 | 1997-1998 | 7745 |
| 6 | 1998-1999 | 27796 |
| 7 | 1999-2000 | 35543 |
| 8 | 2000-2001 | 55025 |
| 9 | 2001-2002 | 104739 |
| 10 | 2002-2003 | 105055 |
| 11 | 2003-2004 | 106375 |
| 12 | 2004 December (6 months) | 74636 |
| | Total | 528071 |

Source: Ministry of Labour and Transport Management, Labour and Employment Promotion Department

The above table gives an overview of volume and trend of Nepalese migrants in abroad. Analysing the data since 1993-1994 till 2004 December, it is found that a total of 528071 people are documented foreign labour migrants from Nepal where as the estimated data is double than the government's one. The above data does not include the Nepali labour migrants to India.

The above data clearly specifies the increasing trend of foreign labour migration in each year. The volume of labour migrant till 1996-1997 is considerably very low i.e. below 4000 in each fiscal year. But after 1997-1998 the volume has increased in a rapid way, which is double or more than the previous years. The rapid growth of international labour migrants can be observed in each year and the volume has also increased at the similar pattern. The number of people going abroad as labour migrants is more than 100 thousand after 2001-2002, which the deep attraction of people toward the foreign labour migration. The data of 2004 December, which is collected only for six months, indicates more than 150 thousands people from Nepal are expected to have migrated as labour migrants.

Several things are indicated by observing the above data. The number of labour migrants has begun rapidly only after 1997-1998. This signifies that people started to migrate from their usual place of residence after the origination of armed conflict in 1996. And the volume has been larger and larger when the armed conflict made impact in all part of the country, one year after another. The data can also be analysed that, since the beginning of armed conflict, people lost their usual way of earning in their respective villages; so their option to feed their dependents was very limited and the security of their life was also challenged. At this situation, the people are attracted to go abroad for work, earn some money and send back to their families.

The impact of information and communication all around the country is another factor to justify the increased volume of labour migrants in the past few years. Media are very powerful and scattered around the country. Even the general people have access to media and they are well known about opportunities in foreign employment through the public information of manpower agencies. People's interest to be engaged in new forms of job in a new environment is also another factor for the increasing volume of labour migration from Nepal.

4.2 Volume and Trend of International Labour Migration By Countries

One of the major aspects of this trend analysis is to observe the concentration of migrant workers as per the country of destination. The country of destination is observed on the basis of concentration in different years in different places. Here the year are distributed as first phase i.e. preliminary years of labour migration, the

second phase middle years of labour migration and the last one as the latest phase of labour migration.

Table 2: Volume and Trend of International Labour Migration By Countries

| Country's Name | PHASE I (Early Phase) | | | | PHASE II (Middle Phase) | | | | PHASE III (Little Phase) | | | |
|----------------|-----------------------|---------|---------|---------|-------------------------|---------|-----------|---------|--------------------------|---------|---------|-----------|
| | 1993-94 | 1994-95 | 1995-96 | 1996-97 | 1997-98 | 1998-99 | 1999-2000 | 2000-01 | 2001-02 | 2002-03 | 2003-04 | 2004 Dec. |
| Saudi | 2290 | 1041 | 1469 | 1959 | 4825 | 14948 | 17867 | 17966 | 21094 | 17990 | 16875 | 7006 |
| Qatar | 391 | 245 | 505 | 477 | 1802 | 9030 | 8791 | 14086 | 19895 | 26850 | 24128 | 20629 |
| UAE | 132 | - | 23 | 95 | 284 | 1417 | 6360 | 9850 | 8411 | 12650 | 12760 | 6832 |
| Bahrain | 91 | - | - | - | 111 | 787 | 583 | 904 | 695 | 818 | 606 | 175 |
| Kuwait | 361 | 13 | 18 | 107 | 137 | 609 | 465 | 885 | 387 | 907 | 3194 | 1386 |
| Hong Kong | 63 | 86 | 59 | 67 | 155 | 301 | 209 | 331 | 482 | 564 | 672 | 117 |
| Malaysia | - | - | - | - | 89 | 151 | 171 | 11306 | 52926 | 43812 | 45760 | 37373 |
| Others | 277 | 774 | 119 | 554 | 342 | 553 | 1107 | 858 | 597 | 1464 | 2219 | 1291 |
| Total | 3605 | 2159 | 2134 | 3259 | 7745 | 27796 | 35543 | 55025 | 104739 | 105055 | 06375 | 74636 |

Source: Labour and Employment Promotion Department, Ministry of Labour and Transport Management

Observing the volume and trends of the international labour migration, the table above can be sub-divided into three phases viz. the early phase, the middle phase and the latest phase. It is worth noting here to analyse the volume of international labour migration as the horizon of international labour migrants has widened with respect to the time factor and the contextual situation of politics as well as the divergent overall situation of the state.

THE EARLY PHASE

In the early periods and even today, the volume and trends of international labour migrants is concentrated to India only because of the open boarder between India and Nepal. The first phase or the early phase here in the table shows the flow of Nepalese migrant workers highly concentrated to Saudi Arab and Qatar in the years 1993-94, 1994-95, 1995-96, and 1996-97 excluding India. Nepal identified other countries as the labour destination countries although due to high expected income and high demands of Nepalese labour in Saudi Arab and Qatar, people of both skilled and semi-skilled qualities motivated to go to these countries. There were negligible numbers of labour migrants to other countries. Where as Malaysia was not given work permit to the Nepalese workers till 1996-97.

THE MIDDLE PHASE

Nepal though was not able to consume the increasing demand of labour employment in its own job market, started to supply the youths especially abroad. Here, this research reads the year 1997-98 to 2000-01 as the middle phase. The overwhelming political situation of the country got even worse than ever before resulting a great body of rural population displaced to the city centres. In these years, Saudi Arab and Qatar have significant number of Nepalese labour power consumed in their job market, i.e., 4825, 14948, 17867 and 17966 by Saudi Arab and 1802, 9030, 8791 and 14086 by Qatar in the corresponding years since 1997-98 to 2000-01.

Regarding other labour destination countries, the flow seems quite negligible excluding Malaysia in the year 2000-01. The reason behind this may be less payment for the job or may be low popularity of those countries.

THE LATEST PHASE

In the year 2001-02 to December 2004 are understood here as the latest phase of international labour migration of Nepalese people. There has been a grand overflow of active human resource during these years. Some 74636 documented migrant workers have been expected to be working in Gulf region including other regions like Malaysia and other. The flow of migrant workers has significantly increased in Malaysia since the year 2000-01 and significant decrease in Saudi Arab and Qatar.

The trouble in Gulf region of payment, unfavourable climate, strict rules of alcohol and sex, dishonesty in job doing by both migrant workers and employer and possibly due to high risk of life and health may be the prominent reasons of divergence of interest to work by the Nepalese migrant workers in these recent years. Due to these aforementioned reasons, there has been a compression of workers in Malaysia as there such incidents are low. To have ultimate way of earning and to have life and health security, Nepalese migrant workers mostly favour Malaysia these days as in the year 2004 some 38373 people have migrated to there which is extremely high compared to other regions.

4.3 Characteristics of Labour Migration Trend

Current trend of international labour migration in India, Middle East, South East Asian countries and Europe and America is grown-up form of traditional migration as “Lahure” in Indian and British Army and domestic workers in India.

Generally, migrant workers do the work in the country of destination that is not usually done by the people from the concerned country. By observing the trend and nature of current international labour migration, it can be separated on the basis of “Class” of the people.

The poor and vulnerable group of people of society are migrating to India and they are only able to expense a little money for their trip. The second type of migrant workers are from little bit well up family, but not educated (in most of the cases) and able to find money up to 1,00,000 rupees (either taking loan or selling parental properties). They are attracted to migrate as a foreign labour towards Middle East and Malaysia.

The third types of people are from the middle or higher middle class family who are motivated to migrate in East Asian countries like Japan and South Korea. They have the capability to spend 400,000-700,000 rupees and ready to bare higher risk for higher income. The fourth types of people are from well up family who are motivated to migrate in Europe, America and other developed countries in Asia Pacific region. They can spend more than one million rupees and also earn highest amount of money than others.

The trend of foreign labour migration increased after 1990’s when democracy restored in Nepal. Before 1990 it was very hard to obtain passports from the administrative authority and the Ministry of Foreign Affairs in Kathmandu was only the government institution to issue passports. But after 1990s, due to the easy administrative process and availability of government mechanism in each districts headquarters and recommending bodies in the VDC and municipal level, the number of people making passports increased massively. At the same time government adopted liberal economy and open democratic environment, which assisted to increase diplomatic relationship with other countries. Increased movement of people

in different corner of the world also supported the Nepalese to explore new possibilities and opportunities in other parts of the world. The development of Information Communication and Technologies (ICT) also made people able to hunt international job from the personal level.

As a result of these all factors the establishment of manpower agencies grew rapidly, who at the beginning initiated to supply man power in Gulf States who were in the situation of economic boom. Honesty and believable nature of Nepalese worker added more value to promote the business of supplying manpower in a very short period of time.

4.4 Motives behind Labour Migration

Dream of people from the middle class or lower class family who go abroad for work are for financial gain. So, the only motive behind labour migration is money. General expectations of most of the migrants are paying debts; enrol children into the school, jewellerys for women members of the family, general medical expenses and a bit comfortable life than previous one.

The people from higher middle class who go for foreign employment are with more expectations than the middle class or the lower class family. The higher middle class people would like to buy land in Terai areas, buy a house either in the district head quarters or in the city and to earn some money for running a small enterprises after returning back from their work in abroad.

Similarly the people gone for Europe, United States of America and other developed countries are the people from the major city areas (Kathmandu, Biratnagar, Dharan, Pokhara and others) of Nepal who could spend more than one million rupees to arrange their travel. They are from higher class family and ready to bear high risk about the money they invest. Motives behind migration are to earn near about 10 million rupees and further to buy a house and car in Kathmandu and invest rest of the money for business work. Where as some of the people from an aristocratic family would like settle down in the country where they are working.

4.5 Problems of Labour Migrants in Home Country and the Country of Destination

Nepalese migrant workers are basically exploited in a three way. The first exploitation is from the manpower agencies in Nepal, the second is from the manpower recruitment agency of labour receiving country and the third way is the massive exploitation from the companies where they work. Other forms of exploitation are not exposed properly but they are exploited in a different way from their home village to the country of destination.

There is lack of government sincerity to identify the major problems of migrant workers within the national boundary and in abroad. At the same time, Government's departments are also not established in all major labour receiving countries to monitor the situation of labour migrants and help them in need.

The major reason behind the exploitation of potential foreign labourers is because of number of layers from origin to the country of destination and in each layer. But at the same time the involvement of private sector is also essential due to their approaches in international labour migrate. We might have to lose the market in foreign employment if the government exclude their involvement.

Unequal wages is greatly prevailed between migrant workers and the nationals but the migrant workers can not speak about it due to the fear for losing their job. Nepalese workers are compelled to sign in a fake agreement letter where all the fundamental rights of migrant workers are prohibited where the company has made another agreement paper only to show their government with the fake details about the facilities provided to the migrant workers. In most of the workers' agreement paper, their affiliation with the trade union is prohibited that has hindered to make them organised about their rights.

Police and Immigration Department also force the migrant workers to give them money. Some of the companies have made 12 hours working agreement which is against the international provision of minimum working hours. The government system of taxation to the migrant workers is not fare. Workers either they low or high income need to pay equal tax to the Malaysian government

Foreign labour migrants are working in a bonded condition. Their travel documents are seized by the employers during their job placement, so they could not raise their voice against exploitation and compelled to work even in low wages.

Most of the migrant workers are not able to send their earnings safely. Illegal migrant workers are facing such problem in a massive way. Due the lack of security and proper mechanism to send their money back they are not able to save or earn enough money in reality.

There is a lack of cooperation of Nepalese diplomatic mission in the labour receiving country. Human mafia are active to exploit the honest labours but the government is not being sincere to take appropriate step. Migrant workers are not organised and there is massive exploitation; where the migrant workers are working in a vulnerable condition.

Migrant workers have a lack of realistic information about the country of destination. So, they will go with a sweat dream but come back with a sad story during their work place.

4.6 Women Migrant Workers

Migration of men and women in Nepal has become more and more common as they seek better opportunities abroad. Though traditionally only men migrated in search of work from Nepal but the migration of women in abroad in search of gainful employment has also begin since the last decade. Due to the traditional values and patriarchal Nepalese society, majority of women are only limited in household work and the work for foreign employment is like beyond our imagination. But gradually women are come out from household work and their involvement not only in agricultural work has been creased but also in foreign labour migration.

Migration of women in India is an old phenomenon but 20 years have been past about their migration in other countries as a migrant worker. There is no specific data available about the exact number of female migrant workers besides India, but the estimated number is around 100 thousand. Women are facing a high risk in three different cycle of migration i.e. pre departure, post arrival and reintegration.

Causes behind demand of Nepali migrant women workers is because their honesty and competence to bare the responsibility of household works like making food, taking care of children and old age people. Nepali women are ready to work in low wages due to the lack of bargaining power and they are devoted to work in any circumstances because of ignorance about their rights.

Women migrant workers have the lack of information about the administrative process of departure, the country of destination, salary they can obtain for their work and possible risks and challenges that have to bear during and after their departure. Lacking information is because of common platform to be in touch with the concern people and authority. Another problem woman has to face in her family to get permission for foreign employment. Security of young women and question of sexuality is aroused by the family members, so the capacity to take the common household decision is always obstacles to the potential migrant women workers.

Another barrier for women is the lack of knowledge of authorised channel to assure their safe migration. So, most of the women go for work through the informal network. Nepalese government does not have a scheme to provide comprehensive training and pre-employment information to the female migrant worker. The available pre-departure training is just for formality to obtain the certificate.

The economic exploitation of women is more serious issues than men. Some of the cases indicate that women are paying 60 percent annual interest of their loan to arrange their travelling in abroad that give them more financial burden and less opportunity to save money during their work in abroad. Consolidate efforts of banking sector is also lacking to provide money in soft loan and capitalise their earning in an organised way.

Most of the women migrant workers are engaged as a domestic worker and that is completely the informal sector. Government has not developed a scheme to provide skills that is essential to work in informal sector and even the trainees are also not sincere to get appropriate training that requires to them.

In all sense women are found to be in uncertainty and confused position. The level and harassment is also very high. Their health issues are not properly addressed and they have not informed about their rights and duties.

Thus it is found that, migrant women workers are more vulnerable to situations of risk because of a number of factors and these factors are inter-linked right from the government policies to the availabilities of opportunities, the social and gender roles of women, their vulnerability to violence as well as their access to information and services. While policy by itself is not solely responsible for the problems of migrant women workers, it lays the foundation for some of the issues, which have emerged. The institutional framework, the social fabric and the lack of information compound these issues. All these aspects affect migrant women workers live negatively, sometimes resulting in psychological and physical trauma (*UNIFEM 2002*).

But in some cases, the provision of foreign labour migration has also contributed to empower women economically and socially. Nepali women migrant workers in Hong Kong and South Korea can be an example where women have access on latest technologies like mobile and internet; they are taking part in social events and unskilled women are now skilled to perform their work in informal as well as formal sector. Recent report of Nepal Living Standard Survey 2004 has indicated that women are contributing 11 percent of the total remittance sent in Nepal. Other studies are also indicated that women are saving more than men.

Even though, due to the lack of promotional policy of the government and the lack of coordination capacity among the government bodies, women are not very much benefited from the foreign employment. The Constitution of Kingdom of Nepal 1990 has guaranteed the right to equality between and women but at the same time Government's Foreign Employment Act-2042 has adopted restrictive policy to enjoy those rights freely because women get permission for foreign employment with the consent of their husband or parent. Due to the lack of labour attaché in the labour sending countries women do not have applicable forum to secure their rights from the state level. Government has deduced the yearly budget of the Ministry of Labour and Transport Management due to the existed armed conflict of the country. So it is very

hard to them to mobilise human and financial resources to divert the labour administration for the welfare of migrant workers.

Reintegration of women migrant worker is very much lacking. State does not have policy to create employment opportunities to the returned back female migrant workers with skills. Their earning is not spent for productive work in the home country. Private sector also does not have schemed to use the remittances in the productive work.

So the current demand is to create economic options for the returned female migrant workers in home country and use their skills and money for national development.

4.7 Problems in Government and Policy Level

There is lack of adequate human resource in the government level that provides labour permit to the workers. Labour official provide work permission on the basis of submitted document but government doesn't have a proper mechanism that verify the illegibility of the document i.e. the lack of check and balance in the labour administration. It is also found the lack of exposure and study visit to the labour administrator in the labour sending countries. Concerned labour administrator need to have a good knowledge about the situation of foreign labour workers, labour act and migrant worker policies of different countries.

There is also the lack of demand verification system within the government system. Whether the workers are demanded legally or not, whether they get salary mentioned in the agreement paper or not, what should be done, if the workers are exploited in the country of destination. These questions are always unanswerable in the policy level.

Labour agreement with the government in labour receiving countries not going in a satisfied way. Government, for the first time in its history has made a labour agreement with Qatar just few months back but the labour agreement in itself is not adequate. Other possibilities for further labour agreements from government level are not initiated in an effective way.

A follow-up activity from the government level is always lacking. The fixation of minimum wages of Nepalese migrant workers is not properly implemented due to the wrong attitude of recruitment agencies towards the migrant worker. But government has not developed a mechanism to do cross checking on this matter and charge penalty to the concerned employment agencies.

Lack of labour attaché- the major work of labour attaché is to monitor the situation of migrant workers and to work as mediator among the worker, companies and the government of labour receiving country, if the problem occurs. Human resources are not sufficient in the foreign diplomatic missions of Nepal Government. The higher volume of Nepalese workers are in Malaysia, Qatar and United Arab Emirates where quite few number of government officials are working in diplomatic mission. The number of people working in the respected country is only able to issue the passport. Market promotion from the government level is always lacking aspect since the very beginning of labour sending tradition.

Market assessment is also lacking from the government. Market assessment will assist to project the need of labours for future years and the possible areas that the government has to supply the workers. But, Nepalese government has no such mechanism and whatsoever is done is without proper planning.

Training or counselling to the outgoing labour migrants, provided by the government is not effective and practical due the lack of skilled trainers. Generally the trainers do not have practical knowledge about the place of destination and lacking international travelling experiences. So, in most cases they do provide wrong information.

Lack of coordination is also observed among between the government bodies. No uniformity of documents/document standard provided by labour act. All administrative processes should be done from a single table for the easy facilitation of work permit.

The inclusion of labour cycle is also very important while adopting the national policies on foreign employment which is lacking in the current government policies on foreign employment. Labour cycle here means that pre-departure, departure, on the

job and integration. These four stages of labour migrant are very important and the government has to effectively address these stages in the national policy on foreign employment.

The government has not allocated proper budget for strengthening the labour administration. The available resource is only limited to expense for salary and allowances of staffs. No proper attention has paid for strengthening the skills and makes the labour administration equipped to carry out their day-to-day activities. Due to the limitation of human resource in the concerned sector, there is negative impact on work performance and productivity of the concern institution.

In conclusion, foreign employment occupation is still not in the higher priority of government, though they are claiming that our economy is transformed towards remittance based economy.

4.8 Manpower Agencies

There are some manpower agencies in Nepal who are performing a good job while supplying labour migrants. They do give proper information to the worker regarding their job, earning and other cultural orientation. But most of the agencies do not give real information that a worker need to be aware while going abroad for work. Manpower only shares positive things about the country of destination but generally they don't share about difficulties and challenges that might occur during the job placement period.

Manpower companies are not regulated, though the regulation of manpower is clearly stressed in the Foreign Employment Act-2042. Many companies are into the briefcase and performing their work illegally. These sorts of activities are also assisted to develop the wrong attitude among the people about the work of manpower companies.

There is unfair competition among the Nepalese manpower agencies, so the cost of the workers has increased to arrange their trip to abroad and get work permission. For getting more quotas from the foreign recruitment agencies, they are ready to agree with imbalance labour agreements that affect the wages of migrant workers. Bijaya

Babu Khatri, journalist from Kantipur national daily said that “more than 80 percent labour migrants did not get salary, which is mentioned in the agreement paper”.

They have been lacking the quality of international labour market relationship with the business companies in labour receiving countries. Most of the labour contract is done with the local agents and sub agents in the labour receiving countries not with the employers directly. Due to the lack of relationship skill, they do not have good bargaining power in most cases. If they could increase the bargaining power, Nepalese labour migrants could earn double than the current average earning.

International human mafia groups are quite active around the world and their only intention is to get maximum benefit from the potential labour migrants. So, labour migrants from Nepal are also exploited in most of the cases. They have to pay higher amount of money for low wages works, most of them are compelled to work in a bonded situation, no social security and living in other several social and economic problems.

4.9 Trade Unions to Protect the Rights of the Labour Migrants

There is no good working relationship between the government and the trade unions, so it has hindered to work on the migrant workers’ issues effectively

Though the trade unions have branches in most of the districts but the working areas of trade unions are not disseminated properly. Trade unions are not very much effective to address the issues of migrant workers properly.

The image and function of trade unions is negative in the society that has also made impact to lobby in the national level about the situation of migrant workers

4.10 Overall Findings of the Research

4.10.1 Issues

It is worthless to talk about labour migration policies without identifying and observing the major problems faced by the migrant workers both in sending and receiving countries. The observation of problems will help to evaluate the

effectiveness of existed policies and possible improvement on it. By looking several literatures and the experiences shared by the stakeholders and target groups in different forums, media and face to face discussion, key problems of migrant workers are identified and a list of highlighted issues are presented below.

- Problems faced by migrant workers in home country
- Problems faced by migrant workers in the country of destination
- Government policy
- Administrative capacity of government
- State's obligation to respect the spirit of international conventions and conference declaration
- Whether the foreign employment occupation is in the government's priority or not?
- The function of manpower agencies. How professional they are?
- Government's activeness in the country of destination

4.10.2 Problems of Migrant Workers in Abroad

Based on the observation of relevant documents, interview with the concerned people, the following are found the major problems of Nepalese migrant workers in abroad;

- Low wages
- Poor working conditions
- Recruitment fraud
- Lack of social protection
- Denial of human rights
- Discrimination and xenophobia
- Social exclusion
- Irregular migration
- Forced labour and trafficking in women and children
- Lack of freedom of association and right to collective bargaining
- Restriction on mobility and travel
- Rush jobs and peak hours
- Absence of medical treatment and health services
- With holding of papers and IDs

4.10.3 Problems of Migrant Workers in Home Country

Nepalese labour migrants are facing numerous problems in home countries and some of them are major and some are minor. There are some issues which can be addressed from the policy and programme level and rest of the issues might be less practical and hidden. Here is a list of prioritised problems of migrant workers in home countries are mentioned on the basis of this research/study.

- Lack of information in all aspects
- Monetary problem
- High interest loan
- Lack of adequate skills and job orientation
- Comprehensive pre-departure training and orientation
- Exploitation by local agents manpower agencies
- Administrative difficulties
- Problems in re-integration
- Capitalisation of earning money

CHAPTER-V

SUMMARY OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary of Findings

- 5.1.1 Documented Nepali Labour Migrants and their Concentration:** There are more than 500 thousands documented Nepali labour migrants in abroad for the last 12 years. This number does not include the migrants who are residing in India. Major concentration of Nepali labour migrants is found in Qatar, Saudi Arab, UAE and Malaysia. There is no significant number of labour migrants in other countries. The trend of labour migrants in Gulf States is decreasing gradually where as the number of labour migrants is increasing in Malaysia.
- 5.1.2 Armed Conflict and Labour Migration:** Ongoing conflict and the loss of employment opportunity are found a major reason to the increment of international labour migration. Volume of migrant workers has been increased after the origination of armed conflict in Nepal.
- 5.1.3 Problem of Potential Migrant Features:** Problems about potential migrant workers faced in the home country are very much neglected and the problems in the working countries are highlighted but no effective action are taken by the government.
- 5.1.4 Features of National Act:** Current Foreign Employment Act-2042 adopted by the state is control oriented and welfare of migrant worker is very much considered.
- 5.1.5 Discriminatory National Law towards Women** This act also found discriminatory towards women due to the provision of taking prior consent with their guardians and there is less attention of the government to assure safe migration of women.
- 5.1.6 Weak Implementing Aspect of National Act:** In one sense the state's policy on foreign employment is perfect but its implementing aspect is found very weak due to the identified problems at all level. Government's action is not directed in a proper way as the policy has directed. Government is lacking financial and human resource to strengthen the capacity of labour administration. Labour migration, being a highly important source of national income, it is not in the priority of the government.

- 5.1.7 Weak Commitment towards International Instrument:** International instruments including the “Convention for the Protection of the Rights of the Migrant Workers and Members of their Families” are found very much powerful to ensure the rights of migrant workers. But Nepal has still not ratified that convention. The Declarations, Recommendations and Plan of Action adopted in different international conferences are also very much applicable to best benefit of migrant workers. Nepal is the state party of all these conferences i.e. state has morally obliged to implement the Plan of Action in the national level.
- 5.1.8 Motives Behind Migration:** All kinds of people from poor to higher economic and social status are migrating to the accessible location and their interest behind migration is money. Poor and vulnerable group are migrating to India and lower middle and middle class people towards Gulf States and Malaysia. Similarly, higher middle class people are migrating to South East Asian countries like Japan and South Korea and the people from rich family to Europe and North America. So a distinctive class division among the labour migrants is found in terms of selecting their place of work.
- 5.1.9 Motives behind Uplifting Social and Economic Status:** The expectation of earning is found different in each work place. But the common motive of each migrant is targeted to uplift and economic and social status of their family as compared to present situation.
- 5.1.10 Unprofessional Manpower Agencies:** Manpower agencies are not fare in their business deal. They have the lack of professionalism to successfully operate their business. Government’s policy to regulate the work of manpower is absolutely ineffective. Manpower agencies are more focused on earning money rather than providing best services and benefits to the labour migrants. Manpower companies are loosing their bargaining capacity with the foreign recruitment agencies due to the unhealthy competitions prevailed among the Nepalese companies. Bad impression is existed everywhere about the work of Manpower.
- 5.1.11 Exploitation of Workers in all Levels:** Exploitation of workers is found from the very beginning i.e. from his/her usual place to residence to the country of destination. Government’s sincerity to address the issue of labour migrants in the implementation level is found very weak in terms of coordination capacity,

labour diplomacy and the allocation of resources in the needy areas of concern.

5.1.12 Vulnerability of Labour Migrants: Labour migrants are working in poor and vulnerable environment. Most of them are working in bonded like situation.

5.1.13 Weak transaction and Capitalization of Money: Earning of migrants is not coming back to the home country safely. There is also the lack of capitalisation of their money.

5.1.14 Concern about Safe Migration of Women: Migration of women besides India has been increased for the last 20 years, which shows increased empowerment and motivation of women for economic independence. Major reason behind the demand of Nepalese women in abroad is found due to their honesty and competence to be engaged in household work. Women have higher saving capacity than men and they are contributed 11 percent among the total remittance entered into the country. Women are also bounded from their family to take independent decision for foreign work. Economic exploitation and lack of information are found major obstacles to assure their safe migration.

5.1.15 Integration of Women Migrant Workers: Very less attention has been paid to the integration of women migrant workers in the society.

5.1.16 Lack of Proper Mechanism within the Government System: It is also found that government has a lack of proper vision and working mechanism to address the issue of international labour migration. Market promotion, market assessment, demand verification and the provision of labour attaché in the potential labour receiving country are still lacking though the foreign labour migration has been developed as emerging business and a reliable source of national income in the difficult economic situation of the country.

5.2 Conclusions

International labour migration mostly in Gulf States, Malaysia and other South East Asian countries is a new phenomenon of migration in the Nepalese context and that only have about 30 years long history. Unexpectedly the foreign labour migration has developed in such a way, which has shifted the agricultural based economy towards remittance based economy. The figure of government authority says that there are more than 500 thousand documented migrant workers in aboard where as other

estimated figure says that there more than one million Nepali migrant workers including 100 thousand female migrant workers. This figure does not include the migrated population towards in India. Remittance sent by the Nepali labour migrant is estimated 100 billion rupees each year and women share 11 percent of the total remittance.

Numbers of people going abroad for work have been increased for the last few years, especially the origination of armed conflict in Nepal. Major concentration of Nepali migrant workers was in Gulf States for the very beginning but the dynamics has been changed and people are migrating towards Malaysia since the past three years even though the number of people going the Gulf States is still significant. A class division among the labour migrants is also found to select the country of destination i.e poor people are to India, Gulf States and Malaysia and rich people towards Japan, South Korea, North America and Europe.

There are various problems faced by the migrant workers both in home country and the country of destination. Unless addressing the problems of migrant worker from the policy level, solution is far behind. Nepalese Government on the one hand is not capable enough to the proper implementation of existed policy and the other there are several things to do to the regulation and management of foreign labour migration. Basic things that are found to improve are amending the existed laws, promotion of labour market through the labour diplomacy, management of manpower agencies and welfare activities to the best benefit of labour migrants.

The situation of women migrant workers is found more vulnerable as compared to men migrant workers. The existing law in itself found discriminatory towards women and issues of women migrant workers are not considered sincerely. Even though, migration of women in foreign employment occupation has assisted to the economic empowerment of female to some extent.

International provisions are found very sound and applicable to protect the rights of migrant workers but governments in both sending and receiving countries does not seem sincere to the domestication of the spirit of international instruments, conference recommendations and plan of action.

Manpower agencies are almost unfair about their business dealing with the workers and their professionalism is questionable. The role of trade union organisations is also found ineffective to address the issues of potential labour migrants in home country as well as in the country of destination.

So the current need is for more effective migration management to reduce the vulnerabilities of migrant workers and safeguard the rights of migrant workers.

5.3 Recommendations

The following recommendations are done to the management and regulation of foreign employment occupation in true sense.

5.4 Policy Recommendations

5.4.1 Nepalese government has adopted liberal economy and open democratic environment as its guiding economic and political strategy. In this regard, the policy formulated by the government should be guided on that.

5.4.2 Nepalese government should play a due attention about the nature of government's policy on foreign employment i.e. should it be control oriented or the promotional one. If it is promotional, there should be the strong recognition of man power agency and they should provide facilities to make their work easier. The promotional policy should also be in favour of the worker going abroad, which include the protection and promotion of the rights of the migrant workers. The basic things that must be addressed in the policy level for the welfare of worker are pre-departure orientation, effective information dissemination system, administrative processes involved in the departure should be minimised. The government should also develop reintegration process of migrant workers in their respective community and for the holistic development of the country. Capital accumulated and skills gained by migrant workers need to use properly when they returned back after their work.

5.4.3 Nepalese government's policy on foreign employment has not been adopted in an organised way. The term "Foreign Employment" in the Foreign

Employment Act-2042 is defined as the employment to be obtained by a worker to abroad where as the nature of work and the people involved on it are not specified. The existence of Non Residence Nepalese (NRN), sex trafficking, refugees and undocumented workers in abroad are not included by our act. In this regard the policy should be defined the term in itself either in a broad or specific way. This will facilitate to identify the legal status of different forms of migrant people.

- 5.4.4** Effective political diplomacy in the government level on migrant workers' issues is found very fundamental to respect the rights of migrant workers.
- 5.4.5** Government need to strengthen the capacity of trade union organisations to facilitate the counselling work among the potential migrant workers in the grassroots level and other welfare schemes in the national level.
- 5.4.6** Nepalese government need to ratify the International Convention of the Protection of the Rights of Migrant Workers and members of their Families. Ratification of this UN convention by the Nepalese government will also assist to increase their bargaining power with the labour receiving countries to protect the rights of Nepalese labour migrants. Ratification of UN convention by the labour sending country will create moral pressure to the labour receiving country for the ratification of the convention.
- 5.4.7** Nepalese government should pay an especial consideration to the welfare of women migrant workers and all discriminatory laws/acts regarding the women involvement in foreign employment should be amended as per the guiding principle of the state.
- 5.4.8** Nepalese government has to carry out an in-depth study identifying the problems of migrant workers in home countries as well as in the potential countries where they are going for work. The study will assist to lobby in the government level regarding the problems facing by migrant workers. Nepalese government also need to establish a department in major worker receiving countries that could facilitate the problems of migrant workers on time.
- 5.4.9** Government should think to provide appropriate training for the potential labour migrants, so they could get well paid job and also develop their skills.

Traditional and illegal way of sending money should be avoided. The money earned by migrant workers transacted through the bank.

5.4.10 Government to Government relationship for labour agreement is required for the welfare of migrant workers.

5.4.11 Lengthy administrative process of the government should be minimised

5.4.12 Government should have a proper policy that should guide them to the identification new market for workers and the continuation of old market with increasing facilities to the labour migrants.

5.4.13 There should be the provision of minimum wage of migrant workers. Current government mechanism for the fixation of minimum wage is not practical and reliable.

5.4.14 Public information should be provided in an honest way, so a worker can be self prepared about his/her work and earnings.

5.4.15 Programme must be established for the reintegration and re-employment of returning migrants at home.

5.5 Recommendations for Programme Intervention

5.5.1 Categorization of manpower companies is very essential at present context. Companies with better grade should be awarded or get incentive from the government that assist to promote their business in an organised way. The incentive can be tax free, recognition of authorised manpower agency for a certain period of time and authority to handle the monitoring work of labour migrants in abroad. Specialisation of man power companies is also very much essential. Government has to design such a policy which permits the man power companies to supply workers either in a single country or for specific work.

5.5.2 Manpower companies should be reached extensively out of Kathmandu valley. This will help to avoid the involvement of local agents in different level and build up manpower worker direct contacts.

5.5.3 Cooperation among the social partners as well as the migrant themselves is especially important to the development of sound policies and programmes and their effective implementation. It is most desirable to have in place

structures and procedures for consultations with employers and workers organisation in the formulation of migration policy.

- 5.5.4** Bilateral and multilateral cooperation and promotion of international labour standards as well as involvement of the social partners and migrant workers in the formulation of migration policies is essential. Cooperation between origin and destination states helps to maximise the potential benefits from migration. Formalising such cooperation through bilateral and multilateral labour agreements is therefore a desirable step.
- 5.5.5** Nepalese trade union organisations through their district network can operate training or counselling centres focusing on the needs and rights of migrant workers.
- 5.5.6** Trade union organisations have to lobby with the governments (both in sending and receiving countries) for the welfare of migrant workers and securing their fundamental rights. Migrant workers should be involved in unions where they are working. There should be a union-to-union relationship to raise voice for their rights.
- 5.5.7** The society has to change its attitude towards migrant workers, especially women migrant workers. Foreign labour occupation needs to be established as a dignified occupation.

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Appendix 1:

List of the People Selected for In-depth Interview

- Mr. Prem Singh Bohora, Deputy-General Secretary Nepal Trade Union Congress
- Mr. Bishnu Rimal, Vice-president of GEFONT
- Mr. Shankar Nepal, Section Officer in Labour and Employment Promotion Department.
- Mr. Subash Thapa, Managing Director, Ozone Overseas
- Ms. Saru Joshi Shrestha, Programme Coordinator UNIFEM, Field Office, Kathmandu
- Mr. Vijaya Babu Khatri- Journalist, Kantipur National Daily

Appendix 2:

Questionnaires Asked to the Respondents

The following are the questions asked to the people on the basis of their occupational background and working expertise. Some of the questions are not relevant to all respondents. So, various questions were asked during the informal discussions with the researchers.

1. How do you observe the current trend of labour migrants in the Nepalese Context?
2. What are the problems and challenges faced by migrant workers in home country and the country of destination?
3. What about your response regarding the women involvement in the foreign labour migration?
4. How do you analyse the current government policies regarding foreign employment?
5. What about the implementing aspects of Foreign Employment Act-2042 and National Labour Policy-1999?
6. What are the problems within the government and policy level for not paying proper attention to the welfare of labour migrants?
7. What are the institutional mechanisms of government to the regulation and promotion of foreign labour migration?

8. What about the applicability of international conventions and the recommendations of international conferences and declarations to protect the rights of the migrant workers in our context?
9. What about the function of Manpower agencies?
10. What is the role of trade unions to protect the rights of migrant workers?
11. What should be done to assure the safe migration of labour migrants?