

Research Paper XII

LABOUR MIGRATION

Nepal in Regional and Global Processes

Rajita Dhungana & Jeevan Baniya



Centre for the Study of
Labour and Mobility

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ACRONYMS

ADD	Abu Dhabi Dialogue
ACMW	ASEAN Committee on Migrant Workers
ASEAN	Association of Southeast Asian Nations
CP	Colombo Process
DSDG	Division for Sustainable Development Goals
GCC	Gulf Cooperation Council
GCM	Global Compact for Safe, Orderly and Regular Migration
GCR	Global Compact on Refugees
GFMD	Global Forum on Migration and Development
HLD	High-Level Dialogue on International Migration and Development
HLPF	High-Level Political Forum
ILO	International Labour Organization
IOM	International Organization for Migration
RSO	Regional Support Office
SAARC	South Asian Association for Regional Cooperation
SDGs	Sustainable Development Goals
TAWGs	Thematic Area Working Groups
UAE	United Arab Emirates
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime

1. INTRODUCTION

Migration has a significant impact on all societies in this increasingly interconnected world. It plays a crucial part in the economic and social development of both the countries of origin and destination.¹ The United Nations Department of Economic and Social Affairs put the number of migrants globally at 280,598,105 in 2020, with 48 per cent of them being female.² That figure represents an increase by nearly 60 million in the previous one decade.³

In the pre-Covid-19 period, approximately 1600 workers used to leave Nepal every day for foreign employment due to the lack of employment opportunities, favourable working conditions, and adequate income at home, and concomitant higher earning potential in destination countries.⁴ The Gulf Cooperation Council (GCC) countries and Malaysia have long been major destinations for Nepali migrant workers. The Department of Foreign Employment (DoFE) had issued over 4 million labour permits between 2008/09 and 2018/19,⁵ with a further 190,453 new labour permits in 2019/20.⁶ Despite the Covid-19 pandemic and the government-imposed lockdowns severely affecting the mobility of people in 2020/21, 72,081 new labour permits were issued that year.⁷ These figures on emigrants do not take

The authors would like to thank Saphala Dhital for her contributions while preparing the paper. Thanks are also due to the International Labour Organization (ILO) and to Basanta Karki, Technical Officer at the ILO Regional Office for Africa, for his encouragement in preparing this paper.

1 International Organization for Migration, *Migration in Nepal: A Country Profile 2019* (Kathmandu: International Organization for Migration, 2019), https://publications.iom.int/system/files/pdf/mp_nepal_2019.pdf.

2 'International Migrant Stock 2020,' United Nations Department of Economic and Social Affairs, accessed 5 December 2021, <https://www.un.org/development/desa/pd/content/international-migrant-stock>.

3 International Organization for Migration, *Migration in Nepal: A Country Profile 2019*.

4 Ministry of Labour and Employment, *Labour Migration for Employment A Status Report for Nepal: 2015/16–2016/17* (Kathmandu: Government of Nepal, 2018).

5 Official figures in Nepal are given in terms of the government's fiscal year, which begins in mid-July. Ministry of Labour, Employment and Social Security, *Nepal Labour Migration Report 2020* (Kathmandu: Government of Nepal, 2020). Labour migration from Nepal has been largely a male phenomenon, with only around 5 per cent of labour migrants being women in the past decade.

6 'Labour Approval Record Dated 2076/04/01 to 2077/03/31,' Department of Foreign Employment, accessed 5 December 2021, https://dofe.gov.np/uploads/document/Document_2020071707570.pdf.

7 'Countrywise Labour Approval for FY 2077/78 (2020-07-16 to 2021-07-15),' Department of Foreign Employment, accessed 5 December 2021, <https://dofe.gov.np/uploads/document/>

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into account migration taking place through irregular channels and to India.

Migration for employment has become an intrinsic aspect of livelihood options for many Nepalis, with Nepal receiving remittances of USD 8.79 billion in 2018/19 alone.⁸ According to the World Bank, remittance received by Nepal in 2018 was equivalent to around 28 per cent of the national gross domestic product.⁹ Even in 2020/21, when the economy was hard hit by the pandemic all around the world, and the Nepali migrant workers were equally affected, the figure stood at 22.5 per cent.¹⁰

Despite the contribution of foreign employment at many levels, the increasing outflow of migrant workers has also highlighted the adverse conditions migrant workers have to face, including death, injury, imprisonment, and trafficking and exploitation, with consequences limited not only to them but also on members of their family. Additionally, the practice of an unfair, cumbersome and unscrupulous recruitment process, exorbitant cost of migration, centralised migration governance system, lack of adequate information, and absence of effective support systems and justice mechanisms are some of the major obstacles faced by migrant workers that contribute to increased vulnerability and abuse of their human rights.¹¹

Migration has cross-border and international dynamics. Addressing the problems migrant workers face and protecting them and their rights requires collaboration and partnership at bilateral, regional and international levels. Accordingly, Nepal has been involved in discussions and interactions at several regional and international fora

[Document_2021072709540.pdf](#).

8 Ibid.

9 'Personal remittances, received (% of GDP) – Nepal,' World Bank, accessed 10 June 2019, <https://data.worldbank.org/indicator/BX.TRF.PWKR.DT.GD.ZS?locations=NP>.

10 'Press Release: National Accounts Statistics of the Fiscal Year 2077/78 (2020/21),' Central Bureau of Statistics, accessed 1 December 2021, <https://cbs.gov.np/wp-content/uploads/2021/09/Press-Release-GDP-2021-792021.pdf>.

11 Bandita Sijapati, Ashim Bhattarai and Dinesh Pathak, *Analysis of Labour Market and Migration Trends in Nepal* (Kathmandu: GDC Country Office Nepal, GIZ, 2015), https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms_407963.pdf; Advocacy Forum-Nepal and the Member Organizations of National Network for Safe Migration, 'The Emerging Issues and Challenges of Nepalese Migrant Workers', 23rd Session of the Working Group on the UPR, Human Rights Council, 22 March 2015, <http://advocacyforum.org/UPRSubmissiononMigrantWorkers19.pdf>; Pravasi Nepali Coordination Committee and Safer Migration Project, *An Analytical Report on Death Cases of Nepalese Migrant Workers in Destination Countries* (Kathmandu: Pravasi Nepali Coordination Committee, 2017), <http://www.pncc.org.np/publication/An%20Analytical%20Report%20on%20Death%20Cases%20of%20Nepali%20Migrant%20Workers.pdf>.

on migration, particularly those related to enhancing labour migration governance, ensuring fair and ethical recruitment, strengthening pre-departure orientation trainings, developing and transferring of skills and knowledge, increasing access to justice of migrants, improving consular support to migrants and their families, and strengthening bilateral, regional, and international cooperation and partnerships.

Nepal has expressed its commitments at various regional and international processes and frameworks related to labour and migration. Among the prominent instruments endorsed by Nepal are the South Asia Initiative to End Violence against Children (SAIEVAC); the South Asian Association for Regional Cooperation (SAARC); the SAARC Convention on Preventing and Combating Trafficking of Women and Children for Prostitution; the Colombo Process; the Abu Dhabi Dialogue; the Bali Process (on People Smuggling, Trafficking in Persons and Related Transnational Crime); the Asia-European Union (EU) Dialogue; the Global Forum on Migration and Development; the High-Level Dialogue on International Labour Migration; the General Recommendation 26 on Women Migrant Workers of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Vienna Convention; the United Nations Forum on Business and Human Rights; the Sustainable Development Goals; and the Global Compact for Safe, Orderly and Regular Migration.

In this context, with an increasing outflow of Nepali youths, including women, for foreign employment and many migrant workers working under unsafe conditions, with their rights undermined and violated in countries of destination, participation in these regional and global processes and associations is significant for Nepal in order to safeguard migrant workers and their rights. These initiatives provide a common ground for labour-sending and -receiving countries to discuss issues faced by migrant workers and develop a common understanding for the protection of their rights and making migration beneficial to all.

This paper discusses eight such processes and regional associations which have issues of labour migration at their core and provides a brief background and objectives of these initiatives and recent developments that have taken place in them. These eight consist of: i) the Abu Dhabi Dialogue (ADD), ii) the Colombo Process (CP), iii) the South Asian Association for Regional Cooperation (SAARC), iv) the Bali Process (on People Smuggling, Trafficking in Persons and Related Transnational Crime), v) the Sustainable Development Goals (SDGs), vi) the Global Forum on Migration and Development (GFMD), vii) the Global Compact for Safe, Orderly and Regular Migration (GCM), and viii) the Association of Southeast Asian Nations (ASEAN).

It also illustrates the involvement and achievements of Nepal in such processes

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and delves deeper into the opportunities and challenges faced by the Nepali government regarding the implementation of the commitments and priorities made under these structures. Based primarily on secondary review, this paper also draws on interviews with some key informants who have been involved in these initiatives.

2. COLOMBO PROCESS

The Colombo Process (CP) is an informal and non-binding regional consultative process that seeks to promote and ensure safe and orderly migration, manage the recruitment process, and protect the rights and interests of migrant workers.¹² It started in 2003 with the government of Sri Lanka organising a Ministerial Consultation programme of labour migration-origin countries in Colombo, Sri Lanka, and brought together 10 major source countries—Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Vietnam—to facilitate dialogue and cooperation on issues of common interest concerning foreign labour migration.¹³ The participants agreed to have follow-up meetings on a regular basis and consequently, the CP, with the ministerial-level consultation protocol at its core, was established as a regional consultative process for informed, safe, and decent contractual overseas labour migration.¹⁴

Objectives

The stated objectives of the Colombo Process are provided verbatim below:¹⁵

- Share experiences, lessons learned, and best practices on overseas employment,
- Consult on issues faced by overseas workers, labour-sending and -receiving states, and propose practical solutions for the well-being of overseas workers,
- Optimise development benefits from organised overseas employment and enhance dialogue with countries of destination, and
- Review and monitor the implementation of recommendations and identify further steps for action.

12 'Overview of Colombo Process,' Colombo Process, accessed 20 June 2019, <https://www.colomboprocess.org/about-the-colombo-process>; 'Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process),' International Organization for Migration, accessed 10 April 2020, <https://www.iom.int/regional-consultative-process-overseas-employment-and-contractual-labour-countries-origin-asia>.

13 'Background,' Colombo Process, accessed 20 June 2019, <https://www.colomboprocess.org/about-the-colombo-process/background>.

14 Colombo Process, 'Overview of Colombo Process.'

15 'Objectives,' Colombo Process, accessed 20 June 2019, <https://www.colomboprocess.org/about-the-colombo-process/objectives>.

Members and secretariat

The CP has 12 member states¹⁶ and eight observer states¹⁷ (see Table 1). The observer states, which are also the destination countries, started participating after the third meeting of the CP in 2005. The International Organization for Migration (IOM) serves as the Secretariat of the Colombo Process, providing technical support, ensuring effective liaison, and coordinating the CP meetings.¹⁸ Nepal chaired the CP for two years (2018-2019),¹⁹ with Afghanistan taking over in 2021. The focus of the CP under Afghanistan was aimed at ensuring that ‘labour mobility governance responds to the socioeconomic recovery from Covid-19, protecting workers throughout the labour migration process and ensuring safe and regular pathways for migration’.²⁰

Table 1: Member states of Colombo Process

Member states	Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Vietnam
Observer states	Bahrain, Kuwait, Italy, Malaysia, Qatar, Republic of Korea, Saudi Arabia, and United Arab Emirates (UAE)
Current chair	Afghanistan
Secretariat	IOM

Structure and process

The meetings of the CP are conducted in two parts: senior officials’ meeting and ministerial consultation.²¹ The Chair-in-Office hosts the CP as the Chair, a tenure that lasts for two years starting and ending with every Ministerial Consultation

16 ‘Members,’ Colombo Process, accessed 9 June 2019, <https://www.colomboprocess.org/about-the-colombo-process/members>.

17 ‘Colombo Process,’ Migrant Forum in Asia, accessed 9 June 2019, http://mfasia.org/mfa_programs/advocacy/colombo-process/.

18 ‘Colombo Process Secretariat,’ Colombo Process, accessed 20 June 2019, <https://www.colomboprocess.org/contact/cp-secretariat>.

19 The Himalayan Times, ‘Nepal to host fifth Colombo Process meet,’ *The Himalayan Times*, 5 November 2018, <https://thehimalayantimes.com/nepal/nepal-to-host-fifth-colombo-process-meet/>.

20 ‘Afghanistan assumes Chairmanship of the Colombo Process,’ International Organization for Migration, 20 April 2021, <https://www.iom.int/news/afghanistan-assumes-chairmanship-colombo-process>.

21 Migrant Forum in Asia, ‘Colombo Process.’

meeting.²² With the establishment of the CP in 2003, follow-up consultations were held in 2004 (Manila, the Philippines), 2005 (Bali, Indonesia), 2011 (Dhaka, Bangladesh), 2016 (Colombo, Sri Lanka) and 2018 (Kathmandu).²³

Commitments and priorities

CP consultations conducted over the years have identified and prioritised various themes such as the welfare of overseas workers and support services; facilitating the managed movement of labour and optimising its benefits; institutional capacity-building and inter-state cooperation; improved efforts for the health of migrant workers; initiatives on labour migration-related SDGs, promoting equality for women migrants, ensuring consulate support for migrant workers, and collective action for the overall protection and prosperity of migrant workers.²⁴

During the 1st Ministerial Consultation (2003), the participants identified four significant areas of labour migration management: protecting migrant workers from exploitative recruitment practices and making pre-departure-related information and services accessible while providing support during migration and reintegration back in the home country; getting maximum benefits through migration, including development of new markets and transfer of remittance through formal channels; building institutional capacity and inter-ministerial coordination; and enhancing cooperation with migration destinations for the protection of migrant workers.²⁵

The 2nd Labour Migration Ministerial Consultation (2004) aimed to share the experiences related to labour migration policies and practices among countries of origin and destination and maximise the benefits by resolving issues faced by migrant workers. The discussions were broadly around the themes of protecting migrant workers and providing basic services; optimising the benefits of migration; building institutional capacity; and strengthening cooperation between member states.²⁶

22 'Chairmanship,' Colombo Process, accessed 9 June 2019, <https://www.colomboprocess.org/about-the-colombo-process/chairmanship>.

23 Colombo Process, 'Background.'

24 'Brief: Colombo Process – Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia,' International Organization for Migration, accessed 9 June 2019; 'Colombo Consultation 2016: Fifth Ministerial Consultation,' Colombo Process, accessed 9 June 2019, <https://www.colomboprocess.org/cp-meetings/detail/colombo-consultation-2016>.

25 'Labour Migration Ministerial Consultations for Countries of Origin in Asia,' International Organization for Migration, 1-2 April 2003, Colombo, Sri Lanka.

26 'Second Labour Migration Ministerial Consultations for Countries of Origin in Asia,'

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The 3rd Ministerial Consultation (2005) discussed, along with other issues, the question of women migrants who are particularly vulnerable during the entire process of migration and ensuring their welfare through the provision of various services prior to their departure, during migration, and after their return. The 3rd Consultation also acknowledged the role of the countries of destination in the effective management of labour employment.²⁷

The 4th Ministerial Consultation (2011) with the theme of ‘Migration with Dignity’ was able to adopt the Dhaka Declaration and Operating Modalities. The Declaration, a result of a series of CP consultations, included concerns relating to the promotion of migrant workers’ rights, protection of their welfare and dignity, emergency response during critical situations, the capacity of CP member states, and enhanced dialogue and cooperation between all the members.²⁸

The 5th Ministerial Consultation (2016) with the theme of ‘Migration for Prosperity: Adding Value by Working Together’ further agreed on ensuring the human rights of migrant workers and optimising the benefits of safe, orderly and regular migration to enhance the development of both labour-sending and -receiving countries and also called for continued cooperation between CP member states.²⁹

The 6th (and so far, last) Ministerial Consultation was held in Kathmandu in November 2018 with the theme of ‘Safe, Regular and Managed Migration: A Win-Win for All’.³⁰ The sixth ministerial-level meeting, held in Kathmandu prior to the Consultation, had forged agreement on many pertinent issues related to labour migration and also emphasised the need for visible and effective engagement of the CP and its member states in regional and global dialogue forums. The Ministerial Consultation was particularly notable for two reasons: it was organised, for the first time, through the direct contribution of funds from the member states, and it coincided with the adoption of the GCM. The Consultation resulted in the

International Organization for Migration, 22-24 September 2004, Manila, Philippines, https://www.iom.int/sites/g/files/tmzbd1486/files/jahia/webdav/shared/shared/mainsite/microsites/rcps/colombo/colombo_manila_report_2004.pdf.

27 ‘Third Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin in Asia,’ Colombo Process, 20-21 September 2005, Bali, Indonesia.

28 ‘Migration with Dignity: Fourth Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin in Asia,’ 19-21 April 2011, Dhaka, Bangladesh.

29 ‘Migration for prosperity: Adding value by working together 4th Senior Officials’ Meeting and 5th Ministerial Consultation,’ International Organization for Migration, 24-25 August 2016, Colombo, Sri Lanka.

30 ‘Sixth Ministerial Consultation,’ Colombo Process, accessed 20 June 2019, <https://www.colomboprocess.org/cp-meetings/detail/kathmandu-consultation-2018>.

endorsement of the 27-point Kathmandu Declaration on making labour migration safe, managed, and dignified.

The Kathmandu Declaration agreed to pursue four cross-cutting thematic areas: i) migrant health; ii) operationalisation of migration-related SDG goals; iii) promotion of equality for women migrant workers; and iv) consular support for migrant workers.³¹ These areas were incorporated to complement the five Thematic Areas Working Groups (TAWGs) initiated in 2016, consisting of ‘skills and qualification recognition processes, fostering ethical recruitment practices, pre-departure orientation and empowerment, promote cheaper, faster, and safer transfer of remittances, and labour market analysis’. Additionally, the Declaration acknowledged the outcomes of the Colombo Process Consultation on GCM organised in Kathmandu in September 2017, and the contribution of the TAWGs in drafting the Joint Colombo Process Recommendations to the GCM. The recommendations, subsequently submitted to the United Nations Special Representative of the Secretary General for International Migration, have been reflected in the final adopted document of the GCM.

As a part of the CP, several projects have been undertaken at the state and regional levels in collaboration with international agencies such as the IOM, the ILO, development partners and destination countries.³² Some of the programmes and projects include ‘Mapping of Complaints Mechanism in the CP Member States’, ‘Strengthening Labour Migration Governance through Regional Cooperation in CP Countries’, and the ‘Pilot Project on Skill Development, Certification, Upgrading and Recognition’.

31 ‘Sixth Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process): Colombo Process Ministerial Declaration,’ Colombo Process, 16 November 2018, Kathmandu, Nepal, https://www.colomboprocess.org/images/pdfs/KTM_Declaration_Adopted-on-16-Nov-2018.pdf.

32 ‘Programmes and Projects,’ Colombo Process, accessed 9 June 2019, <https://www.colomboprocess.org/about-the-colombo-process/programmes-and-projects>.

3. ABU DHABI DIALOGUE

The Abu Dhabi Dialogue (ADD) is an inter-government process of labour-sending and labour-receiving Asian countries which is voluntary and non-binding in nature.³³ The ADD was established in 2008 when the UAE hosted the inaugural Ministerial Consultation between the CP countries and Asian destination countries in Abu Dhabi.³⁴ The meeting revolved around the theme of contractual labour migration in Asia and possibilities of partnerships between countries of origin and destination and proved to be a milestone for regional cooperation as it brought together the CP countries and the destination countries—GCC countries, Yemen, Malaysia, and Singapore.³⁵

The ADD provides a platform for member states to jointly design programmes related to labour migration and develop partnerships to adopt best practices.³⁶ Over the years, civil society has also become an integral part of this regional consultative process through its contribution to the dialogue as well as in programme areas. Currently, the ADD has four major areas of cooperation: i) developing and exchanging information about the patterns of labour markets, skills profiles, workers, and policies and transfer of remittances; ii) enhancing capacities for harmonising the supply and demand of labour; iii) curbing irregular recruitment process and ensuring social security and welfare schemes for migrant workers; and iv) developing a framework to address the interests of both the labour-sending and -receiving countries.³⁷

Objectives

The major objective of the most recent ADD is to ‘enable safe, orderly and regular labour migration in some of the world’s largest temporary labour migration corridors’.³⁸

33 ‘About Abu Dhabi Dialogue,’ Abu Dhabi Dialogue, accessed 5 April 2020, <http://abudhabidialogue.org.ae/about-abu-dhabi-dialogue>.

34 ‘Abu Dhabi Dialogue,’ Migrant Forum in Asia, accessed 20 April 2020, https://mfasia.org/mfa_programs/advocacy/abu-dhabi-dialogue/.

35 ‘Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia: The Abu Dhabi Dialogue (Final Report),’ International Organization for Migration, Abu Dhabi, 21-22 January 2008, https://www.iom.int/jahia/webdav/shared/shared/mainsite/microsites/rcps/abudhabi/abu_dhabi_dialogue.pdf.

36 Abu Dhabi Dialogue, ‘About Abu Dhabi Dialogue.’

37 ‘Abu Dhabi Dialogue,’ International Organization for Migration, accessed 28 April 2020, <https://www.iom.int/abu-dhabi-dialogue>; Migrant Forum in Asia, ‘Abu Dhabi Dialogue.’

38 Abu Dhabi Dialogue, ‘About Abu Dhabi Dialogue.’

It aims to widen the ground for a common understanding between countries of origin and destination and initiate a collaborative approach to influence the policies and practices related to temporary labour migration in Asia.³⁹ The ADD programmes are guided by three pillars of governance: i) ensuring migrant workers' protection; ii) empowering them to achieve their goals and aspirations; and iii) providing them with an opportunity to benefit equitably from their labour migration.⁴⁰

Members and secretariat

The ADD consists of 11 countries of origin, i.e., the member states in the CP, and seven countries of destination (see Table 2).⁴¹ The IOM, the ILO, the private sector and civil society are regular observers at the ADD.⁴² Through its Ministry of Human Resources and Emiratization, the UAE provides a permanent Secretariat to the ADD.⁴³ UAE took over the two-year-long Chairmanship from Sri Lanka in October 2019.⁴⁴ Thereafter, it welcomed Pakistan as the new Chair of ADD during the 6th Ministerial Consultation held in Dubai in October 2021.⁴⁵

Table 2: Members of Abu Dhabi Dialogue

Member states	<u>Countries of origin:</u> Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam <u>Countries of destination:</u> Bahrain, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia and the United Arab Emirates
Observers	International Organization for Migration (IOM), International Labour Organization (ILO), private sector and civil society
Current chair	Pakistan
Secretariat	the United Arab Emirates

39 International Organization for Migration, 'Abu Dhabi Dialogue.'

40 Abu Dhabi Dialogue, 'About Abu Dhabi Dialogue.'

41 International Organization for Migration, 'Abu Dhabi Dialogue'; 'Abu Dhabi Dialogue: Members,' Abu Dhabi Dialogue, accessed 19 June 2019, <http://abudhabidialogue.org.ae/members>.

42 Abu Dhabi Dialogue, 'Abu Dhabi Dialogue: Members.'

43 International Organization for Migration, 'Abu Dhabi Dialogue.'

44 'The Fifth Ministerial Consultation of the Abu Dhabi Dialogue: The Dubai Declaration,' Abu Dhabi Dialogue, Dubai, United Arab Emirates, 17 October 2019, <http://abudhabidialogue.org.ae/sites/default/files/document-library/Dubai%20Ministerial%20Declaration%20FINAL.pdf>.

45 'ADD Sixth Ministerial Consultation,' Abu Dhabi Dialogue, November 3, 2021, <http://abudhabidialogue.org.ae/news/add-sixth-ministerial-consultation>.

Structure and process

ADD meetings are organised in two parts—biennial Ministerial Consultations and annual Senior Officials Meetings.⁴⁶ The 1st Ministerial Consultation, held in 2008 in the UAE, marked the beginning of the ADD with a discussion around the theme ‘Contractual Labour Mobility in Asia: Key Partnerships for Development between Countries of Origin and Destination’.⁴⁷ It was followed by the 2nd Ministerial Consultation in 2012 (in the Philippines), the third in 2014 (Kuwait), the fourth in 2017 (Sri Lanka), the fifth in 2019 (the UAE), and the sixth in 2021 (the UAE).

Commitments and priorities

The initial Ministerial Consultations of the ADD prioritised enhancing labour migration governance, particularly along the Middle East migration corridors, which is considered vital for facilitating safe, orderly and regular migration.⁴⁸ They discussed and identified effective guidelines and strategies such as ensuring regulatory measures to protect migrant workers in the countries of destination, strengthening the capacity of migrant workers to make them productive in achieving their goals and objectives, and providing opportunities to them to gain experiences and opportunities so that migrant workers can be empowered.

Over the years, ADD member states have taken several initiatives at the national and regional levels to ameliorate the condition of migrant workers. The 4th Ministerial Consultation of the ADD held in Colombo in January 2017, came up with the Colombo Declaration and issued guidelines in terms of: i) cooperation and collaboration for recruiting workers; ii) imparting skills and recognition and certification of skills; iii) using technology for enhancing outcomes of labour mobility; and iv) adopting the GCM.⁴⁹ Several meetings followed, including a special workshop on operationalising the four tracks outlined in the Colombo Declaration, to discuss issues related to the ‘future of work’, the ILO centenary initiative proposed in 2013 that attempts to deal with the changing nature of work.⁵⁰

46 ‘Abu Dhabi Dialogue: Consultations,’ Abu Dhabi Dialogue, accessed 6 April 2020, <http://abudhabidialogue.org.ae/consultations>.

47 Migrant Forum in Asia, ‘Abu Dhabi Dialogue.’

48 Abu Dhabi Dialogue, ‘About Abu Dhabi Dialogue.’

49 ‘Ministerial meeting of Abu Dhabi Dialogue adopts Declaration that refers to ILO principles and guidelines for fair migration,’ International Labour Organization, 24 January 2017, http://www.ilo.org/beirut/media-centre/news/WCMS_542915/lang--en/index.htm.

50 Abu Dhabi Dialogue 5th Ministerial Consultation: Report on the Implementation of ADD Thematic Programmes,’ Abu Dhabi Dialogue, Submitted to their Excellencies the Hon. Ministers, 17 October 2019, <http://abudhabidialogue.org.ae/sites/default/files/document->

In April 2019, a ‘High-level Symposium on the Future of Work’ was held in Dubai as part of the ADD. The symposium saw member states express commitment to support the goals of the SDGs through initiatives to incorporate ‘future of work’ planning and policies. Recognising the increased requirements for skilled workers in destination countries, member states expressed concern about the probable negative impacts on the social and economic structure of the countries of origin and the need to take action to assist workers in vulnerable and ‘hard to reach’ sectors.⁵¹ The symposium discussed various issues concerning labour migration in the region and proposed a series of questions for further consideration by the member states. Some of this related to identifying ways to ‘cooperate to ensure that migration and the Future of Work policies are human-centric’, exchange information related to the sectors of job at risk or likely to have employment growth and how such information can be utilised, devising strategies to ‘incentivise lifelong learning’ and the ‘role of governments, the private sector, and workers themselves’, and ‘social protection schemes for migrant workers’.

The 4th Ministerial Consultation also launched a pilot project to test the fair and ethical recruitment model as an alternative model of labour recruitment between the UAE and the Philippines.⁵² Another initiative is the Skills Harmonization Partnership between India and the UAE launched in 2018.⁵³ Similarly, the UAE launched a new project under the auspices of the ADD to regulate competency standards for four domestic professions of nanny, senior housekeeper, cook, and general housekeeper.⁵⁴ Likewise, IOM has also been working for the improvement

[library/ADD%205th%20Ministerial%20Consultation%20Report_0.pdf](#).

51 Ibid.

52 ‘Abu Dhabi Dialogue Projects: An Alternative Model of Labour Recruitment,’ Abu Dhabi Dialogue, accessed 19 June 2019, <http://abudhabidialogue.org.ae/index.php/projects/alternative-model-labour-recruitment>; International Labour Organization, ‘Ministerial meeting of Abu Dhabi Dialogue adopts Declaration that refers to ILO principles and guidelines for fair migration.’

53 The Skills Harmonization Partnership aimed at serving as a bridge between the skills supply and demand of the workers and employers; improving skills for higher rates of productivity for business; improving wages and incomes of Indian workers in the UAE; enhancing mobility for certified workers; improving job security and reducing vulnerabilities; and stimulating demand for skilled Indian workers in the UAE. ‘UAE-India: Developing a Harmonised Framework for Skill Recognition and Certification,’ Abu Dhabi Dialogue, Senior Official’s Meeting, 30 April 2019 (PPT Presentation), <http://abudhabidialogue.org.ae/sites/default/files/document-library/Skills%20Joint%20India%20-%20UAE%20Presentation.pdf>.

54 ‘Developing Demand-Driven Competency Standards for Four Domestic Work Occupations,’ Abu Dhabi Dialogue, Presented by Abu Dhabi Quality and Conformity Council, 30 April

as well as development of regional guides of Comprehensive Information and Orientation Programme (CIOP) and post-arrival orientation (PAO).⁵⁵ The pilot projects on CIOP was implemented in country pairs of the UAE and Sri Lanka, the UAE and the Philippines, and Saudi Arabia and Bangladesh.⁵⁶

The 5th Ministerial Consultation (2019) concluded with the adoption of the seven-point Dubai Declaration, in which the ADD member states agreed to give priority to issues related to the use of technology in the process of migration, training, and information to the migrant workers, skill certification and recognition, human-centric cooperation on overseas employment, and regional cooperation for labour migration.⁵⁷

The concluding session of the 5th Ministerial Consultation emphasised establishing the Future Skills Partnership to train countries cope with challenges faced due to new technologies and automation.⁵⁸ The partnership aims to encourage the participation of the ADD member states, both sending and receiving, as well as the private sector, international organisations, and academia. It aims to help identify information related to the needs and demands of the labour market in the Gulf region as well as explore future skill requirements in the region. Member states also discussed further developing the Domestic Worker Competency Standards, agreed on the need to expand such standards to encompass the full range of domestic worker occupations, and discussed the skilling and certification of domestic workers.⁵⁹

The 6th Ministerial Consultation of ADD (2021) brought together government

2018 (PPT Presentation), <http://abudhabidialogue.org.ae/sites/default/files/document-library/Domestic%20Skills%20Presentation.pdf>.

55 IOM received support from the Swiss Agency for Development and Cooperation (SDC) and Ministry of Human Resources and Emiratisation, UAE, for this. It was shared that Pre-employment Orientation (PEO) Mapping and Needs Assessment was being done for Afghanistan, Bangladesh, Cambodia, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Vietnam.

56 'Comprehensive Information and Orientation Programme: Brief on Key Developments,' International Organization for Migration, accessed 19 June 2019, <http://abudhabidialogue.org.ae/sites/default/files/document-library/ADD%20SOM%20CIOP%20Background%20Paper.pdf>.

57 Md Owassim Uddin Bhuyan, 'Abu Dhabi Dialogue ends with call for transparency,' *New Age*, 19 October 2019, <https://www.newagebd.net/article/88121/abu-dhabi-dialogue-ends-with-call-for-transparency>.

58 Emirates News Agency, 'Abu Dhabi Dialogue launches 'Regional Skills Partnership' to meet work challenges,' *Emirates News Agency*, 19 October 2019, <https://www.wam.ae/en/details/1395302795861>.

59 Bhuyan, 'Abu Dhabi Dialogue ends with call for transparency.'

ministers, senior officials and relevant participants from 16 countries to discuss recruitment and other employment-related issues of migrant workers and agreed to enhance collaboration.⁶⁰ For the next two years, member states will focus their attention on improving access to justice of the migrant workers by increasing the use of electronic and digital technology; skills partnerships by analysing the skills demands and key actors; and developing guidelines to design them in order to meet the priorities of the ADD member states; addressing the challenges of Covid-19; promoting the employability, mobility and labour participation of women migrants; and strengthening regional and international cooperation.

60 Abu Dhabi Dialogue, 'ADD Sixth Ministerial Consultation.'

4. SOUTH ASIAN ASSOCIATION FOR REGIONAL COOPERATION

The South Asian Association for Regional Cooperation (SAARC) was formed in Dhaka, Bangladesh, in December 1985.⁶¹ Like most international and regional groupings, the SAARC cooperation framework is guided by the principles of sovereign equality, territorial integrity, political independence, non-interference in the internal affairs of other States, and mutual benefit.⁶² The areas of cooperation identified by SAARC include human resource development; economic, trade and finance; social affairs; information and poverty alleviation; education, security and culture, among others.⁶³

Objectives

As defined in its charter, the objectives of SAARC include:⁶⁴

- Promote the welfare of the peoples of South Asia and to improve their quality of life,
- Accelerate economic growth, social progress, and cultural development in the region and to provide all individuals the opportunity to live in dignity and to realise their full potentials,
- Promote active collaboration and mutual assistance in the economic, social, cultural, technical, and scientific fields,
- Strengthen cooperation with other developing countries,
- Strengthen cooperation among themselves in international forums on matters of common interests,
- Cooperate with international and regional organisations with similar aims and purposes.

Members and secretariat

The association initially comprised seven member states—Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka—with Afghanistan joining as the

61 'About SAARC,' SAARC Secretariat, accessed 20 April 2020, <http://saarc-sec.org/about-saarc>.

62 'SAARC Charter,' SAARC Secretariat, accessed 25 April 2020, <http://saarc-sec.org/saarc-charter>.

63 'Areas of Cooperation,' SAARC Secretariat, accessed 20 April 2020, http://saarc-sec.org/areas_of_cooperation.

64 Ibid. The objectives have been copied verbatim here.

eighth member in 2007.⁶⁵ Observer countries of SAARC are Australia, China, European Union, Iran, Japan, South Korea, Mauritius, Myanmar, and the USA.⁶⁶ The Secretariat of SAARC is located in Kathmandu.⁶⁷ A Secretary-General heads the Secretariat for a three-year term and is appointed from among the member states in alphabetical order.⁶⁸ Nepal has been the Chair of SAARC since November 2014 when it hosted the 18th Summit.⁶⁹ (The 19th Summit that had been slated for November 2016 in Islamabad, Pakistan, is yet to be held due to differences between India and Pakistan.)

Structure and process

The decisions of SAARC have to be made on the basis of unanimity.⁷⁰ The deliberations during SAARC do not contain any bilateral and contentious issues. Rather, they are considered to complement and contribute to the bilateral and multilateral relations.⁷¹

The SAARC structure consists of Summits, Council of Ministers, Standing Committee, Programming Committee, Technical Committees, Working Groups, and Action Committees. The Summit, the highest authority of SAARC, provides an occasion for the member states to renew their commitment and cooperation for the people of South Asia.⁷² The member state hosting the biennial Summit takes on the responsibility of the Chair.⁷³ The Council of Ministers, consisting of the foreign ministers of SAARC member states, is responsible for the formulation of policies, reviewing the progress of cooperation, and decision-making on new areas of cooperation or any general interest to SAARC.⁷⁴ The Standing Committee,

65 'South Asian Association for Regional Cooperation (SAARC),' Migrant Forum in Asia, accessed 25 April 2020, https://mfasia.org/mfa_programs/advocacy/south-asian-association-for-regional-cooperation/.

66 'Nepal and SAARC,' Ministry of Foreign Affairs, accessed 25 April 2020, <https://mofa.gov.np/nepal-and-saarc>.

67 SAARC Secretariat, 'About SAARC.'

68 'South Asian Association for Regional Cooperation,' International Democracy Watch, accessed 30 April 2020, <http://www.internationaldemocracywatch.org/index.php/south-asian-association-for-regional-cooperation->

69 'Chairmanship,' SAARC Secretariat, accessed 25 April 2020, <http://saarc-sec.org/chairmanship>.

70 SAARC Secretariat, 'About SAARC.'

71 Migrant Forum in Asia, 'South Asian Association for Regional Cooperation (SAARC).'

72 'SAARC Summits,' SAARC Secretariat, accessed 25 April 2020, <http://saarc-sec.org/saarc-summits>.

73 Migrant Forum in Asia, 'South Asian Association for Regional Cooperation (SAARC).'

74 Ministry of Foreign Affairs, 'Nepal and SAARC.'

which consists of Foreign Secretaries of the SAARC member states, is responsible for decision-making related to approval and overall monitoring and coordination of the programmes initiated by SAARC as well as the mobilisation of resources.⁷⁵ They also set up Action Committees for the execution of projects.⁷⁶

The Programming Committee is responsible for managing administrative and financial matters concerning the Secretariat and other committees and consists of the heads of the SAARC Divisions within the foreign ministries of member states.⁷⁷ Representatives from member countries form the Technical Committees, which formulate and implement programmes and provide inputs in the coordination and monitoring of their respective cooperation areas.⁷⁸ Working Groups are responsible for formulating and supervising the programmes and activities to ensure that these are within the framework of SAARC to strengthen and promote regional cooperation.⁷⁹

Commitments and priorities

SAARC has the potential to play a significant role with regard to labour and migration given that a large number of youths from South Asia migrate for overseas employment.⁸⁰ Accordingly, the 18th SAARC Summit in Kathmandu in 2014 culminated in the adoption of the 36-point Kathmandu Declaration, which included an agreement ‘to collaborate and cooperate on the safe, orderly and responsible management of labour migration from South Asia to ensure safety, security and wellbeing of their migrant workers in the destination countries outside the region’ (Article 21).⁸¹

In order to realise and advance the commitment concerning migration enshrined in that declaration, at the 2016 ‘Consultative Workshop on SAARC Plan of Action for Cooperation on Matters Related to Migration’ held in Kathmandu, the Government of Nepal prepared the ‘SAARC Plan of Action on Labour Migration’

75 International Democracy Watch, ‘South Asian Association for Regional Cooperation.’

76 SAARC Secretariat, ‘SAARC Charter.’

77 Ministry of Foreign Affairs, ‘Nepal and SAARC.’

78 SAARC Secretariat, ‘SAARC Charter.’

79 ‘Working Group,’ SAARC Secretariat, accessed 25 April 2020, <http://saarc-sec.org/working-groups>.

80 Ministry of Foreign Affairs, ‘Nepal and SAARC.’

81 ‘Kathmandu Declaration: Eighteenth SAARC Summit, Kathmandu, Nepal (26-27 November 2014),’ Ministry of External Affairs, Government of India, accessed 25 April 2020, http://mea.gov.in/Uploads/PublicationDocs/24375_EIGHTEENTH_SUMMIT_DECLARATION.pdf.

for discussion and adoption by SAARC member countries.⁸² The Plan of Action had four major objectives: i) the establishment of a regional mechanism to enable collaboration and cooperation at the SAARC level on the management of issues related to labour migration; ii) developing a 'SAARC Declaration on Labour Migration'; iii) identifying areas requiring for regional cooperation; and iv) sharing of information and knowledge on labour migration-related issues. It recommended setting up a SAARC Technical Committee on Labour Migration to look after migration-related issues during the workshop. The Secretariat also agreed to prepare a zero draft of 'SAARC Declaration on Labour Migration' in consultation with the Government of Nepal to be adopted at the thus-far indefinitely postponed 19th SAARC Summit.

The zero draft on 'SAARC Declaration on Labour Migration', finalised under the initiation of Nepal, reaffirmed the commitments made at the 18th SAARC Summit.⁸³ The draft enshrines the commitments of the member states in seven particular issues: i) development of a framework for skills qualification; ii) strengthening pre-departure preparation of migrant workers; iii) formulation of a standard employment contract and minimum wages; iv) establishment of a mechanism for information exchange and knowledge building; v) ensuring fair and ethical recruitment; vi) maximising the developmental potentials of migration; and vii) improvement in the justice mechanisms, support services, welfare, and protection of migrant workers.⁸⁴ As a follow-up mechanism, the zero draft further confirms the commitment of the member states to establish a SAARC Technical Committee on Labour Migration to organising expert-level meetings on a regular basis and drafting a multi-year action plan for the implementation and monitoring the progress of the Declaration. The draft also agreed to establish SAARC Ministerial Forum on Labour Migration to approve the action plan and monitor its execution.

82 'SAARC Plan of Action on Labour Migration,' Centre for the Study of Labour and Mobility (CESLAM), accessed 5 December 2021, <https://www.ceslam.org/uploads/backup/SAARC%20Plan%20of%20Action%20on%20Labour%20Migration.pdf>.

83 Kiran Bhattarai, 'Zero Draft of SAARC Declaration on Labour Migration finalized,' *Image Khabar*, 31 August 2016, <https://www.imagekhabar.com/news/143627/>.

84 'SAARC Declaration on Labour Migration (Zero Draft),' Centre for the Study of Labour and Mobility (CESLAM), accessed 5 December 2021, [https://www.ceslam.org/uploads/backup/DECLARATION%20ON%20LABOUR%20MIGRATION%20\(Zero%20Draft\).pdf](https://www.ceslam.org/uploads/backup/DECLARATION%20ON%20LABOUR%20MIGRATION%20(Zero%20Draft).pdf).

5. BALI PROCESS ON PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND RELATED TRANSNATIONAL CRIME

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime was formed through a framework agreement during the ‘Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime’ held in Bali, Indonesia in 2002.⁸⁵ It is a voluntary, inclusive and non-binding regional forum, which provides space for policy dialogue and deliberations on the rising trend of irregular migration and its associated complexities in the Asia-Pacific region.⁸⁶ During the conference, the participants acknowledged the issue of human rights violations due to the smuggling of people and trafficking in persons, particularly women and children.⁸⁷ Besides the social, political, and economic challenges this gives rise to, they expressed concern over the involvement of criminal networks in such transnational crimes.

The Bali Process is a multilateral process that seeks to promote bilateral and regional ties and related efforts against people smuggling and trafficking in persons.⁸⁸ It provides a platform for policy dialogue, information sharing, and cooperation regarding issues of smuggling, trafficking in persons, and transnational crimes at the regional level.⁸⁹ The Bali Process currently focuses on the themes of irregular migration, combatting human trafficking, migrant vulnerabilities, migrant

85 ‘Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime,’ International Organization for Migration, accessed 7 May 2020, <https://www.iom.int/bali-process>.

86 ‘Sixth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime: Co-Chairs’ statement,’ The Bali Process, 23 March 2016, Bali, Indonesia, <https://www.baliprocess.net/UserFiles/baliprocess/File/BPMC%20Co-chairs%20Ministerial%20Statement%20with%20Bali%20Declaration%20attached%20-%2023%20March%202016%20docx.pdf>; Joseph H Douglas and Andreas Schloenhardt, *Combatting Migrant Smuggling with Regional Diplomacy: An Examination of the Bali Process* (Brisbane: The University of Queensland Migrant Smuggling Working Group, University of Queensland, 2012), <https://law.uq.edu.au/files/6723/Douglas-Schloenhardt-Bali-Process.pdf>.

87 ‘Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime: Co-Chairs’ Statement,’ The Bali Process, 26–28 February 2002, [https://www.baliprocess.net/UserFiles/baliprocess/File/BRMC1\(1\).pdf](https://www.baliprocess.net/UserFiles/baliprocess/File/BRMC1(1).pdf).

88 ‘People Smuggling and Trafficking: The Bali Process,’ Department of Foreign Affairs and Trade, accessed 9 May 2020, <https://www.dfat.gov.au/international-relations/themes/people-smuggling-trafficking/Pages/the-bali-process>.

89 ‘About the Bali Process,’ The Bali Process, accessed 7 May 2020, <https://www.baliprocess.net/>.

integration, human mobility, and the human rights of migrants.⁹⁰

Objectives

The primary objective of the Bali Process is to address the issues related to smuggling, trafficking, and related transnational crime.⁹¹ There were several specific objectives developed by the 1st Ministerial Consultation of 2002, which were expanded by the 3rd Bali Process Regional Ministerial Conference of 2009.⁹² These are:⁹³

- Development of more effective information and intelligence sharing,
- Improved cooperation among regional law-enforcement agencies to deter and combat people smuggling and trafficking networks,
- Enhanced cooperation on border and visa systems to detect and prevent illegal movements,
- Increased public awareness to discourage these activities and warn those susceptible,
- Enhanced effectiveness of return as a strategy to deter people smuggling and trafficking through the conclusion of appropriate arrangements,
- Cooperation in verifying the identity and nationality of illegal migrants and trafficking victims,
- Enactment of national legislation to criminalise people smuggling and trafficking in persons,
- Provision of appropriate protection and assistance to the victims of trafficking, particularly women and children,
- Enhanced focus on tackling the root causes of illegal migration, including by increasing opportunities for legal migration between states,
- Assisting countries to adopt best practices in asylum management, in accordance with the principles of the Refugees Convention.

Members and secretariat

Members of the Bali Process comprise 45 countries and four international organisations with several countries and organisations as observers (see Table 3).⁹⁴

90 International Organization for Migration, 'Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.'

91 Ibid.

92 Douglas and Schloenhardt, *Combatting Migrant Smuggling with Regional Diplomacy: An Examination of the Bali Process*.

93 The objectives have been copied verbatim here.

94 'Membership,' The Bali Process, accessed 7 May 2020, <https://www.baliprocess.net/membership/>.

Australia and Indonesia are the permanent Co-Chairs of the Bali Process.⁹⁵ IOM Australia provides Secretariat support by offering strategic advice, preparing a plan of action, and providing logistic and administrative assistance during meeting and workshops.⁹⁶

Table 3: Members and observers of Bali Process

Member states	Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People’s Republic of Korea, Fiji, France, Hong Kong SAR, India, Indonesia, Iran, Iraq, Japan, Jordan, Kiribati, Lao People’s Democratic Republic, Macau SAR, Malaysia, Maldives, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, the Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Timor-Leste, Tonga, Turkey, the UAE, the United States of America, Vanuatu, and Vietnam
Member organisations	United Nations High Commissioner for Refugees (UNHCR), IOM, ILO, and United Nations Office on Drugs and Crime (UNODC)
Observer states	Austria, Belgium, Canada, Denmark, Finland, Germany, Italy, Netherlands, Norway, Poland, Romania, Russian Federation, South Africa, Spain, Sweden, Switzerland, and the United Kingdom
Observer organisations	Asian Development Bank (ADB), APC Migration,* International Centre for Migration Policy Development (ICMPD), International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC), International Criminal Police Organization (INTERPOL), Intergovernmental Consultations on Migration, Asylum and Refugees (IGC),* European Commission (EC), World Bank and United Nations Development Programme (UNDP)
Co-Chairs	Australia and Indonesia
Secretariat	IOM Australia

* The APC Migration and IGC is currently dormant.

95 International Organization for Migration, ‘Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.’

96 ‘Bali Process,’ International Organization for Migration, accessed 9 May 2020, <https://australia.iom.int/bali-process>.

Structure and process

The overall coordination and direction of the Bali Process are carried out by the Steering Group, which consists of Australia, Indonesia, New Zealand, Thailand, IOM, and UNHCR.⁹⁷ The Foreign Ministers of Australia and Indonesia are the Co-Chairs of the Steering Group.⁹⁸ There is also a provision of the Ad Hoc Group, which unites the most-affected countries with the concerned international organisation to address the issues of smuggling, trafficking in persons, and irregular migration.⁹⁹ The Ad Hoc Group consists of 16 countries—Afghanistan, Australia, Bangladesh, India, Indonesia, Malaysia, Maldives, Myanmar, New Zealand, Pakistan, the Philippines, Sri Lanka, Thailand, the UAE, the USA and Vietnam—and three organisations—IOM, UNHCR, and UNODC.¹⁰⁰ There are several other working groups under the Ad Hoc Group—Ad Hoc Group Technical Experts Working Group on Irregular Movements, Bali Process Working Group on Trafficking in Persons, Bali Process Working Group on the Disruption of People Smuggling and Trafficking in Persons Networks, Bali Process Task Force on Planning and Preparedness, and Regional Immigration Liaison Officer Network (RILON).

Similarly, the Regional Support Office (RSO) has been established for the operation of the Regional Cooperation Framework (RCF) in reducing irregular migration in the Asia-Pacific region.¹⁰¹ It also functions as a focal point for the management of migration in the region, including coordination, information-sharing, awareness-raising, and capacity-building on the issues of smuggling and human trafficking.¹⁰² The RSO operates in consultation with the UNHCR and IOM, and under the supervision of the Co-Chairs of the Bali Process.

The Bali Process includes periodic Regional Ministerial Consultations and Senior Officials' Meetings.¹⁰³ Altogether, seven Bali Process Regional Ministerial

97 Department of Foreign Affairs and Trade, 'People Smuggling and Trafficking: The Bali Process.'

98 Douglas and Schloenhardt, *Combating Migrant Smuggling with Regional Diplomacy: An Examination of the Bali Process*.

99 'Ad Hoc Group,' The Bali Process, accessed 7 May 2020, <https://www.baliprocess.net/ad-hoc-group/>.

100 International Organization for Migration, 'Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.'

101 'Regional Support Office,' The Bali Process, accessed 7 May 2020, <https://www.baliprocess.net/regional-support-office/>.

102 International Organization for Migration, 'Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.'

103 The Bali Process, 'About the Bali Process.'

Conferences have been organised, all in Bali, Indonesia—in 2002, 2003, 2009, 2011, 2013, 2016 and 2018.¹⁰⁴

Commitments and priorities

Considering the number of members and observer states and collaboration with several international organisations, the Bali Process qualifies as one of the largest regional consultative processes in the world.¹⁰⁵ Since its inception, the Bali Process has only focussed on the issues of people smuggling, human trafficking, and associated transnational crimes, and has over the years amended and modified their working mechanisms.

The 6th Bali Regional Ministerial Conference (2016) is considered particularly significant due to the adoption of the Bali Process Declaration on People Smuggling, Trafficking in Persons and Related Transnational Crime.¹⁰⁶ The Declaration acknowledged the increasing instances of irregular migration, along with trafficking in persons, and stressed the need to identify and address the underlying causes of irregular migration and forced displacement. The Declaration further emphasised the need for a collective response to enhance ‘good governance, rule of law, full respect for human rights and fundamental freedoms, a sense of security and belonging, inclusive economic growth, livelihood opportunities, access to basic services, social tolerance and understanding,’ among others.¹⁰⁷

The Declaration also realised the need to engage with the private sector ‘to expand legal and legitimate opportunities for labour migration and to combat human trafficking and related exploitation, including by promoting and implementing humane, non-abusive labour practices throughout their supply chains’.¹⁰⁸ That paved way for the establishment of the Bali Process Government and Business Forum (Perth Forum) in August 2017, which is an exemplary achievement of the Bali Process as the forum brought together ministers and businesspersons of the region to prevent and fight against forced labour, trafficking in persons, and modern slavery.¹⁰⁹

104 ‘Regional Ministerial Conferences,’ The Bali Process, accessed 7 May 2020, <https://www.baliprocess.net/ministerial-conferences-and-senior-officials-meetings/regional-ministerial-conferences/>.

105 Douglas and Schloenhardt, *Combatting Migrant Smuggling with Regional Diplomacy: An Examination of the Bali Process*.

106 The Bali Process, ‘About the Bali Process.’

107 The Bali Process, ‘Sixth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime: Co-Chairs’ statement.’

108 Ibid.

109 ‘Bali Process Government and Business Forum,’ The Bali Process, accessed 7 May 2020. <https://>

Similarly, the 6th Conference also acknowledged the significance of the Bali Process Strategy for Regional Cooperation to guide the work of the members.¹¹⁰ The Bali Process Strategy was adopted during the 8th Ad Hoc Senior Officials Meeting held in 2014.¹¹¹ The primary purpose of the strategy was to guide the objectives of the Bali Process through enhanced cooperation ‘to strengthen immigration management, refugee protection, border integrity and related legal capacity building and law enforcement measures’. The strategy was considered to be ‘a stepping stone’ to reinforce the efforts of the Bali Process in the region.¹¹² The strategy also made efforts to increase the collaboration of the Bali Process with other regional and global initiatives related to irregular migration, people smuggling, and human trafficking and vowed to contribute to the Global Compact on Refugees (GCR) and the GCM.¹¹³

The 7th Regional Ministerial Consultation held in August 2018 was also significant in the history of the Bali Process as it ‘achieved significant outcomes in addressing people smuggling, human trafficking and irregular migration in the region’.¹¹⁴ The Consultation resulted in the adoption of 2018 Declaration, which guides the overall work of the Bali Process at the moment.¹¹⁵ The 2018 Declaration reaffirmed the Bali Declaration of 2016 and further expressed its commitment to strengthening cooperation to combat human trafficking and promote collaboration with the civil society in the region.¹¹⁶

The 7th Consultation also coincided with the 2nd Bali Process Government and Business Forum held in Nusa Dua, Bali, on 6-7 August 2018.¹¹⁷ The Forum saw the participation of over 350 representatives from various business companies from across 52 countries. It concluded with the adoption of the Acknowledge, Act and Advance (AAA) Recommendations by government leaders and businesses to

www.baliprocess.net/bali-process-government-and-business-forum/.

110 The Bali Process, ‘Sixth Ministerial Conference of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime: Co-Chairs’ statement.’

111 ‘Bali Process Strategy for Cooperation,’ The Bali Process, October 2017, Update – 12, Ad Hoc Group Senior Officials’ Meeting, <https://www.baliprocess.net/UserFiles/baliprocess/File/BP%20Strategy%20-%20Update%20for%2012th%20AHG%20SOM%20-%20final%202%20November%202017.pdf>.

112 The Bali Process, ‘About the Bali Process.’

113 The Bali Process, ‘Bali Process Strategy for Cooperation.’

114 Department of Foreign Affairs and Trade, ‘People Smuggling and Trafficking: The Bali Process.’

115 The Bali Process, ‘About the Bali Process.’

116 Department of Foreign Affairs and Trade, ‘People Smuggling and Trafficking: The Bali Process.’

117 International Organization for Migration, ‘Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.’

foster cooperation to combat irregular migration, human smuggling, trafficking in persons, and associated transnational crimes.¹¹⁸

The Bali Process has also undertaken several projects through the RSO to promote cooperation among member states.¹¹⁹ Some of these activities include the Immigration Liaison Officer Exchange and Development Programme (to build the capacity of immigration liaison officers of the member states), the Bali Process Civil Registration Assessment Toolkit (to evaluate and improve the registration of births, deaths, and marriages occurring among asylum-seekers, refugees, persons of undetermined nationality, and stateless persons), and the Assisted Voluntary Return and Reintegration Programme (AVRR) (to facilitate the return of irregular migrants, including asylum-seekers and refugees).

As one of the members of the Bali Process, Nepal has participated in some of its projects, including in the RSO-CIFAL Partnership – Identification, Assistance, and Protection of Trafficking Victims in the Asia-Pacific Region.¹²⁰ Training on ‘Enhancing a Victim Centred Approach: Identification, Assistance, and Protection of Trafficking Victims in the Asia-Pacific Region’ was also provided to the representatives from the civil society organisations and government from the Asia-Pacific region in the course of the RSO-CIFAL Partnership. Nepal also attended the workshop to finalise drafts of the Bali Process Policy Guides on Criminalizing Migrant Smuggling and Trafficking in Persons.

118 Department of Foreign Affairs and Trade, ‘People Smuggling and Trafficking: The Bali Process.’

119 ‘Regional Support Office Activities,’ The Bali Process, accessed 7 May 2020, <https://www.baliprocess.net/regional-support-office/activities/>.

120 The Bali Process, ‘Regional Support Office Activities.’ The Regional Support Office of the Bali Process (RSO) has collaborated with the International Training Centres for Local Authorities and Local Actors (CIFAL)–Jeju (South Korea). CIFAL is a part of United Nations Institute for Training and Research (UNITAR), and there are 20 international institutes in the CIFAL Global Network.

6. SUSTAINABLE DEVELOPMENT GOALS

The Sustainable Development Goals (SDGs) were adopted as part of the 2030 Agenda for Sustainable Development by member states of the United Nations (UN) in September 2015.¹²¹ Effective from January 2016, the SDGs were introduced as a universal effort to address poverty, protect the planet, and ensure peace and prosperity with the slogan and spirit of 'Leave no one behind'.¹²²

The inception of the SDGs took place during the United Nations Conference on Sustainable Development in Rio de Janeiro, Brazil in 2012 when member states endorsed the outcome document 'The Future We Want' and decided to formulate a set of goals by drawing on experiences from the Millennium Development Goals (MDGs).¹²³ Following up on the initiatives, the General Assembly assigned an Open Working Group to devise a proposal on SDGs in 2013 and started negotiations in 2015, surrounding the post-2015 development agenda, which resulted in the adoption of the 2030 Agenda for Sustainable Development at the UN Sustainable Development Summit 2015.¹²⁴

The Goals

There are 17 SDGs which provide all the countries with guidelines to adopt the goals into their national policies, plans, and development activities and also emphasise partnerships and collaborations among governments, private sector, civil society, and citizens for achieving these goals (Table 4).¹²⁵ The SDGs are accompanied by 169 targets and 232 indicators, which help to implement the goals and keep track of their progress.¹²⁶ The goals and targets were finalised after several rounds of

121 'A new sustainable development agenda,' United Nations Development Programme, accessed 7 May 2020, <https://www.np.undp.org/content/nepal/en/home/post-2015.html>.

122 'What are the Sustainable Development Goals?' United Nations Development Programme, accessed 15 April 2020, <https://www.undp.org/content/undp/en/home/sustainable-development-goals.html>.

123 'Sustainable Development Goals,' United Nations, accessed 15 April 2020, <https://sustainabledevelopment.un.org/sdgs>; MDGs were introduced by the UN in 2000 with a set of eight development goals to be achieved by 2015. The goals included eradicating extreme poverty and hunger, achieving universal primary education, promoting gender equality and empowering women, reducing child mortality, improving maternal health, combatting HIV/AIDS, malaria, and other diseases, ensuring environmental sustainability and developing a global partnership for development.

124 United Nations, 'Sustainable Development Goals.'

125 Ibid.

126 United Nations Economic and Social Commission for Asia and the Pacific, *Asia and the Pacific*

consultations and engagements with civil society and other stakeholders around the world for two years.¹²⁷

Table 4: List of Sustainable Development Goals

Goal 1: No poverty	Goal 10: Reduced inequality
Goal 2: Zero hunger	Goal 11: Sustainable cities and communities
Goal 3: Good health and well-being	Goal 12: Responsible consumption and production
Goal 4: Quality education	Goal 13: Climate action
Goal 5: Gender equality	Goal 14: Life below water
Goal 6: Clean water and sanitation	Goal 15: Life on land
Goal 7: Affordable and clean energy	Goal 16: Peace and justice strong institutions
Goal 8: Decent work and economic growth	Goal 17: Partnerships to achieve the goal
Goal 9: Industry, innovation and infrastructure	

Members and secretariat

The SDGs have been adopted by 193 UN member states.¹²⁸ The Division for Sustainable Development Goals (DSDG) at the United Nations Department of Economic and Social Affairs (UN DESA) serves as the Secretariat for the SDGs.¹²⁹ The role of DSDG includes policy analysis, capacity-building, providing support to member states in preparing voluntary national reviews, inter-agency coordination,

SDG Progress Report 2019 (Bangkok: United Nations, 2019), https://www.unescap.org/sites/default/files/publications/ESCAP_Asia_and_the_Pacific_SDG_Progress_Report_2019.pdf.

127 United Nations, *Transforming our World: The 2030 Agenda for Sustainable Development*, 2015, <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>.

128 'Historic New Sustainable Development Agenda Unanimously Adopted by 193 UN Members,' United Nations, 25 September 2015, <https://www.un.org/sustainabledevelopment/blog/2015/09/historic-new-sustainable-development-agenda-unanimously-adopted-by-193-un-members/>.

129 'Division for Sustainable Development Goals,' United Nations, accessed 15 April 2020, <https://sustainabledevelopment.un.org/offices>.

stakeholder engagement, partnership, communication and outreach, and knowledge management.

Structure and process

The 2030 Agenda is guided by the principles of the UN Charter and is developed on the grounds of the Universal Declaration of Human Rights and other international human rights treaties.¹³⁰ Government and non-government stakeholders at the national, regional, and global levels are responsible for implementing the Agenda based on the need and priority of respective countries and communities. The Addis Ababa Action Agenda acts as the foundation for 2030 Agenda and implementing SDG targets, and global indicators help in the review and follow-up of both the goals and targets. It has been agreed in the Agenda that the reviews of SDGs should be ‘open, inclusive, participatory and transparent’ and conducted through the joint effort of the government and relevant stakeholders.

The High-level Political Forum (HLPF), established under the auspices of the General Assembly, has the key role of managing the follow-up and review of the goals at the global level.¹³¹ The HLPF primarily works together with the General Assembly and Economic and Social Council (ECOSOC) and other relevant entities. Member states of the 2030 Agenda are required to submit voluntary national reviews, led by the government, to HLPF, which are inclusive of the reviews of the goals and targets at the national and sub-national levels and serve as a basis on which HLPF conducts its regular reviews.¹³² The meeting of HLPF with heads of states and governments takes place every four years under the auspices of the General Assembly.¹³³ HLPF, during such meetings, provides guidance for the effective implementation of the goals, keeping track of its progress, and coping with the challenges faced by the member states.¹³⁴

Commitments and priorities

While all the 17 SDGs and targets are ‘universal, indivisible and interlinked’ and have been devised in a manner that the actions in one area impact the outcomes in

130 United Nations, *Transforming our World: The 2030 Agenda for Sustainable Development*.

131 ‘Follow-Up and Review of the 2030 Agenda and Sustainable Development Goals,’ United Nations, accessed 7 May 2020, <https://sustainabledevelopment.un.org/hlpf>.

132 ‘Voluntary National Reviews Database,’ United Nations, accessed 7 May 2020, United Nations <https://sustainabledevelopment.un.org/vnrs/>.

133 ‘Follow-Up and Review of the 2030 Agenda and Sustainable Development Goals,’ United Nations, accessed 7 May 2020, <https://sustainabledevelopment.un.org/hlpf>.

134 United Nations, *Transforming our World: The 2030 Agenda for Sustainable Development*.

others, Goals 8 and 10, in particular, cover issues related to labour and migration.¹³⁵ Goal 8 incorporates the need for ensuring ‘full and productive employment and decent work for all women and men’.¹³⁶ Targets 8.5 and 8.8 underscore the need and responsibility of protection of labour rights and promotion of safe and secure working environment and equality in work irrespective of their gender and nature of work. Likewise, Target 10.7 under Goal 10 highlights the goal of achieving orderly, safe, regular, and responsible mobility of migrants.¹³⁷ Additionally, Target 16.2 of SDG 16 is also important from the perspective of labour migration as it includes the goals of ending abuses, exploitation, trafficking, and all forms of violence and torture against children.¹³⁸

Goal 17 is also crucial in terms of building and strengthening collaborations and partnerships for implementing policies and plans to achieve the set objectives and targets including those relevant to labour migration with Target 17.18 calling for the collection of data disaggregated by migratory status, among others.¹³⁹

In order to achieve the SDGs, the Government of Nepal has introduced an official roadmap—Nepal Sustainable Development Goals: Status and Roadmap 2016-2030—aligning with the principles and objectives of the SDGs.¹⁴⁰ The roadmap describes the key socioeconomic and political issues that could potentially pose challenges to implementing and achieving the SDGs.

135 United Nations Development Programme, ‘A new sustainable development agenda.’

136 ‘8: Decent Work and Economic Growth,’ The Global Goals, accessed 5 December 2021, <https://www.globalgoals.org/goals/8-decent-work-and-economic-growth/>.

137 ‘10: Reduced Inequalities,’ The Global Goals, accessed 5 December 2021, <https://www.globalgoals.org/goals/10-reduced-inequalities/>.

138 ‘16: Peace, Justice and Strong Institutions,’ The Global Goals, accessed 5 December 2021, <https://www.globalgoals.org/goals/16-peace-justice-and-strong-institutions/>.

139 ‘17: Partnerships for the Goals,’ The Global Goals, accessed 5 December 2021, <https://www.globalgoals.org/goals/17-partnerships-for-the-goals/>.

140 National Planning Commission, *Nepal Sustainable Development Goals Status and Roadmap: 2016-2030* (Kathmandu: Government of Nepal, 2017), https://www.undp.org/content/dam/nepal/docs/2018_undpnepal/UNDP_NP-SDG-Status-and-Roadmap.pdf.

7. GLOBAL FORUM ON MIGRATION AND DEVELOPMENT

The Global Forum on Migration and Development (GFMD) is an informal, non-binding, and voluntary and government-led international forum which promotes 'practical, evidence-based outcomes and cooperation' at the global level on the migration-development nexus.¹⁴¹ With international migration becoming a major concern internationally, there has been an increased realisation of the need for a global dialogue on the growing significance of migration and development.

The International Conference on Population and Development held in Cairo in 1994 endorsed a programme of action focusing on the issues of migration such as temporary migration, remittances, transfer of knowledge, skills, and technologies, among others.¹⁴² The Conference further acknowledged the significance of regulated international migration and its positive impacts on both the countries of origin and destination. Along with the Population and Development Conference, the formation of the Global Commission on International Migration (GCIM) in 2003 and the High-level Dialogue on International Migration and Development (HLD) organised by the UN General Assembly in September 2006 were noteworthy initiatives leading to the creation of GFMD.¹⁴³

Aimed at developing a broader understanding of international migration, GCIM delivered six principles of action highlighting various facets of peoples' mobility and patterns of governing migration.¹⁴⁴ Similarly, the HLD held in November 2006 proposed to the General Assembly the setting up of GFMD, which was endorsed by the majority of the members who attended the Dialogue in 2006.¹⁴⁵ The HLD

141 'Background and Objectives,' Global Forum on Migration and Development, accessed 20 April 2020, <https://www.gfmd.org/process/background>.

142 United Nations, *Report of the International Conference on Population and Development, 5-13 September 1994, Cairo* (New York: United Nations, 1995), https://www.un.org/en/development/desa/population/events/pdf/expert/27/SupportingDocuments/A_CONF.171_13_Rev.1.pdf.

143 'Global Forum on Migration and Development,' State Commission on Migration Issues, accessed 29 April 2020, http://migration.commission.ge/index.php?article_id=52&clang=1.

144 'Global Commission on International Migration,' International Organization for Migration, accessed 3 May 2020, <https://www.iom.int/global-commission-international-migration>; Global Commission on International Migration, *Migration in an interconnected world: New directions for action* (Geneva: Global Commission on International Migration, 2005), https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/GCIM_Report_Complete.pdf.

145 Global Forum on Migration and Development, 'Background and Objectives.'

was dedicated to a discussion on the multidimensional aspects of international migration and development.¹⁴⁶ The plenary meetings and interactive roundtables, with the participation of over 140 member states of the UN, deliberated on themes such as migrants' rights, human trafficking and migrant smuggling, remittances, and partnerships at the bilateral and regional levels.¹⁴⁷ The HLD ignited the idea for the formation of GFMD for open dialogue and cooperation on migration, and following this, the first session of GFMD was held in Brussels, Belgium in July 2007.¹⁴⁸

Objectives

The GFMD was established to enhance the positive aspects of migration and development by addressing the challenges and opportunities of external migration and its inter-linkages with multiple dimensions of development.¹⁴⁹ In line with this purpose, the GFMD has defined its objectives as follows:¹⁵⁰

- Provide policy-makers and high-level policy practitioners a venue to informally discuss relevant policies, practical challenges and opportunities of the migration-development nexus, and to engage with other stakeholders, including non-governmental organisations, experts and migrant organisations in order to foster practical and action-oriented outcomes at national, bilateral and international level;
- Exchange good practices and experiences, which can be duplicated or adapted in other circumstances, in order to maximise the development benefits of migration and migration flows;
- Identify information, policy and institutional gaps necessary to foster synergies and greater policy coherence at national, regional and international levels between the migration and development policy areas;
- Establish partnerships and cooperation between countries, and between countries and other stakeholders on migration and development; and

146 'United Nations High-Level Dialogue on International Migration and Development (HLD),' International Organization for Migration, accessed 3 May 2020, <https://www.iom.int/united-nations-high-level-dialogue-international-migration-and-development-hld>.

147 Ibid; Global Forum on Migration and Development, 'Background and Objectives.'

148 Global Forum on Migration and Development, 'Background and Objectives.'

149 'Global Forum on Migration and Development,' International Organization for Migration, accessed 29 April 2020, <https://www.iom.int/global-forum-migration-and-development-gfmd>.

150 Global Forum on Migration and Development, 'Background and Objectives.' The objectives have been copied verbatim here.

- Structure the international priorities and agenda on migration and development.

Members and secretariat

The GFMD has 195 member states with 29 governments as GFMD Steering Group members, and 61 organisations as observers.¹⁵¹ In principle, developing and developed countries are to take turns as the Chair in alternate years.¹⁵² The UAE has been the Chair of the GFMD since February 2020.¹⁵³ The Chair-in-Office is responsible for preparatory processes and hosting of the Forum. The GFMD Support Unit provides secretariat support to the process and is hosted, but not managed, by IOM Geneva.¹⁵⁴

Structure and process

The structure of the GFMD is composed of the Troika, the Steering Group, the Friends of the Forum, the Support Unit, the GFMD Focal Point Network, and the Thematic Ad Hoc Working Groups (see Table 5 for their compositions and functions).¹⁵⁵ At present, the UAE (Chair-in-Office), Ecuador (Chair of GFMD 2019), and France (set to take over as Chair in 2022) form the members of the Troika.¹⁵⁶

Since its inception in 2007, the GFMD has convened several annual summits hosted by the rotating GFMD Chair. After the first one in 2007 in Belgium, various countries from different regions have served as hosts: the Philippines (2008), Greece (2009), Mexico (2010), Switzerland (2011), Mauritius (2012), Sweden (2014), Turkey (2015), Bangladesh (2016), Germany-Morocco (2017-18), Ecuador (2019)

151 International Organization for Migration, 'Global Forum on Migration and Development'; 'GFMD Observers,' Global Forum on Migration and Development, accessed 3 May 2020, <https://gfmd.org/observers>.

152 'The Chair-in-Office,' Global Forum on Migration and Development, accessed 3 May 2020, <https://www.gfmd.org/process/gfmd-structure/the-chair-in-office>.

153 'Thirteenth GFMD Chairmanship under the United Arab Emirates,' Global Forum on Migration and Development, accessed 1 May 2020, <https://www.gfmd.org/gfmd-2020-integrated-proposal-uae>.

154 International Organization for Migration, 'Global Forum on Migration and Development.'

155 'GFMD Structure,' Global Forum on Migration and Development, accessed 3 May 2020, <https://www.gfmd.org/process/operating-modalities>; International Organization for Migration, 'Global Forum on Migration and Development.'

156 'The Troika,' Global Forum on Migration and Development, accessed 3 May 2020, <https://www.gfmd.org/process/gfmd-structure/troika>; Global Forum on Migration and Development, *The Future of Human Mobility: Innovative Partnerships for Sustainable Development (Report on the 2020 Thirteenth GFMD Chairmanship under the United Arab Emirates)*, 2021, https://www.gfmd.org/files/gfmd_uae_chairmanship_report.pdf.

Table 5: Supporting structures of GFMD

Name of structure	Composition	Function
Troika	Former Chair, Chair-in-Office, and future Chair of the GFMD	Discuss strategic and political issues related to GFMD and support the Chair-in-Office
Steering Group	Consists of approximately 30 member states based on their commitments and engagements in the GFMD	Provide political and conceptual support to the Chair-in-Office and the GFMD process, conduct periodic evaluation of activities
Friends of the Forum	Open to all member states and observers (i.e., international organisations, regional consultative processes and non-government stakeholders)	Inform member states and observers about GFMD-related developments; advise on the agenda and structure of the meeting
Support Unit	Supervised by the Chair-in-Office	Provide administrative, financial, and logistical support to the Chair-in-Office
National Focal Points	As designated by member states, observers, international organisations and regional consultative processes	Focal points of member states and observers enable the GFMD to liaise with governments and to facilitate dialogue and coordination between different government offices and stakeholders; focal points of international organisations and regional consultative processes coordinate their participation and contribution to the GFMD process
Thematic Ad Hoc Working Groups	Thematic Ad Hoc Working Groups are created by the Steering Group and maintains regional balance; membership is voluntary and based on thematic expertise	Ensure that the activities of the Working Groups align with the priorities and interests of GFMD

and the UAE (2020).¹⁵⁷ Over the years, the GFMD process has been able to unite the efforts of government representatives, UN agencies, international organisations, unions, academia, diaspora organisations, and migrants from all over the world.

¹⁵⁷ International Organization for Migration, 'Global Forum on Migration and Development.'

It has also been working with other related processes, namely, the GFMD Civil Society, the GFMD Business Mechanism, and the GFMD Mayors Mechanism to engage a range of diverse stakeholders and utilise their expertise.¹⁵⁸

Commitments and priorities

Along with providing stakeholders with a platform for interaction on pertinent issues regarding migration and development, the GFMD has been able to develop an understanding of various aspects of migration as well as contribute to practical and action-oriented outcomes and integrate new topics at its summits and meetings.¹⁵⁹ It has also provided a wider international forum to discuss and deliver insights and inputs relating to multiple aspects of migration as well as challenges and opportunities.¹⁶⁰

The deliberations and policy recommendations regarding migration and development prepared through the GFMD have helped build global consensus in the SDGs and GCM.¹⁶¹ The UN raised many of the issues put forth by the GFMD during its HLD on International Migration and Development in 2013 and also included migration in the 2030 Agenda for Sustainable Development, which was advocated by GFMD in 2014-15.

The primary focus of the GFMD in 2017-18 was on contributing to the GCM.¹⁶² The 10th GFMD Summit held in Berlin in June 2017 revolved around the theme of ‘Towards a Global Social Contract on Migration and Development’, and the Eleventh Summit meeting held in Marrakesh in 2018, revolved around the overarching theme of ‘Honouring International Commitments to Unlock the Potential of All Migrants for Development’, as the global community anticipated the adoption of the GCM. In a milestone achievement, the 2018 Summit

158 Global Forum on Migration and Development, ‘Background and Objectives.’

159 Global Forum on Migration and Development, *Thematic Recollection 2007 – 2017 prepared by the Global Forum on Migration and Development (GFMD) for the Global Compact for Safe, Orderly and Regular Migration* (Geneva: Global Forum on Migration and Development, 2017), <http://www.ioe-emp.org/index.php?eID=dumpFile&ct=f&cf=130848&ctoken=d86d49ec4c3453bf35ebceb57f86f015f3f93ad7&L=0>.

160 Global Forum on Migration and Development, ‘Background and Objectives.’

161 ‘GFMD Review 2018 Ten Years of GFMD: Lessons Learnt and Future Perspectives (Final Draft 7 November 2018),’ Global Forum on Migration and Development, 2018, https://gfmd.org/files/documents/report_on_the_gfmd_ten-year_review.pdf.

162 ‘The GFMD 2017-2018 Germany-Morocco Co-Chairmanship,’ Global Forum on Migration and Development, accessed 3 May 2020, <https://www.gfmd.org/meetings/germany-morocco-gfmd-2017-2018>.

concluded with the adoption of the GCM on 10-11 December 2018.

The focus of the Twelfth GFMD Summit in January 2020 was on the theme, 'Sustainable Approaches to Human Mobility: Upholding Rights, Strengthening State Agency, and Advancing Development through Partnerships and Collective Action', with the emphasis on joint responses to the mixed migration flows, migration narratives and communication, and addressing human mobility.¹⁶³ As the current Chair of the GFMD, the UAE has determined six thematic priorities: i) labour migration governance; ii) skilling; iii) optimising the use of technology for migrants; iv) protecting migrants; v) addressing irregular migration; and vi) promoting partnerships to achieve migration-related SDGs and managing future migration.¹⁶⁴

The GFMD has also been putting forth several recommendations on migration-related SDGs during the HLPF on SDGs. The GFMD Ad Hoc Working Group on the 2030 Agenda and GCM was formed in 2016 to provide recommendations for the effective implementation of migration-related issues in SDGs and GCM.¹⁶⁵ Some of the general recommendations provided at the HLPF 2018 include involving wider stakeholders to ensure the effectiveness and sustainability of the projects, engaging the diaspora to increase the impact of interventions, and adopting regional approaches to link the efforts of both national and international levels to address the issues of migration and development, including capacity-building components and consolidating and sharing data related to the impacts of interventions.¹⁶⁶ Likewise, some of the recommendations of the GFMD at the HLPF 2019 were to ensure migrants' access to quality education, considering the working conditions of migrants and their access to social protection, strengthening regulations on remittances in both the countries of origin and destination, attending to the impacts of climate changes on migrants, enhancing access to justice, promoting policy coherence in labour migration governance, and managing return migration among others.¹⁶⁷

163 'The 2019 Ecuador Chairmanship,' Global Forum on Migration and Development, accessed 5 May 2020, <https://www.gfmd.org/meetings/ecuador2019>.

164 Global Forum on Migration and Development, 'Thirteenth GFMD Chairmanship under the United Arab Emirates.'

165 'Thematic Ad Hoc Working Groups,' Global Forum on Migration and Development, accessed 5 May 2020, <https://www.gfmd.org/process/gfmd-structure/thematic-ad-hoc-working-groups>.

166 'GFMD Ad Hoc Working Group on the 2030 Agenda and the Global Compact on Migration: Recommendations to the 2018 High-Level Political Forum,' Global Forum on Migration and Development, 2018, https://gfmd.org/email/GFMD_recommendations_to_the_2018_HLPF_final.pdf.

167 'GFMD Working Group on Sustainable Development and International Migration: Recommendations to the 2019 High-Level Political Forum,' Global Forum on Migration and

Due to the Covid-19 pandemic, the 2020 regional consultations were held virtually.¹⁶⁸ The themes covered were labour migration governance, skilling of migrant workers, utilising technology for the empowerment of migrant workers, protection of migrant workers, identifying ways to address irregularities in migration and promoting partnerships for achieving migration-related SDGs and managing the future of migration. The Thirteenth GFMD Summit was also organised online with the theme ‘The Future of Human Mobility: Innovative Partnerships for Sustainable Development’. Besides thematic deliberations, the summit emphasised the need of partnerships for reviving economic development in the context of the pandemic and the impacts of the pandemic on migrant workers.¹⁶⁹

With regard to Nepal’s involvement in the GFMD, it has been present in several preparatory meetings since 2008.¹⁷⁰ In 2016, Nepal attended several thematic meetings, including the workshops on ‘Migration, Connectivity and Business’ held in Bangkok in March, ‘Migration for Harmonious Societies’ in Geneva in May, and on ‘Migration for Peace, Stability and Growth’ in New York in July. Nepal also participated in several roundtable consultations in 2016 and 2017-18 that dealt with various issues, including, among others, ‘Principles, Institutions and Processes for Safe, Orderly and Regular Migration’, ‘Moving Beyond Emergencies—Creating Development Solutions to the Mutual Benefit of Host and Origin Communities and Displaced Persons’, and ‘Fostering the Development Impact of Returning migrants’.

Development, 15 March 2019, https://www.gfmd.org/files/documents/gfmd_recommendations_to_the_2019_hlpf_final.pdf.

168 ‘Terms of Reference: 2020 GFMD Regional Consultations through Video Conferencing,’ Global Forum on Migration and Development, accessed 15 June 2020, https://gfmd.org/files/documents/2020_gfmd_regional_consultations_through_video_conferencing_updated.pdf.

169 ‘The Future of Human Mobility: Innovative Partnerships for Sustainable Development (Report on the 2020 Thirteenth GFMD Chairmanship under the United Arab Emirates),’ Global Forum on Migration and Development, 2021, https://www.gfmd.org/files/gfmd_uae_chairmanship_report.pdf.

170 ‘Nepal,’ Global Forum on Migration and Development, accessed 5 May 2020, <https://www.gfmd.org/pfp/ppd/nepal>.

8. GLOBAL COMPACT FOR SAFE, ORDERLY AND REGULAR MIGRATION

The Global Compact for Safe, Orderly and Regular Migration (GCM) is a legally non-binding inter-governmental framework that came into effect after its adoption in December 2018 in Marrakesh, Morocco.¹⁷¹ It was formally endorsed by the UN General Assembly later the same month. The deliberations on the GCM started when heads of the state and government attended the UN General Assembly in 2016 to discuss the concerns of migration and refugees.¹⁷² The Assembly concluded with the adoption of the New York Declaration for Refugees and Migrants and led to the realisation for the need for ‘a comprehensive approach to human mobility and enhanced cooperation at the global level’ by the 193 UN member states.¹⁷³ In endorsing the New York Declaration, the member states also committed to working together for the adoption of the Global Compact on Refugees (GCR) and the GCM.¹⁷⁴

The development process of the GCM was undertaken in three phases.¹⁷⁵ The first phase, April to November 2017, consisted of national and regional thematic consultations along with discussions with multiple stakeholders for the collection of inputs to frame the Compact. It included deliberations on six thematic sessions on the issues around human rights, social inclusion, cohesion, discrimination, addressing drivers of migration, international cooperation and governance of migration, the contribution of migrants on development, smuggling of migrants, trafficking in persons and slavery, and irregular migration and regular pathways.¹⁷⁶ The second, or the stocktaking, phase, which spanned over two months during December 2017 and January 2018, assessed the inputs gathered during the consultations. The third,

171 ‘The Global Compact for Safe, Orderly and Regular Migration (GCM),’ International Organization for Migration, accessed 29 April 2020, <https://www.iom.int/global-compact-migration>.

172 ‘New York Declaration for Refugees and Migrants,’ United Nations High Commissioner for Refugees, accessed 3 May 2020, <https://www.unhcr.org/new-york-declaration-for-refugees-and-migrants.html>.

173 International Organization for Migration, ‘The Global Compact for Safe, Orderly and Regular Migration (GCM).’

174 ‘New York Declaration for Refugees and Migrants,’ United Nations General Assembly, 2016, https://www.iom.int/sites/default/files/our_work/ODG/GCM/NY_Declaration.pdf.

175 ‘GCM Development Process,’ International Organization for Migration, accessed 7 May 2020, <https://www.iom.int/gcm-development-process>.

176 ‘Thematic sessions,’ United Nations, accessed 7 May 2020, <https://refugeesmigrants.un.org/thematic-sessions>.

from February to July 2018, consisted of the inter-governmental negotiations to build consensus for the finalisation and the adoption of the GCM.¹⁷⁷

The GCM focuses on forging a common understanding about migration and sharing responsibilities to make it safe, regular, orderly and advantageous for everyone.¹⁷⁸ It is guided by the vision of ‘common understanding, shared responsibilities, and unity of purpose regarding migration’ and is based on a set of crosscutting guiding principles of peoplecentred approach, international cooperation, national sovereignty, rule of law and due process, sustainable development, human rights, gender-responsiveness, child-sensitivity, whole-of-government approach, and whole-of-society-approach.¹⁷⁹ It provides ‘a 360-degree vision of international migration’ and acknowledges the need for a comprehensive approach to address the risks and challenges of migration for an individual and communities as a whole.

Objectives

The Compact aims to:¹⁸⁰

- Mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin;
- Reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting, and fulfilling their human rights and providing them with care and assistance;
- Address the legitimate concerns of states and communities while recognising that societies are undergoing demographic, economic, social, and environmental changes at different scales that may have implications for and result from migration; and
- Create conducive conditions that enable all migrants to enrich our societies through their human, economic, and social capacities and thus facilitate their contributions to sustainable development at the local, national, regional, and global levels.

177 International Organization for Migration, ‘GCM Development Process.’

178 International Organization for Migration, ‘The Global Compact for Safe, Orderly and Regular Migration (GCM).’

179 ‘Global Compact for Safe Orderly and Regular Migration (Final Draft),’ United Nations, 11 July 2018, https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf.

180 ‘Intergovernmental Conference on the Global Compact for Migration,’ United Nations, <https://www.un.org/en/conf/migration/faqs.shtml>. The objectives have been copied verbatim here.

The GCM has identified the following 23 objectives for safe, orderly, and regular migration:¹⁸¹

- Collect and utilise accurate and disaggregated data as a basis for evidence-based policies;
- Minimise the adverse drivers and structural factors that compel people to leave their country of origin;
- Provide accurate and timely information at all stages of migration;
- Ensure that all migrants have proof of legal identity and adequate documentation;
- Enhance availability and flexibility of pathways for regular migration;
- Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work;
- Address and reduce vulnerabilities in migration;
- Save lives and establish coordinated international efforts on missing migrants;
- Strengthen transnational response to smuggling of migrants;
- Prevent, combat, and eradicate trafficking in persons in the context of international migration;
- Manage borders in an integrated, secure, and coordinated manner;
- Strengthen certainty and predictability in migration procedures for appropriate screening, assessment, and referral;
- Use migration detention only as a measure of last resort and work towards alternatives;
- Enhance consular protection, assistance, and cooperation throughout the migration cycle;
- Provide access to basic services for migrants;
- Empower migrants and societies to realise full inclusion and social cohesion;
- Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration;
- Invest in skills development and facilitate mutual recognition of skills, qualifications, and competences;
- Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries;
- Promote faster, safer, and cheaper transfer of remittances and foster financial inclusion of migrants;

181 United Nations, 'Global Compact for Safe Orderly and Regular Migration (Final Draft).'

- Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration;
- Establish mechanisms for the portability of social security entitlements and earned benefits; and
- Strengthen international cooperation and global partnerships for safe, orderly, and regular migration.

Members and secretariat

The GCM was adopted by the governments of 164 UN member states.¹⁸² The UN Network on Migration, established by the UN Secretary-General, monitors the effective and coherent implementation, capacity-building mechanism, and the follow-up and review of the GCM as per the need of the member states with support and technical expertise from the relevant entities within the UN.¹⁸³ The IOM functions as the coordinator and secretariat of the Network. The Network also assists member countries implement the GCM at the regional and national levels in accordance with the UN Development System through the support of the Resident Coordinator or relevant UN regional body.¹⁸⁴ At present, the Network is composed of 38 UN entities¹⁸⁵ and is steered by an executive committee of nine UN agencies, which provide strategic oversight and help the Network in the decision-making process.¹⁸⁶

Structure and process

The GCM has been developed under the auspices of the UN and is implemented through bilateral, regional, and international cooperation.¹⁸⁷ It acknowledges the role

182 ‘Governments adopt UN global migration pact to help “prevent suffering and chaos,” United Nations, 10 December 2018, <https://news.un.org/en/story/2018/12/1028041>.

183 United Nations, ‘Global Compact for Safe Orderly and Regular Migration (Final Draft).’

184 ‘About Us,’ United Nations Network on Migration, accessed 15 May 2020, <https://migrationnetwork.un.org/about>.

185 ‘Statement by UN Network on Migration on the Formal Endorsement of the Global Compact for Migration,’ International Organization for Migration, 21 December 2018, <https://www.iom.int/news/statement-un-network-migration-formal-endorsement-global-compact-migration>.

186 The executive committee consists of: Department of Economic and Social Affairs (DESA), International Labour Organization (ILO), International Organization for Migration (IOM), Office of the High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), United Nations Children’s Fund (UNICEF), United Nations Office on Drugs and Crime (UNODC), and World Health Organization (WHO). ‘The Executive Committee,’ United Nations Network on Migration, accessed 15 May 2020, <https://migrationnetwork.un.org/executive-committee>.

187 International Organization for Migration, ‘The Global Compact for Safe, Orderly and Regular

of regional and global processes on migration as a platform to exchange experiences and for cooperation, partnerships and implementation of the GCM.¹⁸⁸ There is a provision to provide technical and financial support to enhance the capacities of those in need of help and to promote multi-partner cooperation for effective implementation of GCM.¹⁸⁹ This support has three components: connection hub for providing demand-based integrated solutions, knowledge platform with open data source, and a start-up fund. The UN Network on Migration is responsible for formulating the strategy for facilitating the connection hub and knowledge platform while the UN Multi-Partner Trust Fund Office coordinates the start-up fund.

Member states of the GCM have also committed to conducting follow-up and review of its implementation.¹⁹⁰ Regional reviews were held at various points of time between January and September 2021.¹⁹¹ Member states have also agreed to remodel the High-level Dialogue on International Migration and Development (HLD), which takes place every fourth session of the General Assembly, and rename it the International Migration Review Forum with effect from May 2022. The deliberations during the Forum will lead to inter-governmentally agreed-on Progress Declaration that will be submitted to the HLPF on Sustainable Development for consideration. Member states have also agreed to conduct a regional review on the implementation of GCM starting from 2020 under the initiation of relevant regional processes, platforms, and organisations, including the United Nations Regional Economic Commissions or Regional Consultative Processes.

Commitments and priorities

As stated in its preamble, the GCM is based on the purposes and principles of the UN Charter, the Universal Declaration of Human Rights (UDHR), many other civil, political, economic rights treaties including the core human rights treaties, core ILO conventions, 2030 Agenda for Sustainable Development, Addis Ababa Action Agenda, the Sendai Framework for Disaster Risk Reduction, the New Urban Agenda, and several previous labour migration-related global and regional

Migration (GCM).’

188 United Nations, ‘Global Compact for Safe Orderly and Regular Migration (Final Draft).’

189 United Nations Network on Migration, ‘About Us.’

190 United Nations, ‘Global Compact for Safe Orderly and Regular Migration (Final Draft).’

191 ‘Timeline: GCM Regional Reviews 2021,’ United Nations Network on Migration, accessed 29 June 2021, https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/timeline_29_june_2021.pdf.

initiatives along with key human rights treaties: International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Convention for the Protection of All Persons from Enforced Disappearance, and Convention on the Rights of Persons with Disabilities.¹⁹²

Member states in the GCM have expressed their commitment to eliminate all forms of discrimination and intolerance against migrants and their families as well as for gender empowerment and equality.¹⁹³ They have also committed to protecting the human rights of all migrants, irrespective of their migratory status, and strengthen global migration governance through increased coordination and partnerships.

Four stakeholder consultations were held virtually between October 2020 and February 2021 to lay the groundwork for the intergovernmental Asia-Pacific Regional Review of Implementation of the Global Compact for Migration.¹⁹⁴ The topics for consultations included: ‘Ensuring that migration is voluntary, orderly and regular’, ‘Protecting migrants through rights-based border governance measures’, ‘Supporting integration of migrants and their contribution to development’, and ‘Improving value-driven and evidence-based policymaking and public debate and enhancing cooperation on migration’. The consultations addressed the different objectives of the GCM and provided stakeholders a platform to exchange experiences, challenges, opportunities, and good practices. The stakeholders also deliberated emerging issues in the field of labour migration and the need for resources and capacity building, and devised recommendations to inform the Asia-Pacific Regional Review.

There were discussions around complexities related to the migration process prevailing in the Asia-Pacific region.¹⁹⁵ Participants highlighted the need for a regular and comprehensive dialogue among relevant stakeholders for implementation

192 Ibid.

193 International Organization for Migration, ‘The Global Compact for Safe, Orderly and Regular Migration (GCM).’

194 ‘Implementing the Global Compact for Safe, Regular and Orderly Migration: Summary of stakeholder consultations for Asia and the Pacific,’ United Nations Economic and Social Commission for Asia and the Pacific, 26 February 2021, https://www.unescap.org/sites/default/d8files/event-documents/ESCAP_GCM_2021_CPR2_ENG.pdf.

195 Ibid.

of the GCM as it provided an opportunity to align issues of migration with sustainable development and ensure protection of the rights of migrant workers. The consultations also discussed vulnerabilities faced by migrants during the pandemic. Similarly, two virtual briefings were organised in August and February 2021 to provide stakeholders with a brief overview of the process of Asia-Pacific Regional Review and prepare them for it. During the final consultation organised in the first week of March 2021, the stakeholders drafted joint statements for the regional review meeting and submitted proposals to organise side events at the regional review meeting.

The Asia-Pacific Regional Review was conducted in March 2021.¹⁹⁶ More than 200 government representatives and stakeholders participated in the review meeting and discussed ways to associate migration with sustainable development and appealed for greater collaboration in the region for effective implementation of the GCM, particularly in and beyond the context of the pandemic. Arising from the regional review, a side event was organised in July 2021 at the HLPF 2021.¹⁹⁷ The event discussed the impacts of the pandemic on migrant workers and in the implementation of the GCM along with its linkages with the 2030 Agenda for Sustainable Development.

Nepal, one of the signatories to the GCM, organised and participated in various national- and regional-level consultations to provide inputs to the drafts of the GCM before its adoption.¹⁹⁸ In mid-2017, the then Ministry of Labour and Employment (now Ministry of Labour, Employment and Social Security) organised separate national multi-stakeholder consultations with relevant government ministries and departments; with non-government stakeholders, UN agencies, international organisations, academia, civil society, and the private sector; and again with all the concerned stakeholders to finalise recommendations and

196 'First Regional Review of the Global Compact for Safe, Orderly and Regular Migration in Asia-Pacific Concludes,' International Organization for Migration, 12 March 2021, <https://www.iom.int/news/first-regional-review-global-compact-safe-orderly-and-regular-migration-asia-pacific-concludes>.

197 'Philippines promotes rights of migrants at UN side event on Global Compact implementation,' Permanent Mission of the Republic of the Philippines to the United Nations, 8 July 2021, <https://www.un.int/philippines/activities/philippines-promotes-rights-migrants-un-side-event-global-compact-implementation>.

198 'Press release on the address by Minister for Labour Employment and Social Security Hon. Gokarna Raj Bista,' Ministry of Foreign Affairs, 10 December 2018, <https://mofa.gov.np/press-release-on-the-address-by-minister-for-labour-employment-and-social-security-hon-gokarna-raj-bista/>.

provide inputs to the Zero Draft of the Compact.¹⁹⁹ Civil society groups, including trade unions, organised separate consultations to provide inputs to the government for the national position paper on the GCM. After the release of the Zero Draft and the Zero Draft Plus, these consultations focussed on reviewing and discussing the objectives and commitments in the drafts and providing suggestions for the revision of terminologies, definitions, and overall draft with consideration to the context of migration from Nepal. Following these consultations and meetings, Nepal came up with an outcome draft on the GCM to provide inputs on the Zero Draft. Nepal also participated in the Asia Regional Preparatory Meeting held in Bangkok in November 2017.²⁰⁰

Officials from Nepal's permanent mission to the UN in New York took part in six rounds of intergovernmental negotiations starting from February 2018. The first round focussed on providing comments and inputs on the Zero Draft of the GCM, and initial negotiations from the Nepal government prioritised key definitional clarity, while the later negotiations were on the content of the GCM draft. Likewise, in May 2019, the Government of Nepal convened a two-day consultation on the implementation strategy of the GCM in Bangkok, Thailand. It has also been part of the Voluntary GCM Review conducted in 2021 to inform the Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration.²⁰¹

Nepal is one of 22 GCM champion countries, with its focus on Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work. The champion countries initiative was designed to support member states in the implementation of GCM and provide an opportunity to share their experiences, good practices, and lessons learnt, which can contribute to the achievement of the GCM objectives.²⁰² The United Nations Network on Migration capacitates and

199 Ministry of Labour and Employment, *Nepal National Consultation Outcome Report to Global Compact for Safe, Orderly and Regular Migration (GCM)* (Kathmandu: Government of Nepal, 2018).

200 'Press Release issued by Embassy of Nepal, Bangkok regarding Nepal's participation in the Asia-Pacific Regional Preparatory Meeting for the Global Compact for Safe, Orderly and Regular Migration,' Ministry of Foreign Affairs, 6 November 2017, <https://mofa.gov.np/press-release-issued-embassy-nepal-bangkok-regarding-nepals-participation-asia-pacific-regional-preparatory-meeting-global-compact-safe-orderly-regular-migration/>.

201 United Nations Economic and Social Commission for Asia and the Pacific and United Nations Network on Migration, 'Voluntary GCM Review', Bangkok, (10-12 March 2021), https://www.unescap.org/sites/default/d8files/event-documents/Nepal_Voluntary%20GCM%20Survey%20Report.pdf.

202 'Champion countries initiative: Frequently Asked Questions,' United Nations Network on

provides technical support to the champion countries to develop GCM national implementation plans, organise national consultations, and prepare voluntary national reviews consistent with their national context and realities of migration.²⁰³

Migration, accessed 10 March 2021, https://migrationnetwork.un.org/sites/g/files/tmzbd1416/files/docs/faq_champion_countries_initiative_dec_2020.pdf; 'Summary of GCM Champions meeting,' United Nations Network on Migration, 26 May 2021, https://migrationnetwork.un.org/sites/default/files/docs/champions_summary_26may21_final.pdf.

203 United Nations Network on Migration, 'Champion countries initiative: Frequently Asked Questions.'

9. ASSOCIATION OF SOUTHEAST ASIAN NATIONS

The Association of Southeast Asian Nations (ASEAN) is an intergovernmental association formed to foster economic growth and cooperation in the region of Southeast Asia.²⁰⁴ ASEAN was founded in 1967 in Bangkok, Thailand, during the period of Cold War, when the five southeast Asian countries—Indonesia, Malaysia, the Philippines, Singapore, and Thailand—came together to form an alliance to promote stability in the region.²⁰⁵

Objectives

The adoption of the ASEAN Declaration (Bangkok Declaration) in 1967 marks the beginning of ASEAN.²⁰⁶ As stated in the Declaration, the Association aims to:²⁰⁷

- Accelerate the economic growth, social progress, and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nations,
- Promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter,
- Promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific, and administrative fields,
- Provide assistance to each other in the form of training and research facilities in the educational, professional, technical, and administrative spheres,
- Collaborate more effectively for the greater utilisation of their agriculture and industries, the expansion of their trade, including the study of the problems

204 Johnny Wood, 'What is ASEAN?' World Economic Forum, 9 May 2017, <https://www.weforum.org/agenda/2017/05/what-is-asean-explainer/>.

205 Julie Ginsberg, 'Backgrounder: ASEAN: The Association of Southeast Asian Nations,' *The New York Times*, 26 February 2009, https://archive.nytimes.com/www.nytimes.com/cfr/world/slot3_20090225.html?pagewanted=all; Eleanor Albert and Lindsay Maizland, 'What is ASEAN?' Council on Foreign Relations, accessed 4 May 2020, <https://www.cfr.org/backgrounder/what-asean>.

206 Albert and Maizland, 'What is ASEAN?'

207 'The ASEAN Declaration (Bangkok Declaration),' Association of Southeast Asian Nations, 8 August 1967, Bangkok, <http://agreement.asean.org/media/download/20140117154159.pdf>. The objectives have been copied verbatim here.

of international commodity trade, the improvement of their transportation, and communications facilities, and the raising of the living standards of their peoples,

- Promote Southeast Asian studies,
- Maintain close and beneficial cooperation with existing international and regional organisations with similar aims and purposes, and explore all avenues for even closer cooperation among themselves.

The ASEAN Charter, signed in December 2008, provides overall guidance, institutional framework, and legal agreement to the member states.²⁰⁸ As per the Charter, ASEAN is guided by the principles of mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations, right of every State to lead its national existence free from external interference, subversion or coercion, non-interference in the internal affairs of one another, peaceful settlement of differences or disputes, renunciation of the threat of use of force, and effective cooperation.

Members and secretariat

Indonesia, Malaysia, Philippines, Singapore, and Thailand are the founding countries of ASEAN.²⁰⁹ It was later joined by Brunei Darussalam in 1984, Vietnam in 1995, Lao PDR and Myanmar in 1997, and Cambodia in 1999. Vietnam succeeded Thailand as the Chair of ASEAN for 2020,²¹⁰ and Brunei Darussalam took over as the Chair from Vietnam for 2021.²¹¹ The Chair is elected alphabetically and follows yearly rotation.²¹² The Secretariat of ASEAN is situated in Jakarta, Indonesia, and coordinates other structures of ASEAN and facilitates effective implementation of the projects and activities.²¹³

208 'Overview: Establishment,' Association of Southeast Asian Nations, accessed 4 May 2020, <https://asean.org/asean/about-asean/>.

209 Association of Southeast Asian Nations, 'Overview: Establishment.'

210 'ASEAN Chair,' Association of Southeast Asian Nations, accessed 4 May 2020, <https://asean.org/asean/asean-chair/>.

211 'ASEAN Chairmanship 2021 – Brunei Darussalam,' Association of Southeast Asian Nations, 15 November 2020, <https://asean.org/asean-chairmanship-2021/>.

212 Association of Southeast Asian Nations, *The ASEAN Charter* (Jakarta: ASEAN Secretariat, 2008), <https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>.

213 'ASEAN Secretariat,' Association of Southeast Asian Nations, accessed 4 May 2020, <https://asean.org/asean/asean-secretariat/>.

Structure and process

As mandated by its Charter, ASEAN consists of structures such as Summit, Coordinating Council, Community Councils, Sectoral Ministerial Bodies, Committee of Permanent Representatives, National Secretariats, ASEAN Committees in Third Countries and International Organisations (Table 6).²¹⁴ There have been 35 ASEAN summits so far.²¹⁵

Table 6: Structure and functions of ASEAN

Structure	Composition	Function
ASEAN Summit	Heads of state or government of the member countries	It is the apex body of ASEAN and is responsible for providing policy guidelines, instructing relevant ministries.
ASEAN Coordinating Council	ASEAN Foreign Ministers	The Coordinating Council prepares for the meetings of ASEAN Summit, coordinates with and implements the decisions formulated by ASEAN Summits and coordinates with ASEAN Community Councils (ACC) and Secretary-General among others.
ASEAN Community Councils	ASEAN Political-Security Community Council, ASEAN Economic Community Council and ASEAN Socio-Cultural Community Council; relevant ASEAN Sectoral Ministerial Bodies work for each ASEAN Community Council	The Community Councils work for the effective implementation of Summit decisions and also coordinate with different sectors and submit their reports and recommendations to the Summit.
ASEAN Sectoral Ministerial Bodies	Relevant senior officials and subsidiary bodies	Ministerial Bodies implement the decisions of ASEAN Summits and provide cooperation for community building, submitting reports and recommendation to their respective Community Councils.

214 Association of Southeast Asian Nations, *The ASEAN Charter*.

215 'ASEAN Summit,' Association of Southeast Asian Nations, accessed 4 May 2020, <https://asean.org/asean/asean-structure/asean-summit/>.

Structure	Composition	Function
Committee of Permanent Representatives to ASEAN	Appointed by every ASEAN member state	The Permanent Representatives support ASEAN Community Councils and ASEAN Sectoral Ministerial Bodies, coordinate with ASEAN National Secretariats, coordinate with the Secretary-General, and enable ASEAN cooperation with external partners.
National Secretariats	Established in every ASEAN member state	National Secretariats are the national focal point and responsible for documenting information on all ASEAN matters, coordinating and implementing of ASEAN decisions, promoting ASEAN identity, and contributing to ASEAN community building.
ASEAN Committees in Third Countries and International Organisations (ACTCs)	Established in non-ASEAN countries or within international organisations with common interests and consists of heads of diplomatic missions of ASEAN member states	Promote ASEAN's identity and interest in the host countries and international organisations.

Commitments and priorities

With regard to the issues of migration, some of the initiatives taken by ASEAN have been very significant. The 9th Summit held in 2007 in Bali, Indonesia, endorsed 'The Declaration of ASEAN Concord II' and established the concept of ASEAN Community resting on three pillars: ASEAN Security Community, ASEAN Economic Community, and ASEAN Socio-Cultural Community.²¹⁶ The Concord incorporated discussions on workers and migration-related issues to ASEAN.

The Twelfth ASEAN Summit held in 2007 in Cebu, the Philippines, concluded

216 'Declaration of ASEAN Concord II (Bali Concord II),' Association of Southeast Asian Nations, accessed 4 May 2020, https://asean.org/?static_post=declaration-of-asean-concord-ii-bali-concord-ii.e.

with the signing of ‘The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers’ (Cebu Declaration). It is considered a landmark declaration in the context of labour migration since the Declaration committed to work on the areas of employment, reintegration for migrant returnees, curbing of smuggling and trafficking in person, data-sharing on matters related to migrant workers, capacity-building training, initiating dialogue and enhancing partnerships with international organisations, and providing legal and consular assistance when needed.²¹⁷ To implement the decisions of the Cebu Declaration, the ASEAN Foreign Ministers formed ASEAN Committee on Migrant Workers (ACMW) in 2007.²¹⁸ The Committee prioritised its work under four areas: protection and promotion of the right of migrant workers against exploitation and mistreatment; protection and promotion of the rights of migrant workers by enhancing labour migration governance in ASEAN countries; regional cooperation to fight human trafficking in ASEAN; and develop an ASEAN instrument on protection and promotion of the rights of migrant workers.

Even before the adoption of the Cebu Declaration and formation of ACMW, ASEAN had made efforts to curb human trafficking and address the challenges associated with irregular movements of people by endorsing various declarations and plans of action such as the ASEAN Declaration on Transnational Crime (1997), the Hanoi Plan of Action (1998), the Bangkok Declaration on Irregular Migration (1999), the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004), and the Vientiane Action Programme (2004).²¹⁹ Similarly, through the formulation of the ASEAN Economic Community Blueprint 2025 in 2015 and ASEAN Socio-cultural Community Blueprint 2025 in 2016, ASEAN has taken initiatives towards promoting and protecting the human rights of its people, particularly vulnerable and marginalised groups, including children, youth and migrant workers.²²⁰

217 ‘ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers,’ Association of Southeast Asian Nations, 13 January 2007, Cebu, Philippines, https://asean.org/?static_post=asean-declaration-on-the-protection-and-promotion-of-the-rights-of-migrant-workers.

218 ‘ASEAN Committee on Migrant Workers,’ Human Rights in ASEAN, accessed 6 May 2020, <https://humanrightsinasean.info/mechanism/asean-committee-on-migrant-workers/>.

219 Ibid.

220 ‘ASEAN Economic Community Blueprint 2025,’ Association of Southeast Asian Nations, 2015, https://www.asean.org/storage/2016/03/AECBP_2025r_FINAL.pdf; ‘ASEAN Socio-Cultural Community Blueprint 2025,’ Association of Southeast Asian Nations, 2016, <https://asean.org/storage/2016/01/ASCC-Blueprint-2025.pdf>.

The 31st ASEAN Summit held in 2017 in Manila, the Philippines, also proved to be historic as the participating heads of states and governments signed ‘The ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers’, marking the 10th anniversary of the adoption of Cebu Declaration.²²¹ The Consensus included many aspects of migration such as the right of migrant workers and their family members, fair treatment and ethical recruitment, skill training, information about the labour market, responsibilities of countries of origin and destination, and the commitments of ASEAN member states. Task forces such as ASEAN Labour Ministers Meeting, ASEAN Senior Labour Ministers Meeting, and other relevant ASEAN Sectoral Bodies were assigned to implement the decisions. Following the Consensus, the ASEAN Committee on Migrant Workers formulated Action Plan (2018-2025) for implementation of activities to protect and promote the rights of migrant workers.²²²

Another ASEAN initiative is the ‘ASEAN Labour Ministers’ Work Programme 2016-2020’, which aims to increase the competitiveness of the ASEAN workforce and strengthen the capabilities of relevant ASEAN taskforces for increasing productive employment, building harmonious workplaces, and ensuring social protection of the workers.²²³ Similarly, ASEAN launched the ‘Safe Migration Campaign’ in 2018, which aimed to raise awareness regarding the use of regular channels to promote safe migration and engage relevant stakeholders in promoting, protecting, and empowering ASEAN migrant workers in the region.²²⁴

ASEAN has also initiated the ‘ASEAN Forum on Migrant Labour’ (AFML), which provides an open platform for representatives from governments, workers and employer organisations, and civil society to deliberate on the issues of migrant

221 ‘ASEAN Consensus on the Protection and Promotion of Migrant Workers,’ Association of Southeast Asian Nations, 2018, <https://asean.org/storage/2019/01/3.-March-2018-ASEAN-Consensus-on-the-Protection-and-Promotion-of-the-Rights-of-Migrant-Workers.pdf>.

222 ‘Action Plan (2018 – 2025) to Implement the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers,’ Association of Southeast Asian Nations, 2018, <https://asean.org/storage/2012/05/clean-Action-Plan-2018-2025-of-ASEAN-Consensus-on-the-Protection-and....pdf>.

223 ‘ASEAN Labour Ministers’ (ALM) Work Programme 2016-2020 and Work Plans of the Subsidiary Bodies,’ Association of Southeast Asian Nations, 2016, https://asean.org/storage/2012/05/FINAL-PRINTING_27Content-ALM-WP.pdf.

224 ‘ASEAN launches Safe Migration Campaign; top ASEAN, EU officials discuss safe labour migration,’ Association of Southeast Asian Nations, accessed 4 May 2020, <https://asean.org/asean-launches-safe-migration-campaign-top-asean-eu-officials-discuss-safe-labour-migration/>.

workers in the region of Southeast Asia and exchange best practices.²²⁵ The Forum also develops recommendations regarding the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The Twelfth ASEAN Forum on Migrant Labour, held in September 2019 in Bangkok, Thailand, focussed on the theme ‘Future of Work and Migration’ and featured discussions on two thematic sessions, namely, ‘Challenges on Sustainable, Fair and Equal Protection’ and ‘Challenges on Migrant Worker Employability’.²²⁶

In 2019, the ASEAN region consisted of 6.8 million intra-regional migrants, accounting for two thirds of the total international migrant worker population in the region.²²⁷ The main labour-receiving countries within ASEAN are Thailand, Malaysia, Singapore, and Brunei Darussalam. These migration destinations are equally popular for migrant workers from all over the world, including Nepal. As a major destination for South Asian labour-sending countries, ASEAN has the potential for cooperation with SAARC on issues of labour migration.²²⁸

225 ‘The ASEAN Forum on Migrant Labour (AFML),’ International Labour Organization, accessed 6 May 2020, https://www.ilo.org/asia/WCMS_416365/lang--en/index.htm.

226 ‘Future of Work and Migration-12th ASEAN Forum on Migrant Labour,’ International Labour Organization, accessed 4 May 2020, https://www.ilo.org/asia/events/WCMS_713644/lang--en/index.htm.

227 UN DESA 2019, as cited in International Labour Organization, *Triangle in ASEAN Quarterly Briefing Note*, (Bangkok: International Labour Organization, 2020), https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_735103.pdf.

228 Bandita Sijapati and Amrita Limbu, *Governing Labour Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms* (Kathmandu: Centre for the Study of Labour and Mobility (CESLAM), 2012, Updated edition 2017).

10. CONCLUSION

Regional and global processes are very important for labour-sending and -receiving countries to collectively raise and address the challenges faced by migrant workers. They help develop a common understanding among member states about issues pertaining to migration and reach consensus. The Colombo Process, for instance, consists of labour-sending countries as its members and aims to promote and ensure safe and orderly migration. The Abu Dhabi Dialogue consists of both the labour-sending and -receiving countries and enables member states to jointly design programmes and develop partnerships to adopt best practices. South Asian Association for Regional Cooperation serves as an important platform for the South Asian countries to voice the rights and protection of their migrant workers.

Besides these, a wider regional forum, the Bali Process, provides space for policy dialogue and discussions on increasing irregular migration prevalent in the Asia-Pacific region. Internationally, the Sustainable Development Goals, specifically Goals 8 and 10, aims to address the problems faced by migrant workers and ensure decent working conditions.

The government-led international forum, the Global Forum on Migration and Development, was formed after a realisation for the need for a global dialogue on the growing significance of migration and development. It promotes cooperation between UN member states on the migration-development nexus at the global level. Likewise, the Global Compact for Safe, Orderly and Regular Migration, an intergovernmental framework, focuses on forging common understanding about migration and sharing responsibilities among the member states to make it safe, regular, orderly, and advantageous for everyone. The Association of Southeast Asian Nations incorporates the issues related to migration prevalent in the region.

The mandates and agendas of the regional and global processes discussed above reflect their huge significance in sharing concerns about the challenges faced by migrant workers as well as in promoting effective labour migration governance at the national, regional and global levels. Further, they support in ensuring decent working conditions for migrant workers. The trend of migration is on the rise, and so are the vulnerabilities workers face. As a result, the global and regional processes provide a common ground to exchange information, formulate necessary migration frameworks, ensure fair and ethical recruitment practices, promote skilling of the workers and transfer of skills and knowledge, increase access to justice, enhance capacities of the related stakeholders, and promote and strengthen cooperation for the overall welfare of migrant workers. Such processes also enable the participating countries to exchange experiences, best practices and

lessons learnt over the time in regard to migration governance.

Nepal, which sends a large number of workers for foreign employment every year, has also started to realise the importance of these fora and has actively participated in them. Such forums, if utilised effectively, can benefit Nepali migrant workers through increased cooperation and partnerships at the global and regional levels. Nepal, however, has not been able to make full use of these platforms for the benefit of Nepali migrant workers and their families and Nepal. One such missed opportunity was when Nepal was chairing the Colombo Process after 2018, a period that also coincided with the negotiations over and adoption of the Global Compact for Safe, Orderly and Regular Migration (GCM). There were hardly any inputs sought from migrant workers' groups, civil society, trade unions and researchers either during the planning process or decision-making. Likewise, there is a need for serious, wider and meaningful consultations with relevant partners and the main stakeholders, particularly, migrant workers and their organisations, before Nepal participates in these platform and processes. Such an approach would also be in line with with the GCM's guiding principles of 'whole-of-government' and 'whole-of-society'.

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This paper discusses eight regional and international processes and frameworks related to labour and migration that Nepal is part of, namely:

- Abu Dhabi Dialogue
- Colombo Process
- South Asian Association for Regional Cooperation
- Bali Process (on People Smuggling, Trafficking in Persons and Related Transnational Crime)
 - Sustainable Development Goals
 - Global Forum on Migration and Development
- Global Compact for Safe, Orderly and Regular Migration, and
 - Association of Southeast Asian Nations.

It provides brief backgrounds and objectives of these initiatives as well as recent developments within while also illustrating the extent of Nepal's involvement and achievements in them.

The Centre for the Study of Labour and Mobility is a research centre within Social Science Baha, Kathmandu, established with the primary objective of contributing to broader theories and understandings on labour and mobility. It conducts interdisciplinary, policy-relevant research on critical issues affecting workers to provide new insights on the impact of labour and migration; functions as a forum to foster academic, policy and public debates; and serves as a clearinghouse on various resources related to labour and migration in and from Nepal.