

A LONG-RANGE PERSPECTIVE FOR STRENGTHENING THE MIGRATION PROCESS OF TAJIKISTAN AND KYRGYZSTAN WITH IMPLICATIONS FOR THE RUSSIAN FEDERATION

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Background:

International labour migration is a natural consequence of the process of rapid economic integration among countries driven by the liberalization of trade, investment and capital flows as well as rapid technological change. However, this globalization of the world economy has not led to the freer flow of workers - the most abundant factor of production in many developing countries and labour-sending countries. In fact, while the flows of the trade and investment aspects of globalization were directed towards the minimal amount of control possible, international labour migration has provoked greater intervention towards blocking and tightening controls of the flow of migrant workers at a time when the demographic realities of many developed countries require bringing in migrant workers but whose principal migration policy is preventing further migration to its territories.

There are many countries, particularly the highly-industrialized countries that are facing and will continue to be faced with the dual problem of declining birthrates and ageing populations while others, especially among the developing countries that have young and growing populations but will continue to remain poor and politically unstable. One thing is clear and must be underscored as a constant in the labour migration equation: there are two key actors, labour-sending and labour-receiving countries. Any action from one demands a response from the other in order to keep the equation balanced.

Given these facts, there are and will inevitably be very strong pressures towards geographical mobility that has the potential to generate desirable outcomes for all partners involved but only if cooperation between labor-sending and receiving countries can be substantially improved. This situation puts migration and demography in a new light and is a development which opens a new avenue for exploring win-win solutions that both labour-sending and receiving countries can benefit from a convergence of interests of all parties concerned. In this way, the problems of integration in the receiving countries, of brain-drain in the sending countries and of various threats to the human security of migrants can be realistically addressed.

Migration should be seen as a partial answer to both surplus labor supply in sending countries and aging and eventually shrinking domestic work forces in developed countries. To this end, developed countries will have to enact a comprehensive migration policy that incorporates selection and admission procedures for people who qualify for economic reasons as temporary migrants, or permanent immigrants and even as unskilled workers. And they may have to pay more attention to the development of skills and qualifications in potential sending countries such as co-financing parts of the education

system in order to counterbalance the negative effects of the brain drain suffered by sending countries.

Today, the number of irregular migrants, by its very nature, is not captured in official statistics but their magnitude can be inferred from various regularization programmes of certain countries particularly Italy and Spain. According to the United Nations, in Spain, 44,000 applications for regularization were received in 1985-1986, 133,000 in 1991 and several hundred thousands in 2004. In Italy, 105,000 were regularized in 1987-1988 and 216,000 were granted temporary stay permits in 1990 and another 700,000 in 2002.

The extent of these numbers indicates a great imbalance between the demand for workers and a lack of correct policy to legally procure the supply from countries eager to fill the gap. Thus, the failure of labour-receiving countries to recognize or implement sound policies based on such labour market realities contributes to the vulnerabilities of migrant workers who end up paying exorbitant monies to smugglers and/or for forged documents. The logical effect is to increase the burden on individuals seeking employment abroad and to aggravate the tremendous pressure on the high labour force growth rates of countries that seek to ease unemployment and raise foreign exchange through the operations of their international migration programme.

Already a victim of a labour-receiving country's mismanagement of its immigration rules vis-à-vis market demand, the migrant worker is further victimized by being treated as a criminal for violating entry laws of the host country. In many instances, trafficking and exploitation of migrant workers could have been mitigated if labour-receiving countries openly accepted their need for such workers.

Many countries planning to take advantage of the positive benefits that migration can bring to their unemployment and foreign exchange reserve problems face the particular challenge of building effective public institutions along with the appropriate legislation which took a long period of time to evolve in the developed economies of Europe and the United States. But developing countries, particularly those in transition from the former Soviet Republic such as Tajikistan, Kyrgyzstan, Ukraine, Albania, Moldova, Armenia, Moscow or African states such as Kenya, Tanzania, Uganda and Ethiopia and Egypt,^{*} however, do not have the luxury of time. They must make arrangements for dealing with a wide range of public business matters within much shorter timescales. They need to find solutions which are in step with the demands of globalization while retaining their political and social legitimacy. They need to establish the rule of law, tackle corruption, reform public services and get their evolving political systems and markets to work especially in a hurry.

These are not easy and many of these countries, specially those in transition from the former Soviet Republic, have been overwhelmed by the demands of globalization to put in place a menu of laws and institutions that are too diverse and sophisticated for them to handle all at once and in a rush.

* Countries where the author has conducted migration management assignments.

Of course there are advantages in being able to learn from pre-existing models or best practices of other countries and the world in general supports faster political and institutional change through rapid sharing of knowledge and new opportunities for networking. But unfortunately, many of these countries are not receiving much effort in getting them to understand how to build new, effective and accountable institutions that are the important ones for promoting growth and spurring development. The focus of technical assistance projects may have been on just trying to get the job at hand done rather than on *developing the capacity* of public institutions to understand what the job requires in the present and what it will require in the future.

The recipient countries themselves and some of the international organizations operating there may have failed to realize the *absorptive capacity* of various government agencies for the technical advice. The technical assistance projects, existing studies and conferences have undoubtedly contributed to the orientation of thinking and analysis of such a complex and multi-faceted phenomenon, and have helped to identify the problems and causes besetting migration. However, the hard reality is that *a wide gap still remains between what is and what ought to be*.

Many international organizations that proffer assistance to these countries may have taken for granted the level of competence of the public institutions that they deal with, and merely presumed that the organizational mission and objectives of these government agencies are regularly and routinely being accomplished. In fact, many of these institutions still encounter difficulties in performing even the most basic functions essential to their day-to-day operations.

The mix of academic studies and organizational interventions such as seminars, conferences and study tours have not resulted in mitigating the problems encountered by migrant workers because the interventions may have focused merely on the tasks such as training and transfer of knowledge without looking at the entire process of which the intervention was but a mere component.

The numerous projects undertaken by this consultant had led to the conclusion that there is a need for more practical assistance than the rhetoric of intentions that many of these studies and researches provide. Migration institutions have been asking for more practical and customized assistance in how to operationalize the rhetoric of intentions into pragmatic ways that can offer practical and workable solutions and for throughput processes to shepherd these to reality.

After all, truisms do not constitute programs and their particularization into operational terms is currently beyond the ability of many of these countries to undertake. They would need the assistance of **application-engineers**^{*} or people with operational experience in the migration process rather than seminars and conferences. The output of most research-based findings that have failed to trickle down to the points of application and implementation – the migration institutions of both labour-sending and receiving

* Role developed in connection with the adaptation to broader uses of scientific knowledge originally developed out of the space program of the United States of America (Meade, 1971).

countries - due to the lack of methods to translate these theories and findings into operational terms can be assisted by these application-engineers.

In many instances, the reality of reform has not lived up to the rhetoric of conference recommendations and seminar action plans. Governments have not learned that they also need to understand the dynamics of their own public administration system before they can design appropriate reform strategies. But perhaps the most important point to consider is that *reform is continuous*. As the world keeps changing, governments must keep adapting.

But the system of allocation of funds for projects of international organizations means that different organizations intervene simultaneously to organize projects that are at times overlapping or do not provide for continuity. This dispersal is increased still further by the fact that all these bodies operate in the form of “projects”, most of them modest in size, whose main component is expert services and which have a high degree of independence as regards project design and methods. Most projects do not have suitable follow-up provisions after missions so that many end up merely interred in archives after the departure of experts/consultants. More often, recommendations are buried because no systematic mechanism exists for processing, evaluating and incorporating them into ongoing national decision making process.

In many of these countries, donors may have underestimated the importance of governance, institutional reforms and of social investments as a complement to macroeconomic and trade reforms. The results are visible in terms of weak governance and failing institutions that reduces the amount of productivity growth and unmitigated abuses on migrant workers that could have resulted from the macroeconomic and trade reforms.

Further, recipient governments may have been unable to solicit technical advice in accord with a sound order of priority needs because no broad review of overall needs and potential resources have been undertaken either by the government or international agencies.

Expectations:

The task of this report is to provide advice on the strategy necessary to move Tajikistan’s and Kyrgyzstan’s migration programmes to higher grounds and what programmes and policies are necessary to accomplish this strategy. I hope to clarify options available for top officials to decide on and to provide a roadmap for the best direction for the government to follow given the highly complex environment that the migration program currently exists under.

This report also hopes to point out the fact that efforts to assist these countries to manage their migration process must *prove their potency against the intricate formula for development*. Migration cannot be seen simply from the perspective of Labour and Social

Affairs Ministries. Migration issues cut across practically the entire Cabinet of any government.

It is important that the role of migration in national development be understood in order to be able to develop policies that are more relevant and more sensitive to the negative consequences of measures that restrict migration. Much work remains to be done in developing specific policy measures and instruments that can do so, and this report will discuss some of the possibilities.

Developing institutional capacity requires more than staff training or an organisation that is reasonably well structured and managed. It also requires that the wider “institutional framework” be supportive.

This wider institutional framework that will be presented here is drawn up from the experience and lessons learned over many years by this consultant which shows that no single government agency can effectively respond to the myriad of problems created by this migration phenomenon; that only by working together in a creative, coordinated way – with a **common agenda** – can enormous steps be taken in the right direction that presents a unique opportunity for collective action. The coordinated series of this common agenda, expressed in a definite timetable, is equivalent to a long-range perspective plan.

It is also important that change be thought of in more strategic terms. Change, and the management of change, is at the heart of this framework. However, international organizations tend to be preoccupied with current problems and their immediate causes, and with short-term solutions. To counter this, donors need to balance short-term progress against longer-term objectives of supporting local incentives and pressures for change. There are no short cuts to better government but with small, incremental steps, this could accumulate towards attaining the long-term process of social, political and institutional change which could benefit the recipient agencies. This may not involve doing a lot of new things but it does imply a shift of focus – from “what” countries need to do, to “how” best to support the processes of change involved.

In principle, sending and receiving countries have a common interest to **explore win-win solutions** that allow not only the countries and economies involved but also the migrants themselves to gain from migration. Issues to be discussed in bilateral or multilateral levels could be joint border management, agreements on visa regimes and labor permits, orderly departure and safe travel arrangements, living and working conditions of migrant workers and permanent immigrants, brain drain and skill formation, transferability and portability of claims towards social security, dual citizenship, channels and average costs of remittances. Such migration-related issues might also become elements of future trade, cooperation and association agreements between the sending and receiving countries.

Laying the Foundation for a Roadmap:

The initial assessment of this consultant focuses on the need for the top officials of Tajikistan and Kyrgyzstan to fully appreciate the role that migration can play beyond the traditional role of easing unemployment and providing economic benefits from the remittances of migrant workers. For this reason, the term “reframing” is being introduced here. It signifies that a goal of this roadmap is to prepare top officials to fundamentally transform the source of what drives their migration programme as well as their standards for basing decisions and the values that underlie their accomplishments and achievements towards a position that would allow them to face the challenges of the new millennium.

Reframing is the process of breaking apart the organization’s ‘conventional wisdom’ (its existing mode of thinking, mindset or paradigms), bringing in new ideas or concepts as required, and constructing a new mental framework for the organization. It is of critical importance to note and keep in mind the fact that this transformation will not happen in a sequence of activities. Unlike mere change that can happen by default, transformation is the result of an enduring, organization-wide commitment to achieve a common set of goals. Activities must occur simultaneously, although at different speeds and along multiple dimensions. This underscores the need for a mobilization plan as a means of creating that shared motivation and commitment.

Reframing is specially required of officials of the Republics of Tajikistan and Kyrgyzstan since both are still grappling with its transition from a centrally planned economy to a market economy and the liberalization of society. Being former command economies, they need a large-scale restructuring of government services and machinery and to overcome the highly hierarchical organization structure of the past in order to help them cope with the competitive imperatives of the dynamic free market environment. Furthermore, they require greater familiarity with completely different philosophies, concepts, structural and procedural approaches that govern market economies. While most of their migration flows occur with the Russian Federation and other former Soviet republics, their administrative systems, skills and service orientation are in need of major changes in order to bring these to levels that are in line with the demands of a free market economy.

Much of the diagnosis have been done through many studies produced by international organizations such as the United Nations Development Programme, World Bank, Asian Development Bank and numerous others that provide the needed hard facts and substantive analysis. The question is in the prescriptions. If the wrong medicine is prescribed to the patient, it is ineffective at best and does serious harm at worst. One way of gauging their effect is to see how the public sectors of both countries are performing. Right now, the answer to this question is incomplete, yet there is a general feeling that government agencies are unable to move forward or fast enough in their efforts to make things better.

Undoubtedly, these countries need to have not only the right migration laws and policies but also to implement these things right. This requires **institutional capacity**: capacity to

establish laws and regulations and choose among priorities, capacity to ensure policies are implemented, capacity to use and deploy scarce human and material resources, and capacity to deliver services efficiently and effectively.

In order to carry these out, a roadmap containing three distinct phases is presented to draw officials closer to understanding, interpreting and resolving the specific international labor migration issues that affect these countries.

The objective of the first phase of the road map is to discuss how the principles governing migration relate to the day-to-day operations of an overseas employment program. It will show how migration should be transformed from simply an issue of supply and demand brought about by the economic push-pull factors to its current prominent position in political debates. The purpose of this phase is to identify and frame the fundamental challenges facing the overseas employment programmes of these countries to enable them to focus on key challenges and policy choices.

Phase 1 also provides the information that is meant to help frame the strategic issues in a positive and constructive way. This is a critical step in the process because the manner in which the issues are framed will determine much of the subsequent process. It will have a major influence on how strategies will be formulated, how costs and benefits of alternative strategies will be weighed and which strategies are likely to emerge as the winning arguments.

Phase 2 identifies the activities that must be undertaken simultaneously. It would be logical to start with a vision around which a mobilization process could be built. Hand in hand with a vision statement goes a mission statement, which is the action-oriented formulation of their overseas migration programme *raison d'être*. There is a need to discuss with top officials what the values or management principles are necessary that will serve to guide management. This would be helpful as this often gives an insight into their overseas employment programmes' goals and strategies. They serve to indicate how these countries want to operate and how they intend to relate to key stakeholders. For example, does Tajikistan wish to run and control their migration programme or should they merely regulate the participants of the programme? The functional imperatives are specified as a guide to the different activities that must be undertaken to implement them. It is important to prepare the ground by ensuring that those involved have the same understanding and background of the principles underlying international labour migration.

Phase 3 provides a section on the functional imperatives of the roadmap and identifies a list of activities that are necessary to implement a successful formulation of their migration programme.

Key Determining Factors:

This section identifies important variables that influence the management and development of a nation's international labour migration system. They are not necessarily

integral to the system *per se* but are important to warrant attention as they influence, if not determine, the institutions' capacity to successfully manage an international labour migration programme.

Demand-Determined Market

Migration is a demand-determined phenomenon. But many policymakers, especially from the former Soviet Republic, are unfamiliar with the law of supply and demand much less their effect and linkage with the principles governing the migration process.

The correct appreciation of this law of supply and demand will ascertain the type of policies and programmes that need to be developed. One example that can be cited is the phenomenon in the Philippines of prominent doctors working in provincial government hospitals who are also simultaneously enrolled in nursing schools because their monthly pay as doctors is much lower than what an ordinary nurse in the United States or United Kingdom receives.

Given such a big disparity in pay, the push-pull factors will undoubtedly influence many to migrate. While remittances are considered as the major benefit of migration, the "brain drain" is considered as its most serious cost. Labour-sending countries must begin to face up to the fact that past negative reaction to the brain drain factor has not helped.

This principle operates in much the same way that ordinary business establishments are affected by these elements in a free market economy. The point needs to be made, however, that in international labour migration, the demand side of the equation prevails. This fact must remain constantly in the minds of planners and administrators.

However, given the new migration-demography nexus presented below, labour-sending countries with labour surplus economies may wish to study the implications that this formula presents especially as far it affects the supply side of the equation; not that the supply side will overpass the demand side in importance but that there can be a gradual balancing of both sides of the equation.

Additionally, both governments should be challenged to determine how much foreign investment is required in order to create one local job. Local training must be factored in a country's development plans since developing countries can no longer rely on the traditional concept of attracting foreign investments in order to create employment opportunities. In the case of the Philippines, a study conducted by the University of the Philippines several years back claimed that it took approximately \$50,000 US dollars to create one job in the local market as a result of such investment. The President of the Skills Development Council of Pakistan offered a guess that in Pakistan, it could take about US\$ 100,000 of foreign investment to create one job locally. This means that a US\$1 billion investment only leads to the creation of 10,000 jobs locally for Pakistan and 20,000 for the Philippines, hardly making a dent in the number of yearly entrants to the labour force of these countries.

Even if we consider the ancillary services required for this investment that could lead to more jobs being created, this is an outdated strategy coming from international financial institutions. This is further aggravated by the fact that ODA and FDI to developing countries have been steadily falling over the past years.

Policy and Programme Interventions

To sustain an international labour migration programme, these countries must continuously maintain a clear understanding of where migration is at and what it is expected to do for them. This is reflected in a country's policies and programmes. In the case of these two countries, migration is only now starting to gain attention in the minds and priority of top leaders, policy-makers and of society in general. Attempts are being undertaken to reflect this through policy pronouncements and legislative efforts and an increase in bilateral talks with their primary market – the Russian Federation.

But these policy pronouncements and legislative efforts on migration have not yet been placed within the context of an overall labour and employment strategy with the appropriate interfacing with other development policies such as education, foreign affairs, trade and investment. Such pronouncements should also define the role that government sees itself playing vis-à-vis the private sector and ensuring that a supportive policy environment exists for the participation of other ministries. The strategy necessarily will have to include goals and objectives such as promotion of employment, protection of its nationals abroad, acquisition of new skills, improve use of remittances to assist in national development, reintegration into society of returning migrants, among others. Migration and demography are not even considered as major components of the draft National Employment Plan of Kyrgyzstan which this consultant had the opportunity to be present during the kick-off meeting (project presentation) by the project contractor last January 19, 2006 in Bishkek.

Good Governance

The appropriate system for a particular country depends upon the nature of the political system and the basic development philosophy of the government, together with a host of multiple determinants that are connected to others in a complex network of interacting forces. Thus, there are no standard measurements that are presented in this report because each of the countries have their specific histories and stages of development to be taken into account, none of which can be said to have a comparative advantage in matters of governance. Therefore, no matter how successful an international labour migration system might be in one country, it cannot be imposed on another.

There is however one precondition that applies to one and all regardless of development situations or conditions of a country. Numerous studies have shown that good policies and institutional frameworks are not synonymous with good governance. While it is essential that appropriate policies and procedures be formulated, it also requires that government have the political will to implement the policies it adopts. It must demonstrate that it can deliver what is promised by and expected from its leaders and

institutions. The mere predictability of mechanisms for formulating policies and procedures are not sufficient to produce good governance.

Responsibility of Migrants

The task of enforcing laws rests largely in the hands of government. However, one should not lose sight of the equally important role that the migrants play in this effort. Much as they have rights and privileges guaranteed by a constitution or the State, the tendency is to give little attention to this other half of the equation – that migrants, in addition to rights granted them, also have duties and responsibilities to uphold not only the provisions but also the spirit of the instrument (s) that extended them these rights.

This consultant takes a different position from the lop-sided emphasis placed by certain international institutions towards the rights of workers when in truth and in fact, there will always be two sides to a coin – the rights side and the oft-neglected responsibility side.

In this regard, the example of the Philippines should be emulated since it places major importance to its Pre-Departure Orientation Seminar (PDOS) as a mandatory educational program designed to assist successful applicants prior to their actual deployment with information on the laws and procedures, cultural idiosyncrasies and practices of the host country, rights and responsibilities, protection and recourse in case of emergencies and psychosocial effects of working abroad and separation from family. No Filipino worker may be deployed without undertaking this PDOS.

The Philippine Overseas Employment Administration (POEA) also provides a voluntary service in the form of a Pre-Employment Orientation Seminar (PEOS) to assist prospective applicants in arriving at decisions based on a knowledge of the benefits and pitfalls of working abroad, application procedures, services that may be availed of from various government entities and a proper perspective of the overall overseas employment programme.

The PDOS and PEOS emphasize that workers, too, have responsibilities in ensuring that things work out well for them while they undertake their role as migrant workers. Despite these programmes, many applicant-workers still encounter difficulties and problems leading to a rather stark observation that they may not be the innocent victims that the press usually portrays them to be but are actually “willing victims” who disregard all warnings from government in the mad rush to secure foreign employment.

Many of the victims, driven by poverty and the desire not to be inconvenienced, willingly desist from pursuing prosecution in exchange for settlements that sometimes do not even approximate half of the amount of money they lost to the illegal recruiter. However, victims cannot be entirely faulted for this due to the normally tedious judicial process.

A New Challenge - The Demographic Winter:

Meetings with various officials of Tajikistan and Kyrgyzstan included a rundown of current demographic predictions and projections for the region, particularly of their primary market, the Russian Federation. As Peter Drucker said in his book *Management Perspectives for the 21st Century*, “the most important single new certainty – if only because there is no precedent for it in all of history – is the collapsing birthrate in the developed world. In the Western and Central Europe and in Japan, the birthrate has fallen well below the rate needed to reproduce the population.”

Total Fertility Rate or TFR is defined as the average number of children a woman will have during her life of reproduction (generally from age 14 to 44 years old). Replacement Fertility is the level of the TFR where live births are just enough to replace deaths. Demographers have determined that this happens when the TFR is at 2.1 per woman – and at least half of the births are female.

Many developed countries still proceed on the premise that manpower will always be available. As a stop gap measure, the United Nations has urged industrialized nations to organize and put in place a “Replacement Migration Programme” in order to replenish their ageing and retiring labour force even as it urges all countries to raise retirement age to 75. This is necessary to ensure that a country is still able to maintain contributions to the social security fund and support retirees at the proper pension levels.

TABLE 1
THE WORLDWIDE BIRTH DEARTH
A Sample of Countries with Irreversible TFR as of 2000

Country	TFR 1995-2000	Population 1998	Year 2050 Population
Spain	1.15	39,628	30,226
Romania	1.17	22,474	16,419
Czech Republic	1.19	10,282	7,829
Italy	1.20	57,369	41,197
Bulgaria	1.23	8,336	5,673
Greece	1.28	10,600	8,233
Japan	1.29	126,281	104,921
Germany	1.30	82,133	73,303
Hong Kong SAR	1.32	6,660	6,664*
Russia Fed	1.34	147,434	121,256
Portugal	1.37	9,859	8,137
Ukraine	1.38	50,861	39,302
Slovakia	1.39	5,377	4,836
Austria	1.41	8,140	7,094
Switzerland	1.47	7,299	6,745
Poland	1.53	38,718	36,256
Canada	1.55	30,563	42,311*
South Korea	1.65	46,109	51,275*
Singapore	1.68	3,476	4,015*
France	1.71	58,649	59,883*
United Kingdom	1.72	58,649	56,883
USA	1.99	274,028	349,318*

* Increase due to migration,

Source: *Asian Population Demographics Foundation, 2002.*

Today, it is a foregone conclusion that many developed countries are faced with the dual problem of declining birthrates and ageing populations. This state of the world population is creating situations previously unheard of. Given these circumstances, this consultant suggested that these countries reconsider their position regarding the advice of population experts on the “population bomb” theory. This theory cautions that countries with a high population birth rate and labour surplus will face tremendous hardships and even security concerns due to overpopulation. Not that such warnings be ignored but this consultant also introduced the idea that given this new migration-demographic nexus, both countries* and other countries experiencing labour surplus and high birth rates might wish to study the implications that these demographic facts might have in terms of gaining more favorable terms and conditions for its OCW’s.

Thus, we now find in many countries the following:

- More deaths than births as TFR’s fall below the 2.1 children per woman replacement level;
- Their populations are ageing rapidly as less births occur;
- The Labour Force is ageing while the average age is rising;
- The Labour Force is being depleted while replacement population from new births is dwindling;
- The ratio of the Labour Force to the elderly dependent population has dropped from what used to be a ratio of 8 workers supporting one retiree to a 3:1 dependency ratio.

Here is an assembly of random snapshots of the demographic emergency:

1. Singapore allocated almost a billion Singapore dollars as incentives for couples to have more children; Germany offers financial benefits as well;
2. Japan is currently negotiating with some labour-surplus countries like the Philippines and Thailand for the supply of health-care worker’s. Further, Prime Minister Koizumi almost lost his grip on power when his political party lost a by-election in 2004 on the issue of the increase in pension fund contributions and diminution of pension benefits;
3. The United Nations is now recommending a new strategy called “Replacement Migration” which essentially recommends the systematic recruitment of young workers from 3rd world countries to replace a country’s ageing and dwindling labour force at rates that will maintain a host country’s dependency ration at 3:1;
4. Korea offers nursing support for third children and exemptions from kindergarten fees;
5. Strikes are occurring regularly in Germany, Italy, France and Austria over even the most modest pension reforms. Alan Greenspan, former head of the US Federal Reserve, had warned that unless the USA reforms its social security system, it will collapse within a few years.

* Tajikistan has a TFR of 4.6 while Kyrgyzstan has a TFR of 2.8 according to UNPD, 2000.

Today's conditions present many developed countries with an unfamiliar challenge. In the past, government planners and their advisors focused their attention on devising the best strategic and tactical plans covering a panoply of concerns.

But a major characteristic of international labour migration as mentioned earlier, is that it is demand-determined in nature and is therefore inherently biased in favor of labour-receiving countries. Thus efforts to administer a migration system and protect the rights and uphold the welfare of migrant workers fall heavily on the side of labour-sending countries. On top of this, many labour-receiving countries claim that their current immigration rules are sufficient to address their labour market conditions and to provide protection to migrant workers.

This bias towards the demand side of the equation must now be re-examined in order to avoid displacements on both sides of the equation. Aside from labour-sending countries considering the implications that this demographic situation may have to their economies, labour-receiving countries will have to consider playing a more active role in the development of skills and qualifications in potential labour-sending countries. For example, the curriculum development and the educational system of labour surplus economies may require financial inputs in order to accommodate not only domestic requirements but also to meet the demand in the international market.

Such financial interventions may also serve to compensate labour-sending countries to the possible negative effects linked to brain drain. In fact, the World Bank has called for developed countries that recruit skilled workers from developing countries to pay a levy to the latter to compensate for the investment in human capital made by the labour sending countries.

Development planning will necessarily take on a different form and emphasis if both countries would be willing to address this deficit in the supply of competent workers that most, if not all, of these developed countries will experience. For example, the curriculum development and the educational system of these countries may have to be adjusted in order to accommodate not only its domestic requirements but also to meet the demand in the international market. This approach can definitely reduce the situation where university graduates are unable to find jobs after leaving school due to a mismatch between their skills and what the domestic market needs.

Even poverty-alleviation strategies as currently practiced may have to accommodate the implications of this new migration-demography nexus. The demand for migrant workers in the international market will remain constant and in fact increase as more and more developed countries fail to reproduce their current populations. In the Philippines, which is an established labor-sending country, many families now see overseas employment of at least one member of the family as their route out of poverty and therefore contribute to support the financial requirements of graduating a nurse or IT family member.

Further, while the frontier of economic possibilities is expected to continually expand, job opportunities for the low-educated are shrinking almost everywhere. While

employment growth has been positive in many developed countries in the past years, there has been a marked contraction of jobs that are typically held by low-educated workers. The steady decline in the demand for low-skilled jobs may seem like progress but it makes for rather gloomy employment prospects for the less-educated who stand to fall behind in terms of employment performance and wealth.

Policy makers have different views on what to do about this. Some think that nothing should be done since the market will make people respond to new incentives and upgrade themselves. Others see the need for government intervention to assure better adult-oriented education and training. Moreover, with this demographic reality, education will become all the more important.

This element of the program focuses on presenting a clear picture of the international labor migration environment with the key objective of creating a deeper appreciation for the issues, opportunities and dynamics that drive its growth. The review of both internal and external economic, political and social factors is necessary in order to communicate the encompassing (i.e. inter-agency, bilateral and multilateral) nature of labor migration and its accompanying implications; as well as to create a sense of urgency with regard to the need for action and prioritization.

Phase 1. Integrating Migration into Local Systems:

After appreciating certain factors that influence the management of a migration system, the next step is to iterate and discuss the principles affecting and governing the migration phenomenon. Among these are:

- a) The need to affirm support for migration at the highest levels of leadership;
- b) The inter-agency nature of migration;
- c) The need for a focal point to spearhead the programme;
- d) Institutional Capacity Building;
- e) Form vs. function
- f) The role of Private Employment Agencies as strategic partners;
- g) The role of purpose driven education;
- h) Entrepreneurship development as a residual effect of migration.

Each element needs to be presented and discussed to serve as a guidepost for officials against which they could measure their own country's standing and thus identify what policies or ideas have to be acknowledged, institutionalized or incorporated into their own labor migration programs.

Top Leadership Involvement

One of the primary aims of this consultancy was to inform the top leadership of both countries of their significant role in the change process required to prepare their country's migration programme for the challenges of the future. It is imperative that the leadership of both countries *explicitly* demonstrate that they give priority attention and concern for

migration and recognize the contributions that it brings to national development efforts. They must also be able to direct the design of strategies, set targets and, in addition, see the “big picture” so that they can initiate the necessary changes to their migration programme and the implementation of said changes.

Along these lines, their Ministries of Labour and Social Protection should strive to re-orient government thinking that the role that they should rightfully play is not just confined to the social or labour aspects of national development but also involves the economic aspects of national development as well. Labour and migration concerns should be dealt with not only from the human resource development perspective but also as an integral part of the economic programmes for national development. Thus its role and functions are inextricably linked to the rapid development and prosperity of the country.

This is the tremendous challenge that faces these Ministries at this stage. They must prove with the appropriate force and vigor that their role is inextricably linked to and is an indispensable condition for the progress of the nation.

They should also be able to position themselves as a major ministry capable of influencing national policy and as an indispensable institution for national development. It is, after all, the ministry whose primary concern is people – the most abundant and noblest resource of the country and one of its major factors of production. And a large segment of the “people” is comprised of migrant workers whose remittances have injected millions of foreign exchange into the national economy.

Migration programmes usually land in the portfolio of Labour Ministries and internationally, the ILO calls upon these ministries to address issues relating to migration. However, unless aggressively supported by the Labor Minister, migration issues usually do not receive the attention and support that they need in order to play its rightful role in the country’s development. Labour migration issues need to receive greater importance as reflected by the fact that migration is not among the top priority issues as far as the top leaders of the country are concerned.

This is a major task that this consultant recommends as a priority for the designated migration agency (discussed below) to undertake. The active participation of the top leaders and policy-makers of the country is critical in order to ensure that migration is given its proper importance since decisions will have to be made involving competing principles of political and social organizations. These decisions are beyond the scope of regular cabinet ministers, much less mid-level officials and bureaucrats. In the Philippine case, no less than the President of the Republic takes a continuing interest in policy issues that affect international labor migration and regularly intervenes to shape and direct policies and programs thus resulting in speedier action and priority attention.

Inter-Agency Approach

The migration process requires the close cooperation and coordination of practically the entire membership of a cabinet in order to manage migration successfully. It must be emphasized in the strongest way possible that the continued active participation of all major stakeholders of the migration program such as Ministries of Foreign Affairs, Interior, Justice, and Immigration among others is critical to ensure the successful implementation of the migration programme. The links between and among agencies involved in the migration process need to be strengthened or established where none exist.

This inter-agency approach helps to focus diverse government resources in responding quickly to the needs of migrant workers. It also plugs loopholes that unscrupulous recruiters might foist upon vulnerable applicants. For instance, the cost of gathering information on market conditions and developments, which must be undertaken on a continuing basis, can be reduced if done in tandem with Embassy personnel. While this task is made easier with the advent of modern facilities like the internet, there is still no substitute for the old fashioned way of gathering and analyzing data – through manual work, identifying hidden opportunities and building rapport with recruitment or human resource managers of foreign companies in destination countries.

Traditionally, the Education and Health Ministries are not considered as vital stakeholders of the migration phenomenon but given the nature of the consistent demand for nurses, teachers, caregivers and even agricultural workers, they should now be included so as to ensure that the country's curriculum development is able to account for the demands of the international labour market.

There is a critical need to bring all the key actors of this complex system together in what management development specialists refer to as “getting the whole system into the room.” The idea is to get all the people of crucial interdependencies together to work on the migration issue that is a matter of mutual concern. This would require efforts toward team building or future-planning sessions in order to harmonize and fine-tune their continuing relationships.

Cooperation and coordination between and among agencies does not come automatically but must be nourished and nurtured all throughout the process. An environment must be created under which a nurturing process can take place. Mechanisms must be put in place so that this can be done on a regular and consistent basis. The management of the migration process must be conceptualized as several independent organizations in close and continuing interaction with a designated agency as discussed below.

Designated Autonomous Body

Most labour-sending countries have adopted the approach of designating an autonomous body within their respective Ministries of Labour to manage their migration programmes as in the case of the POEA of the Philippines, DOLAB of Vietnam, SLBFE of Sri Lanka,

BEOE of Pakistan, except for Bangladesh which established a separate Ministry of Expatriates' Welfare and Overseas Employment. Nonetheless, all the major stakeholders must realize that this does not diminish their role or participation in the process.

These designated agencies are the equivalent of the conductor of a philharmonic orchestra whose task is to ensure that the different sections of the orchestra are all not only playing in harmony in order to produce good music, but are using the same musical score since there can be a variation of how music is interpreted.

The mandate of this designated agency must be commensurate or sufficient enough to allow it to exercise other relevant activities which are integral to the management of the migration programme. The mandate must be explicit enough to cover the whole range of issues that it must address, and thus avoiding a leadership vacuum.

It is necessary that the designated agency be capable of responding expeditiously to the issues that the dynamic nature of migration demands. In the Philippine case, policies emanate from a Governing Board composed of just five people - a representative from the land based sector, a representative from the sea-based sector, one representative from the women's sector, the POEA Administrator, and the Secretary of Labor who chairs the board. In this way, the layers of hierarchy of authority are reduced while communication and policy decision-making are facilitated. The structure and procedures of the migration system can easily be amended by this Governing Board to respond to the ever-changing nature and dynamism of migration, thus keeping it from becoming a static programme.

The Role of Institutional Capacity Building

The issue of institutional capacity was included by this consultant as an integral component of a broadly agreed framework for the protection and promotion of the welfare of migrant workers which Stahl (1999) and others have identified as follows: standards setting and enforcement, supervision of private recruitment and welfare services.

Institutional capacity building has a direct correlation to the success or failure of policies and programmes in any given country. It is, after all, in the day-to-day activities and decisions of bureaucrats that the citizenry perceive government policies and programs. In fact, the deficiency in an institution's capacity to administer the migration system efficiently and effectively could be as serious as the gap in the institutional and legal frameworks themselves whose combined negative effects could only further aggravate an already problematic process.

In this regard, reengineering is necessary in order to streamline the bureaucracy by clearly defining the business of the migration institutions, determine the scope and level, quality and focus of government intervention in the various sectors that present resources can realistically provide, achieve proper distribution of functions among levels of government; design an administrative structure that will remove dysfunctions and prevent them from recurring and improving internal operating efficiency and effectiveness.

Migration, as repeatedly emphasized, is a dynamic process. Since national and international circumstances are constantly changing, ageing legal and administrative mechanisms must also be subjected to constant renewal. Success depends on constant fine-tuning, in an environment enlightened by institutions that act instead of merely reacting to events and circumstances.

In this report, emphasis is placed primarily on getting all the stakeholders to appreciate and fully comprehend the principles and functions governing international labour migration since these are necessary ingredients in any effort to develop the forms, systems and procedures of a migration system.

Many consider the Philippines as a “country of emigration *par excellence*” because it utilized local ingenuity to overcome the deadening affects that national sovereignty and international obligations often result in due to the absence of international laws and conventions.

The Philippine experience shows how it managed to utilize institutional capacity building as a critical factor in resolving the opposing tendencies between national sovereignty and international obligations that tend to limit options available to labour-sending and receiving countries particularly in the matter of protection of migrant workers.

Institutional capacity building mixed with the proper appreciation of the principles governing international labour migration can assist Tajikistan and Kyrgyzstan in identifying the obstacles to change and help it to create a strategy that can in turn lead to the development of a feasible alternative to the status quo.

Both countries need practical assistance in transforming the knowledge derived from studies and manuals into practical ways that translate into making operations more efficient and effective and for throughput processes to shepherd these to reality. There is a need to shift towards pragmatic methods to identify practical solutions to problems confounding their institutions.

In view of these developments, this report emphasizes that the ability to create and sustain institutions is as important to the successful management of an international labour migration system as the formulation of appropriate policies and procedures. The appropriate combination can only develop out of further praxis – of practice and experience, from trial and error.

Form vs. Function

The focus in many technical assistance projects has been on just trying to get the job done rather than on developing the capacity of the beneficiaries to understand what the job requires. This lack of understanding of the “big picture” leads to problems when issues and developments arise that are beyond the original parameters set down in the mandate of an office.

The need to develop the capacity of the migration agencies to *understand* what migration requires and demands cannot be overemphasized. Given the dynamic and market-driven nature of migration, no foreign employment institution can afford to stand still and expect not to be left behind.

The development of migration forms, systems and procedures is not a matter of always doing more. Progress should help to do less than before i.e. streamlining, but more of the right things.

For example, prior to 1988, Philippine Labour Attachés were tasked to provide documentary verification/authentication of employment documents required from foreign employers such as employment contracts, manpower requests, and special power of attorney. The ratio of one Labour Attaché for every 100,000 migrant workers was not only clerically burdensome but also resulted in undue delays in the processing of the documentary requirements.

Furthermore, in countries where there were no Labour Attachés, it was impracticable to require employers to proceed to the nearest country where there was a Labour Attaché to obtain the necessary verification/authentication of documents as required by the POEA.

The principle of “The Comity of Nations” was relied upon by the POEA to further cut down on documentary requirements needed to deploy a migrant worker and to put the demands on the duties and responsibilities of labour attaches in better perspective. This principle refers to the recognition one nation allows within its territory of the legislative, executive and judicial acts of another nation, when these are not contrary to its policies or prejudicial to its interests.

Thus, when a labour-receiving country issues visas to one of its nationals or duly registered corporations to bring in foreign workers, the government agency responsible for this act is presumed to have verified that these entities are entitled to the working visas and that such entities have complied with specifically defined criteria for the grant of such privileges. The criteria includes the existence of a legitimate project to be undertaken by the migrant workers, financial viability of project proponents and various other measures normally undertaken to prove the authenticity and support the actions of the requesting party.

By acknowledging this principle, labour attaches were spared from the unreasonable task of having to verify whether every prospective foreign employer wishing to recruit Filipino workers satisfied Philippine prerequisites. It also helped reduce documentary requirements demanded by the POEA, thereby reducing costs and processing times for all concerned.

Further, the Foreign Ministries and other approving offices along with the Chambers of Commerce or Securities and Exchange Commissions which recognized the incorporation of foreign employers of labour-receiving countries became more conscious of the shared

responsibility they played in promoting and protecting the welfare of migrant workers since they have a role in ensuring the authenticity of such documents.

Under this theory, limited financial and human resources, typical in most developing countries, are thereby concentrated on the strategic key functions of migration. In technocratic thinking, small movements have only small effects. But within an integrated system, even small activities can have enduring and meaningful effects.

It is time that the growth of a programme be viewed from a different angle apart from the usual “number of annually deployed workers” or “annual remittances”. Instead of attempting to manufacture growth, greater reliance should be placed on the inherent capacity of the institutions to grow by minimizing the obstacles to its internal growth.

And a major obstacle to internal growth is that for too long, forms have determined function. While functions need to have well-constructed forms to flow through, it must be understood that government will be held accountable for the functions - not the forms - of its ministries. The focus, therefore, should be not on maintaining an institution but rather on building one.

Role of the Private Sector

Given the dynamic nature of international labour migration, the private sector has certain advantages over government as far as the marketing and placement of workers abroad is concerned. In fact, in the Philippine case, the government acknowledges that the private sector is the engine of growth of the recruitment industry and that the private sector has been mainly responsible for opening new markets and placing Filipino workers in more than 200 countries around the world and on thousands of ocean-going vessels.

This is because the private sector can mobilize their resources more efficiently and expeditiously than government agencies that are normally bogged down with the usual constraints of a bureaucracy such as red tape and a drawn-out budgetary process. Further, the private sector realizes that it has to constantly explore new markets and initiate innovative approaches and services if it is to remain competitive not only locally but internationally as well. The private sector is more capable of addressing the dynamism that this kind of a market demands than government with its bureaucratic rigidities and constraints. While it was emphasized that a balance must be attained between market development and welfare protection mechanisms, emphasis might have to favor market development at this point without necessarily sacrificing protection mechanisms for its workers.

Given the high costs involved in market development and research, the governments of both countries will have to assist the private sector in terms of sharing information regarding market conditions and job availability in various labour-receiving countries. This is one area as mentioned above, where close cooperation with the Ministry of Foreign Affairs can help to bring down the cost of market research and development. The MOFA is on-site and can acquire, through purchase or official request to the

appropriate government agency of the host country, copies of their official publications or five-year development plans.

Purpose-Driven Education

Both countries share an experience common to many developing countries where many of their college graduates are unable to find jobs upon leaving university. High population growth rates, high unemployment/underemployment rates and the low absorptive capacity of the economy for new entrants to the labour force are common features of many developing countries.

Knowing the high cost of a good education in developing countries, the Philippines may have saved many young people from aimlessly getting an education without jobs to look forward to. These young people are now purpose-driven in entering nursing or computer schools secure in the knowledge that after completing their studies and gaining some local experience, their prospects for employment overseas with good pay are excellent, giving them and their family a good chance of improving their condition in life.

Thus, instead of an educational system that produces graduates without job prospects after graduation, students can be given information on labor market conditions both on the domestic and international fronts so as to make their schooling more purposive and fruitful. However, a Labour Market Information System (LMIS) is critically absent in both countries and needs to be established and utilized as soon as possible. The need to have extensive and constant access to on-line database services providing and receiving updated information is extremely important for the creation of opportunities for job seekers. Computerized information on market conditions, market trends, regulations governing temporary migration in receiving countries are necessary to help in planning the expansion and diversification of markets abroad.

Entrepreneurship Development as a Residual Effect

Nursing, language and computer schools have mushroomed all over the Philippines thanks to enterprising individuals and as a result of the steady demand in the international market and the continuing shortfall in the supply of nurses, caregivers and Information Technologists. Review centers have been established to assist nurses intending to work in the United States take the Commission on Graduate of Foreign Nursing Schools (CGFNS) test, as a prerequisite for acceptance in a US hospital and the grant of a US employment visa. Language schools with language proficiency courses have also emerged, offering mainly TOEFL or Test of English as a Foreign Language courses not only to prospective applicants to the USA but to students from neighboring countries such as Japan, Korea and China. The Canadian government has resorted to accrediting Training Centers for Caregivers to ensure that caregivers bound for Canada acquire skills that meet Canadian standards. The Saudi Arabian government likewise accredits Medical Testing Centers to satisfy medical requirements for entry to the Kingdom.

Criticism has been raised that these are but ancillary services that might detract from what ought to be the true development thrusts of a developing country. But given the nature of international trade today and the fact that more countries are competing for a decreasing FDI pie coming from developed countries, these so-called ancillary services are providing a new entrepreneurial spirit that is very much needed as a means of generating local employment and business opportunities.

Phase 2: Leapfrogging Into Progress

Establishing and constantly improving the infrastructure for the migration system is necessarily accompanied by time constraints and a sense of urgency to get systems up to speed at the soonest possible time. Phase 2 helps by giving Tajikistan and Kyrgyzstan access to systems and inner workings of other established labor-sending countries and learning what did, and did not, work for them.

There are a number of tried and tested migration policies and programs already existing in other countries that both countries can study to determine whether they would be appropriate for their use as well. This Phase will present examples of key policies that can help both countries to streamline operations, regulate processes and protect workers.

Sharing of publications and a review of actual experience is an approach that is suggested by this consultant to assist in transforming the knowledge and experience derived from studies and manuals into practical operational terms. It is a more pragmatic approach that targets the operating units to identify practical solutions to problems confounding them.

How to extract information from publications like the Philippine Labour Code and the POEA Implementing Rules and Regulations to assist them can be shown by this consultant to serve as a reference point to their own efforts of transformation. But first they have to be translated into Russian. The Migrants Act of 1995 had already been translated and can serve as an initial guide.

Adapting Laws

It was emphasized by this consultant that among the many first steps that these countries can take is to have an in-depth look at the Philippine Labour Code and adopt pertinent provisions of the Code as their own, subject to modifications to suit their current conditions and systems. The Code underscores the fact that the Philippines utilized the construction of its migration laws with the specific purpose of enabling government to exert greater control over what is normally a disorderly process. These mechanisms are tightly interconnected and intertwined to reflect the POEA's objective of balancing welfare mechanisms with liberal policies on licensing and regulation.

An example of the complementarities of Philippine laws is seen in how a law was enacted to restrict foreign employers from directly recruiting workers, a practice which other labor-sending countries also follow. The foreign employers must appoint a

recruitment agency duly registered and licensed by the POEA to represent them and undertake all phases of the recruitment process on their behalf.

Then, it must contain provisions that will permit them to run after erring foreign employers who are beyond the reach of their laws except that of blacklisting them to prevent them from recruiting their workers again. The Philippines responded to this by requiring every prospective employer to submit a Special Power of Attorney (SPA) binding them with local recruitment agencies to observe all rules and regulations of Philippine institutions and to Jointly and Solidarily assume full responsibility for any and all claims and Liabilities (JSL) that may arise in connection with the implementation of the employment contract.

Thus, any complaint filed by a worker uses the original contract that was signed and authorized by the POEA as the contract in force. Any amendment to the original contract, unless approved by the POEA, is considered null and void because it is deemed as signed under duress. Further, any deviation from the terms and conditions of the accreditation documents submitted by the foreign employer and recruitment is considered invalid.

This JSL provision is a prime example of Philippine determination to protect its workers and is particularly helpful in contract substitution cases that are a common scourge encountered by migrant workers. In this situation, workers are made to sign a second or supplemental contract usually resulting in diminution of terms and conditions of the employment contract at the stage when the workers are most vulnerable - prior to departure or upon arrival at their destination. Since the laws of the host country prevail in the enforcement of contractual obligations, the second contract is deemed as valid, having superseded the contract signed in the country of origin.

Local Protection in the Face of International Weakness

The JSL shows that what happens 'within' countries can turn out to be part of a much broader international process of political and economic change and that the unilateral decisions and actions of nations can influence events in the global arena in spite of the view of how international the world has become. On these grounds, this consultant strongly suggests that the strengthening of the institutional capacity of international labour migration organizations could profoundly affect the manner in which relations between countries may be carried out.

This is significant in view of the fact that international laws and conventions to protect migrant workers are sorely lacking. The POEA exemplifies how unilaterally, through innovation and initiative, locally devised legal mechanisms were made to respond to the challenges brought about by the paucity of international and/or bilateral agreements.

Even with the recent ratification of the UN International Convention on the Protection of the Rights of All Migrant Workers and Their Families, the international labour migration environment continues to flounder with its efforts to protect migrant workers. This is

particularly evident in the fact that all the signatories to the Convention are from labour-sending countries, and none from the labour-receiving countries.

In view of these hard realities, the POEA, as referred to earlier, was forced to devise certain legal mechanisms to ensure that despite the constrictions wrought by the paucity of international treaties and agreements that protect and promote the welfare of Filipinos working abroad, justice may still be rendered to aggrieved parties upon their return to the Philippines.

If the criterion is limited to just the legal and jurisdictional aspects, then hundreds, possibly thousands of migrant workers can expect to never receive justice in their lifetime for infractions by their employers on mundane matters such as non-payment of one month's salary amounting to a few hundred dollars, or separation pay benefits.

It is true that many countries have grievance machineries that, technically, may be accessed by migrant workers. But in reality, the constraints weigh heavily against the aggrieved worker by virtue of the fact that he or she does not have the luxury of time or the financial wherewithal to wait for a decision on his complaint by the normally tedious judicial process of the host country.

The POEA's legal mechanism has a "*crusading*" side to it since it was developed precisely to improve the odds of migrant workers against such constraints. It indicates the determination of the Philippine government, despite the threats of prospective employers to transfer to other manpower suppliers, to extend justice to workers who would otherwise resign themselves to suffer in silence due to the great odds of getting justice in the country and the courts of the accused (read as hometown decisions).

Licensing

Participants should be shown in broad strokes how to relate certain provisions of the Labour Code to their corresponding needs and requirements and how interrelated provisions ensure that all aspects are covered, specified and made known to the general public.

For instance, licensing is the most obvious form of regulating the participation of the private recruitment agencies in the overseas employment programme. Conditions and limitations are spelled out in Part II of the Rules and Regulations Governing the Recruitment and Employment of Land Based Overseas Workers.

Part II, Rule I of the Regulations describes the qualifications and disqualifications for the participation of the private sector in the migration programme. This section should be particularly helpful in determining the licensing requirements for both countries. Using the Philippine Law as a basis, officials of both countries can go ahead and determine the applicability of the Philippine provisions to their situation and adopt or modify accordingly.

One must remember that what is written in the Philippine Labour Code is the result of experiences encountered by Filipino workers over several decades. These experiences have been translated into rules in order to ensure that the transgressions are not repeated and that the workers are better protected.

The Russian Federation – It Takes Two to Tango

According to the most recent set of United Nations population projections, the population of Russia in 2050 will be 113 million according to the high scenario, 104 million in the medium, and 96 million in the low. Most of these projections do not fully incorporate the full impact of possible AIDS mortality in Russia, which has had one of the steepest infection rates in the world in the past few years.

Using these UN population projections as the basis for a feasibility study on replacement migration, researchers found that in order for Russia to maintain the same population size as in 1995, there would have to be a net migration of 24.9 million in the first half of the 21st century. For the size of the working-age population to stay the same, there would have to be a net migration of 35.8 million. Even the lower figure assumes that the entire Russian diaspora in the non-Russian states would return, implying an average annual influx of between 500,000 and 700,000. Such hopes must be looked at in the context of recent peak migration of 810,000, and the drastically reduced 2001 net migration of just 72,000.

While it appears likely that Russia's migration balance will continue to be positive, much of the post-Soviet migration appears to have been exhausted. Thus, the possibilities of maintaining the current demographic balance through migration appear slim, unless Russia wants to begin recognizing and assimilating the massive illegal population that currently resides in the country. Most countries with long histories of immigration have had difficulty pulling off similar feats. For Russia to do so would put a quite different literal and figurative face on the Russian population.

In addition to personal insecurity (which gained importance in open conflict zones) and new post-Soviet nationalisms, an economic depression has become the most important reason for migration after the disintegration of the USSR. Industrial production in the CIS region has been reduced nearly by half, investments have been decreased three times, the number of officially registered unemployed reached 3.5 million, and salaries have been drastically reduced. Purely economic factors have determined the character of migration flows during the whole post-Soviet period. People migrated both inside and outside the CIS region in search of better living conditions. They migrated not only to escape poverty and ethnic tension, but also in pursuit of individual advancement, i. e. to better their lives to the level of their personal expectations, given their educational background, financial resources, etc.

The CIS region has a vast number of irregular migrants, workers who are illegal or in the shadow of the law for the simple reason that CIS countries have not yet learned to

regulate and coordinate migration.* The Russian Federation needs assistance in developing coherence of its immigration policies to ensure that policies and programmes do not conflict either directly or through unintended consequences. As of today, the immigration policies of the Russian Federation do not reflect the long-term requirements of its economy.

Just as labour-sending countries need to get their act together by coordinating with numerous government agencies, labour-receiving countries likewise need a similar approach. There is also a need for a coordinating agency to ensure that the specific roles of various agencies are played in harmony using the same migration principles and understanding of these principles. In this manner, overlapping of functions and differences in policy design and implementation are avoided. But first and foremost, there must be transparency in acknowledging that the Russian Federation is in need to migrant workers and recognition of the need to develop and coordinate the various agencies for a win-win solution.

Phase 3. Functional Imperatives of the Roadmap

The foundation for the road map as provided in the foregoing sections provides the basis for developing specific activities that constitute the various interventions and activities that government must make in order to operate a holistic migration programme. The following section delves into the functional issues that need to be put in place for the daily operations of an efficient migration programme.

General Policy Issues:

Table 2 identifies the various functions that must be addressed in order to have a comprehensive migration programme. These general policy issues must be addressed even before moving on to the detailed operational functions contained in later tables. While many of the later recommendations are integral to developing an international migration system, the first key issue for both countries to consider (as stated repeatedly above) is to accord migration its due importance and rightful place in their country's scheme of things. This table sets the stage for a range of other tasks necessary for a more efficient overseas employment program.

Among the measures suggested below in item #5 is the conduct of an assessment of the current capacity of a country's migration system that can help it find solutions in a practical way, through a low-key approach of getting policy-makers to look at what goes wrong and what can be done to right it.

The operationalization of this study is geared towards an examination of certain aspects of the administrative machinery of the recipient country with a view towards preparing it to meet the challenges that the new millennium brings is the thrust of this project. More

* Culled from Migration in the Countries of the Former USSR, Regional Report for the Global Commission on International Migration

specifically, it entails the conduct of an “audit” which would assess, albeit briefly and in broad strokes, the current capacity of the recipient country in order to formulate appropriate recommendations for its consideration.

As a service-oriented institution, the requesting party is expected to deliver services to its clientele in the most efficient and effective manner. While these twin terms are dependent on so many factors, this particular audit will look into the mechanics and organization of the migration institution vis-à-vis a checklist to be devised by the international consultant to determine the areas that need reforming and strengthening.

The audit will examine the objectives of the migration institution, its planning and implementation procedures, organizational structure and staffing, and other resources and facilities available for its proper functioning.

Methodology:

A team of independent consultants will undertake the audit. The team will comprise an international consultant who shall be the team leader of the mission and one or two local consultants to cut down on costs.

The audit will be conducted in two stages; the first stage will be undertaken by the local consultant/s who will carry out an extensive preliminary survey of the migration institution. Stage two will encompass the finalization of the audit and preparation of the final report jointly by the local consultants and the Team Leader.

The audit will be carried out through:

- interviews with relevant officials of the recipient country, Ministry of Labour, Ministry of Foreign Affairs, and other stakeholders, migrant workers, migrant workers associations, Employment Agencies, Associations of Employment Agencies, NGO’s etc.
- examination of relevant documents, forms, circulars, evaluations, studies etc.

Duties of the team leader:

The Team Leader shall have overall responsibility for the study and preparation of the final report. He shall prepare a pre-audit checklist of tasks to be performed by a local consultant hired by the recipient country. Upon completion of the pre-audit tasks, the Team Leader shall join the local consultant in the recipient country to finalize the audit proper and to conduct whatever follow-up activities as may be necessary.

The Team Leader shall endeavor to determine the measures to be taken to support, strengthen and expand the institutional capability of the migration institution of the requesting party so as to enhance its capability to sustain, if not increase, its participation in the international arena.

Table 2. General Policy Issues

Tasks	Time Frame	Main Responsibility
1. Convince top leadership of necessity to issue pronouncement	1 st month	MLSP along with other agencies
2. Activate inter-agency council and specify responsibilities of each agency	1 st month	Parliament; Congress; Cabinet
3. Determine the implications of migration-demography nexus	2 nd month	MLSP and inter-agency committee
4. Develop a national migration policy and integrate this in the National Employment Strategy	3 rd month	MLSP
5. Prepare an assessment of the country's current migration system –Gap analysis	3 rd month	MLSP
6. Determine current skills levels	Immediately and regularly along with census	MLSP and Census Office
7. Identify prospective markets	Immediately	MLSP; MOFA, Inter-agency Comm.
8. Develop minimum standards for employment	Immediately	MLSP and SMS
9. Enact national legislation on migration	ASAP	Parliament; Congress; Cabinet
10. Appropriate necessary budget to operationalize designated agency	Immediately	MOF; MOB

MLSP = Ministry of Labour and Social Protection

MOFA = Ministry of Foreign Affairs

MOF = Ministry of Finance

MOB = Ministry of Budget

SMS=State Migration Service

Areas of Interventions and Specific Activities

Table 3 takes into account best international practices, stated goals of various countries. The government concerned may accept or reject or modify the recommendations according to their interests and level of development. The major components come from a broadly agreed framework among international migration experts for the protection and promotion of the welfare of migrant workers.

Table 3
Government Functions and Services
Undertaken by Some Labour-Sending Countries
In Managing Their Overseas Employment Programmes

Countries	Bangladesh	India	Sri Lanka	Philippines
Standard setting and enforcement				
Minimum standards for work contracts	X	X	X	X
Pre-employment briefing				X
Pre-deployment briefing	X		X	X
Restriction on passport issue	X	X	X	
Emigration clearance to leave country	X	X	X	X
Trade test requirement		X	X	X
State-subsidized skills training	X	X	X	X
Negotiation of supply agreements	X	X	X	X
Social security arrangements			X	X
Performance bond from worker		X	X	X
Repatriation bond or fund		X	X	X
Supervision of Private Recruitment				
Licensing/regulation of private recruiters	X	X	X	X
Ban/restriction on direct hiring	X	X	X	X
State operation of recruitment agency	X	X	X	X
Periodic inspection of recruitment agency	X	X	X	X
Limit recruitment fee charged to worker	X	X	X	X
Cash/security bond requirement	X	X	X	X
Regulation of job advertising	X	X	X	X
Renewal of contract clearance				X
Joint and solidary liability			X	X
Client referral service				X
Regulation of advertising and promotion	X	X	X	X
Settlement of Claims/Disputes				
Conciliation on site/upon return	X	X	X	X
Adjudication system				X
Fund to cover unpaid claims/benefits		X	X	X
Welfare Services				
Contribution to Welfare Fund	X		X	X
Labour Attaché assistance	X	X	X	X
Welfare Centers			X	X
Welfare Officers			X	X
Low-cost insurance	X		X	X
Legal aid to worker in distress on site	X	X	X	X
Repatriation assistance	X	X	X	X
Social welfare services	X		X	X

Education facilities	X		X	X
Scholarships for children of workers			X	X
Health/medical facilities				X
Livelihood programmes for family				X
Financial loan programme			X	X
Employment assistance for returnee				X
Returnee training programme				X
Trauma care center for returnees			X	
Duty-free privileges	X	X	X	X
Institutional Capacity				
Organizational chart	Y	X	X	X
Vision/Mission statements			Y	X
Written policies and procedures	Y	X	Y	X
Recruitment policies and procedures		X	X	X
Planning system			Y	X
Management Information System			Y	X
Training policies and programmes			Y	X
Performance appraisal system			Y	X
Position description			Y	X
Records management		X	Y	X
Incentives and promotions schemes			Y	X
Physical structures and equipment	X	X	X	X

X = in place and fully implemented

Y = in place but minimal implementation/development

Brief Description of Table 3

The following is a brief description of each measure cited above:

Standard setting and enforcement:

1. Minimum standards for work contracts – as recommended by ILO Conventions 97 & 143;
2. Pre-employment briefing – special educational programme designed by POEA to assist prospective applicants for overseas employment consider the numerous factors that go into making the right decision to migrate or not to migrate;
3. Pre-deployment briefing – Mandatory educational programme to prepare successful applicants for overseas employment with the legal, cultural, contractual, spiritual and moral values and information necessary for a successful stint as an overseas worker;
4. Restriction on passport issue – subject to a country's emigration laws or national interest, e.g. Philippines has restriction stamped on Philippine passport that travel to Iraq is restricted;
5. Emigration clearance to leave country – Without violating workers constitutional rights, the State can lay the rules that have to be followed for any national who wishes to travel abroad for whatever purpose, e.g. workers with work permit or employment visas are required to present to immigration officials at ports of embarkation a clearance certificate issued by POEA;
6. Trade test requirement – employers who wish to verify the skills level or veracity of trade certificates may require applicants to undergo an independently administered skills test;
7. State-subsidized skills training – government owned or administered training center which offer various training courses geared to meet both local and foreign demands for particular skills, e.g. such as the Technical Education and Skills Development Authority (TESDA) of the Philippines;
8. Negotiation of supply agreements – the act of negotiating with prospective employers for the supply of manpower requirements for a particular project or services usually by licensed recruitment agencies or government to government arrangements, e.g. Recruitment Agreement between Philippines and Great Britain

9. Social security arrangements – contract provision where employer and employee contribute to social security system in country of employment; in case country of origin and country of employee are signatories to ILO Social Security Convention, diplomatic negotiations may be undertaken for transfer of accrued benefits to country of employee upon completion of employment contract;
10. Performance bond from worker – bond that may be demanded by employer as guarantee that the worker is what he says he is in terms of his skill qualification;
11. Repatriation bond or fund – may be required by employer as assurance that should worker fail to live up to his obligations stipulated in the employment contract during the probation [period, funds would be available for his repatriation back to his country of origin or made available for workers' replacement;

Supervision of Private Recruitment

12. Licensing/regulation of private recruiters – government has the sole authority to issue/cancel licenses based on whatever criteria it decides necessary to control the situation;
13. Ban/restriction on direct hiring – certain countries do not allow foreign employers or their agents to recruit their nationals directly but only through locally licensed recruitment agents;
14. State operation of recruitment agency – certain countries, e.g. Vietnam, have government agencies mandated to undertake recruitment functions; the POEA has provisions that allow it to enter into direct government-to-government or government to private employers arrangements;
15. Periodic inspection of recruitment agency – standard function and power of a licensing authority to ensure compliance with licensing rules and regulations;
16. Limit recruitment fee charged to worker – overcharging of recruitment fees is the bane of the overseas employment programme; Philippines has prescribed a system for payment of fees to licensed recruitment agencies beyond which violators may have their licenses suspended or cancelled;
17. Cash/security bond requirement – standard provision of licensing system; amounts may vary depending on how much control license issuing authority wishes to maintain over industry;
18. Regulation of job advertising – without violating freedom of expression and press, this is necessary to ensure that only those with legitimate job offers are foisted before the general public;
19. Renewal of contract clearance – to ensure that worker has no outstanding obligations to any entity before entering into a new contract with a new employer;
20. Joint and solidary liability – mandatory requirement of POEA which binds foreign employer and licensed recruitment agency to answer for any and all liabilities incurred in the course of employment of worker;
21. Client referral service – POEA normally receives inquiries directly from foreign government or prospective employers on how to hire workers from the Philippines. These are passed on to licensed recruitment agencies who have performed exceptionally well as a marketing incentive;
22. Regulation of advertising and promotion – to ensure that the general public is presented only with valid offers for job offerings;

Settlement of Claims/Disputes

23. Conciliation on site/upon return – standard provision of employment contracts made possible by presence of an extensive network of labour attaches assigned to Philippine diplomatic posts; POEA provides lawyers to undertake conciliation as a first step to settlement of disputes;
24. Adjudication system – formal process of resolving disputes; for disputes arising out of employer-employee relations and monetary claims, these were transferred to National Labor Relations Commission (NLRC) while violations of recruitment related activities are filed with the POEA which serves as a quasi-judicial body thus transforming what is usually a tedious judicial process into an administrative process without sacrificing due process of law;
25. Fund to cover unpaid claims/benefits – part of licensing requirement to ensure that should a decision be rendered against a foreign employer/recruitment agency, funds would readily be available for payment to worker/victim;

Welfare Services

26. Contribution to Welfare Fund – employers contribution of US\$ 25 for every worker recruited; fund is managed by Overseas Workers Welfare Administration (OWWA);

27. Labour Attaché assistance – corps of attaches fielded to assist overseas workers in all aspects of their work and stay in country of employment administered by International Labor Affairs Service under the Office of the Secretary of Labor;
28. Welfare Centers – operated by OWWA welfare officers that undertakes numerous programs such cultural and sports programs, reading centers, meeting place for workers, safe haven for runaways, legal advise and counseling;
29. Low-cost insurance – mandatory requirement for all Filipinos leaving for employment abroad covering both personal and life benefits;
30. Legal aid to worker in distress on site – service provided by both Labor and Welfare Attaches; under Migrants Act of 1995, entire Embassy personnel under the Country Team Approach is held responsible for providing assistance to any distressed Filipino, both legal and illegal;
31. Repatriation assistance – in the event responsibility for repatriation is unclear, OWWA undertakes initial assistance pending resolution of responsibility;
32. Social welfare services – professional social workers seconded from the Department of Social Welfare and Development work in welfare centers to provide psychiatric and psychological support/counseling for distressed workers;
33. Education facilities – in countries with a high concentration of workers allowed to bring their family along, schools duly accredited by the Department of Education are established in order not to disrupt the educational upbringing of children; have started to accept children of other nationalities;
34. Scholarships for children of workers – mandated by law and supervised by OWWA;
35. Health/medical facilities – full-fledged doctors are assigned in countries with high density of Filipino workers to provide emergency or preventive care;
36. Livelihood programmes for family – undertaken by OWWA together with NGO's and private institutions;
37. Financial loan programme – various micro-finance programmes to assist both worker/applicant and family of worker;
38. Employment assistance for returnee – program undertaken by OWWA and Bureau of Local Employment;
39. Returnee training programme – opportunities extended to returnees who may want to undertake entrepreneurial activities;
40. Duty-free privileges – increase in the amount of duty free items that returning overseas contract workers may bring in.

The last section on Institutional Capacity deals with classic administrative concerns such as the allocation of functions and responsibilities, authority hierarchy, formal communications, coordination between and within units, staffing, recruitment, training, salaries, incentives and promotions, are, more often than not, being haphazardly implemented or inefficiently in place. Also falling within this category are matters of equipment, the physical work environment and related items of an inanimate nature that impact on the administrative process that is also inadequately provided or sorely lacking.

Most bureaucracies are unable to perform even their most basic function of undertaking an array of services essential to the day-to-day operations of their institution. Many lack a good working organization that can structure human efforts and patterns of behavior towards the realization of institutional goals in the most effective and efficient manner. There is a prevalence by top officials of exercising their personal preferences in decision-making and of politicians intervening for a variety of reasons.

Another basic reality in many developing countries is that governments do not recruit only public service-minded individuals who will put public service ahead of their families and friends. Politics in the bureaucracy and vice versa are part of the inescapable realities in all developing countries.

Structurally, these migration institutions are governed by civil service rules and regulations that make them bureaucratic and, in most instances, less efficient in dealing with a highly market-oriented programme such as the international labor migration. They cannot just use business methods and management practices common in the business environment. Neither can their operations nor finances be autonomous. Decision-making does not have the flexibility and autonomy that the private sector bureaucrats enjoy.

A major factor that impedes efficient performance of most migration institutions is the lack of a sufficient budget. As with most developing countries, guidelines for preparing the annual budget proposals reflect the constraints under which the budget is to be prepared since there are typically not enough resources to cover what is actually needed. Thus, scarce resources result in services that are far from ideal in terms of their quality and quantity leading to further administrative problems. Most government budgets are usually top-heavy, with disproportionate sums allocated for recurring items such as salaries, operating and maintenance expenses.

Further, the characteristic structural units display cultural values with limited work experiences that affect attitudes to work thereby affecting organizational discipline and made worse by poor security, corrupt law and order systems and political and social instability.

While many of the measures above are the responsibility of either the autonomous agency or the Ministry of Labor, there are other measures that require the participation of other government agencies including Education, Foreign Affairs, Justice and Social Welfare. This is a key internal process that will require discussion and a mandate from a higher-level.

Steps for Institutional Capacity Building

As discussed in earlier sections, this consultant strongly believes that institutional capacity has a direct correlation to the success or failure of policies and programmes in any given country. Thus Table 4 covers the basic steps in preparing the basic foundations for a strong and responsive organization.

Table 4. Institutional Capacity Building Measures:

ACTIVITY	PURPOSE
Initiate and agree on change process – either corporate planning exercise or any total quality management process	Get agreement with key decision-makers on overall process
Clarify mandates and determine their implications for appropriate action	Answers the “musts” that the organization must confront
Develop mission/vision/values statements	Identify stakeholders whose needs are to be met
Assess the migration environment both	Surface the strengths and

from domestic and international standpoints	weaknesses, opportunities and threats (SWOT) facing the MLSP/SMS
Identify critical policies and issues	Determine the basic challenges affecting the MLSP/SMS mandate, mission and values, systems and procedures mix, costs, its organization and management
Formulate strategies to manage the issues	Develop the strategies to deal with above issues
Review and adopt plan	Gain formal commitment to adopt and implement the plan
Establish organizational vision of success	Visualise what the organization will be like if the plan is successfully implemented
Develop implementation process	Necessary to ensure successful implementation

Both countries can utilize the Tables above as checklists against which to measure their own needs. These are considered essentials to the success of a migration programme but the decision on which specific policies to adopt must come from its identified needs and requirements. The time frame will be dependent on the importance that officials will attach to this change process.

CONCLUSION

Although this report and recommendations have been laid out in a linear, sequential manner, it must be emphasized that the process of transformation does not always begin at the beginning. And in this case, any change must occur within ongoing processes that are typically cyclical such as budget and legislative cycles.

Without a doubt, the adjustments necessary for the major changes required of both countries can only be orchestrated from the top, proceeding “deductively” down to very concrete and specific policy concerns. However, it must not ignore the need to rely on the experience and recommendations coming from the level of the operating units of the MLSP/SMS to “inductively” rise as inputs to the conceptual level of mission/vision/value statements. The ideal is to have a balanced combination of both approaches.

Both countries have the potential to take advantage of the opportunities in the growing international labor migration market. The issues that will determine their successful participation are the following:

Capacity development: The process of building a stronger understanding of the labor migration process with focus on identifying and taking advantage of opportunities, communicating these opportunities to relevant groups, and managing the deployment

process.

Transparency and coordination: Building inter-agency coordination and a sharing of responsibilities between the public and private sector rather than an alienation of each other's potential contributions to the labor migration process; expanding the mantle of responsibility to other government agencies and making them stakeholders in the process.

Recognizing labor migration's role in the development agenda: An increased role in the national development agenda is necessary in order to give labor migration the attention, budget and importance it deserves particularly in light of domestic unemployment issues and global demand.

There is a need for both countries to look at the examples of other countries and learn from their experiences, at the same time allowing them to cut down on the learning curve. Scanning globally and reinventing locally would allow them to harness their resources in the most efficient way possible. They would do well in persevering to change the status quo of indifference and challenging vested interests in order to take the necessary steps to move their respective labor migration programs forward.

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