

# Migration, Refugee and Conflict

Week 15- Diplomacy and Migration

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# Understanding Diplomacy

- Diplomacy can be defined as the conduct of international relations by negotiation and dialog or by any other means to promote peaceful relations among states.
- Diplomacy is a set of practices, institutions and discourses.
- Several scholars have defined diplomacy, However , the role of diplomats have been considered important.
- Structure of diplomacy reflect the character of international policy and the international and domestic environments in which they are located.

Few terminologies :

**Citizen Diplomacy :** It is also called public diplomacy and it has important role. This diplomacy is established through ordinary people , The unofficial channels of communication is used between opposing sides in order to increase trust and mutual understandings.

**Diplomatic Good Offices:** This is a method of peaceful settlement of disputes where the third party tries to facilitate the communication between the parties. The third party does not provide any suggestions .

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- **Diplomatic Mediation:** This is the method of peaceful settlement of disputes. Here the neutral third party as requested by parties can provide significant suggestions to seek a compromise, or facilitate a political agreement.
- **Diplomatic Negotiation:** This is a method of peaceful settlement. It can be defined as the attempt to explore and reconcile conflicting positions among states in order to reach an acceptable outcome for all the parties in areas of common interest.
- **Sustainable Diplomacy:** This advocates that instead of promoting the particular interest of states diplomacy it has a concern on general interests of the whole humanity.
- Several kinds of diplomacy has been in practice differing from regions and stae practices.
- Both bilateral and multilateral diplomatic practices.

# Diplomatic relations

Diplomatic relations between states

Great Power Diplomacy

Middle Power Diplomacy

Small state diplomacy

European Union Diplomacy

American Diplomacy

Russian Post-Soviet Diplomacy

China's Diplomacy

Diplomacy in East Asia

Middle East Diplomacy

African Diplomacy

Southern African Diplomacy

Developing states diplomacy

# Types of Diplomatic Engagement includes

Public diplomacy

Quiet and secret diplomacy

Crisis diplomacy

Coercive diplomacy

Revolutionary diplomacy

Conference diplomacy

City diplomacy

Citizen diplomacy

Digital diplomacy

Economic diplomacy

# Contd

- Business diplomacy
- Religion and diplomacy
- Military diplomacy
- Environmental diplomacy
- Sports Diplomacy
- Science diplomacy
- Indigenous diplomacy
- Pariah diplomacy

# Colin L. Powell on diplomacy

Principle of diplomacy ;

1. Diplomacy concerns the relationship between persuasion and the power to coerce others. The coercion can be whether by military means or economic means.

This principle emphasizes that power is necessary condition for enduring foreign- policy success but it is not the sufficient one. Power is considered important. This principle mentions that Diplomacy is persuasion in the shadow of power.

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2. Policy success comes more easily when more skilled actors work to achieve than to work against to prevent it.

The diplomacy focuses on coalitions also so that one's power and reputations are multiplied.

The diplomacy should have a quality to use power to benefit oneself and others.

3. Success in diplomacy is often most advantageous when it is incomplete.

# Migration Diplomacy

- The concept of migration diplomacy refers to state actions.
- It also explores on how cross-border population mobility is linked to states diplomatic aims.
- The state if it includes overall migration policies as part or their foreign relations and diplomacy than migration diplomacy exists.
- Sometimes migration diplomacy can be a tool during interstates bargaining processes.
- Migration diplomacy highlights the importance of the management of cross-border mobility as an international issue
- Migration diplomacy describes states use of diplomatic tools, processes and procedures to manage cross-border population mobility.

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- Migration diplomacy has similar functions as traditional diplomacy.
- It is also shaped by the interests of and existing power relations between states.

Immigration diplomacy: Focuses in managing the inflows of people.

Emigration diplomacy: Focuses on the outflow of people.

Transit migration diplomacy: The transit countries are neither countries of origin nor destination countries. These countries engage in transit migration diplomacy because of their geopolitical location in the migration route.

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- States can engage in migration diplomacy with other states in order to expel, deport or transfer individuals or groups in considerations to the security concerns and national interests.
- Migration diplomacy was used as a nation-building purposes in the 1947 partition of India. More than 14 million were forcefully displaced and religious values created Republic of India and Islamic Republic of Pakistan.
- Some other issues included in migration diplomacy is that bilateral extradition treaties
- States also can use forms of migration diplomacy to achieve economic aims.

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- Singapore has developed a migration diplomacy policy.
- The policy clearly focuses on the recruitment of foreign talent and foreign workers from abroad categorizing as per skilled and unskilled labor requirements.
- Singapore has large population of migrants in Southeast Asia.
- The other example includes 2016 EU-Turkey agreement and the Jordan Compact.
- These both focused on economic interests.
- The Jordan compact focused on economic benefits for Jordan in terms of foreign direct investment (FDI) to special economic zones (SEZs) and tariff and quota free access to the single EU market for good produced within SEZs by a labor force that is at least 15 % Syrian (Wickramasekara,2015).

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- Exchange for cash for migration control is also seen in migration diplomacy for joint patrols and repatriation. (Spain promised money and favors; repatriating Senegalese irregular migrants from the Spanish Canary Islands.
- The migration diplomacy can be used as a soft power.
- It can be used to achieve public diplomacy.
- Migration diplomacy is a multifaceted process in terms of actors involved and the strategies employed.
- It highlights on the multiple effects of cross-border population mobility; prioritizing both on domestic politics and also states international relations.

# Labour Diplomacy

- It is a major tool for economic growth and development of a country.
- It basically promotes soft power and it enhances diplomatic skills.
- It also emphasizes in achieving national interests, as economic activities , migrants and diasporas are considered important.
- Nepal is one of the major Labour sending countries to the Gulf countries and Malaysia.
- What governs foreign Labour migration is ; national legal frameworks and bilateral and international policy instruments.
- Labour Diplomacy can be an initiation to develop a protection framework for foreign Labour migrants.

# Understanding Labour Diplomacy

- The state might be origin, destination or transit.
- The meaning, purpose and mechanisms of Labour diplomacy varies thus according to the state being a origin, transit or destination countries.
- The differences in migration governance can be viewed in regards to the role state plays being a origin, destination or transit state.
- Labour diplomacy is considered an important economic tool.
- Furthermore Labour diplomacy also prioritizes on the human rights discourses in considerations to Labour rights.

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- Labour diplomacy is not only the use of diplomatic tools but also the use of strategies, processes and methods to achieve the objectives of migration.
- The bilateral agreements and memoranda of understandings on migration are diplomatic tools used by states to manage low-skilled labor in destination countries.
- The labor migration is not a new phenomena. The globalization created path and increased the rapid movement of economic migrants crossing the border.
- The migration diplomacy and Labour diplomacy are termed used interchangeably.

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The policy of the state needs to draw a line between issues that connect to migration diplomacy, such as tariff rules, internal displacement and diaspora politics and actual diplomatic relations and undertakings between states

( Adamson & Tsourapas,2018)

- Connection between migration diplomacy in considerations to issues such as refugee rules, IDPs, diaspora politics needs to be separated with actual diplomatic initiatives between states.

# Economy and Diplomacy

- The linkages occurs between Labour diplomacy and Labour migration governance in Nepal.

The major source of economy, remittance has a large contribution.

Remittance besides supporting households has prominent role in country's foreign exchange earnings.

According, to Central Bank of Nepal more than half the country's foreign exchange is covered by remittance.

The diplomatic efforts have been taken by Government of Nepal with the destination countries.

The risk-free employment opportunities is a major concern.

The sustainable remittance use is another challenges for the Government of Nepal.

# Governance of Nepali Labour Migration

- International actors and national actors both govern the Labour migration.
- The various layers of governing bodies have been developed to regulate and manage Labour migration.
- Ministry of Labour, Employment and Social Security is an apex body with several departments to work on the concern of Labour migration
- The Federal structure of the country also has incorporated the regulatory mechanisms for Labour migration.
- Furthermore, collaborations and cooperation's is done with the diverse private entities in regards to safe foreign Labour migration .
- The Ministry of Foreign Affairs(MoFA) handles Labour diplomacy and Nepal Rasta Bank ( NRB); the central bank manages and regulates the remittance industry.

# Labour Migration Agreements

- This is an important diplomatic initiatives to regulate Labour migration.
- Bilateral dialogues and agreements protects the migrant workers in the countries of destination.
- Bilateral Labor Migration Agreements (BLMAs) ensures the human rights of workers
- The sound BLMAs , standard employment contracts and understanding between countries of origin and destination are instrumental in making Labour migration safe, orderly and regular.
- Basically, bilateral Labour agreements and memoranda of understanding between countries of origin and destination guide the overall procedures of Labour migration.

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The Foreign Employment Act, 2007 empowers and encourages Government of Nepal to proceed with bilateral agreements with countries where Nepali workers migrate or are likely to migrate.

This act also assigns power to the government to send workers on its own or through a governmental agency by signing a treaty or agreements with countries Nepal has diplomatic relations.

This is government-to-government (G2G) model of migration.

Nepal has also entered into agreement with several countries on the issue of Labour migration.

The agreements also has been categorized

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1. The agreements in which employment process is determined through G2G model . This includes three countries; Israel, Japan and South Korea.
2. The agreement in which the employment process is managed through private recruitment agencies. This includes Bahrain, Jordan, Malaysia, Mauritius, Qatar and the UAE.

Documents include issues such as recruitment, service charges, employment and repatriation of workers, two-way airfare, visa fee, health check-up, security screening and charges levied and other.

In addition, the provisions also includes accommodation, health check-up and security of workers during contract period.

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-Differences in agreement can be seen however the common provisions can also be a highlight of the agreements.

This is because it adopts the global discourses set by International Labour Organization (ILO), General Principles and Operational guidelines for Fair recruitment (GPOG), International Organization for Migration (IOM), International Recruitment Integrity System (IRIS) and principles and objectives by Global Compact on Migration .

# Agreements with Countries of Destination

## 1. United Kingdom in 2022

Memorandum of Understanding between the Government of Nepal and the Government of United Kingdom of Great Britain and Northern Ireland on the Recruitment of HealthCare Professionals.

## 2. Israel in 2020

Agreement between the Government of the State of Israel and the Government of Nepal on the Temporary Employment of Nepali Workers in Specific Labour Market Sectors in the State of Israel .

## 3. UAE in 2007/2019

Memorandum of Understanding between the Government of Nepal and the Government of United Arab Emirates in the Recruitment, Employment and Repatriation of Workers.

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## 4. Mauritius 2019

Memorandum of Understanding between the Government of Nepal and the Government of the Republic of Mauritius on the Recruitment and Employment of Workers from Nepal.

## 5. Japan 2019

Memorandum of Cooperation between the Ministry of Justice, the Ministry of Foreign Affairs, the Ministry of Health, Labour and Welfare and the National Police Agency of Japan and the Ministry of Labour, Employment and Social Security of the Government of Nepal on a Basic Framework for Information Partnership for Proper Operation of the System Pertaining to Foreign Human Resources with the Status of Residence of Specified Skilled Worker.

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## 6. Malaysia 2018

Memorandum of Understanding between the Government of Nepal and the Government of Malaysia on the Recruitment , Employment and Repatriation of Workers.

## 7. Jordan 2017

General Agreement in the Field of Manpower Between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal

## 8. Japan 2009

Directive for Sending Nepalese Technical Interns to Japan

## 9. Bahrain 2008

Memorandum of Understanding in the Areas of Labour and Occupational Training between the Government of Nepal and the Government of Nepal and the Government of the Kingdom of Bahrain.

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## 10. Republic of Korea (2007)

Memorandum of Understanding between the Ministry of Labour and Transport Management, Government of Nepal and the Ministry of Labour of the Republic of Korea on the Sending of Workers to the Republic of Korea under the Employment Permit System.

## 11. Qatar 2005

Agreement between His Majesty's Government of Nepal and the Government of the State of Qatar concerning Nepalese Manpower Employment in the State of Qatar.

# Provisions in the agreement

- The Government of Nepal in the agreements with Jordan Mauritius, the UAE and the UK has strongly advocated for the 'employers pays' principles.

This means workers do not have to pay any costs and fees in their recruitment processes.

- The BLMAs with countries such as; Bahrain,Japan,Malaysia,Mauritius,Qatar, South Korea and the UAE has provisions for Standard Employment Contracts. These contracts focuses on minimum standards set by Government of Nepal in the terms and conditions of employment.
- The agreements also includes the roles and responsibilities of the governments of the country of destination, recruitment agencies and in some case even the roles and responsibilities of employers.

# Provisions in the agreement

- The provision for dispute settlement also exists in the agreement.
- The dispute settlement can be done by use of good faith with each others.
- In addition , the formal arbitration can be carried out by concerned judicial authorities.
- The agreement with Mauritius had provisions of free legal services including representation and translation services.
- The agreement with the UAE has a provisions for granting no-cost access to the Labour court to distressed Nepali Workers.
- The agreements with Bahrain, Jordan, Mauritius and the UAE has prioritized the investing in skills development of migrant workers in Nepal. It also focuses on ensuring programs related to skills development that are relevant to the country of destination.

# Provisions in agreement

- The provisions encourages fair treatment of workers and non-discrimination practice in wage and non-wage benefit, legal remedies and freedom of movement.
- The agreement also allows workers to switch or change employers in certain cases. These cases includes mistreatment of the worker by employer and the closure of employer's business.
- Further, the agreement has tried to provide guarantees of international human rights and Labour rights of migrant workers. Few example includes; allowing special leave to visit Nepal in the event of demise of a family member.
- Safety, security and welfare of women workers in regards to their special needs is also a concern in the agreements.

# Provisions in agreement

- The employers are required to pay for health and accidental insurance and medical fees of the workers.
- The cooperation regarding mutually recognized medical examination ; standards and procedures.
- Agreements require all the migrant workers to have proof of legal identity and adequate documentations.
- The Occupational health and safety measures also is emphasized in the agreement.
- Dignified repatriation of worker in case of death along with timely settlement of salary, overtime pay and other benefits.
- The agreements also have a provision for establishing a joint working group ( or joint committee) with representatives from two countries.

# Joint Committee

- These committee are formed to ensure proper implementation and monitoring of the agreement.
- Also to recommend amendments if needed.
- Government of Nepal has prioritized these meetings with the government of countries of destination.
- Recent Joint working group/committee meetings includes;

## 1.Nepal-UAE joint Working Committee

It took place in 15 March, 2022 in Abu Dhabi

Major issues discussed were regarding social security of workers in the UAE, their safety in the workplace, arrangement of health services and insurance, skills development, increase in salary and resolving problems of Nepalese who are in the UAE on tourist visas and stranded there.

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## 2.Nepal-Qatar Joint Working Committee

It took place in 3 December,2021 in Kathmandu

The major issues discussed was on revising Labour agreement signed in 2005.

Providing employment to Nepali domestic and agricultural workers in Qatar

Extending the Qatar Visa Center (QVC) in Kathmandu to provinces

Introducing initiatives to minimize the impact of COVID-19 on labour migration

Supporting the reintegration of returning migrant workers

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## 3. Nepal-South Korea Bilateral Consultation Mechanism

It took place in 9 November, 2021 in Kathmandu

The issues discussed were regarding ;

The renewal of the MoU on the Employment Permit System(EPS)

Increasing quotas provided to Nepal under EPS

Making way for Nepali workers who passed the Korean Language proficiency test to travel to South Korea.

- Nepal has begun prioritizing newer destinations. The G2G agreement talks have been initiated with Poland, Romania and Seychelles.
- The Five year strategy (2019/20-2023/24) of MoLESS has aimed to negotiate with more countries of destination.

# Ministry of Foreign Affairs

- Responsible for protecting the rights, interests and security of Nepalese, including migrant workers living abroad.
- Diplomatic missions in countries of destination provide support to migrant workers using diverse approaches as per the situational demands.
- MoLESS also appoints Labour attaché and labor counsellors to the countries with 5000 or more Nepali migrant workers.
- Also, government appoints a woman labour attaché in countries where there are 1000 or more women migrant workers.

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- Labor attachés in 7 countries of destinations: Bahrain, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia (Jeddah) and the United Arab Emirates (UAE).
- Labour counsellors are in 5 countries: South Korea, the UAE, Qatar, Saudi Arabia (Riyadh) and Malaysia.
- Their responsibilities is to assist in issues related to migrant workers ; which basically includes dispute resolutions, providing counselling and many other relevant support.
- Department of Passport under MoFA focuses on the renew and reapply for the passports.
- Department of Consular Services at the destination has a main role of assistance; it includes search and rescue works, repatriation of dead bodies, grievances handling , document related issues and other relevant specific issues.

- Embassy has a major role in the destination country as these institution has an effective role to perform
- The staff at the mission has a role in negotiating and managing issues of migrant workers.
- Labour diplomacy is an integral aspect.

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