

**INTERNATIONAL LABOR MIGRATION: A STUDY OF NEPALI LABOR
MIGRATION TO MALAYSIA**

A

Dissertation

Submitted to

Department of International Relations and Diplomacy (DIRD)

Faculty of Humanities and Social Sciences (FoHSS)

Tribhuvan University (TU)

In Fulfillment of the Requirement for the

Master's Degree in International Relation and Diplomacy

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July, 2020

LETTER OF RECOMMENDATION

I certify that this dissertation entitled “International Labor Migration: A Study of Nepali Migration to Malaysia.” was prepared by Asmita Chapagain under my supervision. I hereby recommend this dissertation for final examination by the Research Committee Master’s in International Relations and Diplomacy, Tribhuvan University, in fulfillment of the requirements for the Degree of MASTER’S IN INTERNATIONAL RELATIONS AND DIPLOMACY.

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Gaurav Bhattarai

Supervisor

Date: July, 2020

DECLARATION

I hereby declare that this dissertation is my own work and that it contains no materials previously published. I have not used its materials for the award of any kind and any degree. Where other authors' sources of information have been used, they have been acknowledged.

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Asmita Chapagain

Date: July, 2020

ACKNOWLEDGEMENTS

My profound gratitude goes out to my dissertation supervisor Mr. Gaurav Bhattarai, Regular faculty at Department of International Relations and Diplomacy (DIRD), Tribhuvan University, for his continuous supervision and guidance. He constantly facilitated me every time I had queries regarding my research. He directed me in the right course to complete this dissertation.

I am equally indebted to Professor Dr. Khadga K.C, coordinator at DIRD and all the faculty members of DIRD for the support and the encouragement in the intellectual growth throughout my academic journey. My sincere thanks to Dr. Keshav Bashyal and Mr. Santosh Poudel for the valuable advice regarding the topic of my dissertation. I am thankful to the administrative and the library staffs of DIRD, library staffs of Tribhuvan University and Social Science Baha.

Finally, I would want to take the opportunity to thank my family members. I am highly grateful for unfailing cooperation and encouragement they provided me throughout my years of study and through the process of researching and writing this dissertation.

This research would have been impossible without their support. Thank you all.

ABSTRACT

International labor migration from Nepal is eminently for economic security and its relevance to the nation's economy but labor migration is directly or indirectly influenced by internal and external political affairs. This research, instead of pull and push, analyzes actors (state, non-state and the migrants) and factors (political and economic) associated with both the countries to delineate the context of labor migration from Nepal to Malaysia. This dissertation explicates the causalities, evolution of Nepali labor migration to Malaysia and the exit labor migration policies of Nepal that is governed unilaterally, bi-laterally and multi laterally. Defining migration as a wider set of process that includes both the countries at macro level and an individual migrant at micro level, this dissertation aims to distinguish international and political nature of labor migration. It concludes that labor migration has political and international attributes, therefore Nepal's foreign policy needs to focus on labor diplomacy to pursue national and international leverage and preferred benefits from international labor migration to Malaysia. This research uses migration system theory and qualitative research method with secondary data to analyze the factors related in evolution of labor migration from Nepal to Malaysia, impacts created by labor migration and exit policy of international labor migration from Nepal to Malaysia to explain political and international nature of labor migration.

Key Words: *International Labor Migration, Nepali Labor Migration to Malaysia, International Instruments, Migration Policy, Nepal's Labor Diplomacy*

LIST OF TABLES**PAGE NUMBER**

Table 1: Licensed migrant workers (2017/18)	4
Table 2: Migrant population in Malaysia	21
Table 3: Causes and numbers of death in 2017/18 (FEPB)	50

LIST OF FIGURES**PAGE NUMBER**

Figure1: Study Framework	23
Figure 2: Labor permit issued for Malaysia	25
Figure 3: Remittance as share of GDP	38
Figure 4: Economic Growth rate of Nepal 2015-2019	39
Figure 5: Process of Labor Employment to Malaysia	62

ABBREVIATIONS

ILO: International Labor Organization

IOM: International Organization of Migration

GCC: Gulf Cooperation Council

UN: United Nations

PMT: Professional Managerial and Technical

MoU: Memorandum of Understanding

DoFE: Department of Foreign Employment

MoLESS: Minister of Labor, Employment, and Social Security

FEPB: Foreign Employment Promotion Board

3Ds: Dirty Dangerous Degrading

VP (TE): Visit Pass, Temporary Employment

OECD: Organization for Economic Co-operation and Development

GDP: Gross Domestic Product

UNESCO: The United Nations Educational, Scientific and Cultural Organization

EPT: Economic Transformation Program

CBS: Central Bureau of Statistics

WCS: Workers' Compensation Scheme

WCA: Women's Compensation Act

CTEVT: Council for Technical Education and Vocational Training

NHRC: National Human Rights Commission

GEFNOT: General Federation of Trade Unions

FOMEMA: Foreign Workers' Medical Examination

VDR: Visa with Reference

LGOA: Local Governance Operation Act

OSC: One Stop Center

GCM: Global Compact for Safe, Orderly and Regular Migration

NIDS: Nepal Institute of Development Studies

GFMD: The Global Forum for Migration and Development

SDGS: The Sustainable Development Goals

FY: Fiscal Year

MOFA: Ministry of Foreign Affairs

UDHR: Universal Declaration of Human Rights

NHRI: National Human Rights Instruments

TABLE OF CONTENTS	PAGE NUMBERS
LETTER OF RECOMMENDATION	i
APPROVAL LETTER	ii
DECLARATION	iii
ACKNOWLEDGEMENTS	iv
ABSTRACT	v
LIST OF TABLES	vi
LIST OF FIGURES	vii
ABBREVIATIONS	viii-ix
CHAPTER 1. INTRODUCTION	1-8
1.1 Background of the Study	1-5
1.2 Statement of the Problem	5- 6
1.3 Research Gap and Rational	6
1.4 Research Questions	6- 7
1.5 Objectives	7
1.6 Delimitation	7- 8
1.7 Organization of the Study	8
CHAPTER 2 Literature Review	9-18

2.1 Nepal and Labor Migration	9-14
2.1.1 History of International Labor Migration	9-11
2.1.2 Recent Trend	11-13
2.1.3 Migration and Governance	13- 14
2.2 Labor Migration in Malaysia	14-16
2.3 Migration System Theory	16-17
CHAPTER 3: RESEARCH METHODOLOGY	19- 23
3.1 Research Approach	19
3.2 Nature of Data	19-20
3.3 Research Method	20
3.4 Analysis of Data	20
3.5 Area of Study	21-22
3.6Theoretical Framework	22-23
CHAPTER 4. EVOLUTION OF LABOR MIGRATION FROM NEPAL TO MALAYSIA: ACTORS AND FACTORS	24-36
4.1 Evolution	24-27
4.2 Determinants	27- 35
4.2.1 Factors Associated with Nepal	27-30
4.2.1.1 Political Factors	27-29

4.2.1.2 Economic Factors	29-30
4.2.2 Factors Associated with Malaysia	30-32
4.2.3 Relation between Nepal and Malaysia	33-34
4.2.4 Individual Factors	34-35
CHAPTER 5: CONSEQUENCES OF TEMPORARY LABOR MIGRATION	37-51
5.1 Country of Origin	37-43
5.2 Country of Destination	43-46
5.3 For the Migrants	46-51
5.3.1 In Nepal	47
5.3.2 In Malaysia	47-51
CHAPTER 6: POLICIES REGULATING LABOR MIGRATION TO MALAYSIA	52-68
6.1 Domestic Policies	53-58
6.1.1 Laws and Institutional Framework	53-56
6.1.2 Human Rights Mechanism	56-57
6.1.3 Other Organization	57-58
6.2 International Instruments	58- 60
6.3 Malaysian Migration Policy	60-63
6.4 Bilateral Cooperation	63-67
6.5 Nepal’s Labor Diplomacy	67-68

CHAPTER 7: SUMMARY/CONCLUSION

69-73

REFERENCES

74- 92

CHAPTER 1:

INTRODUCTION

1.1. Background of the Study

Migration, despite a short, long, easy or difficult process, is permanent or semi-permanent change in the residence, which includes factors that are associated with origin and destination, intervening obstacles and personal factors (Lee, 1966, p.49). International migration refers to leaving one's country and moving to another for a short period of time or permanently, which is determined by pull and push factors. International migration is of different forms and contains a wide range of definitions. International labor migration is one of such kinds. International labor migration is also called economic migration, basically, happening because of economic reasons. It can be put under the concept of circular or guest workers, who migrate for a certain period of time and return home back after the contract is terminated or those migrants who travel as workers and later permanently establish themselves in the host country as immigrants. "Foreigners admitted by the receiving State for the specific purpose of exercising an economic activity remunerated from within the receiving country. Their length of stay is usually restricted as is the type of employment they can hold" (UN, 2017, p.15).

Hence, Labor migrants can be defined as those people who cross the boundary of their nation in order to get employed mainly because of unemployment in their home country for a fixed period of time of at least 12 months. International labor migration is a global phenomenon. Labor migration occurs when people cross the boundary of their own state and move to the host state as a temporary worker or permanent settler with the major purpose of employment.

Temporary migrants stay for a limited period of time. A migrant worker is a person who moves to a foreign country looking for employment opportunities for a particular period of time due to economic inequalities or unemployment in their home country. Highly skilled professional, managerial and technical (PMT), contract labor migrants recruited in groups for specific projects, workers for short-term assignments or in joint ventures; seasonal workers come under the labor migration category. The precise reason for migration is to work (Salt, 1992, p.1078). These labor migrants directly and indirectly contribute to the economy of both home and host countries.

Migration has happened since the earliest period of time. Movement of people can be linked back to the hunting and gathering society. People have moved from one place to another due to various reasons temporarily as well as permanently. International labor migration primarily started as slave trade in European colonies and transoceanic countries during the sixteenth century. Slaves were exchanged for manufactured goods. In the early sixteenth century Portuguese, Spanish, Dutch, French and British plantations in the newly colonized Americas generated a significant demand for labors but slavery in Africa existed hundreds of years before European were involved (Wikle & Lightfoot, 2014, p15).

Abolishment of slave trade resulted in labors shortage. So, in order to fill the labor gap, colonist started importing new work forces. Indentured laborers, unlike the slaves were not forced labors. Indentured laborers also termed “coolie” needed a contract with either the sending country or the employer to stay for five years or more. China and India were the largest indentured laborers’ suppliers working in gold mines and sugar plantation respectively (Stalker, 1994, pp.11-12). The period between 1840 and 1924 global labor migrations relied heavily on temporary male workers to build infrastructure and work on plantations and in heavy industry. Construction industries, railways, factories demanded more labor mobility.

Another driver of international labor migration is globalization. The vast advancement in technology, communication and transportation have facilitated migration in terms of cost, networks and awareness but the intensification of migration also has happened due to political and ideological changes (Czaika & De has, 2014, pp. 284-285). Growing interconnection and interdependence between the countries, through extensive cross border transactions and expansion of technology has also increased the mobility of people that is gender neutral. The shortage of labor migrants has attracted both the skilled and unskilled migration. Skilled migration happens from developing to developed countries. As per non skilled migrants, they migrate from least developed countries to developing countries. Non- skilled migrants work in labor intensive jobs in the country of destination doing the jobs often ignored by the natives with less security than that of skilled migrants.

The increase of the global labor market has increased the mobility of people. The movement of people from one country to another is increasing at a faster rate. Greater number of countries are affected by migration. Migration determines the relationship and shapes the policies of the sending and receiving states. The entry and exit policy of the state affects the process of migration (Weiner, 1985, pp. 441-442). With the massive cross border human mobility, migration works as a key element to shape diplomatic relations between the states and also the diplomatic relations among the states equally determines the migration flow.

Cross border labor migration from Nepal is not a new trend but has constantly continued to change in its practices. It has become much more diverse in nature. Based on the diversity and the nature of migration, causes for migration from Nepal also varies. Nevertheless, labor migration of unskilled workers from Nepal migrates mostly because of economic hardship in Nepal. Social, political and economic influence of both the countries determines the process of migration. Huge

outflow of unskilled laborers can be seen traveling to Malaysia and nations of the Gulf Cooperation Council (GCC) for a temporary period of time. While people choose to migrate largely because of economic hardship in the country, Nepal's conduct of relations on the subject of labor migrants with other states and non-states actors affects foreign employment from Nepal. Political situation of Nepal, both in the past and the present has boosted the prospects of foreign employment.

Table 1: Licensed migrant workers (2017/18).

Country	Male	Female	Total
Malaysia	1182575	26879	1209454
Qatar	1081152	11840	1092992
Saudi Arabia	834192	5799	839991
U.A.E	466273	45956	512229
Kuwait	84592	39618	124210

Source: Economic Survey 2017/18

Malaysia, Qatar, Saudi Arabia, UAE (United Arab Emirates) and Kuwait respectively have remained major destinations for Nepali workers for foreign employment till 2017/18, whereas Malaysia has remained the most preferred destination for male compared to the female counterparts. Foreign employment has huge significance on Nepali workers. Foreign employment impacts social dynamics by transforming the economic, social and cultural fabric of Nepal. Foreign employment provides an alternative for living and the remittances help in increasing the household income (DoFE, 2016, p.1).

This dissertation, by presenting the case of temporary labor migration of Nepali unskilled workers to Malaysia, the purpose was to explain political and international nature of labor migration because migration is not only directed either by sending or receiving country but the context, action, regulation and laws of both the countries shape international migration and migration affects both the countries. Governing and regulating of international labor migration is challenging in global context for both origin and destination countries. International migration is a global issue, which needs global and multilateral responses for its regulation (ILO, 2010, p.4). It consists of the country of origin (Nepal) and country of destination (Malaysia) which is linked by a large flow of labor migrants. This dissertation rendered the connection on micro and macro level factors for the substantive analysis of international labor migration from Nepal to Malaysia.

1.2. Statement of the Problem

In recent years, migration to Malaysia has been an increasingly important source of income to those people who are not economically secure in Nepal. Migration has been a well-recognized strategy for living. The drivers of migration are not related to a single country. Economic, social and political factors of both the countries determine migration, likewise migration changes social, political and economic context of both the countries. Therefore migration should not only be studied focusing on either the country of origin or destination or on migrants, indeed, the study on migration should focus on broader context of both the countries. In defining the factors and impacts that are associated with both the drivers, patterns, migration needs to be studied at different levels (micro and macro).

On the other hand, policies of Nepal are also equally important. Migration impends national, economic and human security. The policies need to be comprehensive and dynamic to shape migration. Nepal has not been able to achieve a significant migration goal and secure

migrants' rights as they suffer from various issues because of lack of focus on migration diplomacy. As migration is a function of the international system, policies regarding migration should be inclusive and need to be reflected well in foreign policy of Nepal.

1.3. Research Gap and Rational

Malaysia has remained one of the main destinations for Nepali workers since the history but discrete research on temporary labor migration to Malaysia from Nepal are very few. Researches on labor migration overlook the causes and impacts of international migration on both the countries. Henceforth, this dissertation, inspected the situation of both the countries and of the migrants at macro and micro level. Regarding the labor migration policies of Nepal, they are substantive enough but are poorly implemented. Therefore the focus of many studies are in building and executing strong policy at national level. Strong policies only on the domestic front simply are insufficient. Nepal, to practice its jurisdiction even in Malaysia, has to have strong policies that incorporate labor diplomacy.

1.4. Research Questions

Based on the research gap following are the research questions this dissertation sought to answer.

1. What are the key determining factors that have contributed in the evolution of international labor migration from Nepal to Malaysia?
2. What are the consequences faced by the country of origin (Nepal), country of destination (Malaysia) and by the migrant workers in home and host countries?

3. What are the optimal migration policies adopted by the government of Nepal at unilateral, bilateral and multilateral level to shape labor migration and to achieve the desired goal?

1.5. Objectives

1. To explore the possible context on which international migration from Nepal to Malaysia evolved and exists.

2. To analyze the opportunities and to examine the risk factors faced by the migrants, home country and the host country.

3. To explore the policies applied by the government of Nepal, nationally and internationally, to deal with the issues related to Nepali laborers' out migration to Malaysia, promote migration and pursue national interest.

1.6. Delimitation

The dissertation only studied migration of Nepali laborers to Malaysia, excluding other designated countries, but the inferences drawn from the case of Malaysia can be generalized to other host countries as well. As the scope of this dissertation was not inclusive study of migrants in particular, but to explain the political and international nature of labor migration, it kept no records on the demographic profile of migrants and of irregular migrants to Malaysia. The research primarily focused on political and economic factors with no consideration to other factors such as social or demographic and also excluded the role of recruiting agencies. The research emphasized on temporary labor migration to Malaysia for employment especially in labor intensive jobs, excluding other forms of migrants moving to other nations or even to Malaysia with various other purposes and also rejected other migratory policies rather than foreign employment policies to Malaysia. Despite a wide range of factors identified by migration system theory, focus of this study

was only on causes and consequences of migration which include political and economic factors of both the countries and exit migration policy of Nepal. The research was entirely based on secondary resources and qualitative methods to collect necessary information.

1.7. Organization of the study

Accordingly, the whole study was divided into seven different chapters. The first chapter was the introductory chapter followed by the literature review. The second chapter reviewed available literature on labor migration from Nepal and migration to Malaysia. This part aimed to provide a comprehensive summary, including current knowledge and substantive findings and theoretical base on the related topic. The third section of the dissertation – research methodology, discussed the methods and the technique used to select, process and analyze the whole research and theoretical framework.

The fourth chapter explained the evolution of labor migration from Nepal to Malaysia and the context on which migration from Nepal to Malaysia takes place. Likewise, the fifth chapter discussed impacts brought by migration to individuals, to the home country and the host country. The sixth chapter of this dissertation was over the policies that are used by Nepal to address the migration related issues that are faced in Nepal and in Malaysia. Finally, the last chapter concluded the whole dissertation by summarizing it and emphasizing on the need of labor diplomacy as a suggestion to protect and promote migration from Nepal.

CHAPTER 2:

LITERATURE REVIEW

Many books, articles and journals that discuss migration from Nepal are mostly focused on Gulf countries and Malaysia as a whole. Very few literatures are directed towards Nepal's foreign employment to Malaysia individually. Malaysia's case is found in bits and pieces in many of the literatures combined with other major destination countries that are chosen for foreign employment. Few literatures that discuss the issues pertaining to out migration to Malaysia are also not comprehensive enough as they only focus either on Nepal or on the migrants, completely ignoring the context of both the countries and also under theorized. This lesson reviewed the available literature relevant to the topic with theoretical insight. Labor migration from Nepal has been the subject of academic, non-academic literatures and research define and evaluate its characteristics

2.1. Nepal and Labor Migration

Nepal being a developing country, observes huge outflow of labor migration of unskilled Nepali men and women to gulf countries and Malaysia as temporary workers.

2.1.1. History of International Labor Migration

The prime destination for Nepalis to migrate as laborers, from history, had been India, Japan and gulf countries, whereas other destination countries like Europe, United States and other Asian countries had few numbers of migrants (Graner & Gurung, 2003, pp. 299-300). Similarly, the economy of Nepal, dominated largely by agriculture was intertwined by the movement of labor forces across the border. Out migration from Nepal is not a new phenomenon but Nepal lacks relevant and systematic data before 1920. Men migrating to Lahore to join the army of sheikh ruler

and Gurkha recruitment are the first known data on history of Nepali migration (Gartaula, 2009, P.43-44). Before the formal mode of migration began from Nepal, Trade route played an important role in mobility of people from Nepal. Emigration of traders, craftsperson, painter, scholars was the initial stage of out migration of the people from Nepal. People also migrated as pilgrimage. Many people also fled away to India after unification of Nepal by king Prithvi Narayan Shah because they were not able to pay tax to the kingdom of Nepal. They fled to escape excessive tax, hard work and exploitation (Gurung, 2004, p. 3). Labor migration from Nepal to India has historical significance, but after the 1990s, the prime destination was gulf countries. Even, in the case of remittances, India was the most important destination before 1990.

Historically, out migration of Nepal can be divided into three different categories: military recruitment, marriage migration and migration related to agriculture and economy. More than 90 per cent of migrants were from hills and mountains (Subedi, 1991, p.83). Migration from Nepal from 1816- 1985 was largely towards India. Migratory movement was mostly to India from Nepal as Indian and British army on one hand and on the other hand it Nepali worked as labor in tea plantations, oil fields, road construction, border security in north and north east India. Migration for foreign employment from Nepal during 1816-1985, largely relates to Gurkha regiment directed mostly to the neighboring country –India. Nepali cross border migration, nevertheless, was channelized in 1886 after the signing of Sugauli treaty between Nepal and British East India Company where many Nepali were recruited as British –Gurkha regiment against the Nepal Government’s will till 1885 (Bashyal,2017, p.33).

Apart from British Gurkha regiment, Nepali workers were also part of civil services. They worked in the private sector as security guards; as domestic workers; and as manual laborers in mines, tea estates and dairy farms (Sharma & Thapa, 2013, p.2). After India got independence in

1947, Nepalis served in Indian army. 10 Gurkha regiments appointed by British India served Britain and India simultaneously. The 1950s treaty of peace and friendship between Nepal and India further strengthened the mobility of Nepali people to India. Treaty of Peace and Friendship canceled all the previous treaties and agreements signed between Nepal and British India. Article 7 in the treaty permits the free flow of both Indian and Nepali on mutual basis. People from both the countries are free to enter either country and reside and work. Legal documents, passports, visas were not prerequisites which further increased the movement of people. India has been one of the major destinations due to geographical and cultural ties plus no passports and no visa has made access to India easier. The consistency between Nepal and India's relation is reflected by the historical, geographical, cultural and linguistic closeness (Manhas & Sharma, 2014, p.2).

2.1.2. Recent Trend

Moreover, migration of Nepali laborers to the Gulf is a recent and dynamic phenomenon, which is arranged by manpower agencies. Thriving economies and demand of labors in East Asian and gulf countries(1980), foreign employment act(1985),provision of passports and travel documents after the restoration of democracy (1990), decline in Nepal's carpet industry, Maoist uprising (1996-2006) mobilized more migrants to foreign land (Bohora & Massey, 2009,p.624). The rise of other destination countries intensified the labor movements of both male and female. Significant number of people migrated to gulf countries, southeast Asian countries, Europe, North America which surpassed the emigrants to India till date Nepal has signed labor pact with Qatar(2005), the United Arab Emirates(2007), south Korea(2007), Bahrain(2008), Israel(2015), Jordan(2017) and Malaysia(2018) (Poudel, 2019,p.1).

Recent development of labor migration is directed towards Malaysia, Qatar, Saudi Arabia, and the United Arab Emirates in the long run while India is by far the main destination country for

short-term migrant workers (IOM, 2017, p.2). Though the history of migration shows that the movement of Nepali laborers were largely directed to India, Japan and gulf countries, the present flow or the current flow of Nepali migrants is also directed to East Asian countries like Malaysia. The dynamics of migration has changed throughout the history, migration pattern from India shifted to GCC and Malaysia, and now European countries are preferred destinations. Although the destination has been changed in the recent context, what similarity can be drawn from the history and present context is that people still choose to migrate as a livelihood strategy mostly from the rural areas. Many similarities become apparent between the recent out flow of migrants to destination countries other than India and migration towards India that started after the signing of Sugauli in 1816 (Sapkota, 2016, pp. 223-224). The reason behind migration, selection of migrants, adversities faced by the migrants, dependence on the remitted money by the migrants, encouraging migration by the government, weak diplomatic efforts to address migration are some of the similarities that is seen in the foreign employment then and now. The pretext in which migration functioned then might be different but the framework is similar.

Migration to Malaysia and Gulf countries have emerged as a trend form countries like Nepal due to limited employment opportunities, therefore, has become primary means to fulfill economic and social needs in recent years (K.C, 2014, p.7). So, people migrate for a specified period of time seeking better employment or wages or to minimize the risk of poverty to sustain and secure their livelihood back in their country. Migrating to other countries is a well-accepted alternative for the employment that is not provided in Nepal. Hence, migration happens because of unsustainable, underprivileged and unbalanced development in Nepal. Migration from Nepal on an individual level is to pursue prospects. Labor mobility also happens because of political, cultural and natural pretext but largely dominated by uncertainties related to finances.

Labor employment prospects for e.g. financial crisis in gulf countries affected migrants from Nepal, excessive costs and risks in process in migration, illegal migration, physical and psychological exploitations are some of the human insecurities faced by migrants (Ghimire, 2013, pp. 169-171). Human security is one of the concerns related to foreign employment from Nepal. The security concern of migration is not only human insecurity but also economic, social, cultural and political insecurities. Migration is challenging to the migrants, to the host country and to the home country. But, labor migration also has a positive implication to the migrants, home country and the host country. The Political and the economic situation of home and host countries have also played an important role in altering the outflow of labors; Maoist insurgency in Nepal, Qatar diplomatic rift, slowdown of economy in Middle East, delay in the provision of work permit to Malaysia are some examples to it.

2.1.3. Migration and Governance

The current guidelines for governing labor migration from Nepal are Foreign Employment act, 2007 and other national laws, including bilateral agreements and international conventions. Formulation of foreign employment act in 1985 provided institutional mechanisms for the first time (Sijapati & Limbu, 2017, p. 25). Government has amended many policies of migration and also is negotiating with labor receiving countries to make migration safe and transparent migration for example Nepal signed Memorandum of Understanding (MoU) with Malaysia and Memorandum of Cooperation (MoC) with Japan (Bista, 2019).

The increment in the number of Nepali workers to foreign land and its implication in micro and macro level is regulated mainly by foreign employment acts and policies. The process of migration faces numerous challenges. Migration laws regulate the process and protect ill functioning that happens in the process of migration. Migration policies, however, are formed to

control irregularities or protect migrants from various exploitation but also to maximize the potential of migration in the development of the country. The government, trying to improve the safety of Nepali migrants, has signed bilateral agreements with different destination countries to cover issues such as minimum pay, insurance and other welfare issues of migrants (ILO, 2017, p.19).

Along with the national and international laws to control migration, private or non-governmental organizations and international organizations work for safe and decent migration. Nepal is also active at regional and global levels to cooperatively promote migration. Despite the contribution made by labors in shaping the economy, migrants have to work in vulnerable situations with less or no social and legal protection exposed to workplace exploitation because of insincerity of government of both sending and receiving countries (Kunwar, 2015, p.79).

2.2. Labor Migration in Malaysia

Malaysia's rapid and steady development and improvement in education created shortage of workers in low- skill sectors like agriculture, construction and low-tech manufacturing, demanding low skilled workers not only from neighboring but also from other Asian countries (Carpio et al, 2017, pp.48-49). Though foreign laborers are critically important in the economic development of Malaysia, over dependence on migrants and illegal migrants is problematic. If not solved with proper policies, the cost may be higher than the gain Malaysia gets (Kassim, 2017, p.40). Besides, the increase in the share of laborers gives rise to an active debate on the impact created by the foreign workers. The concern is about the foreign workers taking away jobs and depressing wages, presence of low skilled workers degrade investments and incentives to invest in superior technologies and finally the presence of illegal migrants jeopardize political, economic and social security. Therefore, policies regarding foreign employment have changed time and

again to solve the problems brought by the migrants and to reduce dependence on the labor workers.

During the nineties, the government encouraged foreign workers to solve labor problems. The rapid economic growth and cheaper cost of foreign labors resulted in the excessive demand of foreign laborers (Mohd, et al, 2017, p.74). Recent Migration policies are largely directed to control the inflow of migrants to limit the dependence on foreign workers. Industrialization brought low skilled foreign workers in Malaysia, who helped in further development of the economy in Malaysia but the presence of low skilled laborers are perceived as a threat. The dramatic change in the economic structure and labor shortage demanded huge inflow of the migrants of all kinds; skilled, semi-skilled and low skilled but the presence of low skilled workers is high because of the shortage of laborers in low skilled jobs. Due to the presence of unskilled workers at greater ratios, the government introduced a policy in 1992 to limit the hiring of low skilled workers. The emerging concern is on managing the process of admitting foreign workers by reducing overdependence without harming Malaysian economy.

Foreign workers in Malaysia are treated unequally and unsatisfactory by the local employers as well as by the law. Despite the challenges and unpleasant situations, foreign workers still come to Malaysia to work in labor intensive jobs (Mei Wei & Yazdanifard, 2015, p. 15). Foreign workers to Malaysia, in labor intensive jobs are mainly from the poorer and developing countries, unskilled and illiterate. Challenges to foreign workers start right from getting labor permits. In addition to this, foreign workers are unaware about the language, culture and laws of Malaysia. Language barrier is one problem that is faced by laborers in Malaysia. Because of language problems, they cannot fluently converse with the people or the employers. After language barrier, human right violation is another concern. Foreign workers are also deprived of rightful

compensation and not treated equally compared to the locals. Safety and health issues in the construction industry are often ignored. It is not only in the construction industry, foreign workers face various challenges, they are treated unfairly in other sectors as well. Foreigners face various challenges because of the weak implementation of policies because migration policies largely focus on controlling these foreign workers rather than solving the problems faced by the migrant workers.

2.3. Migration System Theory

Theory of migration has undergone many fundamental changes moving from classical approach to a variety of new approaches which are more historical, critical, globalist and structuralist in nature. Extension of migration in international and interdisciplinary network challenged conventional theoretical network (Zolberg, 1989, p.403). Douglas S. Massey concluded that at present theories of migration are fragmented as there are no any single clear theory on international migration. The complex nature of migration requires an advanced theory that includes a variety of perspectives and assumptions (Selvin, 2016, pp.6-7).

Migration systems theory coined by Mabogunje (1970) closely relates to migration network theory, focuses on factors that cause, shape and perpetuate migration, interlinkages and feedback mechanism, assuming to alter the social, cultural, economic, and institutional conditions sending and receiving places (De Hass, 2008, pp. 21-23). Further, explaining the causes and consequences of migration should be studied as the same system and process because circumstances at both sending and receiving places affect migration and are affected by the migration process.

Migration system theory links to both micro and macro level factors of the places. Micro level factors include kinship and friendship systems, while macro level factors focus on economy, dominance, political systems, national policies of immigration, and cultural and social systems (Wickramasinghe & Wimalaratana, 2016, p.24). Migration system is positioned in the particular context- social, economic, political and demographic and other linkages- historical, cultural, technological and colonial which are influenced by migration. Migration itself may change these contexts and the flow of migration as well (Jennissen, 2007, p.415). System approach, considers causes and consequences, dynamic relations of origin and destination and relationships between different levels of social analysis which further facilitates migration through collective behavior of an individual in moving and transferring remittances, building meso- or macro-level entities (Bakewell, 2014, p.9).

Mabogunje, ranging from economic, environment to technology, social environment to political factors, information and continued feedback, social and family networks, monetary transfers, included all elements responsible to influence migration (Piché, 2013, p.145). Even though the essential assumption of the migration process – cause and perpetuation, in every theory is the same, the system approach explains migration in terms of the exploitative political-economic relationship between sending and receiving countries and considers the context of both origin and destination countries. System approach demands analysis of both origin and destination areas, migration decision and flows.

Empirical and theoretical studies, historical and contemporary observation, numerous reports, academic and non-academic writings are found describing labor migration from Nepal. Malaysia has remained one of the main destinations for Nepali workers since the history but literatures accessible are less written only focusing on Malaysia. In the case of Nepal, labor

migration, in many literatures has been explained either through wage differentials, pull and push factors or micro- analytical and more individualistic factors, focusing on rational economic considerations, social forces and state. Migration has been seen as demographic and socio economic characteristics. Nepal's migration policy is studied under the economic interest of Nepal, human rights, globalization, domestic politics and institution and foreign policy reflection Migration from Nepal, does relate to pull and push factors, cause and effect movement, household economy and individual rational decision, but also needs to be defined from the broader perspective of the country of origin and destination. Many literatures are dedicated to different types of migration from Nepal, this literature review focused on out migration of Nepalis as temporary laborers for employment. The next lesson examined the research methodology used to conduct this dissertation.

CHAPTER 3:

RESEARCH METHODOLOGY

This chapter described the research method, procedure and conceptual framework adopted to understand the flow of unskilled labor migrants from Nepal to Malaysia.

3.1. Research Approach

In order to meet the objectives and answer research questions, qualitative research was conducted. The entire research was based on qualitative phenomenon to answer research related questions. Research for this study was based on qualitative methods to collect in-depth and detailed information. The data collected were both in numeric and in written form, but largely in written words to emphasize on ideas. Qualitative method was used to look for the meaning of data in the form of text or concept. Contradicting to quantitative research, qualitative research method is not measurable but, indeed provides complete description and analysis of the subject. Available data/information were collected, organized and interpreted using a qualitative method, providing a comprehensive description on the topic.

3.2. Nature of Data

Related data and information were derived from secondary sources to explain, describe and clarify the pertaining research questions. In addition, to prepare this report, secondary data were collected from already existing books, journals, reports, research papers, previous dissertations, conferences, published interviews and digital platforms like Jstor, Research Gate, and Springer. Numeric and non-numeric data were collected from different published sources. It was based on the numeric data available from DoFE, Central Bureau of Statistics (CBS), Economic Survey, World Bank and other related websites of different government, non- government, private

and international organizations. This study explored the information provided by books, reports, newspaper articles, and journals published (print and online) by Government, Non-government, UN bodies, academicians, and researchers, and other relevant agencies. The data collected from the secondary sources were minutely scrutinized to make them suitable, accurate and reliable.

3.3. Research Method

Data and information in this dissertation were analyzed using descriptive, explorative and content analysis methods. These methods were used to get more holistic insight to the already existing data to systematically solve the research problems. Accurate and valid representation of research questions were presented by explorative, descriptive and content analysis. Available numeric data, tables and figures of this research were analyzed through the descriptive technique i.e. interpretation of presented table in words and the explanation of qualitative information in an organized way. Exploratory method was used for the clear understanding of the research problem to generate new ideas and insights and for the better understanding of the research problems, leaving scope for further research. Content analysis was used to interpret and simplify the information from the existing documents to accomplish the research objectives. Variety of strategies like comparison, categorization of were applied to make logical interpretations of the qualitative information.

3.4. Analysis of Data

The study collected qualitative data from secondary sources. The collected data were, then compiled, organized and categorized according to the common characteristics. The collected data were then analyzed using appropriate computer programs. Figures and tables were employed where needed.

3.5. Area of Study

The study was drawn from the comprehensive study of a Nepal and Malaysia to find out the impacts that temporary migration makes. Malaysia receives and sends workers but the inflow of foreign workers in Malaysia is higher than the outflow of the workers. Migrants received in Malaysia are mainly unskilled contract labors. Malaysia has relied on low to medium skilled workers since the early 1970s, and from mid 1980s, there have been high influx of second generation migrants. Major economic sectors like construction and electronics depend on low skilled workers (Kanapathy, 2006, p1).

Table 2: Migrant population in Malaysia

Year	Migrant Population	Number of Nepali migrants	% of Nepali migrants
1990	695,290	14,931	2.1
1995	937,368	27,097	2.9
2000	1,277,223	42,109	3.3
2005	1,722,344	111,343	6.5
2010	2,406,011	196,194	8.2
2015	2,650,617	205,021	7.7
2017	2,703,629	209,121	7.7

Source: Kambang and Kharel, 2019, p.2

Indonesia has been one of the major labor suppliers followed by Nepal, India and Myanmar. Besides, Bangladesh, Pakistan, Thailand and Philippines are other labor supplying countries. In 2108, the number of Nepali workers in Malaysia was second largest after Indonesia. The main destinations of regular foreign workers were Selangor, Johor and Kuala Lumpur. The majority were males (80%), working in manufacturing (36%), construction (19%) and plantation (15%) (World Bank, 2019, p.20).

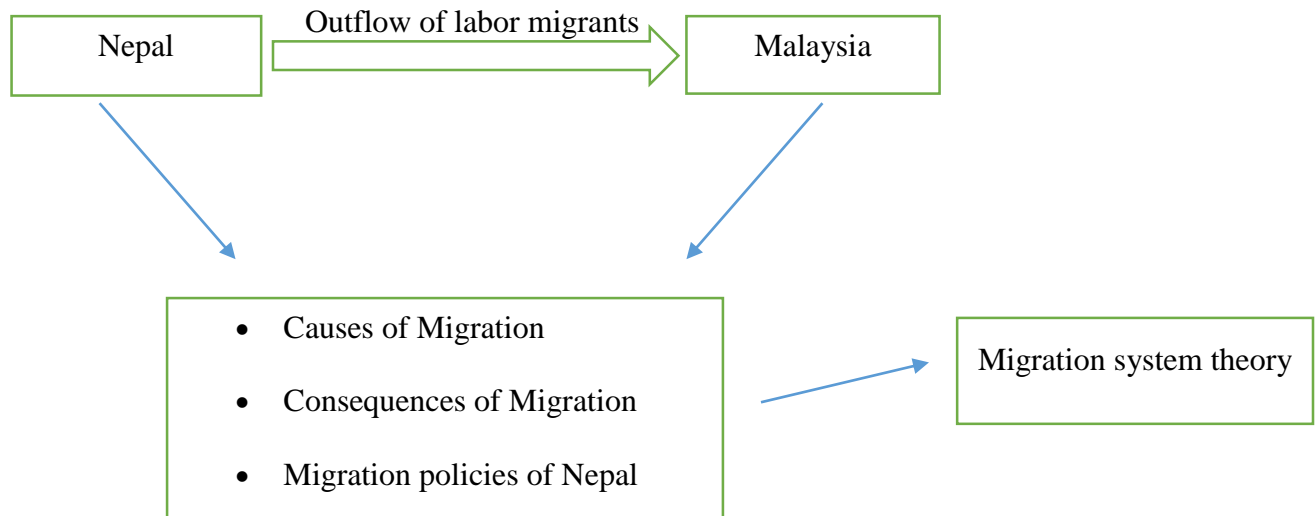
3.6. Theoretical framework

The study focused on Nepalis' out migration to Malaysia as an unskilled laborer. Foreign employment to Malaysia had made it possible for the people to earn their living and support their family members. Both the countries have also been benefited by migration. Migration has been adopted by the migrants, Nepal and Malaysia as one of the strategies of economic development.

Three different questions were investigated in the field. Each of these questions can be answered using different theories of migration. Migration systems theory has been used to analyze, to interpret and to answer these questions. The methodological implication of the theory is to provide a proper and wider understanding of the labor migration process, pattern, development, policies and varied impacts caused by migration to the country of origin ,destination and to the migrants.

This study examined the whole system of migration of Nepali migrant workers to Malaysia from migration systems theory. Migration to Malaysia from Nepal is perceived as a consecutive process of decision and transition by the individual made within the context of general political-economic situation of Nepal and Malaysia and relation between Nepal and Malaysia.

Fig 1: Study Outline



As migration systems theory assumes, Migration between Nepal and Malaysia is caused, shaped and perpetuated by economic and political contexts of both the countries in macro level and on micro level by the decision of an individual to migrate. Migration also influences all these factors. Migration of unskilled labor from Nepal contributes to the change in economic, social and political conditions in both the countries. Migration from Nepal to Malaysia is not only defined by factors such as unemployment or opportunity differentials, but is also defined by the economic dominance, political system, policies of migration and diplomatic relation of both the countries. The negative and positive impacts brought by migration demand regulatory framework, which were all discussed in other three lessons. The causes and consequences of migration and exit migration policy of Nepal is studied under the migration systems framework.

CHAPTER 4:

EVOLUTION OF LABOR MIGRATION FROM NEPAL TO MALAYSIA: ACTORS AND FACTORS

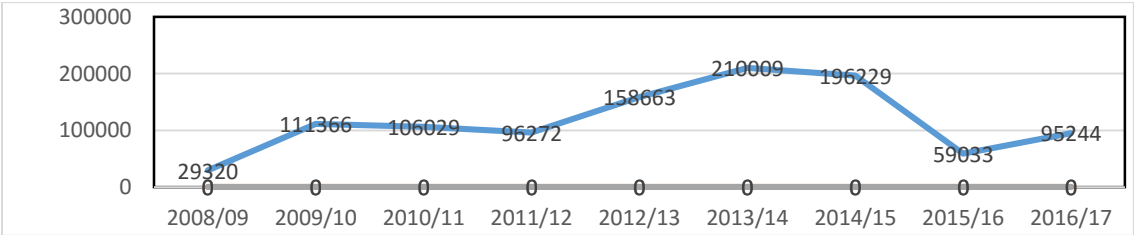
This section of dissertation discussed the context or the factors that have caused shaped and perpetuated migration from Nepal to Malaysia and the actors involved. Actors include both the sending and receiving states and the individual migrants whereas factors encompass politics and economy of the country of origin (Nepal) and country of destination (Malaysia), and the diplomatic relations between the countries. This part of dissertation also provided a brief insight on the history and recent trend of out migration from Nepal to Malaysia.

4.1. Evolution

Migratory movement from Nepal to Malaysia began during the colonial regime. Nepali migrants worked as a part of British army, were also employed in rubber, sugar and palm plantation in the then Malaya which comprised Malaysia, Singapore and other territories (Kambang & Kharel, 2019, p.3). So, basically the initiation of migration from Nepal to Malaysia dates back to the colonial regime. It is related to the Gurkha regiment. Nepali youths in British army were recruited in the Malaya-based British Gurkha army to fight alongside the British. Until the end of twentieth century, labor migration was largely directed towards India because of the open border between Nepal and India and no requirement of any documents or permits from either of the sides (DoFE, 2018, p.7). Even though the migration started during the colonial period, the growth was seen after introduction of new migration act in 1985. Out migration did happen before that but the introduction of new migration laws and policies and passports acts opened the door for many migrants to go to Malaysia.

In the year 2013/14, Malaysia became one of the major destination countries holding the largest number of Nepali migrants. Since 1993, Malaysia became the most attractive destination, but, until 1997, Malaysia, had no records of labor permits issued (DoFE, 2015, p.6). In the years (2008/9-2016/17) labor migrants have obtained permits to 153 countries. Among 153 countries, Malaysia and GCC have been the most attractive destinations for Nepali male. With 3,554,683 permits issued, 29.88 per cent were for Malaysia (DoFE, 2018, p.11). Even though, Nepali migrants were found working in Malaysia before 1985, officially Malaysia opened the door to Nepali migrants in 2001. Only in 2001, Malaysia recognized Nepal as a source country and started hiring Nepali workers to work in permitted sectors of manufacturing, construction, plantation, agriculture and services. It was the same year when the Malaysian government announced not to recruit or extend labor permits of Bangladeshi workers and declared that work permit will be granted to the workers only from Nepal, Myanmar, Thailand and Indonesia (Dannecker, 2005, p.251). Growth and demand in different occupational sectors in Malaysia like tourism, wholesale and retail, education, agriculture (particularly, palm oil and rubber), electrical and electronics, and domestic work has attracted many migrants to Malaysia (Sijapati, et al, 2015, p.29).

Fig 2: Labor permit issued for Malaysia



Source: DoFE, 2018, p. 12

The data provided by DoFE shows the number of labor permits issued to Malaysia in the past nine years. The proportion of Nepali migrating to Malaysia has not remained the same. The

figure of Nepali laborers has significantly risen and dropped. Malaysia received the highest number of workers from Nepal (40.9 percent) between 2008/9 and 2013/14 (Rajanikar, 2017, p.14). However, there has been a moderate drop in the labor permits between these periods. Labor permit had reached 111, 36 in the year 2009/10 from 29,320. The figure dropped to 106029 in the year 2010/11. Labor permit to Malaysia hit the highest point (210,009) in the year 2013/14. The share of labor migrants dropped sharply to 59,033 in the year 2015/16 and again in the year 2016/17 somewhat raised to 95,244. Labor permit issued to Malaysia in the year 2018/to 2019 was 9,999 (IOM, 2019, p.47). Until the Fiscal Year (FY) 2017/18, Malaysia held the largest number of Nepali migrants, with 1313658 work permits. The number of migrants for foreign employment drastically decreased to 2711, during the first eight months of the FY 2018/19 (Economic Survey, 2019, pp. 46-47).

With change in the country of destination, the gender composition of migratory flow from Nepal has also not remained the same. The labor mobility between Nepal and Malaysia, Nepali female migrant workers in Malaysia is highly visible in recent years compared to the past. Females have been migrating since the earliest period of time as a dependent with their husband or families but now females migrate individually and independently in search of a job (Paiewonsky, 2009, p.4). Migration for women in Nepal as compared to male is the most recent phenomenon. Even if female out migration is active, the overall trend of migration is male dominated till date. Women mostly accompanied their husband or their relatives in the earlier days as a migrant. One of the common migrations for females was marriage migration. Movement of females to other countries was very minimal back then. The number of females moving from Nepal rapidly increased between 2010/2011 to 2014/2015 by 106 percent whereas the labor permits for male only increased by 39 percent (UN, 2018, p.4.). When it comes to the choosing destination, choices differ for both

and females. According to the CBS 2001, out of 6,183 migrants to Malaysia, the total number of female migrating was 21 in number (Gurung, 2004, p. 15). The total number of females in the FY 2017/18 with work permit was 29915, and in FY 2018/19 was only 60 (Economic Survey, 2019, pp.46-47). During the FY 2017/18, the largest number of females migrated to Malaysia.

4.2. Determinants

Group of factors or context that determines labor flow from Nepal to Malaysia can be distinguished as economic and political. Economic context relates to the economic development, structure, employment opportunities, employment status, human capital and income levels at micro and macro level. Political factors include general political situation, migration policies of both the states and relation between the states.

4.2.1. Factors Associated with Nepal

4.2.1.1. Political Factor

Sugauli treaty in 1816 and peace and friendship treaty in 1950 initiated international migration from Nepal. Though Nepal was not colonized by Britain, migration for foreign employment from links to British imperialism as international migration from Nepal began as Gurkha recruitment. Migration to India happened to earn livelihood. Lack of employment, feudalism and excessive taxation, no industries and malaria in Terai, higher wages paid by Indian, insufficient earnings from agriculture were some of the reasons people chose to migrate to India (Bashyal, 2019, p.7).

The political context determining labor migration from Nepal includes Nepal's political situation, migration policies, and Nepal's bilateral and multilateral relations in the global community and political impotence to create effective economic security to the Nepali citizens

when they enter labor market. The restoration of democracy in 1990 and elected government of, liberalization of economy adopted in 1992, increased in bilateral relations through embassies and consular offices, helped to formalize labor migrations. The process of globalization in 1990 further increased migration (DoFE, 2015, p.8). The world has become small and interdependent due to globalization, which naturally paved ways for human movement for better opportunities (Gurung, 2014, p.20). Liberalization and gender specific labor demand motivated Nepali females to join migration streams as well. Labor mobility from Nepal was a feature of change in the political ideology, liberalization and globalization democratic reestablishment increased the outflow of migrants. The political and civil liberties after democracy continued in the rise of out migration not just to India but to the different parts of the world.

Political environment within the country and political relation outside the country, policy discourses also determine migration. First foreign employment act 1985 and foreign employment rules 1999 was established realizing the importance and changing dynamics of foreign employment, before foreign employment act 2007 that also focused on migrants' welfare, was amended twice before its establishment (Sijapati & Limbu, 2017, pp. 2-3). Changes brought in the migration act and policies encouraged the movement of the people. People did migrate before the formal model of migration began but the establishment of regulatory frameworks intensified the migration. Maoist insurgency that began in 1996 also made out migration increasingly important in Nepal. The hopeless political front line between the state army/police and the Maoist intensified migration. People chose to migrate rather than staying in Nepal as migrating felt safer and they also had the possibility of making money out of it (Thieme, 2005, pp.19-20). Increased violence and war in Nepal because of political conflict between the Government and Maoist in Nepal induced the flow of migrants. Political instability too, has encouraged migration from Nepal.

Instability and frequent changes in the government hampered the country's development and economic growth. Hence after, the political factors that facilitate migration from Nepal comprise of the political situation, Nepal's policies, and Nepal's bilateral relation with Malaysia.

4.2.1.2. Economic Factor

About 4.30 millions of people go abroad through formal or informal channels for employment. Every year about 500 thousand people enter the labor market but due to lack of employment opportunities, they are attracted towards foreign employment (Economic Survey, 2018 p.51). Migration from Nepal is represented by low income and unemployment- decline in paid jobs, rise in self-employment and unemployed family members. Mostly from the rural areas, people depend on agriculture, they lack proper employment opportunities or it becomes hard for them to meet the basic living standard. Agriculture doesn't always pay well and it becomes difficult in meeting the needs in the absence of other alternative jobs. Recurrent floods, landslides, deforestation degrades the environment and adversely devastating impact is seen on the agriculture sector, compelling people to look for other alternatives (IOM, 2019, p.28). Earthquakes in 2015 displaced resulted in internal displacement, which also resulted in out migration.

The agricultural sector in Nepal had remarkable progression during the year 1995-1996 then again, the employment growth decline in both the cash crop and food crop since the year 1995/96 and 2000/01 (Islam, 2014, p.3). Relying only on agriculture to run the life becomes difficult, so Nepali tend to migrate to improve their income. Dependence on agriculture fails to suffice the need of people. It is harder for them to maintain the basic need of life, so people are left out with no other option rather than choosing to work abroad. Insufficient earning from agriculture, unsustainable development, unavailable of proper jobs in Nepal, they migrate to find a decent job. The lack of economic livelihood and income inequality in Nepal are driving forces for migration

from Nepal. Least development of other job sectors increases people's dependence on agriculture. The income from farms is highly inconsistent for example the price of crops might fall beyond expectation or it might be affected by human or natural hazards. Employment opportunities are fundamentally traditional in Nepal, low level of industrialization, low productive service sectors and dependence on agriculture, stagnation in the share of industry, high import, uncompetitive manufacturing sector (Sapkota, 2018,p.241).

Not just agriculture but other sectors in Nepal also is not well developed. People are either unemployed or not satisfied with the job they do. The payment is not sufficient enough to support them and the family members. Government lacks to provide proper secure employment to the unemployed, especially to the unskilled and illiterate people both in urban and rural areas.

4.2.2. Factors Associated with Malaysia

Migration within Malaysia links to European imperialism, when European economic and political expansion integrated the nation into a new system of production trade and investment. Malaysia has been depending on voluntary forced migrant workers since the colonial era. Incapability of Colonial government to attract locals in rubber plantation and tin mining increased dependency on foreign workers mainly Indian and Chinese. Labor scarcity in the production and construction sector made Malaysia dependent on cheap labor even after the independence (Mascareñas, 2012, pp.54-55). During the 19th century, organized and free migration took place under British administration. During this period the labor from China, India and Indonesia helped in the exploitation of natural resources of the colonized countries establishing plantations and building infrastructure.

Malaysia has grown as an important destination for labor migrants since the colonial period dominated by Chinese and Indian laborers (Kaur, 2015, p. 75). Economic disparity between Malaysia and the country of origin and strategic location assembles unskilled labor migration in Malaysia to take the job rejected by the natives in particular. Until the 1970s, foreign workers were seasonal migrants working in the rural plantation and construction. The rapid industrialization and economic growth in the 1980s expanded the employment rate. Economy success, full employment, higher education among nationals since 1990 led to labor shortage due to which foreign workers had to fill the labor shortage (ILO , 2016a, p.1). Boom in construction in the late 1970s and early 1980s increased in labor in this sector, and the sustained economy economic growth by the late 1980s, increased female participation in the labor force, increased demand of foreign workers (Mascareñas, 2012, p.55)

Malaysia's shortage of labor with expanding industrialization demanded a huge mass of unskilled people. Industrialization in Malaysia is divided into five phases, the first was British colonial rule, second was after independence in 1957, third was from 1968- early 1980s, fourth was from 1983-1986 and fifth is the current phase (Mohd, et al, 2017, p.76). Industrialization brought many foreign laborers to Malaysia. Rapid industrialization and lack of laborers mainly unskilled made the government of Malaysia to mobilize foreign employees. Foreign workers were encouraged from the colonial regime by the British government when the locals in Malaysia were not ready to take part in British economic plan. Growth and demand in different occupational sectors in Malaysia like tourism, wholesale and retail, education, agriculture (particularly, palm oil and rubber), electrical and electronics, and domestic work has attracted many migrants to Malaysia (Sijapati, et al, 2015, p.29).

The rapid expansion of manufacturing sectors especially created a shortage of workers and demand for skilled and semi-skilled workers in Malaysia (Pappusamy, 2014 p.2). The scarcity of laborers in different sectors has made Malaysia a labor importing country. The rapid industrialization, sustainable economic growth, strategic location, higher old age dependency ratio, political stability and labor shortage mostly in construction and manufacturing has been major pull factors in Malaysia from the lower income country like Nepal. Malaysia has become one of the fastest developing countries in Southeast Asia where mega projects are being introduced and developed since the 1980s, which increased dependency in foreign workers (Najib, et al, 2019, p.1).

Along with economic factors, political and legal conditions also have determined the inflow of labor migrants to Malaysia. The stable political condition of Malaysia is another reason for Malaysia being preferred destination. With the aim of being a developed country within 2020, the government started to promote industries such as electronics, automated manufacturing, biotechnology and information technology with Malaysia's 'vision 2020', which continued their dependence on foreign workers (Kaur,2015,p. 83).

Dependence on migrant workers to maximize profit, the Malaysian government has an open approach to labor migration (Kaur, 2015, p.76). Migration policy of Malaysia has changed according to the needs of the labor migrants. To reduce long term reliance on foreign workers and not to be replaced by cheaper foreign labors, visit passes for temporary employment is issued to restrict and regulate their entry (Kanapathy, 2006, p.2). The economic transformation from agriculture to manufacturing and services in Malaysia, changed labor demand in the 90s, and the labor market demanded more laborers. Lack of workers made the government to encourage more foreign employees from Southeast Asia (Rahman, 2017, pp.11-12).

4.2.3. Relation between Nepal and Malaysia

Nepal and Malaysia do not share the same colonial history, same culture or geographical proximity. However, international labor migration from both the countries links to colonial imperialism. Technological advancement like easy transportation access and communication increased migration. Other than that diplomatic relation between Nepal and Malaysia has built up migration from Nepal to Malaysia. Migration is shaped by the interest and relation between the countries.

Nepal and Malaysia share warm and friendly diplomatic relations, since the establishment on 1st January, 1960. Nepal and Malaysia have good economic relations, the bilateral trade increased nearly by 34 percent. Malaysia business houses have invested in different sectors of Nepal. Embassy of Nepal to Malaysia has also been actively participating in different activities of economic diplomacy (MoFA, 2019, p.37). Malaysia has directly invested in different sectors of Nepali economy which includes telecommunication (largest investment), tourism, education, trading and services. Trade between the countries has been facilitated through Nepal Malaysia Business Council (MoFA, 2018, p. 69). Relations between Nepal and Malaysia is also aided by high level visits. Both the countries are committed to ideals of the United Nations and policy of non-alignment.

Nepal and Malaysia have cordial and harmonious relations. An important aspect of Nepal-Malaysia relation is the large number of Nepali migrant workers (MoFA, 2017, p. 36). Nepal and Malaysia have housed permanent embassies to house their professional representatives in each other's country to exchange information between the states, negotiate on agreements that are of common interest to conduct friendly and harmonious relations. Diplomatic relations between Nepal and Malaysia play a crucial role in shaping and managing migration by negotiating and

ensuring communication between the countries. The Embassy of Nepal in Malaysia has remained active in protecting and promoting migrant interest. International migration from Nepal to Malaysia is used as a tool of diplomacy to pursue a nation's economic interest and achieve desired economic goals in international context. Migration is the result of intergovernmental agreement between Nepal and Malaysia. Bilateral relations between the countries have consolidated and diversified the labor movement to Malaysia.

4.2.4. Individual factors

Political and economic factors of sending and receiving states and relation between the states determine migration in macro level, whereas individual factors are studied under the micro level. One of the very first approaches to migration is an individual's decision. Decision to migrate, is an individual's choice which is based on the macro level factors. An individual, before deciding to leave one's place, calculates the cost and benefits of migration. An individual considers negative and positive factors at origin and destination and the opportunities (Piché, 2013, p.143). Lack of job opportunities at home and the potential for higher earning abroad, many migrate to seek improved economic opportunities outside the country. For poor migration is not an alternative but necessary survival strategy (IOM, 2019, 27). The decision on migration is also taken by households and individuals who are affected by the environment they live in which largely includes level of economic development, labor forces, poverty rates, unemployment rates and institutional structure (Jacob, 2013, p.5). They also consider other factors like material linkages, disparities in wage rates, and hope for better life. The decision to migrate entails recruitment fees, transportation costs, costs to obtain visa and work permit and the opportunities in the host country. Potential for employment, labor demand, high wages, labor market flexibility, increased networking are some dynamics that work as a magnet for Nepali migrants to work in Malaysia.

The other reasons for migration have been active recruitment by foreign employment agents at the local level, observing migrants in the locality doing well economically, insecure jobs, lack of political consideration to secure proper and well paid jobs (Sijapati, et al, 2017, p.37). When a member of a community goes to another country for work another member in the community starts to do the same. The communication of successful experiences in destination societies or remittances can create a positive view of migration in origin countries and help foster a culture of migration. The flow of remittances and information and feedback are factors that shape migration from Nepal. Households receiving remittances, on contrary to households not receiving remittances are able to achieve better living standards, which in a society increases the tendency of international migration. The final decision of an individual to migrate is determined by all the macro, meso and micro elements (IOM, 2019, p. 26). As far as women are concerned, the reason to migrate is the same as for males. They are motivated to work outside because of the employment opportunity that does not exist in Nepal. Females from Nepal migrate because of low employment opportunity, with the hope of potential financial gain at the same time they do migrate because of marital problems and gender discrimination (Peskin, 2016).

Summing up the chapter, factors associated with the country of origin and destination are interconnected. Migration has evolved over the time because of the factors that interact with Nepal and Malaysia. If we look at the history and recent trend of foreign employment from Nepal to Malaysia our migration has happened because of the government's failure to create enough employment for the people in Nepal, whereas the demand of labor especially in labor incentives jobs have driven the whole process of migration. Nepali officially started to migrate to Malaysia when the fifth industrialization happened. Labor migration from Nepal to Malaysia has a long history but, unlike workers from Indonesian and Philippines, who migrated to Malaysia before the

developmental phase started, workers from Nepal officially migrated after Malaysia economy started to accelerate in Malaysia.

After 1990, the economic growth continued with the 8 percent from 1987 to 1996, created shortage in the manufacturing and, later, in the service sector, which generalized the demand of migrant workers in all the sectors (Mascareñas, 2012, p.56). The shortage of labors on Malaysia in different, sectors, newly established democratic system in Nepal in 1990, liberalized policy of Nepal and globalization encouraged Nepali migrants to migrate to Malaysia. Booming economy in Malaysia and labor shortage in 3Ds job and declining economy, unemployment in Nepal supported by the migration policies, wage differentials are the factors that causes migration from Nepal to Malaysia. From the angle of neo –liberal globalization, richer states depend on poorer states for the labor supply because of the fragmentation of production, work specialization, and new production structures and occupational and uneven economic growth in the region (Kaur, 2015, p.81).

Economic disparity between Malaysia and Nepal has mobilized unskilled labor migration in Malaysia is further facilitated by flow of remittances. Relations between states have increased in the movement of people from country to country. Factors responsible for shaping international migration from Nepal to Malaysia are also impacted by migration, further discussed in the next lesson.

CHAPTER 5:

CONSEQUENCES OF TEMPORARY LABOR MIGRATION

Both the countries- Nepal and Malaysia have a long history of migration. Migration for foreign employment has two sides one rendered with opportunities and the other with threats and challenges. Migration for employment is ambiguous with both negative and positive experiences. Migration affects the growth of the economy both directly and indirectly (OECD, 2014, p.3). Labor migration influences the factors that are associated with the cause of migration. Migration impacts on the economy and policies of both the countries at macro level and also impacts the labor migrants at micro level. Migration also impacts the relation between the countries. The consequences brought by labor migration to the home country, to the host country and to the migrants are both positive and negative. Consequences of migration is also viewed from a security angle.

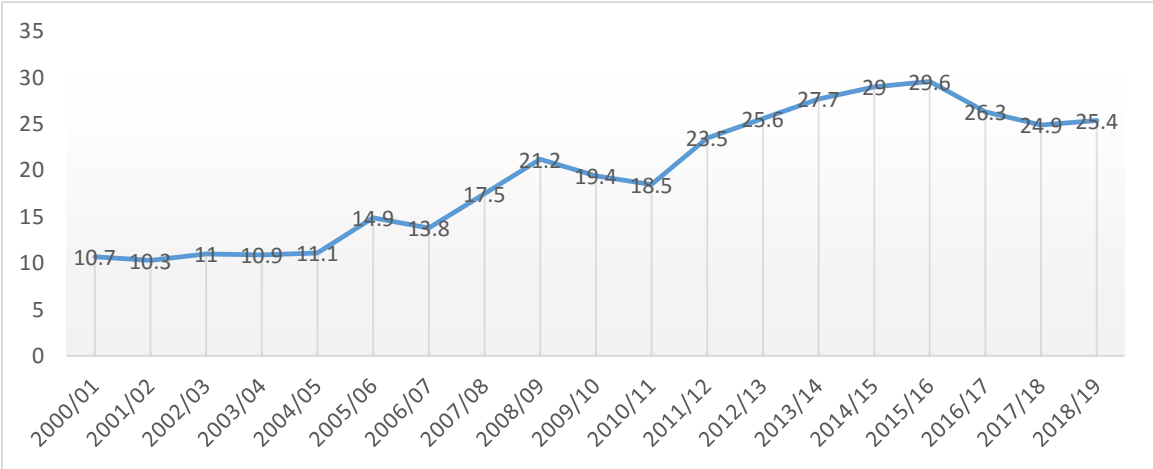
Migration has many positive impacts on the migrants, on the country of origin and on the country of destination. For the destination country migration fulfills the labor demand, for the country of origin it has financial benefits and new opportunities are created to migrant themselves (Hugo, 2013, p.6). It has several reciprocal gains for both the home and host country .The receiving country benefits from the labor's productivity, sending country benefits from the capital earned by these laborers in the host country and for the labor migrants, migration fosters new opportunities.

5.1. Country of Origin

For the perspective of a source country, one of the key benefits of temporary international migration is the flow of remittance from the migrants employed abroad is an important source of income and capital to advance the country (Djajić, & Michael, 2008, p.2). Remittance plays an

important role in labor exporting countries like Nepal. Labor migration has a large and crucial role for the economic development of the country. Nepal benefits from the remittance that is sent by these labor migrants to Malaysia. They send part of their income back home to their families. Remittances have a significant and positive impact in the economy of the country. Remittances have contributed to save the country's fiscal imbalances. The disruption in the remittances would create havoc in the country's economy. Remittances income is one of the six pillars of economy, contributing to maintain macroeconomic stability of Nepal. The growth of foreign exchange reserves and rise in balance payment surplus is also backed up by remittances (DoFE, 2016, p. 51).

Fig 3: Remittance as share of Gross Domestic Product (GDP).

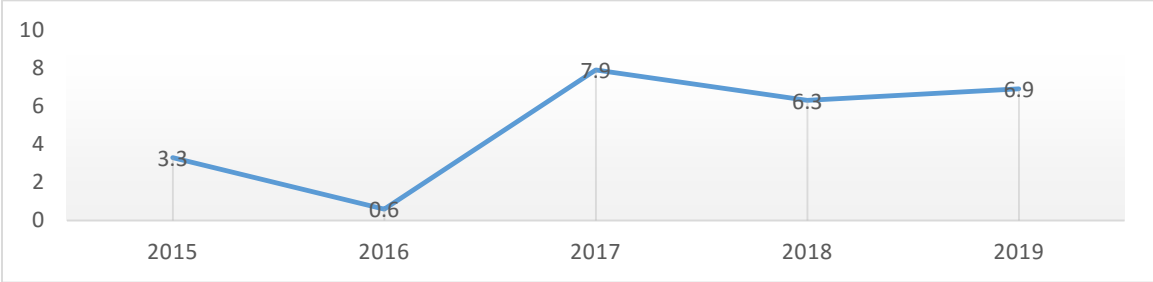


Source: IOM, 2019, p. 89

Nepal for a few decades has been receiving substantial amounts of remittances. The share of remittances in GDP of Nepal has fairly increased since 2000/01. Remittances have been one of the major sources to promote development of the economies. Remittance is used in the domestic sector, and also in the commercial and productive sector to operate micro and macro level

economic sectors to enhance economic development. In the context of Nepal, remittance has become one of the important sources of capital formation.

Fig 4: Economic Growth rate of Nepal 2015-2019



Source: Economic Survey 2019, p.1

Remittances from foreign employment have a large share in the economic growth of Nepal. The inflow of remittances increased to Rs. 582.19 billion during the mid-March of FY 2018/19, a notable growth of 23.4 percent, while in FY 2017/18, it had increased by 4.9 percent to Rs. 471. 85 billion (Economic Survey, 2019, p.42). Remittances have a direct effect in the rise of economic growth. As seen in the figure the rise in the economic growth rate from 2018 to 2019 is the outcome of the increased foreign employment. Remittances also reduce the Balance of Payment (BOP) crisis by providing foreign exchange and raising national savings and investment. Remittances contribute to growth, consumption, income distribution, and increasing the total pool of resources available for investment.

Nepali workers in Malaysia gain higher wages than in Nepal which is how Nepal benefits from the remittances of the foreign workers. Remittance has been an assist for economic development. Larger part of GDP is covered by remittance money having the potential to improve well-being, stimulate economic growth and reduce poverty directly and indirectly. The flow of remittances are more than twice as the size of international aid flows (Khadka, 2017, p.92). High

rates of migration to Malaysia has helped in reduction of poverty through the remittance received by poor and non-poor households. In addition to financial remittances, migrants also gain social remittances such as skills, ideas that can contribute further development, also called brain gain (I.O.M, 2019, p.104).

Along with remittance being an assist to the economy of Nepal, migration also has social impacts, skills learnt by the migrants also be beneficial for the development of the country. Foreign employment also helps to maintain cordial and friendly relations with the receiving state. The rise in the foreign employment has reduced poverty. According to the Millennium Development Goals report, the surge in labor permits between the years 2004 to 2011 decreased the poverty rate up to 2.5 per cent (DoFE, 2015, p. 51). Foreign employment had helped to earn foreign currency. Apart from foreign employment's contribution in the national economy it has achieved entrepreneurial development through transfer of knowledge, skills and experience from returnees' migrant workers (Economic Survey, 2019, p 49).

With all the positive impact of labor migration in the country's economy, labor migration does come up with many challenges. The excessive dependence on foreign employment during political instability and conflict increased labor vulnerability in Nepal (Khanal, 2015, p.15). While labor migration contributes to the inclusive development of the country, International labor migration to Malaysia benefits Nepal in the short term but in the long run it is pretty disturbing to the country's economy. The money they remit back to Nepal has helped in boosting the economy, it actually has created a shortage of labors in domestic markets.

Nepal loses the productive capacity due to the absence of the laborers in the country. The decrease of laborers in the domestic market comes out with negative economic results. The money sent back to Nepal by the labors from Malaysia is not being used in the productive sector in Nepal.

The total inflow of remittances in the year 2018/19 was 582 billion and the contribution of remittance on the GDP in the year 2017/18 was 24.9 percent (Economic Survey, 2018, p.42). Remittance needs proper management because it is not being used in betterment of the economy and people. 80% of it is used for household expenses, to construct or build new houses and 20 % to educate children, run business or to cultivate farm land (Sapkota, 2018, p.239). Not only are the mismanagement of remittance but also legalizing and monitoring of private recruiting agencies are the concerns. The major challenge lies in the systematic and strategic management of foreign employment. Nepal faces several challenges when it comes to regulating foreign employment. Nepal has come up with various mechanisms to control irregularities related to foreign employment but still struggles to implement the policies for the smooth operation of labor migration.

Second, the protection of migrant workers in Nepal and Malaysia through strong policies is another challenge faced by Nepal so far. The implementation of legislation aimed towards migration, also hindered by corruption, political ties, middle men, is poorly implemented because of which the process of migration is subjected to various issues like exploitation, risks and forced labor (Jones & Basnet, 2013, p.vi). Nepal falls back when it comes to defending migrants from different violence and ferocity, providing them with proper legal rights and safeguarding their security- physical, economic and psychological in both the countries. So, protection of migrants against all these odds is reasonably challenging to Nepal. Nepal needs to address problems associated with foreign employment as it is facing problems in setting labor standards with strong policies. The failure of Nepal's policy makers, political actors, and civil society is indicated by the failure of the Local Governance Operation Act (LGOA), new migration laws, to address migration related structure, mandates and operational procedure (Baniya & Kharel, 2018, P.8).

Also, when it comes to the migrants, Labor faces problems due to migration policy in Malaysia which is formulated largely from the standpoint of controlling immigration and maintaining public safety rather than labor administration so, in this case Nepal needs to have strong bilateral relation and agreement with Malaysia to protect migrants from exploitation in Malaysia with strong foreign employment policies. Troubles faced by migrants in Malaysia needs to be addressed properly. Prioritizing the issues of laborers in Nepal's foreign policy thus emerges as an added challenge as foreign policy less focuses on labor diplomacy. The unemployment rate in Nepal according to the latest labor survey is 2.3 percent, the rate of semi-employment is 30 percent and the rate of underemployed youth is 35.8 percent, which attracts people in foreign employment (Economic survey, 2018, p.51).

The further challenge is to understand and eliminate the problem of rising unemployment and come up with policies that aim at raising productivity and income. Nepal has witnessed positive outcomes in overall economic sectors compared to previous years and also has raised above from poverty level but still is unable to provide jobs to the people who enter the labor market. About 500 thousand of the population enter the labor market every year. But, because of proper job opportunities, close to 40.3 million of youth have gone to Malaysia through formal and informal channels. Government of Nepal also faces crisis during the emergency situation like global pandemic – COVID-19 for safe repatriation of the workers and to provide employment to repatriated workers (Bhattarai, 2020).

Furthermore, gender based migration has increased the level of awareness in response to inequality and violence because the risk and challenges faced by men and women are not the same. Females are more prone to vulnerabilities than their male counterparts. The differences in the migratory behavior between male and females in terms of risks, vulnerabilities, health issues,

exploitation, human rights abuses and opportunities shows that migration is not a “gender-neutral” phenomenon (UDHR, 2010, p.45).

5.2. Country of Destination

International migration is not advantageous only to the country of origin but it also benefits the host country by contributing to the economy of the country. The major positive impact of migration for the host country is the supply of labor and their contribution to the economy of the country. Malaysia has experienced a very high level of industrial development and is also classified as an industrialized country, which demands the workforce especially unskilled workers for immediate employment in the industrial and manufacturing sectors. From the economic perspective, laborers have helped in economic development and growth of the country by fulfilling acute labor shortages since British administration. The economic development from Malaysia has also been dependent on laborers after its independence. During the last two decades, Malaysia has been exceptionally benefitting from migrant workers in several economic sectors, these laborers have empowered the country to emerge as an upper middle income country (ILO, 2016a, p.iii).

Participation of migrants in Malaysia is more than non-migrants. According to the Department of Statistics, the labor force participation rate is 76.7%, compared to 67.8% for non-migrants in Malaysia (UNESCO, 2017, p.5). The migrant workers fulfill the labor demand. Both the skilled and unskilled migrants benefit the country. Unskilled laborers particularly do those dirty, dangerous and degraded jobs which are often ignored by the natives or the locals, filling labor shortages in low skilled and labor incentive sectors. These workers are also comparatively cheaper than the locals. Majority of migrants in developing countries like Malaysia are unskilled and illiterate who are involved in 3Ds (Dirty, Dangerous and Degrading) jobs. For host country migrants fulfill the demand of labor in those sectors where native are unwilling to work. The role

of migrants cannot be overlooked in the transformation of Malaysian economy. Labor migrants have deep implications on Malaysian economy as many of Malaysian sectors depend on foreign workers for example 1.5 million hectares of oil palm plantation consist of 22 percent of local workers and 78 percent of foreigners (Rahman, 2017, p.11). Without foreign workers Malaysia will face a labor crunch in different sectors. Foreign workers have brought a positive impact in the economic development of Malaysia and have positively influenced labor productivity. Nepal is one of the major contributors to Malaysian workforce based on labor supply patterns. With the aim of attaining the status of fully developed nation by 2020, the Malaysian government in the year 2010 initiated the economic transformation plan, which demands low skilled migrant workers in various sectors (Sijapati, et al, 2015, p.29). With the Economic Transformation Program (EPT), the government is trying to bring concrete changes in specific sectors. Though Malaysian Malaysia has sustained rapid economic growth by strong economic performances and the role of the migrants in the transformation of Malaysian economy from low income to high income cannot be overlooked.

Nepali workers working in Malaysia are mostly unskilled, inexpensive, and hardworking willing to do 3D jobs rejected by Malaysians, even in an uncomfortable environment with exposure to harsh situations. So, these migrants fulfill the labor demand in this type of jobs at a cheaper price which highly benefits the country. The decreased wages helps in achieving positive results within the Malaysian companies. More units of goods and services are produced at low inputs. Economy of Malaysia has long benefited from the migrant workers as they support domestic consumption and fuel economic growth. Migrants have also softened the business cycle by serving as a buffer to fuel growth and moderate wage inflation during periods of high growth and maintain

relatively low levels of unemployment during economic slowdown by shedding excess foreign labor (Kanapathy, 2006, p.13).

Situation of foreign workers in Malaysia is notably important from the perspective of migrants' rights and welfare and also from the development perspective because of high dependence on low skilled foreign workers (Hwok-Aun & Yu Ling, 2018 p.9). While Malaysia benefits from the influx of migrant workers, migrant workers equally possess threats and challenges to Malaysia. The fear exists that the importation of laborers will undermine the local job security. Labors mostly work in low wage payment which reduces the cost of output but in return the company profit is increased. In fact, the availability of inexpensive, low skilled workers make labor cheap compared to the capital, sooner or later misleading the domestic factor prices and discouraging industrial upgrade. As long as Malaysia depends on cheap laborers, Malaysia's transformation to a developed nation is at risk (Jian Wei, et al, 2018, p. 2).

Malaysian effort to overcome their reliance on low-skilled foreign workers is so far another challenge. Small and medium enterprises that made 38 percent of GDP in the year 2018, are threatened by the country's aim to reduce the low-skilled foreign workers. The control of foreign employers especially low skilled and cheap laborers from the country like Nepal become a challenge for Malaysia as these low wages laborers are considered to be a potential threat to the security of the country and also to the country's long term economy. The demand of low skilled and inexpensive workers progress the country's economy temporarily but in long run dependence on these laborers discourage the output. Foreign workers also depress the income and wages of low skilled Malaysian workers. To control the country's dependence on foreign employment, Malaysian government is introducing a new initiative by giving cash to companies for hiring more locals (Rodzi, 2019).

The restrictive policies initiated by the government to control foreign workers arises yet another challenge of illegal migrants. These kinds of restrictive policies embrace trafficking and smuggling of humans which later leads to numerous complexities like coercion, abduction, exploitation, and serious violation of human rights. The increase in illegal migrants has been one of the serious problems for Malaysia. Illegal migrants possess different threats to the country. The increase of illegal migrants also increases crime. Controlled or illegal migrations threaten the social and economic aspect of the host country. Rise of illegal migrants challenges the security of Malaysia. The increase in illegal migrants in Malaysia is viewed through the angle of security. They threaten political and social security. Since before the independence, tackling of the issue of illegal immigrant in Malaysia has been a major concern of Malaysian government, in the best possible way and in a win-win situation (Bin Othman, 2016, p.33)

5.3. Migrants

In the year 2017/18 there were roughly 20.7 million people of working age where 71 million employed and 11.4 percent were unemployed. Among the unemployed population the rate of female unemployment (13.1%) was bigger in number compared to males (2.8%) (CBS, 2019, p.XI). Foreign employment provides employment opportunities to the people and an alternative for livelihood. Migration is also about the income migrants receive. Compared to Nepal, migrants earn more in their destination country. Money they receive has a huge effect in their household. Remittances have significant contribution in household economy (Sijapati & Limbu, 2017, p.17). Remittances enable better health care, education, housing and nutrition by reducing poverty level. Remittances increase in the consumption of local goods and services. In addition to financial remittances, labor migration also equips migrants with skills and education (social remittances), termed as brain gain, and improves in qualification of the workers (IOM, 2019, p104). Apart from

the advantages migrants gain, they are the most vulnerable group, who are deprived of social and legal protection. They suffer from various atrocities in Nepal and Malaysia.

5.3.1. In Nepal

Numerous reports explain the fraudulent case in rise in the process of migration like fake contracts, payment and work not as per the contract. Labors to Malaysia have migrated with fake contract paper with the company (NIDS, 2011, p.25). Most of the migrants, on an individual level, are illiterate, unskilled and ignorant. They are deceived because of their ignorance in many cases. Migrants are highly charged. Some manpower agencies lie to them about the job and salary they get. They are highly charged regardless of 'Free Visa Free Ticket policy' due to which they have plunged into heavy debt (Sharma, 2017). Compensation right is not fully implemented and protected because of inaction of the government. In the case of injury, death or disability they won't get desired health support from their home country. Migrants have to go through various difficulties to get compensation. Government of Nepal has established mechanisms for complaints and compensation but still migrants are not fully protected.

5.3.2. In Malaysia

International migration can be advantageous for the migrant workers but many workers have to deal with poor and unsafe working and living conditions, lack of social and legal protection, economic social and mental exploitation (ILO, 2010, p. 2). Even with the migrant workers whose earnings are expanding economies of both the countries, less attention has been given to the sufferings of the migrants. Nepali workers are paying their lives. In specific, low skilled workers have limited earning potential, enjoy fewer job benefits and are also more prone to vulnerabilities, abuse and exploitation (Thami & Bhattarai, 2015, p. 2).

In Malaysia they are abused by the company. Companies often breach the contract, they do not get the promised salary and the payment is also not done in time, they work for a longer time with little rest and no sick leaves and are also discriminated against and abused equally. Migrants suffer economically, mentally and physically. Migrants are unfamiliar about the local regulations and language, they are also unaware about their rights and also fear deportation (World Economic Forum, 2017, p.138).

Though laborers to Malaysia are protected under employment law, abuses against workers, violation of human rights and labor trafficking are common issues faced by migrant workers. Migrants to Malaysia are often accused of crimes and clashes, irrespective of their contribution in the field of agriculture, construction, services and manufactures. The foreign workers to Malaysia are divided into three categories. First group holds red IC and are provided with work permits by the labor ministry, second group are highly skilled and professionals and the third are unskilled and low skilled workers (Ajis, et al, 2014 p.46). Facilities, period of stay and the wages are distinguished on the basis of these three categories. The third category, workers with low skill or no skill are employed for short-term periods for maximum five to seven years. Nepali migrants belong to the third category who often live on the edge, susceptible to hazards- physical and psychological. Migrants suffer from vulnerabilities, take on significant risks and are often marginalized because they are in a powerless position. Nepali workers to Malaysia are predominantly involved in low skilled work.

Migrants are forced to accept exploitation because they have no other options. Migrants often do not bargain because of the poor economic background, they are scared to lose their job thus they lack protection from vulnerabilities in their workplace (Lenard & Straehle, 2010, p.285). They face various kind of problems such as discrimination, language and cultural barrier, poor

treatments, labor rights issues, fraud, compensation, abuse, lack of political protection. Migrants travel with poor information of cost and potential risks, with distorted notion of employment possibilities, which increases the case of fraud and abuses (World Bank, 2006, p61).

Compared to native labors, the position of foreign labors is unfair and underprivileged and also are paid lesser (Khan, et al, 2016, p.267). Apart from different inequalities, ill-treatment, trafficking, social-dumping, low wages and other various human rights violation, migrants are equally vulnerable to health hazard and casualties. They are under high risk of unintentional injuries and accidents in the workplace because of their general working environment which are the pressure of work, risk taking practices and language barriers (Adhikary, et al, 2018, p. 1115). They are either injured, disabled or dead because of work place accident, traffic accident, stress, fighting, natural death, cardiac arrest, murder, suicide and other unknown reasons. The healthy migrants die suddenly in their sleep mostly because of cardiovascular attack. They work longer hour in physically demanding jobs, with little rest and they also die due to alcohol poisoning (Aryal, et al, 2019, p.789).

Migrants are not provided with proper health care and health treatment in Malaysia. Female workers in Malaysia lack fundamental rights and protection, limited access to decent pay, in spite of the criticism faced from different non-governmental and international organizations, Malaysia seems reluctant to address the exploitation and abuses faced by females (Litherland, 2016, pp. 86-87). Workers' compensation scheme (WCS) of Malaysia regulated under Workmen's Compensation Act (WCA) of 1952 aimed to provide compensation to work injured, disabled or dead foreign workers but the government has failed to treat migrants equally especially in terms of accident compensation (ILO, 2017).

Table 3: Causes and numbers of death in 2017/18(FEPB)

Causes	Men	Women	Total
Natural cause	45	1	46
Cardiac arrest	22	-	2
Suicide	55	2	57
Workplace accident	27	-	27
Heart attack	30	-	30
Traffic accident	14	-	14
Disease	30	-	30
Other/unidentified causes	22	1	23
Pending investigation	40	-	40

Source: Kambag & Kharel, 2019, p.6

The total number of deaths including both male and female according to FEPB is 289. The ratio of male dying in Malaysia is higher than the ratio of females. In total, 4 females died- 2 committed suicide, 1 died natural death and cause for 1 death is unidentified. The death for male labor migrants in Malaysia was higher than the female counterparts and also the causes of male death varied. The total death of male is 285 consisting of 45 natural deaths, 55 suicide, 27 workplace accidents, 22 cardiac arrest, 30 heart attacks, 14 traffic accidents and 30 due to diseases. Reason for 22 male deaths is unidentified and 40 cases for death are still pending. Cardiac arrest, suicide, natural cause and workplace accident were specific causes of deaths. The cause of death of migration is derived from the death certificate which is issued by a legal or medical institution in

Malaysia. In case of death of migrants the number of deaths is not precise, FEB data are derived from relatives of the deceased, in case of MoFA information on the deaths of migrant workers are found in the Financial Administrative Section (ILO, 2016b, p.3).

With the rise in the global pandemic, Nepali migrants suffered due to failure of the government of Nepal to act in time. The under-resourced embassy could not protect and evacuate the workers in time. Since the outbreak of COVID-19 migrant workers struggled for food and proper accommodation with high risk of infection but the government has done nothing significant; only few moves have been made to address their plight by bringing them back (Mandal,2020). They remained under protection by the government of Malaysia giving priority to the national citizens, which increased the risk of infection in the migrant workers. Many migrant workers lost their jobs and the rest were on unpaid vacation (Khadka, 2020).

In short, this chapter explained the consequences that migration has on Nepal, Malaysia and the migrants. Consequences of migration are seen at economic and political aspects of both the countries in macro context and at the migrants at individual in micro context. Migration has a vital role in shaping the global economy but then the pattern of migration is rather complicated. Migration's repercussion micro and macro level is vividly clear. The challenge is to create policy that will address all the migration related issues broadly. The growing significance of migration doesn't only impact the economy but also impacts migration policies and calls for progressive policies at national and international level, examined in the next chapter.

CHAPTER 6:

POLICIES REGULATING LABOR MIGRATION TO MALAYSIA

This section of dissertation aimed to access the interplay between unilateral, bilateral and multilateral mechanisms to regulate labor migration. The benefits brought by well managed labor migration in the development of the receiving country, host country and the migrants has been recognized by the policy makers (Hugo, 2013, p.1). With the significant need and rise in the mobility of people from one country to another country, governing of labor migration has been one of the major concerns in national and international level. Out migration policies should be made in accord with international regulatory frameworks and also with Malaysia policies to maximize Nepal's welfare. Making of migration policies has emerged in a new phase in recent years, states, international organizations, non- non-governmental organizations are increasingly directing the efforts towards cooperative management of transnational migration in the hope of promoting development for all (Gamlen and Marsh, 2011, p.xiii).

The regulatory system to protect migrant workers' rights and to address issues related to migration is multi-layered, efforts are made in multilateral, regional, bilateral and national levels (ILO, 2010, p.117). Nevertheless, many aspects of the regular frameworks are arranged nationally. Though many aspects are decided by Nepal, international labor migration policies from Nepal to Malaysia includes many factors and actors at national, regional and global level. Governance of migration is global. Factors in policy making include economic interests, national identity, foreign policy considerations, security, globalization, and rights and actors included are state, state institutions and bureaucracies, interest groups, and international institutions (Zogata-Kusz, 2012, p.3).

6.1. Domestic policies

Migration is predominantly controlled and regulated by state's policy. It is the state that lies at the center, while forming migration policies. It is the state that governs migration because the promotion or restriction on entry or exit of laborers is based on the interest of the state. State decides who enters and exits the border therefore migration policies are decided by the state. Unilaterally, migration policies are shaped according to state's wants and preferences. The foreign Employment Act in 1985, the first document in the history of Nepal that legalized foreign employment was amended in 1992, 1998 and 2007 for the first, second and third time respectively to address the requirement of foreign employment correctly (DoFE, 2014, p.13).

6.1.1. Laws and Institutional Framework

The constitution of Nepal 2015 focuses on management and regulation of foreign employment in order to make it safe, free of exploitation, guarantee workers' rights and use the capital and skills gained in foreign employment in the productive sectors (IOM, 2019, pp. 114-115). Currently, Nepal's foreign employment is managed by Laws and policies under Foreign Employment Act 2007, Foreign Employment Rules 2008 and Foreign Employment Policy 2012 and also other national laws. These laws were formulated to give direction for the effective management of foreign employment, and to make the process of migration safe and accessible in addressing problems related to foreign employment (IOM, 2018, p3). The legal frameworks and policies do not only target to address the challenges faced during the process but also target the exploitation and vulnerabilities faced by the migrants while in Nepal and Malaysia to protect the rights of migrants. The responsible authorities to regulate labor migration functions under the Ministry of Labor, Employment and Social Protection (MoLESS), work for administrating, regulating foreign employment to make foreign employment safe, systematic, and decent to protect

the rights and interests of workers going for foreign employment all regulated by national institutions under foreign employment act 2007 and foreign employment policy 2012.

The foreign employment act 2007 made provisions to promote security and welfare of migrants, standardize and monitor manpower agencies, end every form of discrimination, provision of quota, provision of compulsory life insurance and foreign employment welfare fund (Shrestha, 2008, pp.10-11). Workers are allowed to go to the country the government has diplomatic or bilateral relations with. Migrants are sent through licensed manpower under free ticket and free visa policy. Legal framework gives special priority to minority groups, women population and prohibits under aged population (below 18) to migrate.

Private agencies have played a crucial role since the past when it comes to foreign employment. Government, to make migration safer, issued a directive for acquiring labor permits at individual level in 2012, without the help of agencies, but for better arrangement, work prospects and protection, private the tendency to use agencies is growing (DoFE, 2016, p. 17). As private agencies are widely preferred, many cases of frauds by these agencies have been reported. So, the government initiated to amend the foreign employment act to introduce a mandatory provision that will allow only the authorized/certified manpower agents to act as brokers between migrant workers and manpower agencies to protect migrants from being duped (Mishra, 2017, p.12). The workers are selected on the basis of their age, health and training or skill as demanded by the job. Government has made it compulsory for the workers to take an orientation class from a certified organization. They also need to take training if they are applying for skill based works. The orientation class informs about laws, politics, language, culture, lifestyle, occupational and health safety, channelizing money through formal channels.

Nepal's foreign employment acts and policies also have made provision of funds that workers need to collect. Any worker's foreign employment, needs to deposit in the Fund the amount specified by the Government of Nepal as welfare fund and social security fund. Foreign Employment Promotion Board as per foreign employment rules, 2008 provides funds to the migrants or migrants' families to compensate in case of injury or death of the migrant workers (DoFE, 2016, p.25). According to the report of 2018, the fund has 4.5 billion of rupees contributed by the migrants that earned interest at the rate of 10.5 per cent, which was spent for the welfare of the migrants and their families (Sapkota, 2018, p.2). If any worker who has gone for foreign employment in accordance with the Act or these Rules dies or gets injured or disabled due to any cause during the contract period, he/she will be provided compensation from the fund as per the nature and gravity of injury and in case of death, the nearest rights-holder of the deceased will be provide a financial assistance. Compensation paid to the migrant workers in case of injury, illness or death have been increased to 7 lakhs from 3 lakhs in the recent amendment made in the policy (Mishra, 2019, p.1).

FEPB uses various means and also has setup 'Migration Resource Centre' to provide information via email and toll free telephone numbers, Similarly, The MOLESS has also started a mobile application, 'Suvayatra—Safe Migration' to provide information about foreign employment.(Kharel, 2017). Various plans and policies have also been introduced to provide training and skills to unskilled migrants who are going for foreign employment. Technical training and vocational education according to the situation of Malaysian labor market. Labor and Employment Policy (2005), Foreign Employment Policy (2012), Foreign Employment Promotion Board, Strategic Plan (2010/11– 2014/15), Technical and Vocational Education and Training Policy (2012), CTEVT Strategic Plan (2014- 2018) are some policies introduced to provide skills

to migrants (Thami & Bhattarai, 2015, p. 5). National Strategic plan 2015-2020, aims to safeguard socio economic reintegration of returned workers, formulate remittance policy, reduce social cost of foreign employment. Foreign employment has been recognized as an area of huge potential for Nepali youths by National youth policy 2015 (IOM, 2019, p.120). The aim of the government, however, is to reduce the outflow of Nepali workers by introducing different developmental programs and creating employment opportunities in Nepal.

6.1.2. Human Rights Mechanism

A variety of human rights mechanisms exists at national and international level to promote and protect the human rights of all migrants constituting a legal framework for the protection of all migrants. Human rights include rights of migrants, which directly or indirectly influences migration policies. NHRIs (National Human Right Institutions) over the past decade, discuss emerging issues to protect and promote the rights of migrants by providing human rights training, and education to public and target groups against discrimination and in equality. (Kämpf, 2019, p.4). Nepal is also bonded to different human rights mechanisms to make migration safe. National Human Right Commission (NHRC) in Nepal established in 2000 works to secure human rights. The commission is authorized by the constitution of Nepal to respect, protect and promote human rights. The vital role of NHRC is to effectively implement human rights by monitoring, investigating, receiving complaints and recommending remedies for the victims and governments, cooperating with civil society, NGOs, professional organizations, government and international organizations (NHRC, 2012, p.6). NHRC has made various efforts for risk- free migration from Nepal. NHRC undertakes an important role regarding human rights of migrants. NHRC, for the protection of migrants' rights, undertakes the advocacy for policy and regulatory framework,

Strengthen bilateral, regional or multilateral frameworks of cooperation, empowers migrant workers with comprehensive information and orientation packages (NHRC, 2019, pp.4 -6).

6.1.3. Other Organization

Though, the decisions are made by the government of Nepal individually at domestic level, pressure groups, non-governmental organizations help to modify the decision. Governmental or non-governmental organizations, they also work to protect human rights of the migrants. There are different national organizations both governmental, non-governmental that work to look after the issues faced by migrants in Malaysia. Embassy of Nepal, Pravasi Nepali Coordination Committee Outreach Office, Non-resident Nepali Association, National Coordination Council, General Federation of Trade Unions (GEFNOT) support group are the organizations in Malaysia that focuses on labor related issues in Malaysia and provide various services to the migrants (Kambang & Kharel, 2019, p.10).

These organizations work to solve the migrant issues, protect migrants' rights while providing humanitarian support in Malaysia by providing services to distressed migrants. They conduct mass awareness campaigns to raise awareness among migrant workers and their families. They work with the vision of making out migration safe, dignified, and productive, empowering migrants building partnerships between government, stakeholders, response groups, national/international agencies/bodies and migrant community in origin/ destination countries to facilitate the process of ascertaining the best practices in international labor migration, operating as a pressure group for the implementation of the existing policies, providing knowledge on safer migration and facilitating migrant workers and their families on legal remedy as to tackle the problems raised before/during/after the process of labor migration. For instance, the embassy of Nepal to Malaysia, helped migrants to get back to Nepal after the massive crackdown of illegal

migrant workers. International Organization for Migration, the Asia Foundation, UN Women and the International Labor Organization, coordinates with the government for the promotion of safe migration (DoFE, 2015, p.35).

6.2. International Instruments

Though migration is hugely controlled by state's policies, state's policies alone are not sufficient to control the overall matters related to migration. State is not only the actor in international relation, international organizations institutions, companies, ethnic lobbies, transnational communities, and so forth limit state's autonomy to create migration policies, because state alone is not sufficient to cope with all migration related issues (Zogata-Kusz, 2012, p10). International organizations impact upon the migration policy of a state. Nepal is also multilaterally engaged at regional and global level for the promotion of workers' rights, to address employment and social protection, challenges and the intersection of labor and development. The role of international mechanisms that deals with migration issues in terms of controlling and protecting migration should not be neglected. Various international conventions and instruments deal with the issue related to the migration.

Primarily, ILO, the only agency of the United Nations that is a tripartite organization representing governments, workers and employers, which has the constitutional mandate to protect migrant workers with the objective of decent work for all (ILO, 2011, p.9). The ILO in coordination with the government set labor standards, improve policies and develop programs to promote decent work for all women and men. ILO works on different projects to provide trustworthy information on overseas employment opportunities, to reduce migration costs and abuses and to increase the protection of migrant workers in countries of origin and destination by improving recruitment services, enhancing skills for outgoing and returning migrant workers and

promoting the development impact of migration through negotiation and adoption of internationally recognized labor standard. ILO, since 1919 is working for the promotion of policies that give priority to economic growth and employment and encourage regular labor migration (ILO, 2004, p.5).

Nepal is signatory to various international conventions and instruments, which provides guidelines and models for the laws and judicial administrative procedure for the foreign employment (Bhattarai, 2005, p.38). Nepal joined ILO in 1966. Nepal has ratified seven core Conventions out of eight conventions. In total, Nepal has ratified 11 ILO conventions (DoFE, 2016, p.36). Nepal has not ratified the three instruments that relate directly to labor migration – ILO Convention 97 and ILO convention 143 and Rights of All Migrant Workers and Members of their Families. It is neither ratified by major destination countries that host Nepali workers (Sijapati, et al, 2015, p. 65). All these conventions collectively work to stop irregularities, exploitation and abuses regarding migration and migrants. These conventions act as moral standards and guidelines for Nepal to make labor migration safer, transparent, reliable, dignified, free of inequalities and convenient.

ILO is an important multilateral institution that conducts extensive programs of international technical cooperation to help countries put these policies into practice. Regular or irregular, international and regional human right instruments play an important role in protecting migrants (Crepeau, et al, 2007, p.315). The human rights laws applicable in Nepal specify the fundamental rights for every human being including women, children and migrants, and also provides a legal framework for the protection of migrants. Human rights convention largely protects the rights of the migrants allowing them freedom of employment, right to work in favorable condition, equal treatment without no discrimination on any basis, protection from abuse

and exploitation, exemption from death penalty in receiving state. Government of Nepal has also participated in The Sustainable Development Goals (SDGS) and The Global Forum for Migration and Development (GFMD) for the protection and promotion of human rights and to strengthen the linkage between migration and development (DoFE, 2020, pp. 72-73).

At regional level, Nepal is a member of the Colombo Process, a regional consultative process on the management of overseas employment and contractual labor for countries of origin in Asia, SAARC (South Asian Association for Regional Cooperation) and Abu Dhabi Dialogue (Sijapati and et al, 2015, Pp.64 - 65). Nepal is contributing globally for safe, orderly and regular migration and recruitment processes by getting involved in regional cooperation and also ensuring the safety, security, and wellbeing of their migrant workers in the destination countries inside and outside the South Asian Association for Regional Cooperation (SAARC) region. Along with signing international conventions, Nepal also actively takes part in various conferences and summits that focus on the role of national and international policies to manage the issues related in the process of migration. Conferences and summits highlight the need of cooperation, interdependence and interactions between state and non-state actors to make the process of migration safer, free of exploitation, discrimination. Nepal is also signatory to the Global compact for Safe, Orderly and Regular migration (GCM) for well-managed, safe, orderly and regular migration (IOM, 2019, p.114).

6.3. Malaysian Migration Policy

Not only the national and international policies, Nepal also needs to abide by Malaysian laws and regulations related to international Labor migration. As Nepal being the sending country,

Nepal's migration policy to Malaysia is also affected by the migration policies of Malaysia. Nepal while making exit rule must consider the entry rule of Malaysia.

Foreign labor in Malaysia is governed and regulated through three major legislative instruments: the Immigration Act, the Employment Act, and the Penal Code, which provide a basis for regulating and processing migration (Kaur, 2008, p.13). Malaysia controls laborers through specific measures which includes state legislation and policies on foreign employment through passports, work visas and labor agreements. It unilaterally controls the expanding movement of labors. (Kaur, 2012, p.227). Malaysia has adopted various policies and laws to regulate and tackle the challenge related to foreign workers with the goal of organizing, securing and protecting labor workers. Provident Fund Act 1991 (Act 452) Employment Act 1955 (Act 265), Immigration Act 1959/63 (Act 155), Employment (Restriction) (Employment Permit) Regulations 1969, Workmen's Compensation Act 1952 (Act 273) and Employment (Restriction) Act 1968 (Act 353) (Goh & Wing Hong, 2015). Malaysian migration policy has always been to control the labor migrants as a potential threat to the country, not addressing the migrant related issues, overlooking the fact that migrants have served in the development of the country (ILO, 2016a, p.2).

Malaysian legal framework and policies related to migration are also abided by the sets of international and human rights instruments to protect migrants and promote migration. The National Policy of Malaysia related to migration has changed from the time of its adoption in 1959 that consist of signing of labor accord with sending countries, managing illegal migrants, creating job schemes for high and low skilled workers (Kaur, 2015, p.83-88). Malaysia's foreign policy regarding migration has either been to encourage or prevent the drive of labors. The change in foreign policy of Malaysia is to pursue its interest of economic gain and to control the threats that migration creates to the state and its citizens.

Fig 5: Process of Labor Employment



Source: World Bank, 2019, p. 6

For Nepali workers, seeking to work in Malaysia needs lawful entry to Malaysia. Nepali temporary low skilled workers enter Malaysia through Visit Pass (Temporary Employment, VP (TE)) system passing the medical exam conducted under the Foreign Workers' Medical Examination (FOMEMA). It is compulsory for Nepali migrants to pass Immigration Security Clearance (ISC) and be certified fit and healthy from the approved medical center in Nepal. Nepali are only permitted to enter Malaysia through authorized points after the approval of Visa with Reference (VDR). VP (TE) is required for the less skilled migrants, working in manufacturing, construction, plantation, services and domestic worker sectors, earning less than RM2, 500 a month. The number of permits is also granted based on different criteria (Kaur, 2008, p, 10).

Immigration act 1959/63 along with Immigration Regulations 1963 controls border and security of Malaysia. Foreigners seeking to work in Malaysia must have a VP (TE) pass and pass a medical test. They are also prohibited to change the job on their own (ILO, 2018, p.13). Nepali laborers to Malaysia are not allowed to work in the domestic sector. The third amendment of the directives in 2016, forbade to send Nepali workers as domestic helpers in those countries, Nepal does not have bilateral labor agreement with that country (Mishra, 2017, p.1). Nepal has not signed any bilateral labor agreement with Malaysia to send laborers as domestic work force, so Nepali in

Malaysia are not allowed to work as domestic helpers. If migrants are found breaching rules and laws they will either be deported to Nepal or detained in Malaysia.

6.4. Bilateral Cooperation

Nepal and Malaysia share harmonious and friendly relations since it started its diplomatic relation in 1960. There is also smooth economic and technical relation and also Nepal is one of the major labor providers to Malaysia since 2001. The diplomatic relation between two states is also affected by migration. Though Nepali were formally received by Malaysia only from 2001, Nepali were found working in Malaysia before 2001. The diplomatic relation between the states is more important as temporary labor migration of workers is growing and how both the countries cooperate, uses diplomatic tools and procedures to maximize joint welfare bilaterally. The bilateral cooperation between the home and host states affects the process of migration.

Nepal's diplomatic effort has been to promote safety, security and welfare of Nepali migrants in Malaysia and both the governments were actively engaged in concluding MoU on the Recruitment, Employment and Repatriation of Workers (MoFA, 2018, p.16). As administrative and legislative procedure of both the countries varies while sending and receiving migrant workers, both the countries need to have good labor bilateral relations, communication and negotiations to address labor issues. Bilateral cooperation results in proper management and regulations of migration, further strengthening the relation of the states as well as maximizing joint welfare. The agreement signed between the governments impacts on the legal and regulatory frameworks of both the countries.

Nepal and Malaysia signed a labor agreement for the systematic and organized labor migration in 2018. Authorities from both the governments signed 10- point deal agreement to

promote cooperation in the field of labor migration. The MoU signed between the countries spells out the respective obligations of the two governments, workers and the employers. The government of Malaysia is obligated to ensure o process Malaysian employers' applications for workers from Nepal and ensure that Malaysian employers comply with employment contracts. The Government of Nepal is responsible for providing medically fit workers to Malaysian employers, ensuring that the terms and conditions of the contract of employment are fully explained and understood by the workers, providing a pre-departure orientation program and also arranging the repatriation of medically unfit workers, ensuring they hold valid travel documents; and meet Malaysian medical fitness requirements. The agreement signed by Nepali and Malaysian governments is a diplomatic tool and procedure to manage labor migration. The bilateral agreement aims to promote and regularize labor migration. The MoU signed between Nepal and Malaysia aims to further organize labor mobility. The aim of MoU is to create a healthy, safe and decent working condition in Malaysia. The agreement was signed between Nepal and Malaysia to protect the migrants from economic, physical and mental exhaustion. The MoU signed between the government of Nepal and Malaysia is a milestone in the field of labor migration. The agreement is a move to break down exploitation during the process of migration.

Major provisions mentioned in the agreements are as follows:

1. Two-way airfare, visa fee, health check-up, security screening, recruitment service charges, and levy charges, among others will be carried out by the employers.
2. The salaries of workers will have to be paid through banking channels and wages will have to be deposited by the seventh day of the following month.

3. All the expenses related to accommodation, health check-up and security, among others, during the contract period will have to be carried out by the employers.
4. Period of the contract will be two years, before the agreement it was three years.
5. The employer firm will have to allow the workers to return home on leave within 15 days, if any family members of a worker dies in Nepal
6. Equal treatment to Nepali migrant workers with regard to health insurance, accident insurance, security and other accidents by the Malaysian government.
7. Workers have the right to change jobs, if an employer firm goes bankrupt or puts undue pressure on workers.

Source: Kambang & Kahrel, 2019, p9

The agreement further states that the levy that had been paid by Nepali migrants to Malaysian government should be paid by the employer. To end the health and visa processing syndicate, the government finalized 122 health checkup centers including 36 existing health check-up firms and visa processing companies. 122 health checkup centers are yet to be finalized by the Malaysian government (Himalayan News Service, 2019, p.12). The required charges like visa fee, air ticket fare has to be made by the employers. Numerous cases have been reported in terms of payment, allowance and facilities that have not been provided corresponding to the contract so, according to the new MoU, the payment of the workers has to be done within the 7th of every month through the worker's bank account. The salary, allowance and facilities to the Nepali workers should not be less than the minimum salary fixed by the Malaysian government as well as extra pay, allowances and facilities for working extra time.

In-between September 2013 and April 2018, the Malaysian government, private companies and their Nepali counterparts gathered more than Rs 5 billion from the workers in the name of health and visa processing (Dixit, 2019). MoU is the result of disclosure of a corrupt conspiracy of Nepali and Malaysian officials. Nepali migrants, persistently were charged unlawfully, the Malaysian government, the Nepali officials and the employers by passed or even disobeyed many set rules and laws which shows the poor diplomatic relations. Lack of proper labor agreement between Nepal and Malaysia resulted in various kinds of exploitation. The agreement signed by Nepali and Malaysian government after out migration to Malaysia was halted by Nepali government is a positive-sum strategy stressing cooperation to solve migration issues. Before the MoU was signed between Nepal and Malaysia, Malaysian government unilaterally took decisions related to the sum of money for MiGRAMS, biometric medical test, and services of the One Stop Centre (OSC) (Mandal, 2018).

The labor agreement with Malaysia is not only targeted to solve financial issues but also is an initiative to guarantee migrants' safety and security. It is focused on socio-economic security. The agreement between Nepal and Malaysia determines how both the states regulate migration by controlling the numbers of people who cross the border and also to ensure the rights that are entitled to in either side. The MoU signed between Nepal and Malaysia provides a forum for the countries to discuss the challenges and progress in promoting economic growth, creating employment, raising living standards. The discussion will further help in advancing migration policies. MoU between the countries is an important tool for Nepal to imply Nepal's jurisdiction in Malaysia. Negotiation on labor supply solved the problem relating to policy interdependence, Nepal was dependent on Malaysian policy to achieve migration goals. The bilateral agreement signed between Nepal and Malaysia not just provides financial security to the migrants but also

provides social security to the migrants and guidelines to create migration policies for Nepal and Malaysia.

6.5. Nepal's Labor diplomacy

Migration diplomacy is a multidimensional practice that doesn't only include the part of domestic policy but also in states' international relations both regarding the actors involved and the strategies employed. (Adamson & Tsourapas, 2019.p.124-125). Cross border migration plays an important role in foreign policy. Migration is the global issue that needs the global solution by global cooperation. In order to control cross border migration, different types of diplomatic means can be used that doesn't include migratory policies but includes intergovernmental agreements. Migration diplomacy revolves on the sphere of international mobility management or use of diplomatic strategy to obtain other aims in international relations which is highly shaped by the interest and existing relations of the state. Migration diplomacy is needed to address the interconnected concerns of both the receiving and receiving issues. Migration diplomacy includes formal and informal, private and public diplomacy consisting agreements, decisions of every institution that is directly or indirectly involved in the migration process (Thiollet, 2011, p.110).

There's a critical need for Nepal to prioritize labor migration as a foreign policy strategy to cope up with the challenges faced in the particular field. Migration diplomacy needs to be developed for the safe and systematic flow of migrants (Malit Jr & devkota, 2019, p.7). As a part of foreign policy MoFA plays an important role to strengthen labor diplomacy with major destination countries. Diplomatic mission abroad coordinate between migration related agencies in destination countries, migrant and Nepal (DoFE, 2020, p. 47). Labor diplomacy needs to be directed towards laborers' needs, proper attention in the management of their interest addressing

the fragile situation of the labors. The bilateral agreement can be made more gender- sensitive as it is used to protect migrant workers and also increase cooperation at regional and international level to manage it efficiently and harness the benefits from the migration (Sijapati, 2015, p.10). When it comes to foreign policy, Nepal has least concentrated on foreign policy goals regarding labor migration though migration plays a crucial role shaping the economic aspect of the country. Labor diplomacy of Nepal determines Nepal's conduct of relations on the subject of labor migrants with other states and non-states actors.

Nepal is allied with different states and non-states actors bilaterally and multilaterally to address the issues of migrants but what it lacks is practice of migration issues in foreign policy approach. International migration policies are largely related to foreign policy in multiple ways, so different types of diplomatic means can be used to, which doesn't include Nepal's migratory policies but intergovernmental agreements. Governance of migration needs to be enhanced at multilateral level, with the growing cooperation state can maximize the benefits and minimize the risks of migration, meeting human rights obligations (Betts & Kainz, 2017, p1). As a part of labor diplomacy, Nepal has participated in different multilateral forums, MoU between Nepal and Malaysia is a diplomatic effort by both the government to lessen unfairness and to safeguard migrant rights creating and opening opportunities for migrants.

To conclude, along with the establishment of different legal and structural mechanisms, Nepal has inaugurated labor villages, recruited labor attaché, established labor desks, conducted skill and pre- departure orientation training, to make the process more transparent, safe and dignified (DoFE, 2015, p.39). But, the impact of migration is beyond the domestic politics of policy making, it also includes international diplomacy in which states negotiate and conduct the affairs with each other and other entities (Adamson & Tsourapas, 2019, p.115).

CHAPTER 7:

CONCLUSION

This concluding section consisted of findings of the whole dissertation and provided recommendation to shape and manage migration flow from Nepal to Malaysia.

This dissertation discussed the political and international characteristics of labor migration. International labor migration is not a function of a single state, as the term international itself includes more than one state and also involves other non- state actors. Out migration from Nepal to Malaysia takes place when Malaysia is ready to receive Nepali workers sent from Nepal. Exit and entry policies play an important role in determining labor migration from Nepal to Malaysia, which shows political implication of international labor migration. Migration is encouraged or discouraged by the countries based on benefits of labor migration. Migration is encouraged by the government of both the countries because of the economic rationale. Economic success resulted in a wide wage gap between Nepal and Malaysia that is why the volume of migrants have chosen to move to Malaysia and development that took place in Malaysia created labor shortage in labor incentives jobs, which motivated Malaysia to mobilize laborers from developing countries like Nepal.

Beyond economic rationality, international migration is a political phenomenon. International labor migration, since British rule, in both the countries is a political strategy based on the market incentives and cost and benefits of migration. Migration is promoted at bilateral level because of the link between economic growth and foreign labor migration. Migration is also determined by the interstate relations, and interstate relation further is the political strategy of a

country to achieve its policy goal. Interstate relation happens, when there is common interest. Policies of both governments have shaped labor migration from Nepal to Malaysia.

Encouragement or limitation in migration points to the political nature of migration. Migration becomes a political force in Nepal and in Malaysia. In 2018, though, Nepal was the second largest labor source to Malaysia, the number of migrants were less compared to previous year because of Malaysian migration policy to control foreign workers. Government of Malaysia is discouraged in recruiting low skilled workers not only from Nepal, but also from other countries. Number of workers to Malaysia gradually decreased in 2019, because the government of Nepal halted the process of Nepali workers to Malaysia, because of Malaysia's unilateral decision regarding financial matters. Nepal and Malaysia signed an MOU to control the financial abuse faced by Nepali workers under Malaysian government and their Nepali counterparts. Nepali government allowed work permits to Malaysia, almost after a year, after signing labor agreements on various issues. Now, Nepali workers can go to Malaysia at zero cost.

Migration is also instrumental to attain economic goals for both countries. It has been one of the key features of the economy for the migrants, for Nepal and Malaysia. Migration to Malaysia has improved the living standard of Nepali people. The remittances – economic and social both have been beneficial to Nepal at macro level. Large number of Nepali workers working in various sectors like agriculture, construction, plantations and low end service sector has filled the labor shortage gap in low-end economies activities. It has huge potential and importance not only for Nepal or Nepali migrants but is also considerably important to Malaysian economy as Malaysia would face labor crunch in labor incentives sectors as natives are not ready to do the jobs that migrant workers from Nepal do. Migration from Nepal to Malaysia is considered to be a positive gain especially in the development of the economy.

However, labor migration from Nepal to Malaysia is not always a positive gain. International labor migration is often viewed from a security perspective. Though migration has certain positive influences, it threatens national, political, economic and human security. Growing process of Nepali workers have sparked multiple discourses on the causes, the risk factors and the regulation of migration in both receiving and sending state and also at international level. Causes and consequences of labor migration gives rise to regulatory frameworks. Therefore various policies have been made by Nepal and Malaysia aiming to control migration and to reduce dependence on migration.

Along with the increase in migration, governments of both the countries have changed its policy over the period of time. Various national and international instruments are consistently working to recognize the problems that are faced in the process of foreign employment. Migration laws and policies form Nepal does not only focus on managing or controlling labor migration but equally focuses on safety and rights of migrant workers. As migration is more international phenomenon, migration policy of Nepal is designed according to national and international framework. Though various national and international instruments are used, Nepal still lacks comprehensive policy for smooth operation of migration and also to protect labor migrants in domestic and international level. The shortage of officials and the absence of proper communication between policies that governs labor migration is an example of migration policy drawback.

Temporary labor migration has done much to promote economic prosperity in the domestic market but the way migration process is often a warning sign that is of deeper concern, which needs to be addressed by creating the policies, institutions, rules and procedures required to maximize the positives and minimize the negatives. Labor migration related laws and regulations

at the domestic level, needs to be decentralized at federal, provincial and local level to structure it properly.

Nepal needs to come up with many strategic plans to overcome the problems related to migration at domestic level as the state is empowered to make policies. Development strategies and development policies need to be focused on labor workers. Laws related to migration need to be strictly implemented. Laborers need to be provided with adequate knowledge and skills that will help them in Malaysia. Migrants should be made aware about their rights, laws and regulations of both the countries. In short, different awareness programs must be organized at national level. The migration laws also should be amended to make it more transparent and dignified. Different governmental and non-governmental organizations, the private sector, think-tanks, and individual experts should work together to build capacity and raise awareness. The domestic policies of Nepal regarding foreign employment needs to coordinate with the migration policies of Malaysia by understanding the labor market and demand of Malaysia.

At national level, the government of Nepal has consistently made efforts to identify, organize and promote employment opportunities, develop skilled human resources, make the process transparent and safe ensuring good governance to get maximum benefit from foreign employment. Likewise, welfare fund, social security funds have also been started to provide relief to the migrants and their family members in case of any economic or physical damage. Nepal also has been actively chairing and participating in regional labor migration processes like Colombo process, Bali process and Abu Dhabi dialogue and also is member of GCM. Out migration from Nepal is difficult to avoid especially when migration has supported the economic development of the country. To achieve the desired outcome from out migration, the Government of Nepal, along with strong domestic policies, needs to focus on labor diplomacy.

Labor concern is not only national, as the flow of migration inclines to change the policies of both receiving and sending states. As a labor exporting country, foreign policy of Nepal should be designed to achieve certain goals i.e. assuring migrant's rights, security and interest of Nepal. Labor diplomacy is critically needed in the case of Nepal to combat various problems faced by Nepal. Nepal needs to communicate, represent, coordinate and facilitate bilateral and multilateral missions to strengthen international cooperation on labor issues. All the policies focus on regulating migration in Nepal with little focus given to the complexities that Nepali faces in receiving state, even though the government has appointed labor attaché to assist Nepali laborers and rescue them in state of emergency. For the benefit of all three parties- Nepal, Malaysia and migrants, Nepal and Malaysia must cooperate to build a coherent system as migration has huge importance and potential for Nepal, Malaysia and migrants. Migration diplomacy needs to be taken in consideration to address the issues related to cross border migration, recognize the relation between flow of people, national interest and diplomatic plans of the state. The government needs to coordinate with the host countries to safeguard migrants in different crises. Nepal mission abroad must be well resourced and protect the workers.

Finally, though this dissertation entirely explained international migration of Nepali labors to Malaysia, it has broader generalities that can further be induced to other host countries. As labor migration has political and international explanation, this dissertation also aimed to stir curiosity in further research, firstly, on interstate behavior of Nepal and country of destination to understand the nature of international labor migration and secondly, on migration policies of Nepal, considering the shift in dynamics of international politics and the policies of host countries, how will Nepal set foreign policy primacies to achieve its interest in international platform?

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