

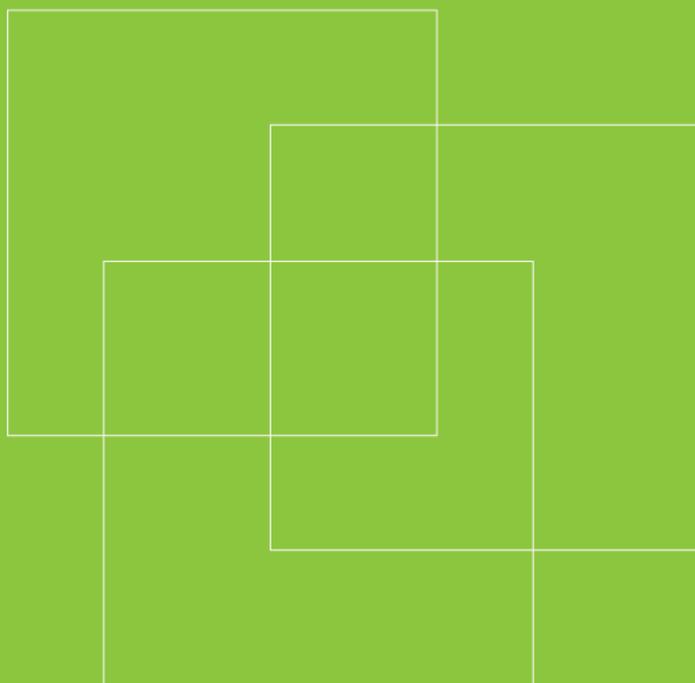
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Labour migration for decent work in Afghanistan: Issues and challenges

Piyasiri Wickramasekara and Nilim Baruah



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by

Piyasiri Wickramasekara
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ILO Regional Office for Asia and the Pacific

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Abbreviations

ANDS	Afghanistan National Development Strategy
AREU	Afghanistan Research and Evaluation Unit
AVRR	assisted voluntary return and reintegration
CMI	Christian Michelson Institute
CSO	Central Statistics Office
CSSR	Collective for Social Science Research
EU	European Union
FDI	Foreign direct investment
GCC	Gulf Cooperation Council
GCIM	Global Commission on International Migration
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IOM	International Organization for Migration
LMI	labour market information
MoLSAMD	Ministry of Labour, Social Affairs, Martyrs and Disabled
MoRD	Ministry of Rehabilitation and Development
MoRR	Ministry of Repatriation and Reintegration
MOU	memorandum of understanding
NPP	National Priority Programme
NRVA	National Risk and Vulnerability Assessment
PRIO	Peace Research Institute Oslo
RARQSA	Return and Reintegration of Qualified and Skilled Afghans residing in Iran
RECCA IV	Fourth Regional Economic Cooperation Conference on Afghanistan
The Regulation	Regulation for Sending Afghan Workers to Abroad (2005a)
RQA	Return of Qualified Afghans

The Statutes	Statutes on the Employment of Foreign Citizens in Afghanistan Organizations
TRQN	Temporary Return of Qualified Nationals
UNHCR	Office of the United Nations High Commissioner for Refugees
UN TWG	United Nations Asia-Pacific Regional Cooperation Mechanism Thematic Working Group on International Migration including Human Trafficking

1. Introduction¹

Afghanistan has made great strides in economic and social development since the return of relative peace. Yet it still remains one of the world's least developed countries, with more than one-third of the population living below the poverty line, more than half vulnerable and at serious risk of falling into poverty, and three-quarters illiterate (Hogg, et al., 2013). While measured unemployment rates may be low, the lack of decent work reflected in high underemployment, high precarious/casual employment, and working poverty highlight the poor state of the Afghan labour market (ILO, 2012b). The main challenges lie in creating work opportunities to absorb new labour market entrants (estimated at 500,000 per year), overseeing the transition of the large informal sector, improving the quality of employment, and addressing the low educational and skill levels of the workforce, all amid growing concerns about political stability and security.

Migration is nothing new to Afghanistan, as it has persisted for decades under various forms. From the late 1970s onwards, there have been massive outflows of Afghan refugees to many regions, but mainly to the neighbouring Islamic Republic of Iran and to Pakistan. In addition, there have been continuous movements of Afghan workers to both these countries. The return of peace, democracy, and relative political stability in Afghanistan have led to a substantial return of Afghan refugees and internally displaced persons – but this has not meant an end to the migration cycle in Afghanistan. Return has been followed by continued mobility – both internally and across borders.

It is in this context that policy-makers are looking at the potential of labour migration as a safety valve for local unemployment pressures, a means to diversify livelihoods, and a source of income (remittances) to alleviate poverty and promote development. *The Afghanistan Compact* – the outcome of the 2006 London Conference on Afghanistan – recognized this by stipulating that Afghanistan, its neighbours, and other countries in the region would reach agreements by 2010 to enable Afghanistan to “import” skilled labour and to enable Afghans to seek work in the region and send remittances home (London Conference on Afghanistan, 2006).

The five theme areas of the Afghan Government's 22 National Priority Programs (NPPs)² – Peace Reconciliation, Security, Good Governance, Economic Development, and Regional and Global Cooperation – are all relevant for migration. For instance, security and economic development would promote return of the diaspora and displaced migrants, and regional cooperation can eventually facilitate a regional labour market for Afghan workers. More specifically, NPP 1 focuses on “Promotion of employment opportunities for Afghan workers abroad” as a priority activity (Government of Afghanistan, 2010a). The Decent Work Country Programme of the Afghan Government and the International Labour Organization (ILO) for the period 2010-15 has identified “Promoting productive employment through LMI [labour market information]

¹ Revised and expanded version of background paper prepared for the World Bank-ILO Conference on “Creating Sustainable Jobs in Afghanistan”, 7-8 May 2013, Kabul, Afghanistan.

² As elaborated at the 2010 Kabul Conference.

and skills development” as Country Priority 1 (MoLSAMD & ILO, 2010, p. 9). And the related Outcome 1.4 refers to “Enhanced economic empowerment of vulnerable groups especially women, ex-combatants, returnee migrants and people with disabilities” (MoLSAMD & ILO, 2010, p. 15).

2. Trends and profile of migration from Afghanistan

2.1 Data issues

At the outset, it should be noted that systematic data on labour migration does not exist in Afghanistan compared to most other origin countries in the region. Regular collection of data through administrative sources is almost non-existent, while specific information generated through specialized surveys may not be representative of the overall situation. This is due to several reasons: the limited capacity of government agencies to collect and process data; the virtual absence of legal channels for migration for employment; the mixed character of population mobility; and the largely informal and irregular nature of mobility across borders. This also makes estimating the profile of migrant workers in terms of age, sex, skills and occupations, and destinations quite difficult. However, research supported by various international agencies and governments in recent years has partly rectified this situation, especially with regard to information on refugees and returning migrants.

2.2 Labour migration

Labour migration to neighbouring countries has been a long-standing major livelihood strategy and safety valve for many poor Afghan households. A 2012 ILO commissioned study on the state of employment in Afghanistan made the following observation:

Labour migration is unlikely to end, as it is a key livelihoods strategy for Afghans. They perceive higher employment opportunities and more advantageous wage differentials in [Islamic Republic of] Iran than in Afghanistan. Most of the migrants are adult men traveling alone, either the heads of households or the sons of the households. The main instigator for this migration, across different profiles, is the difficulty of families to meet basic livelihood needs. Migration becomes a way to provide for immediate needs, to diversify and to ease the strain put on family income. (ILO, 2012b, p. 38).

The National Risk and Vulnerability Assessment (NRVA) surveys are one of the important sources providing information on Afghan labour migration. Four surveys have been conducted to date (2003, 2005, 2007/08, and 2012), but the latest NRVA survey results for 2012 are yet to be released. This paper has drawn upon data from the 2007/08 survey report (MoRR & CSO, 2009). The definition of “migrants” and “labour migrants” adopted in the 2007/08 survey is provided

in Annex I. The definition of “labour migrant” (hereafter, migrant worker)³ is based on the original intention of workers when they moved, and not on actual employment. The 2005 NRVA distinguished between seasonal and permanent migrants only (MoRD & CSO, 2007).

Table 1 summarizes the information on migration from the 2007/08 NRVA survey. As expected, not all migrants move for employment: 61 per cent of returnees are workers, while 81 per cent of out-migrants are workers. Being a household survey, NRVA data also tends to underestimate migration when entire households move.

As far as international migration is concerned, Table 1 shows that 46 per cent of all in-migrants and 76 per cent of all out-migrants had crossed borders. When considering only migrant workers, the percentages are higher, with 87 per cent of outgoing migrant workers heading to foreign countries and 55 per cent of returning workers coming home from abroad. Most of this movement was to the Islamic Republic of Iran, with two-thirds of outgoing migrant workers moving there. Movement to the Arabian Peninsula has also become important, accounting for 12 per cent of outgoing and returning migrant workers. According to the survey, “Labour migration is an almost exclusively male phenomenon: 94 per cent of labour in-migrants are men, compared to 77 per cent of all in-migrants (and to 51 per cent of the total population aged 16 or older)” (MoRR & CSO, 2009, p. 35).

³ ILO uses the term “migrant workers” to refer to those migrating for employment, rather than using the term “labour migrant”, which attributes a single motive to those migrating.

Table 1: Place of origin of migrants and “labour migrants” 2007/08 NRVA

Place of origin	In-migrants		Out-migrants		Labour in-migrants		Labour out-migrants	
	No (000s)	% of total	No (000s)	% of total	No (000s)	% of total	No (000s)	% of total
Same province, urban	77	10.5	19	6.0	16	3.6	7	2.8
Same province, rural	79	10.8	28	8.9	21	4.7	7	2.8
Other province, urban	119	16.3	22	7.0	85	19.2	16	6.3
Other province, rural	118	16.2	6	1.9	76	17.2	3	1.2
Within Afghanistan	393	53.8	75	23.8	198	44.7	33	13.0
Pakistan	102	14.0	17	5.4	34	7.7	11	4.3
Iran. Islamic Rep. of	228	31.2	175	55.6	205	46.3	169	66.5
Arabian Peninsula	2	0.3	32	10.2	2	0.5	31	12.2
Other country	5	0.7	15	4.8	2	0.5	10	3.9
Outside Afghanistan	337	46.2	239	75.9	243	54.9	221	87.0
Total	730	100	315	100	443	100	254	100

Source: Based on Ministry of Rehabilitation and Repatriation and Central Statistics Office, 2009.

The NRVA 2007/08 highlighted:

Most out-migration is work-related, four out of five out-migrants leave for work elsewhere. This is particularly true for the international destinations, and it forms a clear indicator of poverty and the lack of local income-generating opportunities. For rural and short-distance urban migrants, marriage is an important reason to migrate, while for those heading for the towns education plays a role. Security and protection is an important motive for intra-provincial migrants. Pakistan as well as countries outside the region attract students. (MoRR & CSO, 2009, p. 20)

Compared to returning migrant workers, outbound migrant workers are more concentrated in the age group 15-24, and few outbound men are over the age of 40 (see Table 2).

Table 2: Age distribution of 'labour migrants', by sex (by percentage)

Age	Male		Female	
	In-migrants	Out-migrants	In-migrants	Out-migrants
15-24	29	49	28	35
25-39	50	42	42	33
40+	21	9	31	32
Total	100	100	100	100

Source: NRVA 2007/08.

The bulk of recent movements are for temporary, seasonal, and circular migration. The returnees are mostly from Pakistan and the Islamic Republic of Iran, where there is increasing pressure by the authorities to send Afghan migrant workers back. Research also highlights that circular migrations, in the sense of repetitive movements of a short or temporary nature, are common. Most of this earlier research did not use the term “circular migration”, but instead used terms such as “back and forth movements” or “transnational mobility”, which seem to capture the essence of the process (Monsutti, et al, 2006; MoRR & CSO, 2009; UNHCR, 2009).

In fact, repatriation in the Afghan context does not imply the end of migratory movements, especially in more recent years. The probability of further departures, at least of some household members, is high due to the use of migration as a strategy to secure livelihoods (Monsutti, et al, 2006, p. 1).

A 2009 study carried out by Altai Consulting for the United Nations High Commissioner for Refugees (UNHCR) on cross-border movements from Afghanistan to Pakistan showed that such movements were frequent and had mixed motives. The study concluded that “migration is a way of life for many Afghans and is used as a livelihoods strategy” (UNHCR, 2009, p. 4). These movements show a pattern of mixed motivations, and travel is “both socially (40.0 %) and economically (32.9 %) motivated” (Altai Consulting, 2009, p.3). The study also found that there was substantial under-registration of cross-border movements by Afghan authorities. The vast majority of border crossings were not being recorded, because individuals and entire families did not report their movement at border posts, preferring instead to cross the border freely and easily, without showing either passport or justifying a visa to enter Pakistan. During just one morning (11 Sep. 2008), the actual entries into Pakistan through the Torkham border were 12,934 and the actual exits 23,934, but the official records enumerated only 150 entries and 138 exits (UNHCR, 2009, p. 20).

A recent Afghanistan Research and Evaluation Unit (AREU) study of Balkh province in Afghanistan noted: “Migration to [the Islamic Republic of] Iran has become a less attractive livelihood option due to regional political dynamics, increasing restrictions on Afghans in [the Islamic Republic of] Iran, and the roughly one-third fall in the value of the rial since January 2009 due to western

sanctions. This will reduce remittances and may increase the number of unemployed in rural areas.” (Fishstein, et al., 2013, p. 2)

There are now increasing migration movements beyond the Islamic Republic of Iran and Pakistan, particularly to the Gulf region, and 2007/08 NRVA data show that 12 per cent of Afghan labour migration was to the Arabian Peninsula (Table 1). There is no data to assess the extent of actual flows, but it is to be expected that it is mostly young male workers who are migrating to the Gulf and the Middle East. The 2005 NRVA reported about 61,000 migrants to the Arabian Peninsula divided almost equally between seasonal and permanent migrants (MoRD & CSO, 2007). The report, however, does not provide definitions of seasonal and permanent migrants. Permanent migration to the Arabian Peninsula, especially Gulf Cooperation Council (GCC) countries, is not possible for foreign workers given their strict immigration laws and regulations. Similarly, it is temporary rather than seasonal migration which is predominant in these countries. This casts doubt on the validity of the 2005 NRVA findings.

Overfeld and Zumot (2010) reported unverified estimates that at least 53,000 Afghan workers using Pakistani passports were hired in the United Arab Emirates in 2010. This may also imply that Pakistan is a first leg for Afghans migrating to Gulf countries. Their report also mentions that Afghan Government sources (informally) estimate more than 100,000 Afghan workers to be working in GCC countries.

Afghanistan has signed a labour migration agreement with Qatar, and in 2007, a delegation of officials from the Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD) and other agencies went on a high level mission to promote labour migration to Saudi Arabia. The impact of these initiatives on actual migration flows is not known.

2.3 Irregular migration

While the ILO has not formally defined “irregular migration”, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, considers migrant workers as being in an undocumented or irregular situation if they have not been authorized to enter, stay, and work pursuant to the law of the destination country (ILO, 2010). Irregular migration can range from simple unauthorized border crossings for work to forced labour through trafficking and smuggling of human beings. Irregularities in migration can occur at every stage of the migration process – pre-departure, transit, destination, and return (Wickramasekara, 2013).

Irregular movements by Afghan migrants largely consist of cross-border movements into the neighbouring countries of the Islamic Republic of Iran and Pakistan. In the case of Pakistan, migrants may not even be aware they are engaging in irregular migration, given existing transnational networks and social contacts. As several surveys reveal, these movements are mixed migration movements motivated in part by short-term and longer-term employment.

At the same time, trafficking and smuggling networks are active in exploiting the poverty and lack of resources of many Afghan families. This is notably the case on the Afghanistan- The Islamic Republic of Iran border, where crossing the border is often only possible with the assistance of a smuggler. As the Altai Consulting (2008) study showed, smugglers offer “re-entry packages”, by which they commit to taking the travellers to the Islamic Republic of Iran up to three times for the same price and each time within days of the last deportation date in a situation of increasing border controls and restrictions set by the Government of the Islamic Republic of Iran.

Afghanistan faces a considerable human trafficking problem as a country of origin, transit and destination for the trafficking of women and children. As a landlocked country sharing borders with six countries with inadequate border controls, widespread poverty, and an increasingly sophisticated and well-funded transnational crime network, Afghanistan offers an environment conducive to human trafficking. (UN TWG 2012)

Afghanistan has not ratified the Palermo Protocols (2000) on trafficking in persons or smuggling of human beings. At a December 2011 workshop on the *Reintegration of Returnees in Afghanistan* led by the Afghanistan Ministry of Repatriation and Reintegration (MoRR), information on trafficking was singled out as one of the prominent knowledge gaps (Majidi & Schmeidl, 2011). The economic manipulation of individuals into forced labour in Afghanistan, the Islamic Republic of Iran, or Pakistan in the construction, carpet weaving, and agricultural sectors has been highlighted as a trafficking trend in previous studies (IOM, 2004; 2008).

As mentioned above, Overfeld and Zumot (2010) stated that most Afghan workers in Gulf countries often hold fake Pakistani passports, which is a clear indication of irregular migration. As far back as 2002, UNHCR reported 2,500 Afghan persons had been imprisoned in Dubai for more than a year after having been found to be in irregular status, and 750 of them were deported back to Afghanistan in the same year (UNHCR, 2002).

Beyond these countries, it has been common for Afghan persons to migrate as asylum seekers to developed destinations in Europe as well as Australia and North America. In 2011, 45,000 Afghan persons were found to be “illegally present” in the European Union (EU)/European Economic Area, and 37,000 were ordered to leave that same region (Table 3). The presence of unaccompanied minors is another dimension, with major implications for protection issues, and Eurostat reported 4,600 minor asylum seekers from Afghanistan in 2009 (International Centre for Migration Policy Development (ICMPD) and Austrian Federal Asylum Office (2011)).

Table 3: European Union/European Economic Area: Indicators of irregular migration from Afghanistan

Category	2008	2009	2010	2011
Illegally present	49 780	49 755	41 410	45 475
Refused entry at the external borders	595	465	440	495
Ordered to leave	40 155	34 940	37 580	36 645
Persons returned	1 990	6 745	4 010	5 505
Asylum seekers in industrialized countries*	18 453	26 803	26 619	36 247

Source: compiled from Eurostat database; * UNHCR data.

2.4 Return migration

The concept of return migration also has to be interpreted somewhat differently in the context of Afghanistan. Firstly, most of the returns have consisted of the repatriation of refugees. Since 2002, return migration to Afghanistan has been significant, with over 5.7 million people returning to the country, the majority of whom are repatriating refugees from Pakistan and the Islamic Republic of Iran (UNHCR & Swiss Federal Office for Foreign Affairs, 2012a). Secondly, it is believed that a sizeable number of returnees attempt to migrate again – with one or more family members leaving again. Thirdly, over the past decade, some of these return flows have shifted from repatriating refugees to circular migrants moving for employment purposes.

Returnees may comprise distinct categories depending on their profiles: voluntary or spontaneous returnees, deported returnees, diaspora returnees from developed countries, and skilled returnees under special programmes. Some of the voluntary returnees, however, may in actual fact be rejected asylum-seekers and migrant workers with irregular status who had no voluntary option to remain in destination countries (Wickramasekara, 2009b). With regard to policy concerns, deported low-skilled returnees may comprise the most vulnerable category (Schuster & Majidi, 2013). Returnees also include migrant workers in informal temporary or circular migration movements.

The Afghan Solutions Strategy Joint Communiqué formulated by the UNHCR with Afghanistan, the Islamic Republic of Iran, and Pakistan summarizes the situation as follows:

The Islamic Republic of Iran and the Islamic Republic of Pakistan have hosted millions of Afghan refugees for more than three decades. During the last 10 years, over 5.7 million Afghan refugees have returned to Afghanistan, constituting nearly a quarter of the current Afghan population. There are still approximately three million registered Afghan refugees in neighbouring Pakistan

(nearly two million) and the Islamic Republic of Iran (nearly one million), making this one of the largest protracted refugee situations in the world. This situation requires continued efforts to facilitate voluntary repatriation and support to reintegration in Afghanistan (UNHCR & Swiss Federal Office for Foreign Affairs, 2012b, p. 1).

Table 4 provides information on annual returns from 2002 up through 2012. This represents assisted repatriation, and the trend is for years of high returns followed by a decline in annual levels since 2009.

Table 4: Annual returns to Afghanistan - 2002 to 2012 (numbers of persons)

Year	Pakistan	Iran, Islamic Rep. of	Total
2002	1 565 066	259 792	1 824 858
2003	332 183	142 280	474 463
2004	383 321	377 151	760 472
2005	449 391	63 559	512 950
2006	133 338	5 264	138 602
2007	357 635	7 054	364 689
2008	274 200	3 656	277 856
2009	48 320	6 028	54 348
2010	104 331	8 487	112 818
2011	48 998	18 851	67 849
2012	79 435	15 035	94 470
Total	3 776 218	907 157	4 683 375

Source: UNHCR, 2013.

Reluctance to return to the homeland is a common phenomenon among Afghan migrants which has many underlying causes, such as housing problems, livelihood problems, security factors, and other personal reasons. The profile of Afghans who remain in the Islamic Republic of Iran and Pakistan is of families who have been in exile for over 20 years as well as a mainly young population representing a second generation who were born in exile and have hardly any links to Afghanistan. The majority of those who remain abroad cite lack of shelter, land, security problems, and lack of livelihood opportunities as impediments to returning, as shown in Table 5 below.

Table 5: Reasons given by Afghan refugees in Pakistan for not intending to return to Afghanistan – 2005

Reason	Number of Migrants	%
Shelter	1 440 363	57.2
Livelihood	458 503	18.2
Security	447 247	17.8
Personal	78 565	3.1
Other	92 880	3.7

Source: Government of Pakistan and UNHCR, 2005.

Table 4 shows only voluntary returns, but there are forced returns or deportations of Afghans both from the Islamic Republic of Iran and Pakistan as well as from Europe, North America, and Australia on a continuing basis. In 2012, the Islamic Republic of Iran deported a total of 258,146 Afghans, averaging 705 persons per day. The vast majority of deportees (98 per cent) were single males who entered the Islamic Republic of Iran irregularly to look for work. The deportees are in a more vulnerable situation, having returned without any assets or savings (Altai Consulting, 2008; Schuster & Majidi, 2013). Recent trends raise protection concerns with regard to the deportation of unregistered Afghan families who lost their refugee status for administrative reasons – most notably at the Afghan-Iranian border (Kuschminder & Majidi, 2012) – and with regard to the deportation of registered families living in “No Go” Areas.⁴

⁴ In September 2007, the Government of the Islamic Republic of Iran adopted a by-law on the “Determination of Areas restricted for the Movement and Stay of Foreign Nationals in Border areas of the Country”, marking the legal implementation of the “No-Go Area Policy”. On security grounds, districts bordering Afghanistan and Pakistan were classified as restricted zones for all foreign residents. The No-Go areas have been gradually expanded putting many registered Afghan families subject to the risk of deportation (see Altai Consulting 2008: Box 2 on p. 14)

Table 6: Deportation of undocumented Afghans from the Islamic Republic of Iran (numbers of persons)

Year	Afghans deported
2002	42 360
2003	53 897
2004	79 410
2005	95 845
2006	146 387
2007	363 369
2008	360 000
2009	322 028
2010	288 662
2011	211 023
2012	258 146

Source: 2002-2007: Altai Consulting 2008, 2008: IRIN 2008; 2009 – 2012: UNHCR 2012 Volrep and border monitoring reports.

A more worrying trend is the deportation of unaccompanied Afghan children by the United Kingdom and other European countries back to Afghanistan without adequate safeguards for their security and human rights (UNHCR, 2010; IRIN 2010). A similar situation is being reported from the Islamic Republic of Iran recently. According to Afghanistan’s Independent Human Rights Commission, more than 1,000 Afghan children have been forcibly deported by authorities of the Islamic Republic of Iran since the beginning of April, apparently to pressurise Afghan families to return (Radio Free Afghanistan, 2013).

2.5 Circular migration

Circular migration can be defined as “temporary movements of a repetitive character either formally or informally across borders, usually for work, involving the same migrants. [...] ‘Spontaneous circular migration’ occurs when migrants from origin countries or the diaspora in destination countries, engage in back and forth movements” (Wickramasekara, 2011, p. 1). The other mode of circular migration relates to managed or regulated circular migration programmes between an origin country and a destination country, usually through bilateral agreements or memoranda of understanding (MOUs).

However, Afghanistan does not currently have formal circular migration programmes; instead, there are noted patterns of informal circular movements (Stigter & Monsutti, 2005; Monsutti, et al, 2006; UNHCR, 2009; AERU & CSSR, 2006). Given existing wage differentials between the Islamic Republic of Iran and Afghanistan, with average salaries being four times higher in the former (Altai Consulting, 2008), the certain probability of securing employment, and the low

costs of migration, Afghans migrate for one or more years abroad, and return home for settlement, periods of rest, recuperation, and family visits. On the Pakistani side, Afghans aim for short-term employment fixes when there are no livelihood opportunities available at home (UNHCR, 2009). In both cases, labour migration is intended to be time-bound and circular.

3. Institutional and legislative framework for labour migration

The major challenge for Afghanistan is to move from a refugee-oriented framework to a labour migration framework in a sustainable manner. Although this need has been recognized for some time in official policy, including the Afghanistan National Development Strategy (ANDS),⁵ Afghanistan is a relative newcomer to instituting a proper system for governance of formal labour migration. In this respect, it is probably 10–15 years behind other South Asian countries such as Bangladesh, Nepal, and Pakistan. However, recent developments and initiatives seem to be moving in the right direction, as highlighted below.

3.1 Stakeholders in labour migration

The major stakeholders on migration in Afghanistan and their roles are described in this section.

Ministry of Labour, Social Affairs, Martyrs and Disabled

The Ministry of Labour, Social Affairs, Martyrs and Disabled (MoLSAMD) has a major role to play, given that migration is mainly for employment purposes. The 2005 Regulation for Sending Afghan Workers Abroad (Government of Afghanistan, 2005a; henceforth, the Regulation) entrusts the Ministry with the responsibility for overseas labour administration. The Foreign Employment Administration Unit established under an ILO-UNHCR technical cooperation programme in the MoLSAMD still exists, and it functions under the name of the “Directorate of Sending Labour Overseas”. Under the Statutes for Employment of Foreign Citizens in Afghanistan Organizations (2005), the Ministry also has responsibility for issuing work permits to foreigners seeking employment within Afghanistan.

Ministry of Refugees and Repatriation

As shown above, a sizeable portion of the Afghan population has sought refuge in neighbouring countries, and these refugees have been returning in large numbers in the past decade or so. With this being the case, a dedicated Ministry was required to provide welfare services to Afghan citizens while abroad through consular services and also to oversee their return and reintegration. The Ministry of Refugees and Repatriation (MoRR) was established with

⁵ The previous ILO-UNHCR project on “Capacity building for return, reintegration and temporary migration of Afghan workers and their protection” was based on this premise. See also: CMI & PRIO (2004).

a coordination mandate and temporary lifespan in 2001, but its mission has changed over the years. At the same time, the MoRR has been diversifying its role from relief and rehabilitation to more development-oriented activities by promoting the socio-economic reintegration of the returnees and the utilization of their skills. It also deals with diaspora engagement and is trying to facilitate diaspora contributions through various programmes. The current plan of the MoRR is to change its name to the broader “Ministry of Migration”, as part of a five-year strategic review (2013-18) to encompass *Migration & Development* as a core component of its strategy.⁶

Ministry of Foreign Affairs

The Ministry of Foreign Affairs is naturally the focal ministry for all bilateral and multilateral relations with destination countries. Thus, it has large operations in the Islamic Republic of Iran and Pakistan in view of the large populations of resident Afghans in those countries. In general, Afghan Missions abroad are expected to provide assistance to Afghan workers and the diaspora abroad. However, the Ministry of Foreign Affairs has no labour attaché services at present in important destinations. It should also serve as the key ministry along with the MoLSAMD for developing bilateral labour agreements and MOUs with destination countries as envisaged in the Regulation.

Ministry of Interior

The Ministry of Interior is responsible for security-related issues such as the prevention of irregular migration, human trafficking, illegal recruitment, and the smuggling of migrants. The Ministry of Interior is also responsible for delivering passports to Afghan citizens through its passport office.

Ministry of Finance

The Ministry of Finance, together with the Central Bank of Afghanistan, can provide a regulatory environment to facilitate the transfer of remittances from overseas, which are currently handled mostly through informal channels.

Social Partners

International instruments and good practice call for effective involvement of employers (who train and hire workers) and trade unions (who protect both foreign and national workers) in labour migration governance (ILO, 2006). In Afghanistan, however, the capacity of the social partners in this respect is yet to be developed. The main employer organization recognized by the ILO is the Afghanistan Chambers of Commerce & Industries. The National Union of Afghan Employees is the main trade union recognized by the ILO. Both were involved in the development of the Decent Work Country Programme for Afghanistan, but there is no information on their involvement in migrant worker issues. Afghanistan ratified the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) in 2010, and is therefore, obliged to

⁶ Communication from Nassim Majidi, Samuel Hall Consulting, Kabul, 25 Apr. 2013.

operate procedures which ensure effective consultations in regard to labour standards.

Private recruitment agencies

In most Asian countries, private recruitment agencies play a major role in sending workers overseas. The Regulation requires such agencies to be registered by the MoLSAMD. According to the Ministry, there are 18 registered agencies at present, but only about half are said to be active.⁷ According to the Afghan Ministry of Foreign Affairs, about 7,000 Afghan citizens in Kabul have been registered by recruitment companies as working abroad.

It appears there is no specific mechanism for coordination among these different ministries and agencies in the administration of labour migration. A number of Asian countries have set up Steering Committees or Advisory Councils drawn from different stakeholders for coordination purposes. This is something the Afghan Government should consider as a matter of priority.

3.2 Legislative and regulatory framework on labour migration governance

Article 39 of the Constitution of Afghanistan (2004) states: “Every Afghan has the right to travel abroad and return home in accordance with the provisions of law”, and “The state shall protect the rights of the citizens of Afghanistan abroad” (Text of Constitution reproduced in AREU, 2013). At the national level, the Government of Afghanistan is expected to provide a system for governance of migration, regulation of migration processes, and protection of the rights of migrant workers. Afghanistan is, however, yet to develop policies and structures for this purpose comparable to those found in other South Asian countries such as Bangladesh, Nepal, Pakistan, and Sri Lanka. As a 2012 UN TWG⁸ report noted:

Afghanistan is one of the few countries in the region that lacks a concrete emigration policy or a legal framework for managing international migration. As a consequence, the country has limited capacity to develop and implement policy, issue regulations or enact laws on matters relating to migration. (UN TWG, 2012, p. 25)

The Istanbul Declaration of the Fourth Regional Economic Cooperation Conference on Afghanistan in November 2010 hosted by the Government of Turkey identified the development of a Comprehensive National Policy on Labour Migration for Afghanistan as one of the deliverables of regional economic cooperation for consideration by regional and international Partners (Ministry of Foreign Affairs, Islamic Republic of Afghanistan and Ministry of Foreign Affairs, Republic of Turkey, 2010). The immediate priority should be on the development of a national labour migration position paper, followed eventually by a more comprehensive national labour migration policy.

⁷ Information provided by MoLSAMD to the ILO, April 2013.

⁸ 2012 United Nations Asia-Pacific Regional Cooperation Mechanism Thematic Working Group on International Migration including Human Trafficking

At the international level, Afghanistan has not ratified any of the three international migrant worker Conventions: the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990). However, it has ratified five of the eight core Conventions of the ILO.⁹

The legislative framework for labour migration in Afghanistan is not well developed. It broadly consists of the following:

a) The Labour Law of 2007 (Government of Afghanistan, 2007)

The Labour Law, 2007, has two provisions relating to migration for employment (provided in Annex II below). Articles 150 and 151 created the basis for the enactment of the 2005 Regulation (Engeland, 2007). The objective of migration is stated to be the prevention of unemployment and achieving a better income.

b) Regulation for Sending Afghan Workers Abroad (Government of Afghanistan, 2005a)

The Regulation has five chapters: (1) General provisions; (2) Status, rights and obligations of the Afghan worker; (3) Rights and obligations of the MoLSAMD; (4) Obligations of the employer authorities; and (5) Final provisions.

It defines Afghan (migrant) workers as those “workers whose employment and appointment is not possible within the [home] country” (Government of Afghanistan, 2005a, Article 4 (1)). This probably refers to unemployed persons, and presents a contradiction because it is usually the employed or those with skills and previous work experience who are looking for overseas employment and the achievement of better incomes. The required qualifications also mention “proficiency in a craft” which may not necessarily lead to “no possibility of recruitment within the country”.

The Regulation deals with obligations of workers, but makes no explicit reference to the rights of workers, although the obligations of the MoLSAMD and the employing organizations provide for such rights. The worker obligations cover familiarity with the traditions, the culture, and the religious beliefs of the destination country; awareness of workplace procedures; respect for the laws, religious beliefs, and national interests of Afghanistan or the destination country; and to not engage in the local politics of the destination country. Obviously there should be a mechanism for prospective workers to obtain such information.

⁹ Those five are as follows: (1) Equal Remuneration Convention, 1951 (No. 100); (2) the Abolition of Forced Labour Convention, 1957 (No. 105); (3) the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); (4) the Minimum Age Convention, 1973 (No. 138) – with minimum age specified: 14 years; and (5) the Worst Forms of Child Labour Convention, 1999 (No. 182).

The rights and obligations of the MoLSAMD relate to:

- responsibility for developing plans and programmes on temporary migration of skilled workers;
- registration and licensing of recruitment agencies and overseas employers;
- entering into signed bilateral or multilateral agreements;
- supervision of the enforcement of contracts relating to working and living conditions;
- making sure all rights stated in contracts are respected, including effective remuneration, social protection, or insurance; and
- appointing labour attachés.

The Regulation is comprehensive in spelling out 22 obligations on the part of employers (Article 11), but these employers are located in destination countries. In general, countries of origin face major problems in enforcing any of their national laws in countries of destination. It is not clear how Afghanistan can implement and enforce such extensive obligations on foreign employers.

As Pasha (2008) has rightly pointed out, the Regulation has not provided mechanisms to monitor the living and working conditions of Afghan nationals working abroad. Nor does it provide mechanisms for monitoring the work of recruitment agencies, as required by its provisions. While Afghan embassies and consular offices are required to facilitate employer/employee dispute resolutions, no labour attachés have been appointed as yet.

c) Statutes on the Employment of Foreign Citizens in Afghanistan Organizations (Government of Afghanistan, 2005b)

As a country with depleted human resources, Afghanistan has relied on a large pool of skilled expatriates for development and reconstruction programmes mostly carried out by the public sector through foreign aid programmes. Foreign direct investment (FDI) also has brought in technical expertise for various projects.

The Statutes on the Employment of Foreign Citizens in Afghanistan Organizations (henceforth, the Statutes) were enacted in view of concerns by the Afghan Government that foreign workers, especially from Pakistan, either coming on their own or brought in by local companies, were depriving Afghan nationals of employment opportunities. While there is no hard data, these fears seem exaggerated to some extent, considering the large numbers of Afghan citizens in Pakistan and the Islamic Republic of Iran. The Statutes make a clear position in Article 6: "If both domestic and foreign workers are available, priority is given to domestic workers."

The Statutes provide for a system of work permits for employers to engage foreign workers. The system is administered through the MoLSAMD. The Ministry website, however, has not reported any information on the issuance of work permits.

The case for review of Afghan migration legislation

- There is clearly a case for revising and improving migration legislation if Afghanistan is to intensify efforts at promoting international labour migration in a formal manner. This is because the context has changed since 2005, when the Regulation was enacted. Incidence of frequent mobility involving temporary and circular movements of a risky nature, especially within the subregion, is high, and needs regulation.
- There is need to bring Afghan migration laws more in line with international instruments and good practice. An ILO legal review (2007) has reviewed some areas for improvement. Moreover, the ILO Multilateral Framework on Labour Migration can provide a useful resource in revising legislation.
- Earlier legislation did not consider gender aspects of mobility.
- The Afghan Government also needs to balance promotion of overseas migration with the need to protect their national workers abroad – a dilemma faced by many origin countries in the region.
- There is now greater emphasis on capitalizing on migration and development linkages through remittances, returns, and diaspora engagement.
- Experience gained with the earlier legislation and their limitations also mean the need for stock-taking and reform.

In regard to the three international migrant worker Conventions, Bangladesh and Sri Lanka are the only countries in South Asia to have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990). Given its limited capacity to implement the provisions of ratified Conventions, the Government of Afghanistan should first take steps to modify the legal framework and set up institutions drawing upon the provisions of the international instruments pending ratification. One possible option is for Afghanistan to consider ratification of at least one of the two ILO migration specific Conventions (Migration for Employment Convention 9Revised, 1949 (No.97) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)), which are simpler and easier to implement. Tripartite consultations on the matter, as envisaged in the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), could be conducted, and ILO technical support and advisory services should be sought on this matter. As a matter of priority, the text of the three international migrant worker Conventions, the Private Employment Agencies Convention, 1997 (No. 181), and the ILO Multilateral Framework on Labour Migration (2006) should be translated into Dari and Pashto (if not already done).

3.3 Administration of labour migration and capacity building needs

From the above analysis, it is clear that the MoLSAMD has a central role to play in administration of overseas employment.

In the absence of any detailed review of the current situation in the MoLSAMD regarding its institutional structure and administrative procedures dealing with labour migration, and capacities, it is not possible to discuss this issue in detail.

What is important is to carry out a review of the support given to the MoLSAMD in the field of labour migration in recent years by international agencies, including the ILO, the International Organization for Migration (IOM), UNHCR, and the United Nations Development Programme and other international agencies or donors, and to assess the achievements and constraints. For example, an ILO-UNHCR technical cooperation project on “Capacity Building for Return, Reintegration and Temporary Migration of Afghan Workers and their Protection” was carried out during 2006–2008 to support the MoLSAMD in developing significant technical, human, and physical capacities needed for it to play an effective part in basic labour migration operations. The project resulted in a number of achievements, including the establishment of a separate unit for foreign employment administration; the conducting of several capacity building activities, including a study tour to the Philippines; the training of staff, and the provision of regular advisory services by a resident technical expert. One constraint was that some of the trained staff subsequently left the Ministry. A follow up second phase project proposal by ILO and UNHCR to consolidate the achievements and build on previous success was not funded.

The MoLSAMD has already developed a draft National Emigration Policy (MoLSAMD, 2012) with donor support. It is therefore important to take stock of these interventions and other labour migration support programmes to identify further capacity building needs of the MoLSAMD, related government agencies, and other stakeholders in the areas of labour migration governance, the protection of migrant workers, and promoting the development benefits of migration. The capacity of social partners and concerned NGOs in labour migration issues is very limited and would need to be addressed as well.

4. Protection and support services for migrant workers

As seen above, the Regulation has a number of provisions to ensure migrant worker protection through actions of the MoLSAMD and by placing obligations on overseas employers, but there are few if any mechanisms available to implement and monitor these obligations.

Bilateral Agreements

One key assumption in Afghan legislation is that workers will migrate through bilateral agreements made between Afghanistan and destination countries as highlighted in the Afghanistan Compact and the Afghanistan National Development Strategy (ANDS). Under the topic “Strengthening informal arrangements for social risk management” ANDS states:

Migration for employment in neighbouring countries and remitting funds will remain as a key informal arrangement for the poor. The Government will ensure that Afghan migrant workers are not subject to abuse in the countries of their

destination. In this regard, the Government will conclude international agreements with the neighbouring and other countries to regulate the rights of the Afghanistan's migrant workers. (Government of Afghanistan, 2008, p. 127)

Given the large numbers of workers involved, agreements reached with Pakistan and the Islamic Republic of Iran would be significant measures. ANDS mentions the following targets for temporary labour migration programmes:

- Target Agreement reached with the Islamic Republic of Iran on temporary labour migration by 2013; and
- Agreement reached with Pakistan on management of cross-border movements by 2013.

Prospects do not seem to be good for reaching either target in 2013 or in the near future given the economic problems being experienced by both the Islamic Republic of Iran and Pakistan as well as growing resentment of the continued presence of Afghan refugees in both of those countries. To date, there has been no move in the direction of an Afghan labour migration agreement in either country.

Up to now, the only bilateral agreement on labour migration signed has been with Qatar. Regarding the Qatar agreement, no information could be found on the contents or its implementation and follow up. At the same time, it should be noted that bilateral MOUs are only broad frameworks, and cannot be expected to provide high levels of governance in migration and protection of migrant workers, as revealed in a recent study of Indian MOUs (Wickramasekara, 2012).

There are several factors which lead to high vulnerability of Afghan temporary and circular migrant workers. As noted above, the bulk of cross-border movements to the Islamic Republic of Iran and Pakistan are informal and irregular in nature, and therefore not captured in official records. Migration to Persian Gulf countries raises major rights and protection issues for low- and semi-skilled migrant workers, even for those who come from Asian countries with mature migration systems, such as the Philippines and Sri Lanka (Wickramasekara, 2005; 2011; ITUC, 2011; Human Rights Watch, 2009). Consequently, Afghanistan will face major challenges to protect even Afghans who migrate through legal channels, and therefore the Government will need to have in place on-site and pre-employment support services as well as better regulation of recruitment.

The Regulation expects workers to be familiar with the situation in destination countries, and this information is to be provided locally or by employers in destination countries. Since it is uncommon for overseas employers to provide such information, home country institutions have to equip potential migrants with pre-departure information about the conditions in destination countries and the risks of irregular migration. There are many examples of good practice in this respect from major origin countries in Asia, including the Philippines and Sri Lanka, where governments, NGOs, and social partners (particularly trade unions) conduct such training programmes. The MoLSAMD currently believes

there is no need for pre-departure programmes for migrant workers, mainly because there has been no formal request for Afghan labour from other countries.¹⁰ But there is evidence that some workers are already migrating through registered recruitment agencies, without receiving adequate pre-departure training. Thus, there is an urgent need to promote such programmes to protect Afghan workers.

¹⁰ Information provided by the MoLSAMD to the ILO, April 2013.

5. Migration and development

Labour migration can make a significant impact on the economic and social development of source countries (IOM, 2008; ILO, 2010). The Afghan Government Working Group report on Economic Development (labour migration) highlights this contribution:

The economic contribution of migration, especially towards poverty reduction, employment generation and women's empowerment in Afghanistan is extensive. It is also an effective mechanism of transferring new skills. On return, the Afghan migrants would bring knowledge and new skills as well as social capital to the country. Furthermore, the remittances sent by migrants, not only provide livelihoods for their families but also much needed foreign exchange to support the local economy. Remittances help build foreign exchange reserves and providing balance of payment support. (Government of Afghanistan, 2010c, p. 3)

While the potential of labour migration is accepted, Afghanistan has a long way to go in each of these areas. Promotion of development benefits of migration requires action on three fronts: remittances, their utilization and impact; extent of diaspora engagement and their investments and skill transfers; and, successful reintegration of returnees (Berger, 2013).

For Afghanistan, an immediate benefit is that labour migration can act as a safety valve for unemployment and underemployment pressures at home. An ILO-commissioned study on the state of employment in Afghanistan states:

Central to the migration experience of different migration groups – whether refugees/returnees, IDPs or labour migrants – is the question of access to employment. At a time of record lows in the repatriation of refugees, increased internal displacement and irregular cross-border migration, access to the labour market has become one of the central drivers of mobility (ILO, 2012b, p. 37).

5.1 Remittances

Remittances are private funds received by households of migrants. Standardized and comparable remittance data is not available for Afghanistan since it does not report data on remittances to the International Monetary Fund. The Migration and Remittances Factbook 2011 also does not provide any information on Afghanistan. Surveys in Afghanistan and in destination countries have been used to piece together information on remittances. However, remittance flows and their potential to contribute to wider development (through, for example, savings and investment instruments) remain under-studied. An Altai Consulting (2008) report shows that remittances from the Islamic Republic of Iran are mainly used at the household level for daily expenditures.

Regional migration had been popular even before years of conflict because of the Middle East oil boom, and one estimate showed that about US\$20 million per month was received as remittances in the late 1970s by Afghanistan (Fishstein, et al., 2013).

The International Fund for Agricultural Development (IFAD) in a worldwide estimate of remittance flows reported that Afghanistan received US\$2.5 billion in remittances in 2006, which amounted to almost 30 per cent of Afghanistan's total GDP at that time (IFAD, 2007, p. 10). IFAD's 2013 report *Sending Money Home to Asia* estimates current remittances to Afghanistan at \$3.2 billion and 16.3 per cent of GDP. As a share of GDP, it is the second highest in South Asia (Table 7). The report does not provide any information on how the estimate was arrived at.

Table 7: Remittance flows to South Asia by country 2012

Country	Remittances (US\$ million)	As percentage of GDP
Afghanistan	3 204	16.3
Bangladesh	13 736	11.6
Bhutan	10	0.6
India	69 797	3.9
Iran, Islamic Rep. of	1 377	0.3
Maldives	3	0.1
Nepal	5 115	28.5
Pakistan	13 933	6.0
Sri Lanka	6 312	9.7
Total South Asia	113 487	

Source: IFAD, 2013.

The 2003 NRVA estimated that in 2003, on average, a rural Afghan household received US\$165 in remittances, equivalent to 8 per cent of migrant households' income. The 2005 NRVA found that roughly 50 per cent of households with (seasonal or permanent) migrants receive money once a year, while 15–20 per cent never receive any kind of remittance. The 2007/08 NRVA, however, did not report remittance data in the published main report.

A 2005 ILO survey of Afghan households in the Islamic Republic of Iran showed that less than 7 per cent of the 1,505 households sampled had some responsibility to financially support persons in Afghanistan. Only 167 households sent remittances to Afghanistan, and the average annual remittance was about \$960 (Wickramasekara, et al., 2006). Low remittance may be because the surveyed Afghans are long-stayers who had migrated with their entire families.

A 2008 ILO-UNHCR-commissioned study involving 784 Afghan deportees (mostly single adult male temporary migrants) from the Islamic Republic of Iran revealed the following on remittances (Altai Consulting, 2008):

- Of the population of Afghans who reached their final destination and worked in the Islamic Republic of Iran, 60.6 per cent sent money back to their families in Afghanistan, mostly every few months (3 - 4 months).

- The average remittance among those who sent money home was \$208 a month representing on average 67.0 per cent of wages earned.
- 37.4 per cent of households in Afghanistan depended entirely (100 per cent) on the flow of remittances sent from the Islamic Republic of Iran as their sole source of income; in 29.8 per cent of cases this cash flow represented three quarters of their income; in 28.8 per cent of cases half of their income; and in 4.0 per cent of cases less than a quarter of their income.

The same study made a rough estimate of the potential level of remittances lost due to the total number of Afghans deported from the Islamic Republic of Iran in 2007 (328,175), placing that loss at about \$500 million, or approximately 6 per cent of the GDP of Afghanistan (Altai Consulting, 2008).

Mehlmann (2012) in her Afghan migration study mentions several estimates of remittances from the Afghan diaspora in different regions: \$75 million annually from USA and Canada; €22 million from Germany in 2004; and about €80,000 from the Netherlands – these figures however, appear too low. She herself noted that they are all estimates in the absence of concrete data.

Another point to be noted is that remittances sent by Afghans from around the globe also reach Afghan households in Pakistan and the Islamic Republic of Iran, and therefore, do not form part of remittance inflows into Afghanistan.

Mechanisms of transfer

The main channel of remittances is informal through *hawala* (transfer) dealers – who effect transfers based on trust through a network of agents (Timberg, 2003; Maimbo, 2003). *Hawala* dealers charge lower fees than formal money transfer organizations; have a wider reach than banks; and their methods are more flexible. Given the limited number of formal Afghan financial institutions – and the fact that most such institutions are concentrated in the capital – the *hawala* system is the preferred choice for many migrants.

With temporary and circular movements, migrants may also hand carry cash and goods. Deportation consequently often results in the loss of assets and savings. The Altai Consulting (2008) survey of Afghan deportees from the Islamic Republic of Iran indicated that 52 per cent of deportees had been forced to leave behind wages, money, or material assets, losing an average estimated amount of \$1,503 per person.

A 2012 ILO study on returnees at 22 sites across Afghanistan confirmed that migrants transfer remittances mostly by hand, being physically carried by returning refugees and internally displaced persons. These remittances are used mainly for daily expenses, or for re-establishing themselves on return into Afghanistan. Sometimes they are utilized for medical expenses or, in some cases, for building better homes. The survey also showed that most returnees (80 per cent) were heavily indebted (ILO, 2012a).

The same study also showed that returnees had very low financial literacy (ILO, 2012a). This contributed to them not managing their limited funds well and

getting themselves into a downward spiral of poverty. Therefore, providing migrant workers (even before they leave) a course on financial literacy could have significant impact on returnees and their families.

With the penetration of mobile phones and information and communications technology, Afghanistan has moved into mobile banking and mobile remittance transfer capabilities via SMS. The M-Paisa system introduced by Roshan Communications in 2006¹¹ enables customers in Afghanistan to receive funds from their families abroad through the Western Union Mobile Transfer system.

The upshot of the discussion is that remittances form an important component of household incomes although there is no reliable information at the macro level. In recent years, a case has been made for the increasing formalization of remittance inflows due to concerns about security, foreign exchange implications, and development impact. Migrant remittances are, however, owned by private individuals and households, and do not represent foreign aid or development funds for the governments. As Maimbo (2003) pointed out: "In addressing Afghanistan's unique circumstances - a nonexistent formal banking system, no regulatory and supervisory capacity, and an overactive informal sector - the Central Bank should consider how its relationship with the *hawala* dealers can be brought into closer compliance with international regulatory and supervisory standards" (Maimbo, 2003, p. 19).

The *Working group paper on economic development (labour migration)*, presented at the Fourth Regional Economic Cooperation Conference on Afghanistan (RECCA IV), held from 2 to 3 November 2010 in Istanbul, argued that it was important to streamline remittance facilitation and utilization of remittances in the case of Afghanistan:

Informal Fund Transfer Systems (IFTs) such as *hawala* can have legitimate and illegitimate uses. In Afghanistan, the *hawala* system may be more quick, cost-effective, convenient and versatile than bank transfers. However, it can also be used for illegitimate purposes such as circumventing capital and exchange controls, tax evasion, smuggling, money laundering and terrorist financing. The Government of Afghanistan in conjunction with the Afghanistan Central Bank and commercial banks develop a regulatory and incentive framework supporting official remittance flows. (Government of Afghanistan, 2010c, p. 5)

The development impact of remittances can be enhanced by encouraging greater savings and investment from remittances through the development and popularization of safe remittance-backed financial products tailored to migrants and their families. Studies by ILO in Tajikistan and Armenia provide an illustration of such products.¹²

¹¹ For more information on M-Paisa, please view the appropriate page on Roshan's website: <http://www.roshan.af/Roshan/M-Paisa.aspx>.

¹² See: ILO. 2010. Migrant remittances to Tajikistan: The potential for savings, economic investment and existing financial products to attract remittances, (Moscow, ILO); and ILO. 2009. Migrant remittances to Armenia: The potential for savings and economic investment and financial products to attract remittances, (Yerevan, ILO).

5.2 Diaspora engagement

There has been heavy emphasis on the role of the diaspora in home country development in recent years (Wickramasekara 2009). The Afghan diaspora also is being perceived by policy makers as a major resource in reaping development benefits from migration.

More than three decades of conflict and displacement have led to the emergence of a sizeable Afghan diaspora dispersed across the globe. The Afghan diaspora has grown out of two distinct waves of emigration, the first during the communist regime who migrated from 1980 to the mid-1990s (Hanifi, 2006). This diaspora were mostly educated groups migrating to developed countries. The second wave was during the Taliban regime, and formed the “near diaspora” moving into neighbouring countries. They were drawn predominantly from rural communities in Afghanistan and were less educated (Fitrat, 2007). The distinction between the “near diaspora” and the “wider diaspora” is quite important in the case of Afghanistan. Afghan refugees located in the Islamic Republic of Iran and Pakistan represent the “near Diaspora” while those who have moved to Western countries and other faraway destinations are termed the “wider diaspora” (Koser & Van Hear, 2003). A smaller number of Afghans, mainly representing Hindus and Sikhs, fled to India following conflict.

A paper by a Working Group on Human Resource Development presented at the RECCA IV conference held in November 2010 in Istanbul made a case for reducing Afghanistan’s reliance on foreign labour and skills:

When the labour force does not meet the skills demand of the market this leads to a dependency on foreign labour. This can be reduced by providing incentives for educated and skilled Afghans to stay in the country and by supporting the return of skilled Afghans back to the country (Working Group on Human Resource Development, 2010d, p. 10).

Information collected by the Organization for Economic Cooperation and Development (OECD) (2012) has been used to create the following table (Table 8) on the Afghan diaspora.

Table 8: Emigrant population: persons born in Afghanistan living abroad

Population 15+	2000						2005/06		
	All destinations			OECD destinations			OECD destinations		
	Men	Women	Total	Men	Women	Total	Men	Women	Total
Emigrant population ('000)	102.5	66.9	169.5	79.7	55.5	135.2	142.3	117.5	259.7
Recent emigrants ('000)	15.6	13.5	29.1	29.7	29.5	59.1
15-24 (%)	24.7	20.7	23.1	26.5	20.2	23.9	27.3	25.0	26.2
25-64 (%)	71.2	73.3	72.0	68.8	73.2	70.6	69.3	70.2	69.7
65+ (%)	4.0	6.0	4.8	4.6	6.6	5.5	3.4	4.8	4.0
Low-educated (%)	43.0	53.5	47.1	43.8	50.5	46.5	40.6	48.6	44.2
Highly-educated (%)	21.2	17.6	19.8	23.1	18.9	21.4	25.9	20.6	23.5
Total emigration rates (%)	1.8	1.3	1.5	1.4	1.0	1.2	2.0	1.8	1.9
Emigration rates of the highly-educated (%)	3.3	8.2	4.2	2.8	7.4	3.6	4.5	12.6	6.0

Source: OECD, 2012.

The OECD estimate of the size of the Afghan diaspora could well be an underestimate. Fitrat (2007) of the World Bank estimates 4 to 5 million Afghan diaspora across the globe (Table 9). Such widely diverging figures demonstrate that reliable estimates of the number of native-born Afghans living abroad are currently unavailable.

Even so, the diaspora are increasingly seen to contribute to the home economy through remittances, skill and technology transfer, trade promotion, and promoting governance.

Table 9: Estimates of the size of the Afghan diaspora

Region/country	Estimated number
European Union	250 000
USA	100 000
Canada	45 000
Australia	30 000
Pakistan	2 500 000
Islamic Rep. of Iran	1 000 000
Central Asia and Russia	150 000–300 000
Rest of the World	150 000–200 000

Source: Fitrat, 2007.

Fitrat (2007) of the World Bank has quantified the following contributions of the Afghan diaspora:

- The majority of the Afghan Cabinet (including the President), senior government officials, and prominent civil servants are former members of the diaspora.
- Dominant roles in newly established private independent media, civil societies, NGOs, and other institutions of democracy in Afghanistan are held by former diaspora.
- Out of the \$5 billion FDI put into Afghanistan since 2002, over 75 per cent was channelled through Afghan diaspora.
- 90 per cent of the diaspora's contributions of over \$3 billion is invested in construction and real estate (both commercial and residential).
- Of \$700 million in telecom investment, 40 per cent was contributed by the diaspora.

Ratha and Mohapatra (2011) estimated the savings potential of the Afghanistan diaspora stock at \$2.4 billion, amounting to 2.6 per cent of GDP. Another estimate has placed the worth of the Afghan diaspora at about \$5 billion, with about \$2 billion of that based in Dubai (Singh, 2003).

Diaspora bonds represent another possible way through which diaspora funds could be tapped for Afghan development. A diaspora bond is a debt instrument issued by a country's government or reliable private corporations to raise development financing from overseas diaspora. Countries like India have been issuing diaspora bonds for decades and have raised billions of dollars doing so. However, the potential of diaspora bonds is constrained in countries (like Afghanistan) where there is political risk and weak legal and financial systems. The first step would be to undertake a feasibility study. Ratha and Plaza (2011) of the World Bank point out that partial guarantees by multilateral development banks could enhance the creditworthiness of many diaspora bonds in the case of the African diaspora, so there are possible approaches that could be investigated for use in Afghanistan.

The IOM initiated the Return of Qualified Afghans (RQA) programme in December 2001 to tap into the expertise of qualified Afghans living abroad and to engage them in the reconstruction process (IOM, 2012; Pasha, 2008). The RQA programme focused on the return of qualified Afghan nationals scattered worldwide, who are motivated to contribute their skills for the benefit of the reconstruction process on a short- or long-term basis. Through the end of 2011, IOM recruited and assisted in the return of more than 900 Afghan experts from 31 countries through different RQA components. These individuals took up work in 33 ministries, governmental institutions, NGOs, and international organizations operating in Afghanistan. Another IOM project is the Temporary Return of Qualified Nationals (TRQN) Phase I project, which facilitated the temporary transfer of 30 qualified Afghan nationals from the Netherlands to Afghanistan from April 2006 to June 2008. Skilled diaspora return programmes are now increasingly focussing on temporary as opposed to long-term return.

A 2011 evaluation of the TQRN programme made the following conclusion:

[T]he project is successful in achieving its goals of knowledge transfer and capacity building. Key elements that appear to contribute to this success is that

the project is demand driven, recruits and provides assignments to highly-qualified participants, inspires strong commitment and motivation from the participants, and focuses on a training component in the terms of reference. (Kuschminder, 2011, p. 5)

However, all stakeholders mentioned the three-month duration of the project as a constraint, being too short and inflexible.

One more such IOM project (now completed) was the Return and Reintegration of Qualified and Skilled Afghans from Iran (RARQSA) which provided for the return of up to 300 qualified, skilled, or semi-skilled Afghans residing in the Islamic Republic of Iran to their home country, with the aim of maximizing the number of durable returns and contributing to the reconstruction of Afghanistan.

The diversity of the diaspora profile in terms of age and sex, education and skills, financial capacity and savings, geographical distance (near and far diaspora), access to social capital, migratory status, and commitment to the home country needs to be taken into account in planning for effective diaspora engagement (Wickramasekara, 2009a). The report of the Conference on *Complexities and Challenges in Afghan Migration Research and Policy Event*, held in Brussels in April 2013, did refer to the diversity of the diaspora and the value of diaspora engagement, but identified only “capacity building for government officials and other migration actors” as an area where they can make a lasting contribution along with the EU (Maastricht Graduate School of Governance, 2013, p. 8). However, it would be difficult to justify their conclusion that the “priority should be to provide academic training in migration studies to relevant government officials” (Maastricht Graduate School of Governance, 2013, p. 8). What is of immediate priority are training in basic labour migration administration functions: registration of migrant workers, regulation of recruitment agencies, and skills in negotiation of bilateral agreements, among other things.

5.3 Return migration and future challenges for migrant returnees

Return migration is typically considered one of the important contributions of migration to development because of the financial, human, and social capital brought back by returnees. But the reality could be more complicated for Afghanistan which faces different streams of returnees:¹³

- diaspora and their families returning to Afghanistan for good or for shorter periods;
- temporary migrants with regular status returning after employment abroad;
- temporary migrants and families with informal and irregular status returning spontaneously;
- citizens and registered refugees returning under voluntary repatriation schemes from neighbouring and other countries;

¹³ Partly based on communication from Tauhid Pasha, Senior Specialist on Labour Migration IOM, Geneva, 19 Apr. 2013.

- assisted voluntary return and reintegration (AVRR) of Afghans abroad with irregular status (IOM managed programme);
- citizens deported or removed from neighbouring and other countries because of irregular status or failed asylum claims; and
- skilled diaspora on temporary or long-term assignments under return programmes such as IOM's RQA (discussed above).

Thus returns can be voluntary or forced, and temporary or permanent. These different streams have obvious implications for their reintegration and the Afghan labour market.

For many Afghan refugees, the reality of return was one of hardship, often followed by secondary displacement upon arrival. Faced with lacking or insufficient livelihood opportunities, disputed land and property claims, insecurity, weak infrastructure and limited basic service provision in places of origin, large numbers of returning Afghans were forced to seek out a new lives in new locations – the majority heading to urban centres where economic and social opportunities, as well as protection and assistance provision, were perceived to be greater. (Jepson, 2012, p. 1)

For low-skilled migrants and their families, sustainable return depends on the capacity to reintegrate effectively into the local economy, either as wage labourers or self-employed persons, without the pressure to re-migrate for livelihoods and survival. This, of course, depends firstly on structural factors (governance, security, economic climate). Other important factors are personal assets (education, skills, and financial savings) and access to networks of returnees, as well as the local opportunities and support available. The IS Academy survey (reported in Siegal, et al., 2012), however, reported that only a small number of return migrants had received training or education while abroad, which seems to indicate that the number of formal skills gained whilst abroad is limited. Of course, migrant skills are not gained only through formal coursework. This is confirmed by the view of the majority of return migrants that the migration experience improved their professional skills (Siegal, et al., 2012).

In many cases, migrant returnees from the Islamic Republic of Iran and Pakistan do not have adequate financial or other resources for sustainable return. An ILO study on Afghan households and workers in the Islamic Republic of Iran concluded:

Despite their long stay in Iran these Afghan households exist on a day-to-day basis, largely on the margins of society and the economy. Analysis of their wage levels, expenditure, and insecure employment suggests that building up financial savings and resources for a sustainable return is difficult. Increasing restrictions and controls are likely to increase this marginalization without a perceptible impact on prospects for return. (Wickramasekara, et al., 2006, p. xviii)

Support for a conducive Afghan environment for returning Afghan refugees consists of ensuring security, providing job opportunities, and providing basic needs such as land, water, electricity, shelter, health care, and general education. The primary responsibility for returnees and their reintegration is with the MoRR. National reintegration activities in Afghanistan have been implemented through the existing National Solidarity Programme, utilizing Community

Development Councils that can provide basic infrastructure and services, shelter upgrading, and livelihoods support for households throughout the country.

Large-scale returns put considerable strain on local infrastructure and local labour markets. They add to the existing high levels of unemployment and underemployment. Since return migration is a major component of current population growth and because a large share of the returning migrants also belong to the working-age group, an increase in population growth resulting from return migration will have an immediate effect on labour supply (Masum, 2009). The Altai Consulting (2006) study of returnees found that 80 per cent of interviewees had difficulties finding a job, stating that it took them on average one to six months to find one. Only 7 per cent needed a year to do so. A more recent survey by the IS Academy (reported in Siegel, et al., 2012), however, found a worse situation: only 23 per cent of return migrants were in paid employment since their return, and the average time to find employment was about one year. Eleven per cent of the return migrants owned their own business (Siegel, et al., 2012). A recent ILO study undertaken for UNHCR in 22 sites showed that returning households were struggling to make ends meet through precarious employment in vulnerable jobs which allowed most of them to survive at poverty level (Berger, 2013).

A study undertaken by Majidi (2009) for the United Kingdom's Return and Reintegration Fund shows that business start-up programmes tend to be preferred by returnees over vocational training and certification courses, to allow for fast-track reintegration. However, a longitudinal study by Majidi with the same population of returnees in 2011 showed that over 75 per cent of the returnees' start-up businesses were no longer operational. Returnees admitted to the failure of their business start-up initiative as having resulted from a lack of training, skills, or knowledge, pointing to the need for greater training and capacity building as a prerequisite. One of the findings highlighted by Majidi (2009) points to the lack of prior market research for the development of business plans and for the choice of business venture. Future programmes should build on the lessons learned.

The Governments of Afghanistan, the Islamic Republic of Iran, and Pakistan, with the support of the UNHCR, have developed a "Solutions Strategy for Afghan Refugees" with continued support to voluntary repatriation, investment in sustainable reintegration in Afghanistan, and assistance to host countries. This Strategy was adopted at the May 2012 International Conference on the Solutions Strategy for Afghan Refugees to Support Voluntary Repatriation, Sustainable Reintegration and Assistance to Host Countries held in Switzerland (UNHCR and Swiss Federal Office, 2012a; 2012b). The Conference participants recognized the need to enhance the development and reintegration potential of high return communities in Afghanistan, particularly in the sectors of livelihoods and basic services.

However, the strategy does not highlight urban areas – which have seen the majority of return flows in recent years. The tendency of returnees to relocate to urban areas has caused problems for reintegration efforts as well as for urban infrastructure (Majidi, 2011 a).

6. Prospects for promotion of foreign employment

There is general consensus that formal temporary labour migration systems are a high priority in the case of Afghanistan, which is faced with poverty and employment problems.

6.1 Policy approaches

The Concept Paper prepared for the 2010 Regional Cooperation Conference in Kabul recognized the role of remittances, and made an appeal to neighbour States, which seems quite reasonable:

Recognize that Afghan remittances are an important revenue stream for Afghanistan. As a consequence, we ask regional neighbors and the Gulf Cooperation Council (GCC) to work with the Government of Afghanistan on labour migration; to regulate labour flow; and to be more receptive to an Afghan work force. (Government of Afghanistan, 2010b, p. 519)

As noted above, the promotion of employment opportunities for Afghan workers abroad is an activity under the National Priority Programme No. 1 (Box 1).

Box 1

National Priority Program No. 1 - Component D: Market-Friendly Labour Regulation And Facilitation of Sustainable Decent Work

Activity 7: Promotion of employment opportunities for Afghan workers abroad

This activity envisages improving the facilitation of job opportunities for Afghan migrant workers in the region and Gulf countries through the following: (a) recruiting international and national consultants to develop a mechanism for promoting employment opportunities for Afghans abroad; (b) existing companies engaged in job mediation for migrant workers will receive training to improve their capacity and efficiency to mobilize migrant workers; (c) these companies will be required to register with MoLSAMD and to meet standards for job mediation to ensure safe migration of the Afghan labour force abroad; (d) labour attachés will be stationed in countries in the region and Gulf area to help and support the Afghan labour force abroad; (e) a national registration system for Afghan workers sent abroad and the organizations sending Afghan workers abroad will be established by MoLSAMD; (f) modification and development of laws to regulate the industry and to protect Afghans migrating abroad for work.

Results:

- 1) Establishment of professional and reliable mechanisms and institutions for supporting Afghans seeking and engaged in employment abroad.
- 2) Laws and procedures in place to protect Afghans seeking employment abroad.
- 3) Organizations involved in this sector will be more efficient and effective.

Reproduced from Government of Afghanistan, 2010a.

The programme activity in Box 1 refers to promotion of employment in the region and Gulf countries with a series of measures relating to training and capacity building of MoLSAMD, as well as the appointment of labour attachés. The expected results refer to legal frameworks and procedures, as well as professional and reliable institutions for facilitating migration and protecting migrant workers. It does not, however, refer to bilateral agreements and MOUs, which are emphasized in other documents including the *Regulation for Sending Workers Abroad (2005a)* and the *Working Group on Economic Development (Labour Migration)(ILO 2010c)*. There is also no mention of possible role of social partner organizations. In any case, there is little evidence that any of these measures have actually been implemented.

The Working Group Paper of the Afghan Government on Economic Development (Labour Migration) (Government of Afghanistan, 2010c) has proposed a more comprehensive set of measures in this respect. Its vision is also broader: “Promoting Decent Work for Afghan workers (men and women) overseas and regulating foreign workers in Afghanistan” (Government of Afghanistan, 2010c., p. 3). The Paper identifies five priority areas in this respect:

1. Support for the National Employment Policy and Strategy;
2. Regulatory Framework: Development of an institutional and regulatory framework for managing migration;
3. Memoranda of Understanding: Seeking MOUs with key destination countries and also making efforts for the allocation of “quotas” for Afghan workers for a specified period of time;
4. Establishment of Labour Market Information Systems; and
5. Remittances facilitation and effective use of remittances.

A gap in this framework is the inadequate attention given to the protection of migrant workers. As with PPP 1, the extent to which these measures have been implemented is not clear.

The Working Group on Economic Development (Labour Migration) made a major recommendation for the “Expansion of the vocational training programmes” for training Afghan workers in various skills based on the needs of local and international labour markets since the lack of marketable skills among the jobless people was a major factor leading to unemployment. It called for expanding the capacity of existing technical schools and vocational training centres, and establishing new ones to meet the local and regional demand for skills (Government of Afghanistan, 2010c). But the Working Group Paper on Human Resource Development, meanwhile, makes no reference to the employability of Afghan workers for employment abroad (which would involve training and skills), but does make a case for bringing skilled Afghan nationals back to the country (Government of Afghanistan, 2012d). This indicates to some extent the lack of consistency between migration and HRD policies.

6.2 Issues to be considered

Prospects for foreign employment for Afghan workers have to be seen in the broader context of the demand for migrant workers within Asia and the Middle East. The overall labour market prospects for foreign migrant workers in Asia have not expanded in recent years due to the impact of the global financial and economic crisis. Afghanistan is entering a highly competitive market at a difficult time and wherein a number of countries – including Bangladesh, Nepal, Pakistan, and Sri Lanka – are also actively promoting overseas labour migration. The difference lies in the fact that Afghanistan is much more behind these other countries with regard to essential migration institutions, infrastructure and capacity. Temporary migration opportunities for Afghan workers are still limited, and the capacity to promote overseas employment also needs considerable strengthening.

In this context a number of relevant issues can be raised.

1. **Do Afghan workers possess special skills demanded in foreign labour markets?** It is unlikely that Afghan workers have a comparative advantage over other Asian workers. Well-qualified and trained workers with abilities that match the skills requirements in destination countries, and who have certification that guarantees standards and quality, are an important element of well-managed labour migration. Such training and certification benefits employers as well as provides protection to the worker. This is an area requiring attention, including recognition of qualification/skills held by returnees. It also highlights the need to establish links between skills development programmes and labour migration programmes to train workers for occupations demanded overseas as well. ANDS has committed to developing the skills of Afghanistan's labour force so that workers are more productive, have more marketable skills, and are therefore able to compete more effectively. The Working Group paper on labour migration (Government of Afghanistan, 2012) has recommended the expansion of the vocational training programmes and proposed a series of measures in this respect.
2. **Does Afghanistan have special relationships with destination countries in the region that can be used to promote migration?** Gulf Cooperation Council countries have close cultural and religious ties with Afghanistan. There is also an affluent Afghan diaspora in some GCC countries. If so, can these countries “help Afghanistan by allocating a specific ‘quota’ for Afghan workers as envisaged by RECCA IV (Ministry of Foreign Affairs, Islamic Republic of Afghanistan and Ministry of Foreign Affairs, Republic of Turkey, 2010; Government of Afghanistan 2010c;).
3. **Is regional cooperation going to lead to any prospect of a regional labour market?** The Working Group Paper on Labour Migration (Government of Afghanistan, 2010c) has placed considerable emphasis on this. At one level is cooperation with immediate neighbours for development of a regional labour market. But the current unregulated movements by Afghans and the large Afghan numbers still remaining in

neighbouring countries may not allow much progress in this area in the near future.

- 4. Is the development of a labour emigration policy and better labour market information system priorities in the current context?** The MoLSAMD has already developed a draft National Labour Emigration Policy (MoLSAMD, 2012). The Policy document contains a lot of statements of good intention covering governance, protection, and development issues, but it lacks any implementation and enforcement mechanisms. The immediate priority is a shorter emigration policy statement by the Government clearly spelling out the objectives of emigration policy and strategy.

As regards better labour market information to match foreign demand and local supply, it needs to be recognized that this has proved to be a difficult task even for other countries with longer labour migration experience. In this respect, the Foreign Employment Unit in the Ministry of Labour can strengthen its market research and dissemination capacity with technical cooperation with other Asian countries (e.g., the Philippines and Sri Lanka). The ILO can facilitate this process. At the same time what is needed are basic data collection systems on outflows and information on key indicators. However this is difficult to achieve without an emigration registration system. It should be recalled that National Priority Plan Activity 7 proposed “a national registration system for Afghan workers sent abroad”.

- 5. How can Afghanistan balance the promotion and protection issues of labour migration?** The expansion of labour migration should be attempted in parallel with measures for enhancing institutional and regulatory capacity of key ministries. High recruitment costs and indebtedness, exploitative employment and working conditions, and undocumented migration are unfortunately quite common in Asian labour migration processes. In addition to measures at the national level (legislation, capacity building and enforcement, support services) and bilateral agreements, it is important for Afghanistan to participate actively in regional processes like the Colombo Process and the Abu Dhabi Dialogue, as well as in international forums of the United Nations, ILO, and IOM on effective governance of labour migration and protection of the rights of migrant workers.

7. Key issues and the way forward on governance of labour migration for decent work in Afghanistan

A number of key issues and responses have been identified in the above discussion on the transition of Afghanistan from a refugee framework to a labour migration framework. This section will focus on a way forward in key areas with regard to labour migration for decent work in Afghanistan.

7.1 Foreign employment promotion

While there is a consensus on the need for formal labour migration options, a more proactive policy on the part of the government would be needed to promote it. A few suggestions follow.

1. The EU has promoted Circular Migration Schemes and Mobility Partnerships with third countries (European Commission, 2007). Afghanistan could negotiate with the EU for a circular migration and mobility partnership arrangement of a pilot nature to start with, under which quotas can be obtained for admission of Afghan workers for temporary periods. Given Afghanistan's critical development needs, the European Commission should consider such a request favourably. This will help reduce irregular migration, and will also promote remittances and protect migrant workers from abuse with appropriate measures. At the moment, the EU is giving emphasis to measures such as the return and deportation of workers in irregular status and unaccompanied minors, rather than opening up formal labour migration opportunities to Afghan workers.
2. Another possible option is diplomatic negotiations with the Republic of Korea to include Afghanistan in its Employment Permit Scheme, which now covers 15 countries in Asia and Central Asia.¹⁴
3. While Japan has no admission scheme for low-skilled workers, it operates a "Technical Intern Trainee Program" which aims to transfer skills to Technical Intern Trainees who can contribute to economic development in their respective countries (JITCO, 2013a). A number of Asian countries benefit from the scheme including Bangladesh, India, Nepal and Sri Lanka. While the numbers admitted from South Asian countries limited (JITCO, 2013b) Afghanistan should explore with the Government of Japan for coverage under the scheme.
4. Afghanistan should organize high-level marketing missions to selected countries, particularly in the Gulf region and South-East Asia, and explore the possibility of promoting bilateral labour

¹⁴ The countries covered are: Bangladesh, China, Timor- Leste, Indonesia, Viet Nam, Cambodia, Kyrgyzstan, Mongolia, Myanmar, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, and Uzbekistan.

agreements. In 2007 the ILO organized a high level mission to Saudi Arabia for MoLSAMD and selected Government officials for exploring labour migration opportunities for Afghan workers. There is no information whether this had any favourable impact. Similar missions may be organized to selected destinations to highlight the importance of labour migration opportunities for Afghan development. Afghanistan should also seek the support of highly skilled diaspora associations in foreign countries to explore temporary migration possibilities;

5. As highlighted above, the Foreign Employment Unit in the Ministry of Labour should strengthen its capacity for overseas labour administration and market research and dissemination capacity, possibly with technical cooperation from Asian countries (e.g., the Philippines, Viet Nam, or Sri Lanka).
6. Engaging in foreign employment promotion requires competitive human resources – a well-trained and certified workforce whose qualifications are aligned with job requirements in destination countries. This also highlights the need to establish links between skills development programmes to train workers for occupations demanded overseas.
7. Expanding labour migration will require a well-functioning private and public placement system. This means both regulation of recruitment (to minimise common malpractices) and a vibrant private sector engaging in ethical recruitment. This is a challenging task. But to begin with it is essential to have regulations and a complaint mechanism in place, and to build the capacity of the private sector in marketing and ethical recruitment.
8. The implementation of labour migration programmes will require ensuring that the Government of Afghanistan has the requisite capacity to avail themselves of existing schemes. Lessons learned from the current initiative set up with Qatar should be studied to inform future labour migration initiatives. Furthermore, a baseline assessment of Government of Afghanistan capacity across ministries will better inform what initiatives are not only context relevant, but feasible and sustainable from an operational perspective. It is not fruitful to propose or launch ambitious schemes and programmes which cannot be handled within existing capacity of Afghan institutions.

7.2 Legislative and regulatory framework and support services for protection of migrant workers

The immediate priority is a short emigration policy statement by the government clearly spelling out the objectives of emigration policy and

strategy. A more comprehensive labour migration policy can follow, but it needs to be developed keeping in mind the limited capacity of the government machinery for implementation.

There is clearly a case for revising and improving migration legislation, as argued above, if Afghanistan is to intensify efforts at promoting formal labour migration processes. This is because the context has changed since 2005 when the Regulation for Sending Afghan Workers Abroad was enacted (see Section 3.2).

Given the limited capacity to implement provisions of ratified Conventions, the Government of Afghanistan should first take steps to modify the legal framework and set up institutions drawing upon the provisions of the international instruments pending ratification. One possible option is for Afghanistan to consider ratification of at least one of the two ILO migration-specific Conventions (Convention No. 97 and Convention No. 143), which are simpler and easier to implement. A review of the consistency of national laws and regulations with international instruments can be supported by the ILO. Moreover, ILO can provide training on issues related to the migrant worker Conventions. As a matter of priority, the text of the three international migrant worker Conventions, the Private Employment Agencies Convention, 1997 (No. 181), and the ILO Multilateral Framework on Labour Migration (2006) should be translated into Dari and Pashto and widely disseminated (if not already done).

Afghanistan needs to put in place an efficient system for regulation of recruitment, verification of employment contracts in vulnerable occupations, and support services (e.g., information dissemination, on-site services, and insurance and welfare). This can be facilitated by the ILO. For this purpose, it can request technical assistance from other Asian origin countries with longer experience.

Appointment of labour attachés to important countries of destination (as envisaged in Regulation on Sending Afghan Workers Abroad) and strengthening consular functions addressing migrant worker needs should be considered. There are several constraints in this respect: the absence of formal labour migration programmes, lack of information on Afghan workers in destination countries, and cost considerations. Once a decision is taken on labour attaché appointments, suitable training programmes may be undertaken with support of concerned international organizations (ILO and IOM, among others).

For capacity building, priority needs to be given to the development of a national training course on labour migration with the assistance of ILO and IOM. This will enable training of a larger group of persons including social partners and concerned NGOs. Senior officials may also participate in the International Labour Migration Academy at the ILO's International Training Centre in Turin, Italy. It may be instructive to look at the experience of Viet Nam in expanding labour migration while building

a regulatory framework and support services. Viet Nam is a relative latecomer to foreign employment promotion, but has managed to integrate employment services for both the national and international labour markets.

As labour migration governance cuts across various government agencies –labour, foreign affairs, economy, repatriation and rehabilitation, among others– a one-country team approach and coordinating mechanism is essential. A high level steering group drawn from these various ministries could be formed. Another option to be considered is an advisory committee on foreign employment consisting of representatives of key ministries and agencies, social partners, and NGOs.

At the same time, the Government has to recognize the presence of a large number of foreign workers in the country, most of them skilled workers. A review should be undertaken on the following: numbers and profiles of the foreign workforce; to what extent they can be replaced by nationals, including returning workers; provisions for transfer of skills to and training of nationals by foreign counterparts; and the protection of the rights of foreign workers on par with nationals.

7.3 Return and reintegration

As noted earlier, the diversity of return streams calls for different approaches and strategies for effective mobilization. It is important to review the existing institutional machinery and programmes and capacities for dealing with return and reintegration to identify constraints, gaps, and needed corrective measures.

Reintegration services should include:

- registration of returnees seeking information, advice or assistance;
- information and referrals on business training and advice on loan access in cooperation with employers' organizations;
- information and advice on job placement, training, education, and social services; and
- job-matching between returnee job seekers and employers.

7.4 Engaging the diaspora as development partners and enhancing the development impact of remittances

Engaging both the far and near diaspora as development and investment partners by policy-makers remains important for the economic and social development of Afghanistan. As argued above, the diversity of the diaspora means that a mix of approaches would be needed for their effective engagement.

Further, the development impact of remittances can be enhanced with the development and popularization of secure financial products tailored to migrants and family members.

For both areas, attainment of relative political stability and security and an enabling economic and investment-friendly environment would be needed, which is a major challenge in the transition period.

7.5 Improving information and data on labour migration

The above discussion has highlighted a number of areas with critical gaps in information. These relate to all three aspects of labour migration – governance, protection and empowerment of workers, and maximizing development benefits of migration.

Obvious gaps include:

- absence of statistics on cross-border movements – both regular and irregular;
- lack of data on profiles of out-bound and returning migrants;
- information on labour markets and skills demanded in destination countries;
- development-related migration information – number and profile of the diaspora, volume, sources and uses of migrant remittances, patterns of reintegration of return migrants; and
- conditions of work in countries of destination and status of protection of Afghan workers abroad.

Periodic donor-supported data collection exercises such as NRVA can help, but it is important to develop a nationally owned sustainable system.

A review of existing sources of information and areas for improvement can be undertaken. The capacity of the Foreign Employment Unit in MoLSAMD should be improved for addressing some of the gaps, particularly related to administrative sources of information.

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Annexes

Annex I: Definitions of migrants used in the 2007/08 National Risk and Vulnerability Assessment 2007/08. A profile of Afghanistan (NRVA)

In-migrant

An *in-migrant* is defined as someone who during the past five years lived outside the current area of residence for at least three consecutive months. In many cases this in-migrant is a 'return-migrant', that is someone who lived in the current area of residence before. The term 'in-migrant' is used here irrespective of whether the migrant arrived from elsewhere within Afghanistan or from abroad.

Out-migrant

An *out-migrant* is anyone aged 15 years or older who was a household member one year ago but has moved away and is no longer considered a member of the household. Note that out-migration is under-estimated to the extent that complete households have moved away.

Seasonal migrant

A *seasonal migrant* is someone who during the past twelve months spent at least one month away from the household for seasonal work.

Labour migration

A (returning) *labour in-migrant* as defined here is someone who has moved to the current place of residence some time during the past five years and whose original reason for moving away was work-related.

A *labour out-migrant* has moved away from the present household during the past year in order to go and (look for) work elsewhere.

Reproduced from NRVA 2007/08 (MoRR, 2009)

**Annex II: Provisions relating to foreign employment
In Labour Law of Afghanistan 2007**

Dispatching Employees Abroad

Article One Hundred Fifty:

Ministry of Labour, Social Affairs, Martyrs and Disabled, in accordance with the relevant legislative document, can send Afghan employees to overseas in order to prevent unemployment and achieve better income.

Establishment of Private Employment Agency

Article One Hundred Fifty One:

1. Establishment of Private Employment Agency is authorized after approval of MoLSAMD.
2. The authorities of Private Employment Agencies have the responsibility to regulate all of their activities as per their agreement with MoLSAMD.

(Government of Afghanistan, 2007)

Labour migration for decent work in Afghanistan: Issues and challenges

This background paper was prepared for the International Labour Organization and the World Bank supported capacity building Conference on “Creating Sustainable Jobs in Afghanistan”, on 7-8 May 2013, co-chaired by the Ministry of Economy, and the Ministry of Labour, Social Affairs, Martyrs and Disabled. It examines the trends and profile of labour migration from Afghanistan, prospects for foreign employment and foreign employment promotion, including existing and needed mechanisms to provide skills for foreign labour market demands, the institutional and legal framework to regulate labour migration as well as future challenges for migrant returnees and responses to these challenges.

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