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IOM International Organization for Migration

Migration Trends and Patterns in South Asia and Management Approaches and Initiatives

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INTRODUCTION*

Migration¹ has always been a significant phenomenon across South Asia². The historic ties that link the various populations across the region, accentuated by the modern day dynamics of migration has given rise to multiple forms of population movement ranging from voluntary to involuntary, internal to external, long-term to temporary. The varied nature of migration is also marked by movement within the national boundaries, within the region and across the region to other parts of the world. In today's globalized world, shifting trends and patterns have made migration management in South Asia a complex and difficult endeavour.

South Asia features prominently in the dynamics of migration in Asia. During the past half a century, after the emergence of independent States in South Asia in 1947, about 30 million people have moved from one part to another to either avoid prosecution or meet basic needs³. Asia's Migrant stock stands at 49.7 million migrants, which is the second highest in the world after Europe⁴. Out of the top 10 countries of emigration three are from South Asia; Afghanistan, Bangladesh (4.1 million each) and Sri Lanka (1.5 million)⁵. The migrants from Bangladesh and Sri Lanka are mainly labour migrants while Afghanistan's outflow has in a large measure been due to the war. India and Pakistan are the sixth and tenth top countries hosting the largest number of migrants⁶. It could be said that migration to India is particularly for economic reasons while migration to Pakistan is primarily because of the displacement from Afghanistan. This snapshot analysis highlights the complex dynamics and varied nature of migration in the region.

This paper attempts to look at some of the emerging trends of migration in the region to highlight some of the complexities of the dynamics. Availability of accurate and objective data on migration is limited, with no uniform method followed for data collection. This makes it difficult to compare data of different countries. Furthermore, irregular migration and trafficking appear to account for increasing mobility but are not yet included in comprehensive registration or data collection since the

* This paper draws from the report titled "Dynamics of Migration in South Asia: An Overview" presented at the Regional Conference on "Revisiting the Migration and Trafficking Nexus: The South Asian Scenario", Dhaka, April 2005, by Nahreen Farjana and Md. Shahidul Haque. The author acknowledges and appreciates the valuable contribution made by Umbareen Kuddus.

¹ In this paper, migration refers to voluntary and involuntary movement of people within and across borders.

² South Asia refers to Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka and Afghanistan. Due to the lack of information and data, Maldives is not included.

³ Ghosh, Partha S., "Population Movements and Interstate Conflicts" in Ranabir Samaddar edited Peace Studies: An Introduction to Concept; Scope and Themes (Volume 1), Safe Publications, New Delhi 2004

⁴ World Migration Report 2003.

⁵ Ibid

⁶ World Migration Report 2005.

patterns are difficult to quantify.⁷ The paper also tries to discuss the migration policy framework existing in the region, highlighting both national arrangements and various regional initiatives in the management of population movement.

HISTORICAL BACKGROUND

Population movement has always been a part of life in South Asia. For hundreds of years, circular movement of people have taken place in South Asia primarily to diversify income sources beyond subsistence agriculture.⁸ Historical records indicate large-scale labour movements especially in the agricultural sector with seasonal movements from the upper Gangetic plain to the lower plain.

The absence of a centralized bureaucratic administration determining citizenship or membership of ethnic groups during the pre-colonial period encouraged the free movement of people across the Indian subcontinent⁹. The various groups and individuals were allowed to pursue multiple identities with little fear of their status as subjects of the Empire being revoked. Though the advent of colonial rule marked some changes in the migratory patterns, population movement remained relatively unregulated and people could move freely within the Indian territory for better livelihood or for protection without any restrictions.

During the British colonial period, people from the Indian Subcontinent became bonded or contracted labourers for the British. Many people from India were also transported to work in mines, plantations, and households in the Americas, Caribbean and South East Asia. Many of these involuntary migrants from the Indian subcontinent subsequently decided to settle in those colonies.

The independence and the subsequent partition of the Indian subcontinent in 1947 resulted in bloody ethnic, religious and communal conflicts, leading to massive movement (“partition migration”). During the conflict following partition, nearly one million people were killed¹⁰ and thousands left their homeland. Approximately, 35 to 40 million people moved across national boundaries of India, Pakistan, Sri Lanka, Nepal and what is known today as Bangladesh.¹¹ The end of the British colonial period also saw many people migrating to European countries

⁷ UNDP; Human Development Report 2003;

⁸ Asian Development Bank; Combating Trafficking of Women and Children in South Asia; 2003;

⁸ Bose, Sugata and Jalal, Ayesha, Modern South Asia; History, Culture and Political Economy, Routledge, N.Y. 1998

¹⁰ Bose, Tapan k., “The changing Nature of Refugee Crisis” in Tapan K. Bose and Rita Manchanda ed, States, Citizens and Outsiders: The uprooted Peoples of South Asia, South Asian Forum For Human Rights, Kathmandu, 1997

¹¹ Weiner, Myon “Rejected Peoples and Unwanted Migrants in South Asia”, Economic and Political Weekly, August 21, 1993

from South Asia. During the post World War II period, many European countries experienced a labour shortage, especially in low-skilled industries and attracted labour migrants from former colonies including the Indian sub-continent to work in various industries.¹²

The emergence of nation-states in 1947 also resulted in the beginning of impositions of various procedures on people's mobility in South Asia for the first time. However these could not altogether stop the flow of people within and outside the sub-continent. The "natural integrated labour market" of South Asia on the one hand, and limited state capacity to monitor and control borders effectively on the other, remained as major factors in the management of population movement in the region, with far-reaching consequences on the economies and societies.

Afghans have a long tradition of economic migration to neighbouring countries and the historical migration pattern of Afghanistan was significantly influenced by the silk route. These historical ties have been altered during the period of civil unrest and war. The massive displacement saw the growth of the world's second largest refugee population and at the same time one of the largest diaspora communities¹³. The history of the last twenty years has seen the emergence of new ties between Afghanistan and its neighbours particularly Iran and Pakistan, reinforcing the ethnic ties, traditional linkages and nomadic character existing in the region.

The oil boom in the 1970s marked a major historical change in the migration dynamics for the people of South Asia. With the large demand from the oil producing countries in the Middle East mainly in the construction sector for less skilled workers, a large population from all the South Asian countries including Afghanistan migrated to the Middle East for temporary contract work. Another significant change in trends of migration was the rapid economic growth and declining fertility in Southeast Asia and the Far East in the mid 80s which led to a considerable rise in demand for migrant labour in Japan, Republic of Korea, Hong Kong¹⁴, Malaysia, Thailand, Taiwan Province of China, Singapore and oil-rich Brunei.¹⁵

¹² de Bruyn, Tom and Kuddus, Umbareen; Dynamics of Remittance Utilization in Bangladesh; IOM; 2005; Page 12

¹³ The Migration-Development Nexus: Afghanistan Case Study, Leila Jazayery, International Migration, Quarterly Review, Col.40 N°5 Special Issue 2/2002

¹⁴ A British Dependent Territory at the time.

¹⁵ Labour Migration in Asia: Trends, challenges and policy responses in countries of origin; International Organization for Migration; Geneva, 2003, Page: 14

INFLUENCING FACTORS IN THE MIGRATION DYNAMICS OF SOUTH ASIA:

A host of factors have contributed to the various phases of movement of people in South Asia. The historical ties between the populations and the intricate interplay of various external and internal factors have shaped and reshaped the migration patterns. For centuries people in South Asian have moved due to economic difficulties, natural disasters, religious and ethnic conflicts, war and civil unrest. In recent times, globalisation and growth in information and communication technology have further acceleration in migration, adding new dynamics to the world of migration in South Asia. Today, factors such as economic imbalances, extreme poverty, population growth, land scarcity, environmental degradation, social networks, long and porous international borders, global and regional employment opportunities, trade and migration policies, awareness and lack of it, continue to contribute to the increasing magnitude and varied forms of internal and international migration in the region. In many cases economic development has come at a cost of employment or livelihood opportunities for poor rural populations. Unregulated market forces, structural economic changes and government policies have destroyed many livelihoods¹⁶ forcing people to move from their homelands.

At the same time, various pull factors in destination countries including expanding markets, labour shortfalls and aging populations¹⁷ also motivate people to migrate across borders. Better educational opportunities for migrants' children, access to specialised jobs, better healthcare systems, and wider opportunities for self-actualisation¹⁸ are also among pull factors. In South Asia, a large number of people also migrate because of family reasons. The family relationship, kinship groups, informal social networks and extended family relations are important in the migration decision making process. In the region, migration is not just an individual choice, but a choice taking place within a household and in some cases within the community, which seeks to minimise risks and improve conditions¹⁹.

However, economic and social conditions continue to be the major reasons behind population movement in South Asia. With forty percent of the world's poor, South Asia remains among the poorest regions of the world. Forty five percent of the population lives below the international

¹⁶ Upala Devi Banerjee, *Globalization, Crisis in Livelihoods, Migration and Trafficking of Women and Girls: the crisis in India, Nepal and Bangladesh*

¹⁷ World Migration Report 2005

¹⁸ de Bruyn, Tom and Kuddus, Umbareen; *Dynamics of Remittance Utilization in Bangladesh*; IOM; 2005;

¹⁹ Battistella, Graziano; *International Migration in the ESCAP Region*; ESCAP; 2001; presented on the Ad Hoc Expert Group Meeting on Migration and Development: Opportunities and Challenges for Poverty Reduction in the ESCAP region;

poverty line of one dollar a day²⁰. About one third of the populations of Bangladesh (49.8 percent), Nepal (32 percent) and Pakistan (32.6 percent) and a quarter of the population of India (28.6 percent) and Sri Lanka (25 percent) are estimated to be living below the poverty line²¹. The war in Afghanistan over the last two decades has left a huge portion of the population living in poverty²²; some estimations put this proportion at 70 percent²³.

Though economic difficulties and lack of opportunities are often the major factors resulting in population movement both regular and irregular, from time to time conflicts have also shaped the migration scenario in South Asia. War, political conflict and unrest in Afghanistan, Nepal, Sri Lanka have resulted in widespread population movement, resulting in large numbers of refugees, IDPs and irregular migrants.

MIGRATION PATTERNS AND TRENDS

People from all socio-economic backgrounds migrate, giving rise to varied trends and patterns. These trends also continue to evolve and change over time due to changing circumstances and life experiences. In line with the global trends, the traditional picture of the single male economic migration in South Asia has also been fundamentally changed with more and more women migrating autonomously as individual agents. While short-term international migration does not involve the whole family, long-term permanent migrants are mostly family migration. Destinations for South Asian migrants also vary depending on the duration of stay, with long-term migrants migrating to industrial countries in Europe and the Americas, and short-term contract migrants working primarily in the Middle East or South East Asia.

In general, international migrants are not the poorest section of the population, as it is difficult to bear the cost of overseas migration. Internal migrants are from a poorer section than international migrants as they cannot afford the cost of international migration. As in other regions, involuntary migration or displacement in South Asia is mostly family displacement. Although men, women and children are trafficked, trafficking in women and children is more common than of men, as women and children are more vulnerable.

These general understandings however should not oversimplify the complexities of migration in the region. The ambiguity and confusion

²⁰ According to World Bank figures of 2003 <http://lnweb18.worldbank.org/sar/sa.nsf>

²¹ UNDP; Human Development Report 2004;

²² There have been no official census since 1979 however a majority of the population is considered to be living in poverty according to the UNDP National Human Development Report for Afghanistan (2004).

²³ Securing Afghanistan's future: Accomplishments and the Strategic Path Forward, March 2004, Government of Afghanistan with assistance from ADB, UNDP, UNAMA, World Bank

surrounding migrant-, trafficked- and refugee populations often hinders attempts to analyze migration trends and patterns of various types of population movement in South Asia. The following description of categories aims to provide an overview in the context of a “mixed flow”, rather than a rigorous categorization.

Internal Migration²⁴:

In South Asia, internal migration flows are considered to be significantly larger than international migration.²⁵ The internal migration of people within the country’s border is of four types, rural to rural migration, rural to urban migration, urban to urban migration and urban to rural migration.

Internal migration has not been a very significant area for the policy makers in South Asian countries. Recently rural to urban or urban to urban migration has drawn some attention of policy makers, as it has links with rapid urbanisation.

In **Bangladesh**, nearly two thirds of out-migration from rural areas were to the urban areas. At the same time, rural to rural migration was 10% compared to the overseas migration of 24%²⁶. Recent estimates indicate a 6.3 percent annual increase in the migration to the capital Dhaka²⁷. Two thirds of the urban growth since independence in 1979 could be attributed to internal migration with 25 per cent of the population living in urban areas in 2000 (up from 6.2 per cent in 1965 and 9.9 per cent in 1975)²⁸.

In **India**, an estimated 20 million people annually migrate temporarily²⁹. During the 1999-2000 period, internal migration dominated over all other forms of movement and accounted for about 62 percent of all movements³⁰. During the same period, rural to urban and urban to urban migration stood at 24.5 and 24.4 per cent respectively³¹.

²⁴ According to the Glossary on Migration, IOM 2004, Internal migration refers to a movement of people from one area of a country to another for the purpose or with the effect of establishing a new residence this migration may be temporary or permanent This section does not address internally displace people which is dealt with in subsequent sections.

²⁵ Deshingkar, Priya; *Maximizing the Benefits of Internal Migration for Development*; paper compiled in Migration Development and Poverty Reduction Asia, IOM 2005

²⁶ Ibid

²⁷ Ibid

²⁸ Afsar, Rita; Internal migration and development nexus: the case of Bangladesh; paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh and DFID on 22-24 June 2003, Dhaka, Bangladesh. Page 2

²⁹ Deshingkar, Priya; *Maximizing the Benefits of Internal Migration for Development*; paper compiled in Migration Development and Poverty Reduction Asia, IOM 2005

³⁰ Ibid

³¹ Skeldon, Ronald; Migration and migration policies in Asia: a synthesis of selected cases, paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh and DFID on 22-24 June 2003, Dhaka, Bangladesh.

According to the 2001 census in **Nepal**, the total number of internal migrants stood at 2,929,062 constituting 13.2 percent of the population³². This shows an increase from 9.6 percent reported in 1991³³. Out of the total internal migration, 68.2 per cent was rural to rural with people moving to agriculture sustainable areas; rural to urban migration accounted for 25.5 percent³⁴. Internal migration in Nepal is also heavily influenced by the Maoist insurgency.

The current urban growth rate is double the population growth rate in **Pakistan**. According to a 1998 Population Census, rural to urban migrants accounted for 8.2 percent of the total population³⁵. One major characteristic of internal migration in the country is the significant movement related to marriage and family³⁶. Economic migrants account for 20 per cent of the total migrants³⁷.

According to the 1994 Demographic Survey³⁸ In **Sri Lanka**, 14.45 percent of the population migrated internally. This figure shows an increase from the 1981 Census figures of 13.5 percent. The high proportion of female migration, both internal and overseas, is a major characteristic in Sri Lanka. In 1994, 13.3 per cent (down from 13.8 per cent in 1881) of the male population were migrants while out of the female population the percentage was 15.6 (up from 12.5 in 1881).³⁹

There is very little data available on internal migration in **Afghanistan**, apart from Internally Displaced Persons (IDPs), which is discussed later. However, some recent studies have suggested a growing increase in internal migration for economic purposes. Approximately 22 percent of rural households in Afghanistan have at least one member who has migrated over the past five years.⁴⁰ In a recent survey in three major

³² Source: KC, Bal Kumar; Migration, poverty and development in Nepal; ESCAP; paper presented on the Ad Hoc Expert Group Meeting on Migration and Development: Opportunities and Challenges for Poverty Reduction in the ESCAP region on 27-29 August 2003;

³³ Bhandari, Prem, *Relative Deprivation and Migration in an Agricultural Setting of Nepal*, Population and Environment, vol 25, No. 5 May 2004

³⁴ Source: KC, Bal Kumar; Migration, poverty and development in Nepal; ESCAP; paper presented on the Ad Hoc Expert Group Meeting on Migration and Development: Opportunities and Challenges for Poverty Reduction in the ESCAP region on 27-29 August 2003;

³⁵ Menon, Rashid; *Pakistan: Internal Migration and Poverty Reduction*; paper compiled in Migration Development and Poverty Reduction Asia, IOM 2005

³⁶ Gazdar, Haris; A review of migration issues in Pakistan; paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh and DFID on 22-24 June 2003, Dhaka, Bangladesh.

³⁷ Menon, Rashid; *Pakistan: Internal Migration and Poverty Reduction*; paper compiled in Migration Development and Poverty Reduction Asia, IOM 2005

³⁸ (excluding the districts of Northern and Eastern provinces)

³⁹ Ukwatta, Swarnalatha; *Internal Migration of Women and Development in Sri Lanka*; paper compiled in Migration Development and Poverty Reduction Asia, IOM 2005

⁴⁰ Opel, Aftab, *Bound for the City: A Study of Rural to Urban Labour Migration in Afghanistan*, Afghanistan Research and Evaluation Unit, April 2005

cities: Kabul, Herat and Jalalabad, it was found that out of the sample size of 997, nearly half had migrated within the last year from a rural area and most of them were either planning to (nearly 50 percent) or have already settled (13.4 percent) in the urban areas.⁴¹

In South Asia, internal migration could be long-term or permanent in nature. The seasonal migration prevalent in South Asia is circular in nature. During harvesting season when agricultural labour migrants migrate from rural to rural and urban to rural areas, as well as across-borders.

International Migration⁴²:

Three major types of voluntary international migration could be identified in South Asia, namely the movement of emigrants as settlers to Europe, Australia or North America (long-term permanent settlers); the movement of contract labour migrants to the countries of the Middle East, South East Asia and elsewhere (temporary migrant workers); and the intra-regional short-term movement of people within the South Asian region (seasonal economic migrants).⁴³

Long term permanent settlers⁴⁴ of the region could be both intra-regional as well as inter-regional. The South Asian people started migrating to Europe and Americas in search of better life, education and opportunities in the last century.

In South Asia, a significant portion of **temporary migrant workers**⁴⁵ are untrained or less skilled and employed both in formal and “informal” sectors. The recent trend of recruitment of temporary labour from South Asia could be traced back to the early 1970s in the wake of the labour intensive construction boom in the Middle East. The labour force of South Asian countries participated in the growing economy of the Middle East and the flow of labour migration reached 800,000 annually by mid 1990s⁴⁶. The destinations for South Asian migrants have overwhelmingly been the Middle East. Recently Southeast Asia and Europe is also emerging as a destination region for migrants even if countries.

⁴¹ Ibid

⁴² International Migration refers to “movement of persons who leave their country of origin or the country of habitual residence, to establish themselves either permanently or temporarily in another country”, IOM Glossary, 2004

⁴³ Skeldon, Ronald; Migration and migration policies in Asia: a synthesis of selected cases, paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh;

⁴⁴ This category could include those who are “legally admitted immigrants who are accepted to settle in the receiving country, including persons admitted for the purpose of family reunion”.

⁴⁵ **Temporary Migrant Workers** refers to skilled, semi-skilled or untrained workers who remain in the receiving country for a definite period as determined in a work contract with an individual worker or a service contract concluded with an enterprise⁴⁵

⁴⁶ World Migration 2005

Short-term seasonal migration⁴⁷ involving short-term movement of people intra-regionally during harvesting season is another type of migration that is visible in South Asia. Generally it is irregular in nature, as people have been migrating this way for years, and the emergence of nation states and the introduction of borders have not stopped the flow of this type of migration.

The data on permanent migrants, short-term labour migrants or seasonal migrants of the region are not comprehensive. Although there are official figures maintained by some countries, many migrants remain unrecorded. The data are not also desegregated by gender or skill type. Different countries in the region have different methods of collecting data which makes it difficult to undertake a comparative regional analysis. There are also estimates by different researchers and government bodies. Although the number is difficult to assess, the consensus is that the actual number of migrants far exceeds the official sources.

Data for labour migration in **Bangladesh** suggests that from 1991-2000, on average more than 250,000 Bangladeshis left the country each year to take up overseas employment.⁴⁸ However, it is believed that the actual number is far higher than the official figure. The major destination for Bangladeshi labour migrants is the Middle East and Malaysia. According to a rough estimate, 1.05 million Bangladeshis are living abroad permanently either as citizens or with other valid documents⁴⁹. This Bangladeshi diaspora is spread mostly in the UK, US, Europe, South Africa, Canada and Australia.

In **India**, it is estimated that there are around 20 million Indians throughout the world, comprising one of the largest diaspora communities. India also has a large number of its citizen working abroad as short-term contract labourers. In 2002, the number of contractual labourers from India was .37 million which is lower than 1993 when it was .44 million. The major destination for Indian contractual labour is the Middle East (75 per cent).⁵⁰

According to the 2001 census data, 762,181 emigrants were recorded in **Nepal** representing 3.4 percent of the population. Most Nepalese migrate

⁴⁷ Seasonal workers refer to “a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year”.

⁴⁸ Source: Bangladesh Bureau of Manpower, Employment and Training (BMET)

⁴⁹ Siddiqui, Tasneem; Institutionalising Diaspora Linkage: The Emigrant Bangladeshis in UK and USA; IOM; 2004;

⁵⁰ Source: Rajan; S. Irudaya; Dynamics of international migration from India: its economic and social implications; ; ESCAP; paper presented on the Ad Hoc Expert Group Meeting on Migration and Development: Opportunities and Challenges for Poverty Reduction in the ESCAP region on 27-29 August 2003;

to India as they have historical links and an open border between two countries. In the 2001 data, it was noticed that only 68 per cent migrated to India, which is a considerable decrease from 89.2 per cent in 1991⁵¹. Nepalese migrants were bound towards new destinations – Saudi Arabia (8.9 per cent), Qatar (3.2 per cent), UAE (1.7 per cent), Hong Kong, China (1.6 per cent) and Anglo America (1.3 per cent). The data also indicated that 53.2 per cent were absent for 1-5 years representing temporary migrant workers and another 15 per cent were absent for 5-10 years – this group can be considered as permanent settlers abroad. Nepal also hosts a large number of immigrants⁵². In 2001, the immigrant population (in-migration) consisted of 2.7 percent of the total population⁵³.

Pakistan has a large flow of international migrants. Many migrant workers take up employment opportunities in the Gulf States. It was estimated that by 1980, as many as 2 million Pakistanis had been employed in the Gulf states⁵⁴. Estimated labour migration outflow in 1997 was 153,929⁵⁵. Pakistan has a significant diaspora population: an estimated 2 to 3 million people of Pakistani origin are living in developed countries⁵⁶.

In **Sri Lanka**, data showed that in 1998 158,287 migrants left Sri Lanka, of which 66.5 per cent were women. Most of the migrants migrate to the Middle East. The other destinations include Lebanon, Libya, Jordan, Cyprus and a smaller number go to East Asian countries such as Singapore, Hong Kong and Malaysia.⁵⁷

For **Afghanistan**, the focus of data collection has been mostly on displacement issues and there has so far been almost no work done on the scope and nature of Afghan migration dynamics. However, most Afghan migration to neighbouring countries is economically motivated.⁵⁸ The Afghan diaspora worldwide consists of some one million⁵⁹ persons.

⁵¹ Nepal Population Report 2002, Government of Nepal

⁵² Source: KC, Bal Kumar; Migration, poverty and development in Nepal; ESCAP; paper presented on the Ad Hoc Expert Group Meeting on Migration and Development: Opportunities and Challenges for Poverty Reduction in the ESCAP region on 27-29 August 2003;

⁵³ Ibid

⁵⁴ Gazdar, Haris; A review of migration issues in Pakistan; paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh and DFID on 22-24 June 2003, Dhaka, Bangladesh

⁵⁵ Skeldon, Ronald; Migration and migration policies in Asia: a synthesis of selected cases, paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh

⁵⁶ Gazdar, Haris; A review of migration issues in Pakistan; paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh and DFID on 22-24 June 2003, Dhaka, Bangladesh

⁵⁷ INSTRAW-IOM; Temporary Labour Migration of Women: Case Studies of Bangladesh and Sri Lanka; 2000;

⁵⁸ The Kandahar Bus Stand in Kabul: An Assessment of Travel and Migration to Iran and Pakistan, draft, Afghan Research and Evaluation Unit (AREU); June 2004

⁵⁹ IOM; Migration Management Strategy for Afghanistan, 2005-2007 (draft); January 2004;

Afghanistan also hosts migrants from Pakistan, most of who are semi skilled,⁶⁰ as there is a need for skilled labours. There is also information on Afghans working in the Middle East as labour migrants, but no reliable data on this type of migration.

Migration for higher education is also a major issue in South Asia. Though students from all over South Asia are studying abroad, India saw the maximum growth in 2002-2003; an increase on 11.6 percent and is second to only China in terms of proportion of the international student population⁶¹.

IRREGULAR MIGRATION

Alongside regular migration, irregular movement of people is also significant and a grave concern for the countries in South Asia. In the absence of adequate regular means of migration, many people often opt for irregular means. All the countries have long porous land borders with two or more neighbouring countries which for thousands of years “hosted” an integrated economy which makes it difficult to stop cross border irregular migration. In South Asia in the absence of arrangements for regular temporary migration to address the labour demands, seasonal migration from one country to another, particularly during harvesting seasons and to work in the informal sector, has been a long standing practice even before the border was imposed during the middle of last century. The concept of a border to people in the border areas is often quite vague, as they have historical and functional links as well as family or working relationships with the people residing on the other side of the border.

During the past two decades, there has been an alarming growth of irregular migration in the South Asian countries. India and Pakistan are often used as major transit countries for the irregular migrants from Bangladesh, Nepal, and to migrate to the Middle Eastern and European countries. Simultaneously, India and Pakistan are also source countries. Air routes are also used to reach the Middle East, European and South East Asian countries irregularly. As long as there is demand in the destination countries for work and a supply of labour, migration will occur irregularly, particularly in the absence of regular channels.

High levels of irregular migration, together with intensified smuggling and trafficking in persons and transnational crimes, such as drug trafficking and terrorism, have posed an increased challenge for the Asian governments to effectively address the problem of irregular migration. These circumstances and difficulties have energised greater

⁶⁰ Source: Ministries of Refugees and Repatriation; cited in ; Migration Management Strategy for Afghanistan, 2005-2007 (draft); January 2004;

⁶¹ World Migration Report 2005

regional cooperation, which may become the first step in developing a sustainable regional migration framework.⁶²

Trafficking in Persons⁶³

In South Asia human trafficking is a major and often unreported problem. Although it is estimated that there is considerable trafficking in the region, exact numbers are difficult to obtain.⁶⁴ All countries in the region feature as origin, destination or transit countries for trafficking victims. Afghanistan, Bangladesh and Nepal are the main countries of origin for trafficked people, while India and Pakistan are considered countries of destination and transit to other regions, commonly the Gulf States or Europe. A small number of women and girls are transited through Bangladesh from Myanmar and Nepal to India and other countries. Women and children are targeted mostly as a vulnerable group. They are trafficked for the purposes of sexual exploitation, domestic servitude, forced marriage, and bonded labour. Young boys have also been trafficked to the UAE and Qatar and forced to work as camel jockeys and beggars.⁶⁵

Trafficking for the purpose of commercial sex work is a major problem in **Nepal**. The main source is the impoverished regions of Nepal and the street children. An ongoing Maoist insurgency in Nepal has used violence to wrest control of remote areas from the Government; many trafficking victims originate from those areas. In **Bangladesh**, the major origin areas are in the impoverished north of the country. It is also reported that Burmese women and children are trafficked through Bangladesh. The restriction on the movement of women for regular migration both in Nepal and in Bangladesh also creates additional vulnerabilities towards trafficking of women in the country. Though most women are trafficked to India, given the widespread demand for trafficked labour, many are transited from India to destinations in the Middle East.

The general impoverishment of refugees, IDPs and other communities all over **Afghanistan** makes it a major source area for traffickers. Though decades of conflict have made it difficult to come by any data, reported trafficking trends within Afghanistan include abduction of women and girls for forced marriage, forced marriage for debt release, the exchange of women and girls (for forced marriage) to settle disputes or cease blood

⁶² World Migration Report 2005

⁶³ Compiled from various sources including: US Trafficking in Persons Report 2003; Asian Development Bank; Combating Trafficking of Women and Children in South Asia; 2003 and Government of the People's Republic of Bangladesh; Counter Trafficking Framework Report; 2004 and IOM, Trafficking in Persons: An Analysis of Afghanistan, 2003

⁶⁴ World Migration Report 2005,

⁶⁵ For details on figures on trafficking in South Asia please see "Treading Along a Treacherous Trail: Research on Trafficking in Persons in South Asia" by A.K.M. Masud Ali, presented at the International Expert Meeting organized by IOM

feuds, and the abduction of persons, including boys, for sexual and domestic servitude.

Sri Lanka is a country of origin and destination for trafficked persons. Commercial sexual exploitation of children is a major concern. Young boys are exploited domestically, often in tourist areas, whereas young girls are lured by promises of job opportunities or overseas travel. Internal trafficking of persons for purposes of domestic servitude and combat also takes place in Sri Lanka. Given that most of the migrants from Sri Lanka are female, many find themselves in situations of coerced labour, slave-like conditions, or sexual exploitation in destination countries.

Pakistan is a country of origin, transit, and destination for women and children trafficked. Internal trafficking of women and girls from rural areas to cities for purposes of sexual exploitation and labour is also noticeable. Pakistan has also been a source country for young boys trafficked to the Middle East as camel jockeys. Some Pakistani men and women travel to the Middle East in search of work and are put into situations of coerced labour, and physical abuse. Pakistan is also a destination for women and children trafficked from Bangladesh, Myanmar, Afghanistan, and Central Asia for purposes of commercial sexual and other labour exploitation.

India is a country of origin, transit, and destination for thousands of trafficked men, women and children. Internal trafficking of women, men, and children for purposes of sexual exploitation, domestic servitude, bonded labour is also prevalent. Indian women in particular are put into situations of coerced labour and sometimes exploitative conditions in countries in the Middle East and the West. Bangladeshi women and children are trafficked to India or transited through India en route to Pakistan and the Middle East for purposes of sexual exploitation, domestic servitude, and forced labour. Women and girls from Nepal and Bangladesh are trafficked to India for commercial sexual exploitation.

Forced Migration/ Displacement:

In South Asia people are also forced to migrate, both internally and cross borders because of conflicts and natural disasters such as floods, cyclones, earthquakes, riverbank erosion, tornadoes, and deforestation.

Natural disaster induced displacement is a major issue in South Asia. Floods, earthquakes, cyclones and the recent tsunami have resulted in massive displacement. Chronic **flooding** in Bangladesh causes major displacement of people on a regular basis. The floods in 2004 resulted in

one million people being displaced temporarily or permanently⁶⁶. More severe floods in 1988 and 1998 left 45 to 30 million people homeless and displaced.⁶⁷ More recently the **tsunami** displaced tens of thousands in Sri Lanka and some parts of India. Estimates of people displaced in Sri Lanka range from 1 million to 553,000⁶⁸. Apart from the displacement due to these natural disasters, there are other natural calamities that result in displacement. In Bangladesh, about 64 thousand people are displaced by **riverbank erosion** every year. It is estimated that 70% of the total slum dwellers in Dhaka (the capital of Bangladesh), are IDPs due to riverbank erosion.⁶⁹

Displacement due to development projects is also observed in many parts of South Asia. Large-scale economic or infrastructural projects such as the building of dams, bridges and embankments have caused severe displacements in South Asia within and outside the state borders.

Irrigation related migration has a long history particularly in Pakistan, and has been associated with significant windfall gains for certain groups of migrants. Lands in many of the newly irrigated areas, for example, were allotted to land-owning outsiders in preference to local landless people on the pretext that land owners would use the new land more productively. The experience of irrigation related migration, therefore, is not simply one of displacement of those directly affected by projects, but has also led to second-round displacement of the land-less poor from the beneficiary areas. There is also a history of agricultural migration from arid areas to irrigated regions, particularly in the province of Sindh and in southern Punjab of Pakistan.⁷⁰

Displacement due to conflict is another issue in South Asia. At the end of 2003, some 164,567 refugees were living in **India**. Most of these came from China, Sri Lanka and Afghanistan.⁷¹ India also saw some major displacement within the country with more than 500,000 people internally displaced including 157,000 in Northeast India.⁷²

The situation in Bhutan has resulted in the displacement of Nepalese speaking Bhutanese during the 1990s. More than 103,000 Bhutanese

⁶⁶ UN Flash Appeal, 2004

⁶⁷ Hossain, A.N.H. Akhtar, *An Overview on Impacts of Flood in Bangladesh and Options for Mitigation*, Paper presented at the National Workshop on Options for Flood Risk and Damage Reduction in Bangladesh, September 2004

⁶⁸ Figures of UNICEF and OCHA respectively, quoted in the paper titled, Sri Lanka: Response to tsunami crisis must also target conflict affected IDPs, Global IDP project

⁶⁹ World Migration Report 2005

⁷⁰ Gazdar, Haris; A review of migration issues in Pakistan; paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh and DFID on 22-24 June 2003, Dhaka, Bangladesh. Page 16-17

⁷¹ UNHCR Statistics

⁷² UNHCR Country report: India, 2001;

refugees are living in different camps of eastern **Nepal** as of 2003. Nepal also hosts 20,000 Tibetan refugees.⁷³ The maoist insurgency in Nepal has also displaced many Nepalese. According to the Global IDP Project, there is no way of determining exact numbers of internally displaced persons, but realistic estimations puts the figure at between 100,000 and 200,000⁷⁴.

The main cause of displacement in **Sri Lanka** is the armed conflict between the LTTE (The Liberation Tigers of Tamil Eelam) and Government forces. Other reported war-related causes of displacement include forced recruitment by the LTTE, human rights abuse by both sides and inter-communal violence in the east.⁷⁵ Since an armed campaign for an independent Tamil state began in 1983 there have been repeated and massive displacements of civilians resulting in 732,000 IDPs and 84,000 refugees at the end of 2002.⁷⁶

The conflict in **Afghanistan** resulted in refugee influx to **Pakistan** and Iran. In 2000-2001 the number of refugees and IDPs was in excess of 6 million.⁷⁷ Most of the refugees went to Pakistan and Iran. Pakistan hosted 2.2 million Afghan refugees at the end of 2002⁷⁸ making Pakistan the host to one of the largest refugee populations in the world. UNHCR estimates of major origin countries put Afghanistan at the top of the list. It is estimated that one in every three Afghans has either been a refugee or IDP.⁷⁹ More than half of the refugee population has now returned to Afghanistan, with return figures reaching 3.5 million⁸⁰. However, it is predicted that not all will return. Almost two decades of residing in the neighbouring countries has meant that Afghan refugees have developed social, economic and cultural ties with the host countries⁸¹.

Asylum seekers are another group of those on the move. In 2003, 13,820 Afghans, 13,553 Indians, 5183 Sri Lankans and 5083

⁷³ UNHCR

⁷⁴ Norwegian Refugee Council, Global IDP Project; Nepal: displacement crisis worsens in wake of royal coup, 14 July 2005

⁷⁵ Internal displacement in Sri Lanka: updated profile summary; Source: Norwegian Refugee Council, Date: 30 Nov 2000;

⁷⁶ UNHCR Global Report 2004

⁷⁷ The Migration-Development Nexus: Afghanistan Case Study, Leila Jazayery; International Migration, Quarterly review, Col. 40 No. 5; Special Issue 2/2002, citing to UNHCR data; cited in Migration Management Strategy for Afghanistan (2005-2007); IOM; Page 4

⁷⁸ UNHCR Country report: Pakistan 2002; <http://www.refugees.org/world/countryrpt/scasia/pakistan.htm>

⁷⁹ Securing Afghanistan's Future: Accomplishments and Strategic Path Forward; Refugees and Internally Displaced Persons, Technical Annex, January 2004; cited in IOM; Migration Management Strategy for Afghanistan, 2005-2007 (draft); January 2004; Page 4

⁸⁰ UNHCR

⁸¹ IOM; Migration Management Strategy for Afghanistan, 2005-2007 (draft); January 2004; Page 4

Bangladeshis claimed asylum outside Asia.⁸² However, asylum requests from Afghan nationals have decreased almost to half in recent years.⁸³

EMERGING KEY TRENDS:

In general, most migrants from South Asia are **semi-skilled and less skilled**. However, there are also differences in migration trends among the South Asian countries. Over the years, the migration of more skilled workers from Bangladesh to the Middle East seems to have declined, while the movement of the less skilled workers has increased. The opposite appears to have occurred in the case of India.

Another feature of the migration processes in South Asia is the emergence of the **recruiting industry**, in the late 1970s and 80s. During the initial phase of the early 70s, recruitment was mostly dealt by the states. Presently, over 90 per cent of the recruitment in India, Pakistan, Sri Lanka and Bangladesh is carried out by private recruitment agencies. Recruiting agencies usually function with a license from the government of the labour origin countries to develop employment opportunities and facilitate placement of migrant workers abroad. Initially the agents were paid by the employers for their services. Subsequently they have been allowed to charge workers. Often they violate the standard placement fees set by the governments. Some unscrupulous agents have been responsible for the exploitation of migrants. In response, many governments have strengthened the regulatory policies for their recruitment industries.

The **feminisation of migration** is another major trend of migration in South Asia. Over the last decade, more and more women have been going abroad independently. A majority go to work as domestic workers in the Middle East and Europe. A large portion of them are employed in the informal sector, especially domestic work in South East Asia, the Far East and Middle East. This is spurred by the increased demand for domestic help due to declining and ageing populations, and increased participation of women in the economy. UAE, Kuwait, Malaysia, Bahrain, Maldives and Oman are the major destinations for female workers. It was estimated that about 1 million to 1.7 million women were working as domestic workers in Asia and Middle East in early 1990s. The figure is now much higher. The number of female domestic workers has increased almost 11 times over 25 years, while it is about six times in the case of male workers over a 20 year period.⁸⁴

⁸² Source: UNHCR

⁸³ Ibid

⁸⁴ Haque Shahidul, Migration for Working Abroad as Domestic Workers: A Challenge for Asian Countries, 2002

The trend in migration of women varies across the region. The proportion of women migrants is quite low in ?from Bangladesh, while the proportion of women migrants from Sri Lanka increased from 33 percent to 65 percent between 1988 and 1999.⁸⁵ However, actual figures for female migrants cannot be determined as many women have migrated using irregular means due to the restrictions in place in many countries such as Bangladesh, Nepal (until recently) and Pakistan. The measures to restrict women's migration that were put in place in the 80s were justified on the grounds of protecting the dignity of women abroad. However, these policies have not stopped movement but have instead led to many women moving under irregular conditions and thus becoming extremely vulnerable to abuse and exploitation. With trafficking and smuggling in persons becoming an increasingly significant problem in the region, the policies have been reviewed and some barriers to migration relaxed. For example, the Bangladesh Government has recently relaxed the ban on migration by less skilled women above the age of 35 years and married accompanied by husband. Nepal also lifted its ban in 2003. Pakistan does not encourage women migration. Only .04 per cent of total migrant workers in Pakistan are women. Pakistan does not permit the migration of women under 45 as domestic help.⁸⁶

Female migration is changing the traditional social structures in South Asia. Migration offers empowerment opportunities through the prospect of gaining autonomy, self-esteem, confidence, control over assets and a voice in decision-making, thus playing a role in removing inequalities and ensuring well-being; in many ways changing the gender stereotyped relations of a country. The role of women left behind by the male migrant workers is also changing. Many families of migrants are becoming female-headed households. This could be an empowering situation for women but it can also lead to women becoming more vulnerable in societies. There are also situations in which the women are disempowered with other male members taking total control of the families without avenues for women to take decisions.

Migration of highly skilled is another type of migration that has increased in recent years along with the increase in investments in products and services related to IT. Indian IT professionals dominate this category of migration. The Indian Government has created the Ministry of Information Technology recognising the importance and potential of migration of IT professionals. The Ministry plays an important part in the organisation of this type of migration.

⁸⁵ IOM 2005 China Conference paper

⁸⁶ Labour Migration in Asia: Trends, challenges and policy responses in countries of origin; International Organization for Migration; Geneva, 2003,

Circular migration of migrants is also gaining importance in South Asia. With large diaspora communities living in developed countries, the origin countries (namely India) are developing policies to direct diaspora investment. Many migrants such as those from Bangladesh return to their country and utilize their newly developed skills. The many large scale investments and involvement of highly skilled in sectors like education is an example of this return. The Afghan diaspora living in Europe, North America and Australia, are also contributing to the rebuilding of Afghanistan. The Government of Afghanistan is continuing its efforts to support the return of qualified Afghans. Many Afghans living abroad are also participating in the Afghan reconstruction and development process in various ways. Return of migrants in other South Asian countries is also noticeable.

GENERAL IMPACTS OF MIGRATION ON ORIGIN COUNTRIES

Like other regions, the most important **economic impact** of migration in South Asia is in terms of remittances. Though figures are hard to determine, remittances from both international and internal migration are significant in the region. Out of the estimated annual figure for world-wide international remittance flows of US\$ 100 billion, about 20 per cent flows into South Asia. India accounts for 78 per cent, making it the world's largest remittance recipient country.⁸⁷ Bangladesh accounts for 12 per cent of the remittances flowing into the South Asian Region - some 2 per cent of the global remittance flow. In Nepal the amount of remittances sent through official channels during 2003 reached 54 billion, amounting to 12.4% of the GDP⁸⁸. Pakistan and Sri Lanka receive 2.1 and 1.1 per cent of the total global remittance flow. Remittances sent by Afghans working in the neighbouring countries, the Gulf States and also from other countries of the world constitute an important resource for many Afghan families, possibly amounting to hundreds of millions of US dollars annually.⁸⁹ The flow of internal remittances is hard to estimate though the impact is believed to be significant. The major impact of remittances in the origin areas is the changes in pattern of household expenditure, improved living conditions, social security and improved education and health care at an individual level. It is also an important source of foreign currency for many countries.

However the inflow of remittances is not the only significant impact. And there are many spill-over effects of remittances on the society and economy of the origin countries. Migration, internal and external, is a

⁸⁷ Kuddus, Umbareen; Channeling Diaspora Remittance into the Securities Market of Bangladesh; Internship Report, Institute of Business Administration, University of Dhaka, 2003; Page 11

⁸⁸ Preliminary draft of a World Bank report

⁸⁹ Securing Afghanistan's Future: Accomplishments and Strategic Path Forward; Refugees and Internally Displaced Persons, Technical Annex, January 2004; cited in IOM; Migration Management Strategy for Afghanistan, 2005-2007 (draft); January 2004; Page 6

major livelihood option. Return migration and remittances also create additional employment opportunities in the origin countries.

For destination countries in South Asia, migration meets the demand for labour that is not available in the local markets. Moreover, migrant labourers are comparatively cheap and easy to control.

Migration also has major **social impacts**. The new skills and knowledge transfer of migrants contribute significantly to the development of the origin countries. Migration, due to the effect on gender relations, is impacting the social structure of society. Altogether, by offering people an option to improve their living conditions, migration is fundamentally affecting the social structure of South Asian society. Migrants also bring in progressive changes in the community, both in origin and destination countries.

In relation to the impact of migration, there is also a debate among the development practitioners as to whether migration reduces the country's skilled workforce thereby creating **brain drain** and consequently has a negative affect on the development process. There are also those who believe in **brain gain** through **brain circulation**. The brain drain situation is not as grave an issue for South Asia as for some of the countries in Africa.

The regressive impacts of human trafficking are considerable in the region. There is little or no research undertaken in this area. **Economic losses** to communities and governments resulting from trafficking are enormous if considered in terms of lost returns on human or social capital investments. The cost of countering the crime, the loss of potential income of trafficked labour lost in hidden sectors (for example, the commercial sex industry), the loss of income from the trafficked labour diverted out of the formal economy and the cost of social integration of trafficked persons are some of the other areas of adverse impact on the society and economy.

There are controversial aspects, however, to the **social aspects** of trafficking. For many women, trafficking despite causing harm, also provides opportunities for women to remove themselves from otherwise oppressive circumstances.⁹⁰ Integration of trafficked survivors creates a major problem as the traditional cultural practices mean that communities do not accept women whom they consider as having been "spoiled" (as the common belief is that "all" women are trafficked into prostitution and are thereby spoilt). Trafficked persons often experience physical and psychological health problems – psychological stresses can

⁹⁰ Asian Development Bank; Combating Trafficking of Women and Children in South Asia; Page 70

lead to trauma, depression and in some cases suicide.⁹¹ Many trafficked persons die in the trafficked situation and many suffer from physical impairment. Women and children trafficked in the commercial sex sector also face higher risk of contracting sexually transmitted diseases (STD), HIV/AIDS, tuberculosis and other diseases.

EXISTING AND EVOLVING MIGRATION MANAGEMENT INITIATIVES

In South Asia, most policies regarding the movement of people are ad hoc in nature and related mostly to the temporary international labour migration. There is no comprehensive policy to manage migration – within the countries or on a regional basis. Migration, especially labour migration management is not a development issue for most of the South Asian countries. However, recently the South Asian countries are placing emphasis on addressing irregular migration, particularly trafficking in persons. The issue has emerged as an important issue in the State mechanism, however, larger migration matters remained a relatively less important policy issue in most of the South Asian countries. At the regional level, South Asia lacks regional initiatives in managing migration; it is one of the few major geographic areas that has no exclusive regional initiative in place for managing migration in a comprehensive and coordinated manner.

In **Bangladesh**, the Government has been relatively proactive in consulting and collaborating with foreign governments and major employers to ensure foreign employment for its population.⁹² The Government has set up a separate ministry to deal with the overseas contract labourers and the diaspora community. Though the private recruiting agencies deal with more than 90 per cent of the labour migration, the Government has laid down regulatory legislation in this regard. Under these regulations which are part of the Emigration Ordinance 1982, registered recruiting agents stand to lose their licenses if found to be in violation of the ordinance or guilty of other misconduct.⁹³ The Government is also currently drafting an “Overseas Employment Policy”. In relation to trafficking of persons, several national laws including the Penal Code of 1860, the Suppression of Immoral Traffic Act of 1933, the Children (Pledging of Labor) Act of 1933, and the Children’s Act of 1974 can be invoked in prosecution of trafficking. Recently, the Women and Children Repression Prevention Act of 2000 (the 2000 Act) has established extremely severe penalties for a number of

⁹¹ Ibid

⁹² Waddington, Clare; International Migration Policies in Asia; paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh and DFID on 22-24 June 2003, Dhaka, Bangladesh. Page 4

⁹³ Supplemental Study on Legal Frameworks Relevant to Human Trafficking in South Asia; ADB; July 2002; Page 21

offences against women and children, including trafficking. The Bangladesh Government is currently drafting a “National Anti-Trafficking Strategic Plan of Action” to curb trafficking in a coordinated and integrated manner. This initiative is an important first step in formulating programme interventions that address trafficking in the wider framework of migration.⁹⁴

In **India**, private recruiting agents for labour migration operate within the state determined structure. Though the Government is interested in putting in place effective migration management policies, the Emigration Act 1983 remains the only policy overseeing foreign employment. More proactive initiatives could be seen at the state level, with the establishment of a separate department addressing the needs of non-residents (such as in Karalla).⁹⁵ However, India also saw the setting up of a new Ministry for Overseas Indians that focuses on the diaspora community. Other ministries are also playing a role. For example, with the increasing interest in highly skilled migrants, the Ministry of Information Technology is playing a major role. There is also an interest in diaspora issues. In relation to trafficking national legislations include the Indian Penal Code of 1860, the Child Marriage Restraint Act of 1929, the Child Labour (Prohibition and Regulation) Act of 1986, the Bonded Labour System (Abolition) Act of 1976, etc. The main legislative tool for combating trafficking in persons in India is the Immoral Traffic (Prevention) Act of 1956 (ITPA), which was last amended in 1986. India also has a National Plan of Action to counter trafficking. India has in place a law to determine internal migration that takes place across state borders through middlemen, Inter State Migrant Workmen (Regulation and Conditions of Service) Act, 1979.

Pakistan’s labour migration is also regulated by the State. The Bureau of Emigration and Overseas Employment, established under the Ministry of Labour in 1971, works through labour attachés in the Middle East and a network of 500 private licensed agents to facilitate labour migration.⁹⁶ The Pakistan constitutional provisions also ensure right to life, liberty, dignity, equality and freedom.⁹⁷ In terms of policies, the Emigration Ordinance of 1979 is a guiding legislation in managing migration. Recently, Pakistan has enacted an anti-trafficking law and set up a permanent committee in the Ministry of Interior to combat trafficking in persons.

⁹⁴ IOM

⁹⁵ Waddington, Clare; International Migration Policies in Asia; paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh and DFID on 22-24 June 2003, Dhaka, Bangladesh. Page 4

⁹⁶ Waddington, Clare; International Migration Policies in Asia; paper presented at the Regional Conference on Migration, Development and Pro-poor Policy in Asia jointly organised by RMMRU, Bangladesh and DFID on 22-24 June 2003, Dhaka, Bangladesh. Page 4

⁹⁷ ghaus, Khalida; Trafficking of Women and Children in South Asia and within Pakistan; LHRLA

In **Sri Lanka**, the Bureau of Foreign Employment (SLBFE) is the main institutional set up for the promotion of foreign employment and was established in 1985. The main objective of the SLBFE is the promotion of foreign employment, sound management of foreign employment and ensuring the welfare and security of migrant employees and their families.⁹⁸ Sri Lanka has adopted a gender based migration management approach. The Penal Code of 1996 in Sri Lanka is the main legal instrument to punish trafficking related crimes while the Sri Lanka Bureau of Employment Act No 21 of 1985 is the major migration legislation.

Population movement in **Nepal** is dealt with by the Ministry of Population and Development, and the Ministry of Labour and Transportation is the lead stakeholder in dealing with labour migration. Although no such policy is yet taken by the Government to deal with migration, in the Ninth Plan, the importance of study of international migration, policy discussion and policy formulation to regulate international migration has been recognised.⁹⁹ Nepal has no policy regarding contract labour migration. The *Muluki Ain* (Code of Law) of 1964 provided the original basis for prosecuting human traffickers.¹⁰⁰ Other laws relevant to trafficking include the *Labour Act of 1992*, the *Children's Act of 1992*, the *Labour Act and the Children's Act, the Child Labour (Prohibition and Regularisation) Act*, the *Foreign Employment Act of 1985*, etc. The border between Nepal and India which continues to be a channel for flow of Nepalese, remains open, guided by the provisions mentioned in the Nepal India Treaty of 1950.

More than two decades of conflict have prevented **Afghanistan** from establishing governmental structures, policies and framework for management of migration. In the recent past the migration dynamics of Afghanistan have been dominated by the largest and most longstanding refugee displacement crisis in the world.¹⁰¹ With the changing scenario of refugees returning and the low opportunities in economic engagement, Afghans are seeking jobs abroad. Their vulnerability considering the current socio-economic situation, lack of information on safe migration and lack of border control has exposed potential migrant Afghans to human traffickers and/or smugglers. The Government of Afghanistan continues to face problems in various areas of migration governance, most critical being that of limited capacity to develop and implement

⁹⁸ Labour Migration in Asia: Trends, challenges and policy responses in countries of origin; International Organization for Migration; Geneva, 2003, Page: 21

⁹⁹ Source: New Era; Migration Policy in Nepal; June 2000

¹⁰⁰ Supplemental Study on Legal Frameworks Relevant to Human Trafficking in South Asia; ADB; July 2002; Page 37

¹⁰¹ IOM, Migration Management Strategy for Afghanistan (draft); IOM; January 2004; Page 3

policy, law and regulations. To assist the Government with managing mobility in a comprehensive manner beyond the refugee population and following the phasing out of the tripartite agreements with Pakistan and Iran, IOM has initiated a tri-lateral dialogue among Afghanistan, Pakistan and Iran to evolve as a sub regional migration management system.

In South Asia, apart from India, there is specifically no policy related to internal migration in any of the countries. The Poverty Reduction Policy, Urbanisation policies, Health and Education policies marginally cover internal migration. One major reason behind not adopting a policy concerning internal migrants in most of the South Asian countries is the understanding that a separate segment of the population will create more problems in managing population movement.

Though there are no exclusive **Regional Frameworks** or initiatives like many other regions for migration management addressing the South Asian region. However, there is some progress made to establish a regional initiative in the area of human trafficking. A Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was adopted by the South Asia Association for Regional Cooperation (SAARC) in January 2002. However, the convention is yet to come into force. The countries of the region are also part of some larger Regional Consultative Processes (RCPs). In 2003, ten Asian labour migrant origin countries including Bangladesh, India, Nepal, Pakistan and Sri Lanka from South Asia have jointly launched a consultative process to manage labour migration known as the “Colombo Process”. Afghanistan has also attended the last meeting in Manila as an observer. In addition, the countries of the region have been participating in some other RCPs including the Inter-Governmental Asia-Pacific Consultations on Refugees and Displaced persons (APC), the Berne Initiative and the Bali Process.

At an **international level**, South Asian countries have actively participated in UN meetings, IOM meetings and recently in the Global Commission on International Migration (GCIM). None of the South Asian countries except for Sri Lanka, have ratified the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. None of the seven countries of South Asia has ratified the 1951 Refugee Convention. In the area of trafficking and irregular migration, the countries have ratified or acceded to a number of human rights treaties that explicitly or implicitly address trafficking in persons.¹⁰² Some countries are party to the 1949 Trafficking Convention

¹⁰² Supplemental Study on Legal Frameworks Relevant to Human Trafficking in South Asia; ADB; July 2002; Page 12

and the 1956 Supplemental Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (the 1956 Slavery Convention). There are also some human rights Conventions that contain a number of relevant provisions pertaining to counter-trafficking. These Conventions include Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC). The CRC has recently been supplemented by an Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, which Bangladesh has ratified and Nepal has signed. The UN Convention Against Transnational Organized Crime and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are some other important Conventions.¹⁰³

The policy and administrative frameworks existing for managing migration in South Asia have certain limitations, particularly as they do not address all forms of population movement in a coordinated and integrated manner. There also remains a gap in harmonizing national policy instruments with regional and international instruments. Another important issue to be highlighted is the lack of proper and effective implementation of the various instruments and obligations.

As in other regions, the various migratory factors, processes and outcomes of South Asian population movements are making interfaces between migrants, refugees, trafficked persons and smuggled migrants confusing and often difficult to analyse. Internal and international migrants can change their status, either voluntarily or involuntarily, depending on their circumstances. For example, studies have shown that many international migrants have started their movement as internal migrants, IDPs or refugees. This makes management of only one type of movement disregarding the overlapping factors of the other types of migration an ineffective effort.

As for other regions, one of the best ways to manage migration in South Asia is to deal with the issue within a broader migration management framework, bringing in all different types of population movements. There is also the need to manage migration in collaboration with other affected countries within a regional framework. Measures may be taken to regularise labour migration within and outside the region and reduce the causes of trafficking in persons or smuggling in migrants. Policies aiming at limiting migration by one country could lead to an increase of irregular migration and trafficking in persons in another. A naturally occurring integrated labour market cannot be managed by restrictive migration policy or unrealistically tougher border controls.

¹⁰³ The list Conventions mentioned in this paper is not exhaustive .

CONCLUSION

In today's highly mobile world, migration has become an increasingly complex area of governance, inextricably interlinked with other key policy areas including economic and social development, national security, human rights, public health, regional stability and interstate cooperation. Managing migration either at a national level or at the regional level is a complex and multi faceted endeavour. Internal and international migration, and regular, irregular and forced migration pose critical migration management challenges to the South Asian countries. It is increasingly clear that there is a need for collaborative and comprehensive initiatives in managing mobility in the region, if migration is to be beneficial both for migrants and countries. The national level policy may integrate all types of population movement, regular and irregular in a coherent manner and in harmony with the development process of the country. The South Asian countries may consider adopting an appropriate, balanced and integrated national migration management policy supported by a conducive and productive regional migration framework.