

**International Conference on “Institutionalizing Regional
Approaches to Migration Management in South Asia”**

Summary Report

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Hotel Taj Samudra, Colombo, Sri Lanka

Organized by the Institute of Policy Studies (IPS) and the Friedrich Ebert Stiftung (FES)

Introduction

The Institute of Policy Studies of Sri Lanka (IPS) together with the Friedrich Ebert Stiftung (FES), Sri Lanka, organized an International Conference on “Institutionalizing Regional Approaches to Migration Management in South Asia”, in Colombo, on the 19th of November, 2010. Joachim Schluetter, Resident Representative of FES, Colombo opened the Conference by making the Welcome Address. Introductory Remarks were made by Dr. Saman Kelegama, the Executive Director of the IPS. It was followed by the address of the Guest of Honour, Ambassador Farooq Sobhan, President of the Bangladesh Enterprise Institute (BEI). Mr. Richard Danziger, Chief of Mission, International Organization for Migration (IOM), Country Office in Sri Lanka, who was the Chief Guest of the event, also addressed the gathering.

Joachim Schluetter, in his welcome address, reminded that during the last conference on migration held in May 2009, it was emphasized that attention should be given to shared problems and shared interests of migration of all South Asian nations. While on the one hand, remittances have gained a huge importance in the economies of sending countries there are many shortcomings for those who are sent while earning that money for their families and for their countries. He stated that Amb. Farooq Sobhan demanded and fostered the foundation of the now existing South Asian Commission on Migration, and stipulated to have a deeper look into mainly five issues along with South Asian Migration, which are:

- Migration has to be placed in the forefront of the national agenda of all SAARC member countries.
- Policies need to be advocated at international level, aimed at easing the hardship of migrants from member countries. This is to bring the issues faced by the migrants to the forefront of the discourse within the receiving countries, too.
- Thirdly, the Commission should work to identify existing gaps in policies adopted by member states towards migration, especially by linking migration policies to other issues like economic development, demography, trade, human rights, labour supply and demand, national and regional security, and more.
- Formulate and recommend policies to harness the positive effects of migration in the best way possible for all stakeholders as well as to minimize the negative effects of migration.
- Finally, to look into the work of international organisations like WTO, ILO, IOM, UN, UNDP on the migration issues in order to develop a strategy and a plan of action.

He further stated that FES Offices in South East Asia have been working on Migration issues of the region for many years, and there is an impression that some of the wheels that are required in South Asia are already invented by the regional Organisations of

South East Asia. A look into ASEAN's attempts on regional migration management here would be good.

He also said that a point which needs attention in future is that, those 2.1 Million Sri Lankan people working abroad should be enabled to execute their right to vote in National Elections. They were contributing a great deal to the development of this country while they and their families are sacrificing a lot. And enabling them to vote might be an effective way to focus national politics on their living conditions and those of their families waiting for them in Sri Lanka.

SESSION I - TAKING STOCK OF THE SOUTH ASIA MIGRATION COMMISSION

This first session of the conference was chaired by **Prof. Indralal De Silva**, Dean, Faculty of Arts University of Colombo. The speakers were **Amb. Farooq Sobhan** and **Ms. Kristina Mejo**. The two discussants of the session were **Prof. Sridhar Khatri**, Executive Director, South Asia Centre for Policy Studies (SACEPS) and **Dr. Mahmoud Saikal**, Former Deputy Foreign Minister of Afghanistan & Senior Advisor to Dehsabz City Development Authority, Kabul.

Amb. Sobhan, speaking at the session was of the opinion that if SAARC has a collective approach for migration, it clearly makes it difficult for individual governments to go their own ways. He went on to explain that equally important developments have taken place in the SAARC region as well as in South East Asia; Philippines was cited as an example. He stated that remittances from migrant workers were made through both informal and formal channels. He mentioned that substantial improvements have been made in several areas in the region and mentioned the increased flow of remittances electronically and through the use of cellular technology.

Mr. Sobhan stated that imparting training and specialized skills to workers going abroad was an important area in migration. The days of sending unskilled workers abroad are over. "We need to focus on matching supply with demand". He also opined that SAARC should not talk about exporting certain types of workers out of the region when there was a huge demand for them within the region itself (e.g., nurses). He suggested that there was a need to build training facilities for these workers and employ them in the region itself.

Another major challenge that could be overcome only by having a collective SAARC response was in the area of global management of migration. Legal migration he said was getting more and more difficult into countries in Europe and also the United States, due to tough security screening processes. However, there was still an acute demand for workers due to factors such as an ageing population in Europe, and as a result more and more workers were entering Europe informally. Brain drain, brain waste and brain circulation are also issues that need to be addressed.

The exchange of expertise and best practices within the region is important; such a practice could result in assessing how best the region as a whole can move forward. The key to this will be the need to develop an agreed position on the management of migration on both within the region and internationally. "We need to identify migration institutions in the region that can undertake research on different aspects of migration," Such research institutions should work closely.

Kristina Mejo making her presentation, first identified the different migration trends in South Asia. She pointed out that South Asia has become one of the most important regions in terms of its contribution to global labour migration movement and growth, and that Bangladesh, India, Nepal and Sri Lanka are major countries of origin, with India also being a country of transit and destination. Out of the 214 million stock of migrants

worldwide, 25 million are from Asia. The majority of workers in South Asia are less skilled or semi-skilled, working in sectors such as construction, domestic help, hospitality, among others. She pointed out that even though there are numerous benefits of migration to both the country of destination and origin, there is a lack of regional cooperation to harness the gains, especially in the South Asia Region, and as a result, Regional Consultative Processes (RCP) on migration have emerged.

She explained what a Regional Consultative Process is and highlighted the principal RCPs in South Asia are, such as the following:

- Inter-Governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC), which was established for the implementation of refugee legislation in the Pacific, and to oversee refugee status determination issues.
- Bali Ministerial Conference on People Smuggling, Trafficking in Persons Related Transnational Crime (Bali Process), which was established to strengthen regional policy and law enforcement cooperation on trafficking and smuggling, to develop regional responses to this challenge, and also to decide on comprehensive and sustainable solutions for refugees.
- Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process), which focuses on best practices on overseas employment programmes, temporary contractual workers, countries of origin and destination, and optimize development benefits from organized overseas employment, and dialogue with countries of destination.
- Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia (Abu Dhabi Dialogue) which was established to identify roles and responsibilities of all actors at each stage of contractual work cycle, elaborate on concrete actions to be undertaken, and elaborate a regional multilateral framework on temporary contractual labour mobility.

She further emphasized on the importance of having a regional forum, apart from having these RCPs as they are not regional, are non-binding, and are informal in nature. She highlighted here that the RCPs that develop into a regional forum tend to be successful in promoting regional cooperation and that a regional migration policy can be adopted by SAARC.

She mentioned that the SAMC has the ability to build trust, engender trust through sharing of experiences in a de-politicized and 'de-mediatised' forum, break down divides between and within states, and create networks among counterparts. The Commission will be further able to contribute to shaping public policy and convergence at a regional level and will be an essential pillar of migration governance in the region. As way forward, it was mentioned that the SAMC should outline its modalities. It is important to decide on the source of funding of the SAMC in order to ensure that the forum is

sustainable. The membership of the Commission should be decided. This could be in the form of Track 1 (governments only), Track 1+ (governments and IOs), Track 2 (Governments, IOs and civil society), Track 2+ (Governments, IOs, civil society and think tanks, research organizations, etc.) or Track 2++ (a wider member base).

It is also necessary to decide on the modalities of the Commission, the frequency of the meetings of the Commission, the format based on which they will be conducted, the implementation plan for the decisions taken by the Commission, and the monitoring and follow-up mechanisms needed for the implementation of activities. She further mentioned that it is important to decide on what kind of assistance is required from the Secretariat to push the Commission forward and decide on the roles each participating agency would play in the SAMC.

Prof. Khatri, in the discussion reviewed the progress made by the SAMC since its establishment in November, 2009 and assessed where the region as a whole stands in terms of regional migration management. It was mentioned that the two meetings held in Sri Lanka, one in November 2008 and the other in November 2009, had helped the Migration Management Commission immensely. There have been two studies that have been carried out with the support of the Asian Development Bank, on labour migration. The one that went through SACEPS is on “Regional Consultative Process on Labour Migration from South Asia”, which focused more on overseas accommodation. It has provided the Commission with a list of recommendations which the Migration Commission can take up. The other done through SANEI, prepared a report on “The Financial Crisis in the Gulf and its Impact on South Asian Migrant Workers”. Prof. Khatri mentioned that the importance of both these studies is that they look at policy issues in both the sending country as well as in the receiving country as it is equally important to look at both these countries. There are World Bank country studies that have done extensive research over the last couple of years. He mentioned that these studies also provide the Commission with extensive data in this area. Prof. Khatri mentioned that it is important that these matters are not just discussed, but that action is taken to implement the decisions that are being put forward.

Prof. Khatri was also of the view that the idea of the creating the Migration Commission had not taken hold yet. This may be due to new members entering the region or due to lack of advocacy. Prof. Khatri mentioned that SACEPS has campaigned vigorously through different formal institutions in the region after 2007, with the intention of establishing a task force, and at the 2008 South Asia Economic Summit, the idea of creating the Commission came up. He also pointed out that migration has been under-prioritized in the summits held in the region so far, where attention has been more on issues like terrorism. This is despite the fact that migration has been identified as a priority area by many. It is necessary to spill over the recommendations that a meeting of this nature comes up with, so that the momentum can be gained as this is important to push the creation of a Migration Commission forward.

As a summary of the meeting held in November 2009, he mentioned that it was decided for the Commission to be set up, that the executive director of SACEPS should act as the

coordinator of the Commission, and that the Secretariat of SACEPS in Kathmandu should act as the Secretariat of the Commission. Also, there has been an idea of getting the IOM to provide the Commission with technical support. He spoke of the importance of preparing a document that will define the Commission's modality of work, along with its duration of operation and a budget.

It was also mentioned that some governments in the region are not yet ready to endorse the emphasis on the right space approach to migration in South Asia. This is one of the major standing blocks at the government level of the region. He mentioned that essentially the Commission should strive towards influencing policy events at a regional level. Prof. Khatri focused on the Rampal Commission's and ASEAN's documents on migration. He went on to say that the Conference must come up with some clear directives to some of the issues put forward in order to move the idea of the Commission forward. "We need to be clear on the sources of funding, frequency of meetings, and secretarial support". He stated the importance of establishing a Steering Committee to move the Commission forward by taking into account the different issues. It was also mentioned that SAARC should strive to develop something similar to the ASEAN declaration, as it has all issues that need to be identified in terms of the targets and the goals that have already been identified in South Asia, i.e. prevention of worker abuse, development of data, etc.

II SESSION - INTERNATIONAL EXPERIENCE IN REGIONAL MIGRATION GOVERNANCE

The second session of the day was chaired by **Ambas. Farooq Sobhan** and the speaker of the session was **Ms. Ellene Sana**, Executive Director, Centre for Migrant Advocacy & Chair of Executive Committee, Migrant Forum in Asia. The discussants were **Ms. Yuko Hamada**, Regional Programme Development Officer, International Organization for Migration, Regional Office, Bangkok and **Mr. Aryo Yudhoko**, Secretary General, Indonesian Migrants Union (UNIMIG), Indonesia.

The Chair of the second session highlighted that there were two reasons as to why the idea of establishing a regional Migration Commission was put forward during the meeting held in Sri Lanka last year. The first, was the need to highlight the important contribution made by migrant workers to the growth and development of their respective countries in South Asia. He stressed that workers remittances could be further increased through improvements of the facilities for remittances of funds by the migrant workers from the region. In this connection he also stated the importance of providing training to all workers before they go abroad. He pointed out the importance of having researchers and academics to focus attention on some of the policy issues relating to all aspects of migration and to provide support, advice and recommendations to the governments. It is important to have a regional Commission focus on some of the issues in place because it will otherwise take a long time if it is left for the governments to take the initiative. Some governments in the region might have the capacity to undertake work on some issues only, however it was important that this Commission looks at all aspects of migration

policy, including issue like supply and demand for workers on a global basis, upholding workers rights, the global management of migration, the existing restrictive migration practices of most developing countries, to mention some of the key issues. The commission can undertake some of these issues with the help of organizations like FES, IOM and others.

He also highlighted the importance of benchmarking best practices of other regions. The issue of minimum wages was also discussed. South Asia is following a labour policy which is not neighbour friendly; the countries in South Asia are competing against each other at their own expense by bringing down the wage rates. At the same time, the migration costs in the region are going up as the agents are competing against each other in offering a higher commission to the receiving country, whereas we should not be paying any commission. It is only if the voices of SAARC members are heard collectively, that the region can overcome this. He also highlighted the importance of the need for SAARC to take up the various issues relating to migration and developing a SAARC position upholding the interests of the SAARC countries. He also stated the importance of presenting the Commission with a strategy on how South Asia should address the various challenges and problems in promoting and facilitating migration on a global basis.

The Chair invited Ellene Sana to speak on her experiences of migration management in ASEAN. Ms. Sana started by pointing out that the global figure of migrants is 240 million of which about 62 million migrant workers have come from Asia and outside Asia. This proportion represents a significant share of 30 per cent of the world's migrant population. She also mentioned that 30 per cent of the world's remittances come from Asia.

Speaking on ASEAN, it was highlighted that the following initiatives have been taken by ASEAN in migration management:

- Bali Concord II, 2003- Full utilization of existing institutions and mechanisms within ASEAN within a view to strengthening national and regional capacities to counter transnational crimes including trafficking.
- Vientiane Action Programme, 2004 -Elaboration of an ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers.
- WG Meeting with ASEAN Senior Officials, KL, July 2006 – To assist in the implementation of various components of VAP including the elaboration of an ASEAN Instrument for Migrant Workers.

She focused her attention on the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, which was introduced during the 12th ASEAN Summit, and the adaptation of the ASEAN Committee on the Implementation of the ASEAN

Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) to implement the Declaration.

Next, she highlighted the initiatives that were taken by the Migrant Forum in Asia (MFA). Some of the initiatives that were mentioned include,

- Task Force on ASEAN Migrant Workers
- ASEAN Forum on Labour Migration
- ASEAN Committee on Migrant Workers; Women and Children; Human Rights.

Some of the international initiatives of MFA include,

- UN HRC Sessions (Undocumented Migration; Detention and Deportation; Children; Women Domestic Workers, etc.)
- ILC/ILO -Standards Committee; Domestic Worker Convention; Multilateral FW
- UPRs, CEDAW, CRC.

She then highlighted certain challenges faced by ASEAN in migration management such as the lack of RCPs like the Colombo Process, irregular migration and trafficking, upholding the dignity of migrant domestic workers, organizing migrants, trade unions and support groups.

Yuko Hamada stated that the number of migrants globally is increasing, and that it is getting difficult to manage the increasing movement of workers from one place to another. She also highlighted that one of the main regional integration aspects that is covered under the ASEAN Vision for 2015, is the free movement of people. Considering the importance of this aspect for ASEAN, she pointed out that by looking at ASEAN's movements to achieving this, SAARC can also gain some perspectives. She explained that migration management in ASEAN is governed by four legal frameworks which she explained briefly. They are,

- the ASEAN declaration on the prediction and promotion of the rights of migrant workers
- the ASEAN framework on visa exemption
- Mutual recognition agreement for skilled workers
- Bilateral memorandum of understanding

After briefing on the above, she went on to discuss the experiences of ASEAN that could be initiated by the SAARC region. She pointed out that taking up the Track 2 initiative of ASEAN ISIS, is important for SAARC. ASEAN ISIS comprises of 9 member associations of non-governmental organizations which was established to encourage coordination between ASEAN scholars and analysts who have contributed to the Track 2 diplomacy supplementing. She stated this as a good example for SAARC as the active role of Track 2 organizations for inter-state cooperation, is a must for the region. For example in the ASIA PACIFIC region there are informal channels of migration and therefore, Track 2 initiative is important to influence national policy and its implementation.

It is also important to develop a method of migration programming to ensure the involvement of Track 2 civil societies and migration programming on emerging migration issues such as pilot change and intra-regional movement. She further mentioned that these issues need thorough and comprehensive research and strategic policy planning that involves all stakeholders including Track 2.

The next discussant to present ideas was Aryo Yudhoko, the Secretary General of the Indonesian Migrants Union in Indonesia. He began by stating some facts about the current condition of migration management in Indonesia. He pointed out that the number of Indonesian migrant workers (IMW) overseas at end of February 2010 was 2,679,436 persons. According to the Director of the Protection of Indonesian Citizens and Indonesian Legal Entities, Ministry of Foreign Affairs, by the end of 2009 there are about 60,000 IMWs with problems such as loss of communication with families, not being paid, termination by employers, death due to various reasons, violence, illnesses and so on. He pointed out that these kinds of issues had occurred because of agents cheating or being cruel to workers, bureaucracy and corruption, and weak foreign diplomacy.

The current developments in trade unions dealing with migrant workers in Indonesia was then presented, focusing on the four trade unions that have been established, Indonesian Migrant Labour Union (SBMI), Indonesian Migrant Workers Union / Union Migrant (UNIMIG) Indonesia. In Hong Kong there are: IMWU (Indonesian Migrant Workers Union) and the Association of Indonesian Labour (ATKI).

The floor was then opened for discussion. It was highlighted that it is important for SAARC to identify those areas that have improved more, and the areas that have improved less, not only by areas but also in terms of countries. It is important to learn lessons from South East Asia, both positives and negatives. It is necessary to focus on two main areas, protecting the rights of migrant workers, and migration development, where you consider the best ways in which you can utilize migration. The Commission needs to come up with a framework by taking into account the practices of ASEAN to guide SAARC in moving forward. Another discussant put forward the fact, that each country in SAARC may have different priority issues when it comes to migration management at a national level. An ideal thing to do would be to compile all these priority areas so that the Commission could take these up.

The chair gave his comments by saying that the advantage ASEAN has, is that they have a good mix of both sending countries and receiving countries. An example would be the trade of migrant workers between Malaysia and Indonesia. Also, Philippines is considered to be one of the leading sending countries in the world where as Singapore and Brunei are considered as important destination countries. ASEAN is free from any controversial issues; none the less they have been able to adopt the ASEAN Declaration. In the case of South Asia, the region is very active in sending people out, the region now includes Maldives which is a very important receiving country, Bhutan is a case apart. He presented his view by saying that he sees no reason why the region's non-governmental effort, which is the Commission, cannot issue a declaration which can then work as a

working model for the inter- governmental process, that can cover several issues as done by ASEAN, covering the rights of migrant workers to skills development.

He sees migration governance as a key issue nationally, regionally and most importantly, internationally. The experience of drafting of the convention on trafficking of women and children, was discussed. In the early days, most of the member countries thought that this was too sensitive of an issue to handle within SAARC, and yet a SAARC convention on this was formulated. So these are the issues that could be addressed within the SAARC inter-governmental process but as an independent Commission there is the freedom to sort out these problems, and the government can assess the micro impact of this Commission and facilitate and interact with their work. He ended the session by saying that there should be more dialogue and interaction between South Asia and South East Asia on issues relating to migration management, and he said that this is what the Colombo Process will facilitate and provide for, and maybe the member base of the Colombo Process could be expanded. It is important to find out what the countries of the region think, to seek out their views on these issues so that we could seek one voice, and not to push forward different thoughts. Different members of the region have different perceptions and this may not be comfortable in addressing certain issues.

SESSION III – WAY FORWARD FOR THE SAMC – A PANEL DISCUSSION

The final session of the day was in the form of a panel discussion. The panel discussion was moderated by **Prof. Sridhar Khatri** and the panellists included **Mr. Zafar Mueen Nasir**, Chief of Research & Dean of Business Studies, Pakistan Institute of Development Economics (PIDE), Pakistan; **Amb. Farooq Sobhan**, President, Bangladesh Enterprise Institute (BEI); **Ms. Roshini Jayaweera**, Research Officer, Institute of Policy Studies of Sri Lanka; **Prof. Irudaya Rajan**, Professor, Research Unit on International Migration, Centre for Development Studies (CDS), India; **Mr. Shantha Kulasekera**, Head, Migration Management, International Organization for Migration (IOM), Sri Lanka; **Mr. Hussain Niyaz**, Director General, Economic & Development Cooperation Department, Ministry of Foreign Affairs, Republic of Maldives; and **Mr. Sonam Tobgay**, Principal Consultant, Thimphu Consultants International, Bhutan.

Prof. Khatri stated that it is important to put the valuable insights that were put forward by the participants during this event into a single package. Some of the key points that need focus is, on how to move the idea of the Migration Commission forward, commenting on how the setting up should take place, the structures, and undertaking specific work as was mentioned in an earlier session, such as research and further studies. There should be a steering committee that will be able to push ideas forward. Areas such as the type of assistance that is needed by the Secretariat should also be looked at. He said that a clear mapping of programmes and the ideas that have come out during the event and the sources from which these could be generated, is important here.

The Chair invited the first speaker of the session, Zafar Mueen Nasir, Chief of Research & Dean of Business Studies, Pakistan Institute of Development Economics (PIDE), to put forward his ideas. He commented on Amb. Sobhan's assertion on how all South Asian

countries could be brought to a single platform to launch a Migration Commission and the fact that there has been no development on this question at government consensus to have a Migration Commission. He posed the question as to why the governments, when the initiative had already been taken, are not interested in having this Commission and why had there not been any governmental consensus on this matter. The member countries of SAARC need to find common grounds and decide on what would be this common ground. He stated that the Commission cannot be thought of as a body that could look into each and every issue that is being confronted by the member countries. The members need to be very selective so that the issues that come off discussions would be of common ground.

In terms of challenges faced by SAARC, a major challenge that was discussed by many participants was the issue of finding required information. Zafar Nazir stated that he endorses Amb. Sobhan's idea, on having a common methodology, to collect data and produce information in the region. He further said that the countries could collect the relevant information and provide it to the IMO, ILO or the World Bank. He stated that South Asia currently has only one institution that collects information relating to migration, which is the Bureau of Immigration and Overseas Employment. However, they do not have any information on returned migrants, so there is a need to have this information. He proposed a migration information system to be developed at country level and at the regional level.

One of the other areas that need cooperation and the Commission would be effective, is the issue relating to the rights of workers. This is because the rights of workers are not being protected by the countries of origin or the countries of destination, so there should be some consensus on how the region can go forward and protect worker rights. He further stated that in Pakistan the cost of migration is very high because overseas migrant promoters charge very high prices and this is one of the rights of migrants which are being exploited by these promoters. There should be some mechanism by this Commission to reduce these costs. Furthermore, there is no system in place to carry information on the skills that are mandated by the destination country and the skills that are produced in the sending country.

He further highlighted that the non-existence of implementation of a breach of contractual agreement by employers is very common in the SAARC region. This is because the region is a big exporter of workers, however it is important to perform as a supplier and protect its people's rights abroad. The Commission can work on these things and can guide the countries on how they could frame these rules so that these types of exploitation can be avoided.

Reduced access to health services or health services being non-equitable with the quantity of work, is another issue in the region. Sub-standard boarding and lodging as well as medical facilities, offering different jobs than for which the worker was originally hired for, non-payment of salaries are some of the issues and rights that are being violated and the Commission has some role to play in finding solutions to these issues. Other areas of concern are problems in getting passports stamped, non-implementation of court

precedent force to leave the country without settlement of dues, and sexual and morale exploitation by employers, over-charging by overseas employment, fake agents and fake visas, HIV aids issue, where they are not accepted by their families or the society. This is one area where the region can come up with guidelines to protect these workers. Basically this Commission should have a commitment to protect the rights, dignity, and security of the immigrants. Improvements need to be made regarding the registration of immigrants, students' visa process and recruitment agents that perform mal-practices in the recruitment process. Increased promotion of welfare of immigrant workers, facilitation of flow of remittances through formal channels, facilitation for the protective use of remittances, are important issues. So far the governments only receive funding but there is no education for the immigrant families on how to use this money and most of these remittances are only used for consumption purposes or at most for housing, and there is no productive use of it. These were mentioned as important areas in migration that needs to be looked into.

Ensuring social and economical reintegration of returned migrants is important. South Asia is more interested in sending people, but not interested in receiving them back and making productive use of them. There should be a way of reintegrating these people into society. Migrants must be given insurance coverage. He stressed on getting the civil societies involved in improving migration management within the region, especially the trade unions of the host country and said that the Commission should develop ways in which trade unions in two countries could coordinate, as trade unions can play a very big role. He highlighted the importance of social dialogues, communicating recommendations and ideas throughout the country so that the idea is accepted by everyone. If this approach is adopted at a regional level, this would be very productive and will have more value to South Asia; if governments at this stage, not interested then other people will not know about this, so we need to develop this consensus so that we could share this idea with all the governments.

The next to present his ideas was Amb. Sobhan. He confined his remarks to three points, from which the first was based on a "Case for the South Asian Commission on Migration and Development" which was presented at the meeting last year in Colombo. He stated that the rationale for setting up a Commission was discussed during the two meetings held in Colombo last year, one in May and the other in November, migration was closely linked to development as such as this was a subject of the highest importance to SAARC member states. Secondly he said that it was felt that there was a need to complement and supplement the work of the governments, and it was important to adopt a common strategy, a common vision and a common approach on the part of the governments. He mentioned that South Asia could benefit from learning from the best practices of other regional groupings such as ASEAN and EU which had been discussed during the conference. He mentioned that migration management was an area that directly impacted on growth and development of the countries in South Asia. There should be a coherent and consistent approach and a strategy adopted by the countries of South Asia in response to the restrictive immigration practices adopted by a large number of developed countries.

He stated that South Asia had already missed one opportunity, the global forum in Mexico held earlier in November. But he said that in April next year there would be a ministerial level meeting in Bangladesh under the Colombo Process. This meeting would bring together ministers from both sending and receiving countries in Asia. He requested that perhaps at this meeting, a short document containing some recommendations could be put forward for the attention of the ministers. He also pointed out that the next SAARC Summit was scheduled to take place in the Maldives late next year. He said that this would provide an excellent opportunity for the commission to prepare a set of recommendations of which could be presented to the Summit. He emphasised on setting limits for the work of the Commission, and exert a certain level of influence, a level of support to the governments of each country in giving the subject both the importance and coherence that the Commission deserves in achieving a common strategy. What the commission would need to decide on would be the time frame, the scope of work, and finding the resources for its work. He requested that prior to the next meeting, a working plan should be prepared which would provide the basis for discussions and the preparation of a set recommendations to be sent to the labour migration ministers of SAARC countries ahead of the meeting, either in Dhaka or ahead of the SAARC summit in the Maldives.

The next speaker of the session was Roshini Jayaweera, Research Officer, Sri Lanka Institute of Policy Studies. She pointed out that the main objective of the Commission would be to formulate a framework to overcome the issues faced by migration workers in South Asia. One of the most important issues is, the difficulties faced in the destination countries, especially by the female and unskilled workers (as is the case with Sri Lanka). She pointed out that this group faced the most number of challenges such as exploitation, under-payment of salaries, and physical or sexual abuse. Therefore, it is important to focus on the rights of this group in the destination countries. The second issue, as she sees is the information gap. There is a lack of information on the nature of the jobs in the destination countries as well as lack of information on the demand for labour, supply of labour and, cost of recruitment and migration of each country. This issue of asymmetric information raises many other issues such as informal channels of remittances and creates a mismatch between demand for labour and supply of labour.

She further stated that the reintegration of the returnees into the development activities should be considered by the Commission. This is applicable to all countries in the region but is specifically important for Sri Lanka in the aftermath of thirty years of civil war. Other issues that were raised were irregular migration and human trafficking. It is understood that different countries have taken steps to address these issues at a national or country level, but still these issues exist, so according to her, the Commission should address these issues as it has a stronger voice compared to that of one country. The Commission can focus on strengthening the integration of data and dissemination because it is important for decision making and planning of international migration management. The data collection method should not only focus on the migrant stock but also the infrastructure services as well as the information on the labour demand existing in the international labour market.

She also focused attention on the social security of the returning migrants, security of the children of migrant workers who are in the destination countries, and pension and old age security, i.e., most of the workers who return to the country of origin may not have contributed to formal pension schemes for their old age security. Therefore, it is important to consider the social security of old aged workers and migrants, and whether they are eligible for those basic needs in the destination countries.

The next to speak was Prof. Rajan, Professor, Research Unit on International Migration, Centre for Development Studies (CDS), India. He started by saying that the Commission has the possibility of doing quite a few things, for instance the Commission can think of having a South Asia migration Summit. It is necessary to highlight the contribution of migrants in the destination countries. The third point he mentioned was socio remittances. Fourthly, he mentioned that it is important to discuss about the pension schemes available for returning migrants in the region. It is also important to know what happens to our workers in other countries. Student Migration policy in the region is another area that should be focused upon as it could pose problems in the future; students are used as a means of cheap labour as they do not fall under the formal process. There is a requirement of extensive research, to have a regional migration report, at least once in three years. Migration governance is very important, and by preparing a migration report, the region can think of a theme to focus on, and all the members can think of some way of contributing to preparing this.

Shantha Kulasekera, Head, Migration Management, International Organization for Migration (IOM), Sri Lanka presented his ideas next. He took the opportunity to point out some fundamental issues that could be addressed by the Migration Commission. He pointed out that it was important for the Commission to position itself and ensure that the right space was created to be relevant in the first place, before the work to be conducted by the Commission was identified. The practices of other regional groupings cut across most of the issues that are faced by SAARC. Therefore, he sees this Commission as an important development in the context of migration.

He pointed out that the Migration Commission could have two main pillars, for immigration and emigration. Implementing immigration policies is easier than implementing emigration policies, because emigration policies is largely managed in the interest of the country and are non-dependent on other countries. Labour migration policy is difficult to implement without inter-governmental cooperation. For example, there is a sending country and a receiving country; no labour policy can be implemented without the cooperation of the destination country. Immigration policy is on the other hand, less dependent. The Commission therefore, needs to see where its scope lies. He pointed out that in ASEAN, both the immigration and emigration policies work together, since there are sending as well as receiving countries in the region. What he suggests is for the Commission to be first, relevant in terms of the South Asian context, and then see whether it will address both components of migration. He sees student migration as a huge market traditionally, since Asians invest a lot in sending children abroad for education, and the region should try to attract students in their neighbouring countries.

This is part of the global policy framework, which the Commission can address. Also, in immigration, the Commission can play a role in visa policies, migration security and international cooperation. He pointed out that Sri Lanka has a labour migration policy, but does not have a migration policy as such. It is important that the Commission assist the member countries by providing appropriate policy advocacy on maintaining migration. This issue has not been taken seriously at the senior policy levels in national development agendas even though migration contributes to the national economies.

He further stated that multilateral agreements such as GATS under WTO, specifically mention labour migration. The Commission could look into this. He also mentioned that there are many FTAs that are being entered into, for example the FTA between India and Sri Lanka can have a huge impact; so it is important to look at all the opportunities that these frameworks can offer. According to him, this has not been done. He stated that he would like to see the Migration Commission work within these contexts.

The Chair invited Hussain Niyaz, Director General, Economic and Development Cooperation Department, Ministry of Foreign Affairs, Republic of Maldives to speak next. It was pointed out that Maldives is a receiving country, and he will therefore focus more on this side of the migration. Maldives has an estimated 100,000 migrant workers employed, who are mostly from South Asia, that brought huge benefits for the development of the Maldives, by improving infrastructure development as well as the development of economic and social sectors. However, on the negative side it also drains a lot from the country's national income, especially through foreign exchange earnings of a small country like Maldives.

There are over-stayers who remain invisible and who happen to be the most vulnerable for exploitation. In some instances, they are exploited by their own nationals. This is one area that needs attention. Educating the vulnerable categories of workers about their rights in the country of origin as well as in the destination country, on how to send their earnings back home and how to access the banking systems, is important. Without doing this, there may be different kinds of exploitation going on. For example, there are certain migrant workers who are being exploited by their own nationals who are much educated, by taking money from these less educated workers. A lot of problems are arising in Maldives, especially in the East, where there is increasing violence among particular nationalities, because of these kinds of problems. On the other hand, there are certain contractors in Maldives who hire employees of their own national, and there are many instances where these contractors have not treated those workers properly and paid them on time. This is an issue that the sending country must be aware of.

He highlighted that Singapore requires migrant workers to carry certifications that they possess which should be introduced in South Asia as well. This way, it is easier for both the sending and receiving countries. A mechanism must be in place to make sure that these certifications are not exploited in any way. It was also highlighted that diplomats who represent their countries do not look after the welfare of their country's migrant workers. The Commission is important for sharing of knowledge, and the setting up of adequate databases, especially for countries like Maldives, since there are limitations on

human resources, and the assistance of the sending countries will be very much important for putting in place proper mechanisms to monitor.

The last speaker of the session was Sonam Tobgay, Principal Consultant, Thimphu Consultants International, Bhutan, who provided insights on how the South Asian Migration Commission (SAMC) could be taken forward. First, he pointed out that it was important to understand the main objectives of the SAMC. This was mainly to address the concerns of the region's labour exports, in terms of abuse, in terms of so many issues that were discussed during the event. He also pointed out that migration of the region was at the end of the day determined by demand and supply; this encouraged South Asians to go to other countries or destinations.

He emphasised on the importance of having clear terms of reference in terms of the responsibilities of the Asians etc., thus keeping a clear focus and implementing practical reforms. It is also essential to establish some legal understanding of the Commission, and thereby approaching the governments through SACEPS or any association body, and thus try to gain more leverage. Once these in house conditions are in place, there can be so many interactions such as extensive research, policy and regulation governance. He also proposed that the region develop a South Asian Skills development or training institute which can help in developing a high skilled labour force, as opposed to exporting in regular forms.

The floor was then open for discussion. From the floor discussions the following were highlighted.

- South Asia needs to have a bottom-up approach.
- SAMC should keep its TOR small and simple without taking on a lot of issues.
- SAMC has a big role to play as some of these issues would not be taken up by individual governments due to their sensitivity. It can advice governments.
- The Commission should make use of data already collected by agencies such as the World Bank.
- It is necessary to link up everyone who is working in this area. There should be a catalogue on persons working on migration issues and research work that has been carried out.
- There is need to make sure this Commission is relevant. There should be a better composition of officials in the Commission. All these need to be thought of when putting the SAMC into place. There is need to target the policy makers and have the key government officials involved in this.
- Sri Lanka welcomes this proposal and the success of it.
- Migration is to be seen way before the migrants leave or after they come back.
- A summary of the proceedings which will be prepared by IPS needs to be turned into an action plan. It is necessary to have an Action Plan that can be presented as the Commission's Action Plan.
- Legitimacy and other legal issues should be ironed out.

- It is necessary to show concrete results within a time frame. A calendar of work for the Commission's work should be drawn up and a specific TOR should be prepared.
- The web could be used to popularize the Commission. Dr. Kelegama mentioned that a web portal can be developed for this purpose via which various inputs, new ideas will also be sought out.