



International
Labour
Organization

Building Labour Migration Policy Coherence in Myanmar

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International Labour Organization
ILO Liaison Officer for Myanmar

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Abbreviations

ADB	Asian Development Bank
ADS	Agriculture Development Strategy
ASEAN	Association of South East Asian Nations
ATIPD	Anti-Trafficking in Persons Division
ATTF	Anti-Trafficking Task Force
CSO	Civil Society Organization
DACU	Development Assistance Coordination Unit
EIU	Economist Intelligence Unit
EOD	Evidence on Demand
FDI	Foreign Direct Investment
FESR	Framework for Economic and Social Reform
GFMD	Global Forum on Migration and Development
GMS	Greater Mekong Subregion
ILO	International Labour Organization
IOM	International Organization for Migration
LEO	Labour Exchange Office
LROE	Law Relating to Overseas Employment
MDGs	Millennium Development Goals
MGI	Migration Governance Index
MLFRD	Ministry of Livestock, Fisheries, and Rural Development
MOEAF	Myanmar Overseas Employment Agencies Federation
MoLIP	Ministry of Labour, Immigration and Population
MoPF	Ministry of Planning and Finance
MoU	Memorandum of Understanding
MRC	Migrant Workers Resource Centre
NCDP	National Comprehensive Development Plan
NLD	National League for Democracy
NPC	National Planning Commission
OECD	Organization for Economic Cooperation and Development
OESC	Overseas Employment Supervisory Committee
RNFE	Rural Non-Farm Economy
SDGs	Sustainable Development Goals

1. Introduction

This working paper provides an overview of international labour migration governance in Myanmar, detailing the most relevant actors and policies and how they presently do or do not intersect, coordinate, and cooperate together. It also discusses where and how the governance of international migration can be more strongly linked to other policy domains, exploring to what extent labour migration policy is consistent with and contributing to national development plans and how it relates to other policy areas such as poverty reduction, rural development, social protection, women's empowerment and others. By tracing out intersections and overlaps, both actual and possible, between different policies, policy areas, and the actors responsible for formulating and implementing them, this paper seeks to lay the groundwork for promoting greater policy coherence in the governance of international labour migration.

The main objectives of this paper therefore are:

- (1) to map the main actors in international migration governance and in other key policy areas;
- (2) to make clear their current responsibilities and relevance to the governance of international migration;
- (3) to detail how these actors do or do not currently coordinate and cooperate; and
- (4) to provide recommendations for ways to better foster such coordination and to what ends.

Why focus on policy coherence? At the international level, the Myanmar government has expressed its commitment to implementing the newly agreed 2030 Agenda for Sustainable Development, including the 17 Sustainable Development Goals (SDGs).¹ As the SDGs include several direct and indirect references to both policy coherence and migration, this paper is consistent with the government's stated intention to promote and fulfil the 2030 Agenda. Nationally, the National League for Democracy expressed its commitment to ensuring the rights of migrant workers as laid out in International Labour Organization (ILO) regulations in its 2015 Election Manifesto and in its 12 policy agenda. In July 2016 the government recognised the linkages between migration and other policies in its support for job creation and the return of migrants. Why policy coherence now? In recent years, four major policy actors both within and beyond Myanmar's government – the Ministry of Planning and Finance, the World Bank, the Asian Development Bank (ADB), and Evidence on Demand (EOD), a research group supporting major development partners – have called for a structural transformation of Myanmar's economy away from agriculture towards manufacturing and services.²

¹ "Statement by Ms. Ei Ei Khin Aye, Ambassador/Deputy Permanent Representative of the Republic of the Union of Myanmar to the United Nations in New York at the Ministerial Meeting of the High-Level Political Forum on Sustainable Development," <https://sustainabledevelopment.un.org/content/documents/21586myanmar.pdf> (accessed 14 December 2016).

² ADB (2014), *Myanmar: Unlocking the Potential*, Country Diagnostic Study, <https://www.adb.org/sites/default/files/publication/42870/myanmar-unlocking-potential.pdf> (accessed 14 December 2016); EoD (2015), *Topic Guide: Stepping out of Agriculture*, <http://www.evidenceondemand.info/topic-guide-stepping-out-of-agriculture> (accessed 14 December 2016); NCDP (2014), *National Comprehensive Development Plan: A Prosperous Nation Integrated into the Global Community*, https://www.mopf.gov.mm/index.php?option=com_content&view=article&id=5571&Itemid=163&lang=my (accessed 14 December 2016); World Bank (2016), *A Country on the Move: Domestic Migration in Two Regions*

For Myanmar people, this shift means dramatic changes in the nature of work and where to find it. At stake are both rural-urban labour migration and evolving labour patterns in rural areas. Yet labour and migration are almost entirely absent in planning and policy mechanisms focused on national development objectives and rural poverty alleviation. At the same time, Myanmar citizens and lawmakers, opening up public discussion of migration after many years of silence, have expressed great concern over the exploitation of migrant workers abroad. In other words, extraordinary changes in Myanmar's politics and economy have serious implications for labour migration, and yet the depth and breadth of policy attention to migration remains uneven.

In essence, policy coherence means minimizing policy conflicts and maximizing policy synergies. For policymakers working in migration governance and related policy areas, the challenge is to frame and pursue complementarity between migration, all aspects of development, including employment and the protection and empowerment of Myanmar's migrant male and female workers. Myanmar's changing economy is creating jobs in some places and sectors more than in others. How can policymakers encourage economic growth, yet balance who benefits and how, including migrant workers? Thailand's economy remains more robust than Myanmar's. How can policymakers work to protect migrant workers, while harnessing the development potential of international migration to wealthier countries? Policy coherence requires systemic action and multi-level approaches. In and between migration governance and other policy areas, what mechanisms exist, and how can they be strengthened, to pursue policy challenges such as these? These issues go to the heart of political and economic change in Myanmar, raising fundamental questions – for whom, by whom, to what ends, and how? – over the nature and direction of structural transformation. These are some of the questions this paper seeks to address.

The Myanmar government has already begun responding to these challenges. Indeed, this paper builds on the National Plan of Action for the Management of International Labour Migration (2013–2017), which recognizes the importance of developing a systemic and coordinated approach to the governance of labour migration. The plan includes four strategic areas: the governance of migration, the protection and empowerment of migrant workers, the inclusion of migration in the national development agenda, and data collection and management. While concentrating on migration governance, this paper also explores how stronger, better coordinated migration governance may positively affect the other strategic areas in migration policy, particularly the protection and empowerment of migrant workers and the integration of migration into the national development agenda.

of Myanmar, <http://www.worldbank.org/en/country/myanmar/publication/a-country-on-the-move---domestic-migration-in-two-regions-of-myanmar> (accessed 14 December 2016).

2. Defining policy coherence

In defining and conceptualizing policy coherence, this paper draws on recent contributions by the ILO, the International Organization for Migration (IOM), and the Organization for Economic Cooperation and Development (OECD). The OECD defines policy coherence as the systematic promotion of mutually reinforcing policy across government departments and agencies creating synergies towards achieving the agreed objectives.³ Both across various policy domains (horizontally), as well as at governance levels from the local to the subnational to the national and beyond (vertically), policy coherence implies the coordination and harmonization of policy agendas. Coordination, in this sense, seeks to minimize policy conflicts and maximize policy synergies.

At the international level, for example, the OECD aims to ensure that domestic policy agendas in, *inter alia*, trade, agriculture, or migration do not create adverse spill over effects for development prospects in other countries, including developing countries. At the national level, on the other hand, promoting policy coherence can help ensure complementarity between overseas migration and domestic poverty alleviation, for instance through strengthening channels for sending remittances and through reducing unemployment levels. Indeed, as this paper makes clear, the complex relation between migration and development is a central area of discussion in policy coherence debates in Myanmar and elsewhere.

The ILO, for its part, has stressed the importance of policy coherence on labour migration at national, regional, and global levels. At the 2016 International Labour Conference, the ILO's Committee of Experts on the Application of Conventions and Recommendations emphasized the value of several ILO instruments to the governance of international labour migration. The Committee highlighted the Employment Policy Convention, 1964 (No. 122), most centrally, while noting as well that the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169) and the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) both recognize the importance of integrating labour migration policy within other policy areas, particularly employment policies in both sending and receiving countries.⁴ These instruments underline the critical roles played by social partners— workers, employers, and governments in achieving sound migration governance. The Committee noted the ILO's long-standing commitment to institutionalized social dialogue that places it in a unique position to promote policy coherence on labour migration nationally, regionally, and internationally.⁵

³ Trinity College Dublin (2010), "What is Policy Coherence?" <https://www.tcd.ie/iis/policycoherence/concept/what-is.php> (accessed 14 December 2016).

⁴ ILO (2016: 43), *Promoting Fair Migration: International Labour Conference 105th Session, 2016*, http://apmigration.ilo.org/resources/promoting-fair-migration-general-survey-concerning-the-migrant-workers-instruments/at_download/file2 (accessed 14 December 2016).

⁵ ILO (2016: 44).

Box 1.

Labour migration and ILO governance Conventions

In the ILO Declaration on Social Justice for a Fair Globalization (2008), four Conventions were recognized as those that are the most important from a governance perspective:

- Labour Inspection Convention, 1947 (No. 81);
- Employment Policy Convention, 1964 (No. 122);
- Labour Inspection (Agriculture) Convention, 1969 (No. 129); and
- Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

At the 2016 International Labour Conference, the Committee of Experts encouraged member States to pursue legislation on employment policy that also protects migrant workers from abuse during recruitment processes and in both sending and receiving countries.

Source: ILO (2016: 43)

The IOM, meanwhile, has partnered with the Economist Intelligence Unit (EIU) to develop the Migration Governance Index (MGI), a benchmarking framework for assessing countries' migration policies across several key areas, including institutional capacity. In its discussion of institutional capacity, the MGI recognizes three main channels countries used to pursue policy coherence on migration at the national level: specialized inter-departmental committees, as in the Republic of Korea and South Africa; national planning processes, as in Ghana; and the activities of either a lead agency, or several agencies that share responsibilities.⁶ Oftentimes, a combination of these channels is most effective. The MGI additionally specifies four channels for regional and international coordination of migration policy: bilateral agreements between sending and receiving countries; regional consultative processes, such as the Rabat Process, the Bali Process, and the Abu Dhabi Dialogue; international conventions, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families; and global forums for cooperation, such as the Global Forum on Migration and Development (GFMD). Although this paper discusses regional and international coordination, the main focus is national and subnational levels in Myanmar.

Notably, recent work on policy coherence has taken place amidst the shift in global governance, from the Millennium Development Goals (MDGs), which reached their target date in 2015, to the 2030 Agenda for Sustainable Development, which has as its core the 17 Sustainable Development Goals (SDGs). Target 17.4 specifically calls on all countries to enhance policy coherence for sustainable development as a means of implementing the SDGs.⁷ Other targets refer to migration, whether directly or indirectly. For example, under

⁶ EIU (2016: 21), *Measuring Well-Governed Migration: The 2016 Migration Governance Index*, https://www.iom.int/sites/default/files/our_work/EIU-Migration-Governance-Index-20160429.pdf (accessed 14 December 2016).

⁷ OECD (2016: 3), *Better Policies for Sustainable Development 2016: A New Framework for Policy Coherence*, <http://www.oecd.org/greengrowth/better-policies-for-sustainable-development-2016-9789264256996-en.htm> (accessed 14 December 2016).

Target 8, which focuses on decent work and economic growth, Target 8.7 calls for the elimination of forced labour, modern slavery, and human trafficking; and Target 8.8 calls for the protection and promotion of the rights of migrant workers, particularly women workers and workers in precarious employment. Under Target 10, which focuses on reducing inequality, Target 10.7 recognizes the importance of well-managed migration policies in providing for orderly, safe, regular, and responsible migration; referring to all forms of migration not only labour migration and Target 10.C calls for the reduction of transaction costs for migrant remittances.⁸ This paper's focus on policy coherence in the governance of labour migration thus recognizes and supports the internationally agreed 2030 Agenda, which the Myanmar government is committed to implementing.⁹

Research on migration policy in South-East Asia suggests further matters for consideration in framing this discussion. Three policy domains have been identified as constituting the main building blocks of migration policy in the region over the past two or three decades: the regulation and control of migration through national policies and border regimes; the protection and promotion of migrant workers' rights; and the integration of migration and development policies.¹⁰ These domains correspond to different kinds of policy discourse. While the first domain often invokes a national sovereignty discourse, work in the second domain tends to draw upon a normative human rights discourse. The third domain reflects the emergence of the so-called migration-development nexus, which has come to occupy a critical place in the migration policy discourse of international organizations and global governance forums.¹¹ In mapping the policies and actors that constitute migration governance in Myanmar, this paper considers these various policy domains and the range of policy discourses that influence them. Yet drawing on policy studies methods known as process tracing and the policy convergence/divergence approach, the intention here is to focus more on specific policies and actors rather than the conceptual questions raised or discursive frameworks invoked.¹²

⁸ IOM (2016a: 2-3), *International Dialogue on Migration 2016: Follow-up and Review of Migration in the SDGs*, <http://www.iom.int/international-dialogue-migration-2016-follow-and-review-migration-sdgs> (accessed 14 December 2016).

⁹ "Statement by Ms. Ei Ei Khin Aye, Ambassador/Deputy Permanent Representative of the Republic of the Union of Myanmar to the United Nations in New York at the Ministerial Meeting of the High-Level Political Forum on Sustainable Development," <https://sustainabledevelopment.un.org/content/documents/21586myanmar.pdf> (accessed 14 December 2016).

¹⁰ Hickey, Narendra, and Rainwater (2013: 7-8), *A Review of Internal and Regional Migration Policy in Southeast Asia*, <http://migratingoutofpoverty.dfid.gov.uk/documents/wp8-hickey-review-of-internal-and-regional-migration-policy-in-sea.pdf> (accessed 14 December 2016).

¹¹ UNDP (2009), *Human Development Report 2009: Overcoming Barriers: Human Mobility and Development*; Van Hear and Sorenson (2003), *The Migration-Development Nexus*, <http://dag.un.org/handle/11176/376864> (accessed 14 December 2016).

¹² Sabatier (1991), "Toward Better Theories of the Policy Process," *Political Science and Politics* 24(2):147-156; Sabatier (2007), *Theories of the Policy Process*, 2nd Ed., Boulder CO: Westview Press; Thouez and Channac (2005), "Convergence and Divergence in Migration Policy: the Role of Regional Consultative Processes," Global Commission on International Migration (GCIIM), *Global Migration Perspectives*, No. 20. Cited in Hickey, Narendra, and Rainwater (2013: 9-10).

3. Overview of the present migration situation in Myanmar

Migration within and beyond Myanmar's borders is and has long been mixed. People are moving as migrant workers, traders, refugees, asylum seekers, and stateless people, for marriage and as victims of trafficking. The reasons people migrate are complex, cutting across economic, social, and political factors. Limited rural livelihoods, economic opportunities elsewhere, persistent civil conflicts, and social aspirations and desires are all drivers of migration, often in combination with one another.

In the Greater Mekong Subregion (GMS), more international migrants come from Myanmar than any other country. According to estimates up to 10 per cent of the population migrates abroad.¹³ Thailand and Malaysia are the most common destination countries for Myanmar migrants, with some three million migrants living and working in Thailand and over 500,000 in Malaysia. Large numbers of people from Myanmar have also sought asylum in these countries. Bangladesh is also a significant destination with around 200,000 Myanmar migrants and over 100,000 refugees from Myanmar.¹⁴ Other destination countries, although smaller in number include China, India, Singapore, Republic of Korea, and Arab States. Further trends include largely irregular short- and medium-term migration to neighbouring countries, regular medium-term migration through bilateral agreements within the Association of South East Asian Nations (ASEAN) and beyond, and the diffusion of a skilled Myanmar diaspora globally.

Since 2010, the Myanmar government has embarked upon an ambitious series of reforms aimed at liberalizing the country's political and economic systems. A marked increase in foreign direct investment (FDI) has made Myanmar one of the fastest-growing economies in the world. Both the Thein Sein government (2011 – 2015) and the current government under the National League for Democracy (NLD) have committed to building Myanmar's manufacturing and service sectors, in part to increase domestic employment opportunities which will require a similar level of commitment to skills training programmes to equip the working population for the new jobs. Yet regional neighbours, particularly Thailand and Malaysia, remain attractive destinations for migrants due to higher wages and greater employment prospects. In addition, conflicts in Myanmar's border areas continue despite attempts to solidify a national ceasefire.

In regards to labour migration, Myanmar signed a new Memorandum of Understanding (MoU) with Thailand regarding formal migration channels in June 2016. Documentation has been a particular challenge given that irregular migration flows dominate migration from Myanmar to Thailand. A range of responses have been tried, starting in 1992 with the first registration of undocumented migrants in Thailand. After 2009, the Myanmar government also started to respond to the problem, and coordinated with the Thai authorities to issue temporary passports to migrants holding a Thai migrant worker registration card. In 2017, the Myanmar government will issue Certificates of Identity to migrants with the longer term goal of these migrants applying for a full passport in the future and returning to work in Thailand legally documented. Taking into account the large numbers of undocumented

¹³ IOM (2016b), "Overview," <https://www.iom.int/countries/Myanmar> (accessed 14 December 2016).

¹⁴ ESA (2014), "Migration Profiles: Myanmar," <https://esa.un.org/migmgprofiles/indicators/indicators.HTM> (accessed 14 December 2016).

migrants in Thailand, these processes remain challenging and demand on-going processes to allow for all migrants to gradually be documented.

In Myanmar as elsewhere, migration differs for women and men. Gender impacts on economic and social opportunities and situations and in consequence determines to some extent who migrates and how, and into which sectors in which locations and with what degree of safety and success.¹⁵ Research conducted on internal migration in Myanmar indicates that men, particularly younger and better-educated men, are substantially more likely to migrate than women. Men tend to work in the informal sector in construction, markets, and restaurants, including teashops. Yet women migrate at a significant rate as well, especially to work in the garment factories in Myanmar's industrial zones around Yangon.¹⁶ Thus as Myanmar seeks to move towards a more manufacturing- and service-based economy, the kinds of jobs likely to be created may increase the share of women migrating relative to men. In addition, research in migrant destination communities in Thailand has shown that a strong percentage of workers in garment factories – upwards of 80 per cent – are women, particularly young and single women from lowland Myanmar.¹⁷ Significant numbers of women from Myanmar also find employment as domestic workers, in the sex and entertainment industries and in agriculture and construction.

Although studies point out the diversification and polarization of women's migration in recent decades globally – in terms of nationality groups and skilled or less-skilled migrants – the number of women migrating compared to men from Myanmar to Thailand has remained relatively stable over time at just under 50 per cent.¹⁸ Similarly, in Myanmar's overall population of international migrants, women account for 47 per cent of all Myanmar people migrating internationally.¹⁹

For some women, social norms have been an obstacle to open discussion of their work abroad. Domestic workers and sex workers face stigmatisation and discrimination because of their work and therefore often do not tell their families or friends back home the exact nature of their jobs. Domestic work has recently become a controversial topic after the Myanmar government, responding to public demand after news reports of mistreatment and exploitation of domestic workers, banned women from working overseas as domestic workers. Advocacy groups have criticized the ban, arguing that women will continue to seek employment as domestic workers, but now they will do so through irregular channels, hence without the formal protections of bilateral agreements or access to consular services.²⁰ Civil society and international organizations have suggested that greater public discussion and

¹⁵ Sijapati (2015), "Women's Labour Migration from Asia and the Pacific: Opportunities and Challenges," IOM and the Migration Policy Institute (MPI), http://publications.iom.int/system/files/pdf/mpi_issue12.pdf (accessed 14 December 2016).

¹⁶ World Bank (2016).

¹⁷ Kusakabe and Pearson (2014), "Burmese Female Migrant Workers in Thailand: Managing Productive and Reproductive Responsibilities," in *Migration, Gender, and Social Justice: Perspectives on Human Security* (Thanh-Dam Truong, Des Gasper, Jeff Handmaker, Sylvia I. Bergh, eds.), Springer, Heidelberg.

¹⁸ Sijapati (2015).

¹⁹ ESA (2014).

²⁰ "Myanmar Continues its Ban on Domestic Workers Leaving to Work in Singapore," *The Online Citizen*, 5 June 2015, <http://www.theonlinecitizen.com/2015/06/05/myanmar-continues-its-ban-on-domestic-workers-leaving-to-work-in-singapore/> (accessed 14 December 2016); "Myanmar Women Put in Danger by Ban on Maids Working Overseas," *The Guardian*, 6 June 2016, <https://www.theguardian.com/global-development/2016/jun/06/myanmar-women-put-in-danger-by-ban-on-maids-working-overseas> (accessed 14 December 2016).

awareness of women's migration – and recognition of women's work more broadly – is a necessary part of long-term efforts to protect and empower international women migrants.

It is important to underscore that ongoing economic reforms may change Myanmar's migration situation dramatically in coming years. The Ministry of Planning and Finance (MoPF), through the National Comprehensive Development Plan; the Economic Committee of the National League for Democracy, in the party's economic policy platform; the World Bank and the Asian Development Bank, through their research and strategic planning frameworks; have either noted, or are actively promoting, Myanmar's shift from a largely agricultural-based economy to one based on manufacturing and services.²¹ This shift, often described in the language of structural transformation, involves both spatial and sectoral reallocation of labour, or both labour migration and changing labour patterns in rural areas.²² A research report that has shaped U.N. donor support observes that amid this kind of transition an increasing proportion of output and jobs becomes based in urban areas, where most manufacturing and services are located, so labour moves from rural to urban areas. The report further asserts that this process can and should be relatively benign for smallholder farmers in the agricultural economy.²³

Other research from South and South-East Asia raises questions about the generalized nature of these claims about structural transformation. The research report noted above, for instance, claims that while the general pattern can be seen repeatedly in history, individual countries have made their transition from agrarian-rural to industrial-urban at different speeds.²⁴ In many ways, this perspective mirrors older forms of modernization theory, but with a crucial difference: it is now not an interventionist developmental state, but rather the natural laws of the market, that ensure a smooth process of transition. However, scholars working in South and South-East Asia, including Thailand and Myanmar, have observed that in recent decades, the supposed shift from agriculture to industry has not been a linear, nor a painless, process, particularly for workers and rural producers. Two expected transitions have been seen as stalled or even failed: from rural smallholders to wage workers, and from low- to high-value-added manufacturing. A kind of pincer movement has defined this process. On one hand, in rural areas, a wave of large-scale land acquisitions for crop production and resource extraction has expropriated smallholders across the global South, in Myanmar's regional neighbours and beyond. On the other hand, limited absorption of displaced producers' labour – due to technological upgrades, mechanization, and the broader phenomenon of jobless growth, whereby the most productive economic sectors require less and less labour – relocates smallholders to the fringes of urban and rural economies, in precarious, low-wage, informal employment. Several trends coincide in this process, among them trends that scholars call exclusion and informalization.²⁵

²¹ ADB (2015), EOD (2015), NCDP (2014), World Bank (2016).

²² "Why LIFT is Stepping out in 2015," <http://www.lift-fund.org/blog/why-lift-stepping-out-2015> (accessed 14 December 2016).

²³ EoD (2015: vi)

²⁴ EoD (2015: vi)

²⁵ Arnold and Campbell (2016), "Capitalist Trajectories in Mekong Southeast Asia," Concept Note, Workshop at University of Amsterdam; Chatterjee (2008a), "Democracy and Economic Transformation in India," *Economic and Political Weekly* 43(16); Li (2009), "To Make Live or Let Die? Rural Dispossession and the Protection of Surplus Populations," *Antipode* 41(s1); Hall, Hirsch, and Li (2011), *Powers of Exclusion: Land Dilemmas in Southeast Asia*, University of Hawaii Press; Sanyal (2007), *Rethinking Capitalist Development: Primitive Accumulation, Governmentality, and Post-Colonial Capitalism*, Routledge.

Against this background, a focus on labour and migration highlights the tangible impacts of who benefits and how, and who does not, from structural transformation, especially when alternative livelihoods and a living wage have become difficult to secure and protect in many parts of the world. Some scholars and researchers consider these issues under the heading of the land-labour nexus. Yet reallocation of labour and trends towards urbanization and informalization also involve migration as former agricultural producers move elsewhere in search of work. Hence migration can and should be added to land-labour nexus research agendas (see Annex II.).

At the current stage of Myanmar's political and economic reforms, it is difficult to determine how or to what extent changes in political economy will reflect or diverge from these trends. More research is necessary on the changing nature of rural life and livelihoods, and the kinds of labour migration pathways that are open or closed to smallholders emerging from rural-agrarian economies. Still, a few signs are worth noting. First, Myanmar has seen growing investment in rural and peri-urban areas, leading to concerns around land-grabbing that have been linked to agro-industrial projects, zonal-spatial development initiatives like special economic zones and other industrial zones, and a national ceasefire process that has increased capital flows into ethnic nationality areas.²⁶ Second, disputes over land and natural resources have been among the most explosive political issues in recent years. From Ayeyawaddy Division to Letpadaung, and from the outskirts of Yangon to highland ethnic states, changes in control over land and natural resources have catalysed dramatic protests and in some cases, nationwide political movements.²⁷ Third, Myanmar's economy relies heavily on capital-intensive extraction and transshipment of natural resources; labour-intensive light manufacturing accounts for a much smaller, though likely to expand, portion of Myanmar's productive output.²⁸ Finally, in a potential departure from earlier approaches to economic policy, Myanmar's new government has committed to both revitalizing the rural-agrarian economy and boosting job creation in the manufacturing and service sectors.²⁹

These signs indicate that structural pressures in rural and peri-urban areas are taking shape and accumulating. As a result, much depends on how the rural-agrarian economy changes, and what kind and quantity of jobs are created, be they formal or informal, rural or urban, and backstopped (or not) by strong social protection policies. Trade and investment policy, including but not limited to the recently approved Myanmar Investment Law, plays a pivotal role here, while suggestions of jobless growth – if only very initial, in Myanmar, at this point – provide cause for concern.

²⁶ See for example MRLG (2015), *The Political Economy of Land Governance in Myanmar*, <http://mrlg.org/resources/political-economies-of-land-governance/> (accessed 14 December 2016).

²⁷ Aung and Campbell (2016), "The Lady and the Generals," *Jacobin*, <https://www.jacobinmag.com/2016/01/aung-san-suu-kyi-myanmar-burma-elections-military-generals/> (accessed 14 December 2016); Prasse-Freeman (2015), "Burma's Revolution from Below," *Foreign Policy*, <http://foreignpolicy.com/2015/04/20/burmas-revolution-from-below-myanmar-land-protests/> (accessed 14 December 2016).

²⁸ For recent foreign investment figures, see "Foreign Investment Soars to Record \$8B in 2014-15," *The Irrawaddy*, 9 April 2015, <http://www.irrawaddy.com/business/foreign-investment-soars-to-record-8b-in-2014-15.html> (accessed 14 December 2016).

²⁹ "Government Reveals 12-point Economic Policy," *Myanmar Times*, 29 July 2016, <http://www.mmtimes.com/index.php/business/21664-nld-12-point-economic-policy-announcement.html> (accessed 14 December 2016).

This relationship between economic reforms and labour migration will require greater attention from researchers and policymakers in the coming years. Actors and institutions focused on land and the rural economy would do well to consider labour and migration outcomes as a way of measuring the concrete effects of structural transformation. Similarly, researchers and policymakers focused on migration would do well to examine more closely how rural life and livelihoods are changing. Trends and processes at this level are significant in determining where and how, with what opportunities or not for decent work and a living wage, former agrarian producers may be moving in search of employment. Indeed, strengthening the coherence of migration policy means being able to pursue structural and systemic approaches that balance, as much as possible, these various demands on policymaking.

Although in its early days, the Development Assistance Coordination Unit (DACU) may play a crucial role in determining the future trends. The DACU was set up in November 2016 to improve the coordination and effectiveness of future development assistance to Myanmar, and to ensure that Myanmar as the host country will exercise ownership, leadership and guidance with regard to development coordination. Chaired by State Counsellor Daw Aung San Suu Kyi and the Union Minister for Planning and Finance, members include the Central Bank of Myanmar and the Myanmar Development Institute. DACU's primary responsibilities will be: to identify priority sectors and potential projects for future development assistance, based on consultations across government; to draw up, in dialogue with partners in development, a national policy for development assistance; to review, and if necessary revise, the existing aid coordination architecture, including sector working groups, so as to ensure efficiency and inclusivity; to support the Economic Committee by reviewing and evaluating potential loans and major grants and technical assistance projects; to identify constraints to the effective delivery of development assistance, and help to resolve those constraints where possible. DACU's role is to oversee coordination across all governmental levels while the Economic Committee will retain ultimate responsibility for reviewing and approving development projects.

4. Main actors and their current migration governance responsibilities

Building on recent debates over the definition of migration governance, this paper takes an expansive view of what constitutes governance, including a range of norms, rules, principles, (and) decision-making procedures that pertain to migration from Myanmar to other countries.³⁰ Policy as such is one piece of a broader governance framework, which links a variety of actors and institutions – governmental, non-governmental, and private sector – across multiple scales. Within this approach, the Law Relating to Overseas Employment is a crucial part of the international migration governance framework. Yet workshops bringing together local government and community-based organizations at regional labour exchange offices are also part of the governance framework as well as Myanmar's participation in the Global Forum on Migration and Development.

Before moving on to discuss the main actors and institutions responsible for Myanmar's migration governance framework, this section begins with a brief summary of the laws and policies that most directly constitute the governance framework itself.

Myanmar's two central international migration governance instruments are the Law Relating to Overseas Employment (LROE), enacted in 1999, and the National Plan of Action (NPA) for the Management of International Labour Migration, developed in 2013. The LROE, currently undergoing a process of review and revision, sets out the basic architecture for managing international labour migration.³¹ It details registration procedures for workers, licensing processes for employment agencies, and a range of rights and responsibilities of both workers and employment agencies. The LROE also provides for the establishment of the Overseas Employment Supervisory Committee (OESC), which the law charges with providing the coordination and cooperation necessary to achieve the law's objectives. A much more recent instrument, the NPA is a national policy document that includes four strategic areas of focus: the governance of migration, the protection and empowerment of migrant workers, the inclusion of migration in the national development agenda, and data collection and management. The plan also designates the main actors and institutions to be responsible for operationalizing the policy.³²

Notably for this discussion, both the LROE and the NPA explicitly recognize the importance of coordination and cooperation in the governance of international migration. The NPA in particular aims at creating a coherent national legal, policy, and institutional framework in Myanmar for the systematic management of all aspects of cross-border migration for employment.³³ The plan seeks to achieve this aim through a series of channels: the NPA itself and its five accompanying annual work plans; the revision of relevant legislation, rules, and regulations, including the LROE; improved coordination at the national level through the OESC; the review and revision of bilateral memoranda with destination countries; and the alignment of the national government framework with relevant international standards. The plan further specifies that at the union level, the newly formed Migration Division within the

³⁰ Cf. Betts (2011), "Introduction: Global Migration Governance," in *Global Migration Governance* (Betts, ed.), Oxford University Press. Cited in EIU (2016: 12).

³¹ Law Relating to Overseas Employment (1999).

³² NPA (2013), Five-Year National Plan of Action (NPA) for the Management of International Labour Migration, Ministry of Labour, Employment, and Social Security.

³³ NPA (2013: 8).

Ministry of Labour would be the focal point within the government for managing labour migration.³⁴ At the level of States and Regions, the nationwide network of labour exchange offices is to serve as centres for information and services for migrants from pre-departure to return and reintegration.³⁵

The Migration Division has indicated that a new five-year plan to succeed the 2013–2017 plan will be necessary due to the pace and extent of political and economic changes in Myanmar in recent years.³⁶

At the level of inter-State migration governance, Myanmar's two bilateral MoUs with Thailand and Republic of Korea take the step of formalizing migration channels with key destination countries. The MoU signed in 2010 with the Republic of Korea, provides for formal migration through Korea's Employment Permit System (EPS). The MoU and Agreement on the Employment of Workers with Thailand, signed in June 2016, updates the initial MoU from 2003. An ILO review of Thailand's MoUs noted policy inconsistencies between countries of origin and Thailand, particularly in domestic work and fishing, and offered a range of recommendations for strengthening how the MoUs govern formal migration across all stages of the migration process, from recruitment to protection and return and reintegration. In recent years, Myanmar's specific bilateral migration cooperation with Thailand has taken shape around how to document and regularize the status of migrants who arrived in Thailand through irregular channels. The nationality verification process, which sought to confirm the citizenship status of Myanmar migrants, has now developed into a system to issue Certificates of Identity with the expectation that migrants will apply for full passports back in Myanmar before the certificates expire.

The following sections maps the main actors and institutions responsible for formulating and implementing migration policy and related policy areas in Myanmar.

³⁴ The structure of the Migration Division is detailed in Section 4.2 of this paper.

³⁵ NPA (2013: 10).

³⁶ Consultation, Migration Division, Naypyidaw, 14/9/16.

Box 2.

Further national laws, policies and agreements

Other national-level instruments that are relevant to the governance of international labour migration in Myanmar: include the Code of Conduct (CoC) for Overseas Employment Agencies; the Anti-Trafficking in Persons Law and Laws relating to labour. The CoC, signed by over 100 recruitment agencies at an unveiling ceremony in August 2016, aims to foster ethical recruitment practices and improve the quality of services provided to migrant workers throughout the process of international migration. Developed through a collaboration between the Myanmar Overseas Employment Agencies Federation (MOEAF) and the Ministry of Labour, Immigration, and Population (MoLIP), with technical input from the ILO, the code puts in place a monitoring mechanism that sets a standard for recruitment agencies, enabling the ranking of agencies' level of compliance with the code. Moreover, the CoC requires agencies that sign the code to coordinate and cooperate with government and civil society, from multi-stakeholder pre-departure trainings to dispute settlement mechanisms that connect recruiters to relevant government agencies.

The Anti-Trafficking in Persons Law was passed in 2005, after Myanmar had ratified the UN Convention against Transnational Organized Crime and its protocols. The law criminalizes sex and labour trafficking in Myanmar, detailing a series of offences and penalties that differ according to gender, age, and the purpose of trafficking in a given incident. Penalties range from fines to imprisonment, including up to life imprisonment for serious offences. The law also specifies the rights of trafficking victims and forms a central body and a series of working groups to focus on the protection of victims.

Additionally, Myanmar's domestic legal framework relating to labour and employment has changed considerably since 2011. Perhaps most importantly, the Labour Organization Law, which was promulgated in 2011 and came into effect in 2012, protects workers' rights to form and freely join labour organizations, as well as to strike. Subsequent relevant labour and employment laws include the Settlement of Labour Disputes Law (2012), which details the arbitration process for labour disputes; the Social Security Law (2012), which overhauls Myanmar's Social Security Board and the process whereby workers and employers receive benefits, such as insurance and pensions; the Employment and Skills Development Law (2013), which focuses on employers' responsibilities regarding the education, vocational guidance, and training of workers; and the Minimum Wage Law (2013). The first minimum wage to be set in Myanmar after intense disputes between representatives of employers and workers was agreed upon at 3,600 Kyats for an eight-hour work day.

Sources:

<http://www.mmmtimes.com/index.php/national-news/yangon/22071-moeaf-members-sign-code-of-conduct.html>

MOEAF, CoC (2016).

https://www.unodc.org/cld/en/legislation/mmr/the_anti_trafficking_in_persons_law/chapter_i-ix/article_1-33/the_anti_trafficking_in_persons_law.html;

<http://www.mmmtimes.com/index.php/national-news/8108-social-security-revamp-waits-on-bylaws.html>

http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=90699&p_country=MMR&p_count=86

4.1 Ministry of Labour, Immigration and Population

In March 2016, the Myanmar government announced it would be reducing the number of ministries in the government from 36 to 21. Among the consolidations that took place was the merger of the Ministry of Labour, Employment, and Social Security with the Ministry of Immigration and Population. The Labour section of the Ministry of Labour, Immigration, and Population (MoLIP) continues to perform its formal functions including: protecting workers' rights, providing social services for workers, promoting higher labour productivity, and participating in international labour affairs.³⁷ Within all aspects of Myanmar's labour migration governance framework, MoLIP is the lead actor. The National Plan of Action (NPA) accorded the Ministry of Labour, which at the time was called Ministry of Labour, Employment and Social Security (MOLES) and which is now MOLIP, the principal role in nearly every action plan included within the NPA.³⁸ Social partners were included in some implementation areas but overall were given an insignificant role in delivering the action plan.

Policy research suggests that having a dedicated lead agency is critical to a country's institutional capacity for migration governance. While some countries identified as having strong migration governance feature a single lead agency – Germany, Canada, and Morocco, for instance – others distribute responsibilities across several agencies, yet ensure that one agency remains the lead. Costa Rica, Ghana, and the Philippines provide examples of this more distributed approach.³⁹

On this spectrum, Myanmar falls somewhere in the middle. Myanmar migration governance has a clear lead agency in MoLIP, while other agencies within the government structure play significant roles as well. MoLIP is directly responsible for coordinating and overseeing the implementation of the two most central policy instruments in Myanmar's migration governance: the LROE Law Relating to Overseas Employment and the NPA (as well as the strategy potentially to succeed the NPA). However, a range of further actors and institutions are responsible for critical pieces of the international migration governance architecture. The Ministries of Home Affairs and Foreign Affairs, for example, are among the other main actors involved in coordination and communication relating to Myanmar's bilateral agreements with Thailand and Republic of Korea. The Myanmar Overseas Employment Agency Federation (MOEAF) has played a role in shaping the market for the export of labour from Myanmar and in recognizing the need for more ethical recruitment practices through its development of the Code of Conduct. The anti-trafficking police play a pivotal role in preventing and responding to cases of trafficking in persons. Labour organizations and civil society organizations (CSOs) can play an important role in reaching migrants with accurate information, responding to needs, developing services for their protection and increasing migrants' access to justice. Nevertheless, MoLIP is the agency tasked with bringing together these various actors and activities within a coherent governance framework.

³⁷ "Main Functions," MoLIP, <http://www.mol.gov.mm/en/main-functions/> (accessed 14 December 2016).

³⁸ NPA (2013).

³⁹ EIU (2016: 20).

4.2 Migration Division

The Department of Labour is one of four departments within MOLIP and the Migration Division (MD) is one of seven divisions under the Department of Labour. Formed in 2012, the MD is, according to the NPA, formally the focal point within the government for the management of all aspects of international labour migration. In its focus on international migration, the MD is leading the revision process for the Law Relating to Overseas Employment. In addition, the MD is an active participant in coordination and communication relating to Myanmar's bilateral agreements, including the MoUs with Thailand and the Republic of Korea.⁴⁰ The MD also plays a role in verifying and approving overseas employment arrangements when recruitment agencies submit the necessary documents and meet the criteria in dealing with grievances of migrants through the complaints mechanism. The MD can suspend agencies that exploit workers or blacklist those that habitually exploit the migrants. Overall, the government has nine international labour migration policy objectives. The MD seeks to ensure that the execution of these policy objectives complement the government's employment policy, which has seven components.

Although the MD is the focal point for the management of international migration, the needs for coordinating and implementing Myanmar's migration policies exceed what the MD alone can provide in its activities. It is also not itself a platform or body for coordination; rather, it is an actor that offers key inputs in and contributions to broader coordination platforms. Those platforms include the technical and bilateral meetings for developing and managing MoUs, as well as the Overseas Employment Supervisory Committee. Given the structure of MoLIP, the lead, high-level responsibilities for convening different actors and integrating policy activities tend to fall not to the MD but to higher-level officials in MoLIP, such as the Minister himself, the Permanent Secretary, the Director General, and so on.⁴¹ The MD is a more specialized unit for concentrating technical input and expertise on labour migration, contributing that expertise to relevant planning and policymaking activities, and managing the implementation of policies and procedures that relate to international labour migration.

⁴⁰ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

⁴¹ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

Box 3.

Labour migration policy and employment policy

The Ministry of Labour, Immigration, and Population (MoLIP) summarizes their labour migration policy as a 9-point approach:

1. Facilitating data collection, information management, and research and policy analysis regarding migration.
2. Developing local and overseas labour markets.
3. Simplifying regular channels that allow people to seek jobs abroad.
4. Reducing transaction costs associated with migration.
5. Ensuring basic rights for migrant workers.
6. Improving socio-economic life for migrants and their families.
7. Enabling experiences, skills, and knowledge from mobility and sharing those to others.
8. Collaborating with international organizations, civil society, both international and local, on issues regarding migrant workers.
9. Making mobility an integral part of poverty alleviation strategy.

According to consultations with the Migration Division, a 7-point approach underwrites MoLIP's employment policy:

1. Decent work as a productive factor.
2. A pro-employment macroeconomic framework.
3. Entrepreneurship and private investment.
4. Improving the productivity and opportunities of working people.
5. Non-discrimination in the labour market.
6. Environmentally and socially sustainable growth.
7. Employability and adaptability.

Source: Consultation with Migration Division, MoLIP, Naypyidaw (14.9.16).

4.3 Overseas Employment Central Committee and Supervisory Committee

The Law Relating to Overseas Employment (LROE), enacted in 1999 and now being revised, provides for the formation of the Overseas Employment Central Committee (OECC) and Supervisory Committee (OESC). The Minister of Labour with the approval of the Government will form the OECC which will include high level officials from the Ministry of Labour and other relevant ministries, together with heads of organizations related to labour affairs, luminaries in respect of labour affairs and suitable citizens. Non-governmental members are entitled to remuneration. The OECC is primarily responsible for laying down policy relating to overseas employment and coordination for the implementation of the policy. However, on the ground, the OESC is the lead coordination platform within Myanmar's international labour migration governance framework. According to the LROE, the Director General of the Department of Labour (DoL) is the Chairman of the OESC. In itself, the law provides limited organizational detail, noting that under the Chairman, further members will be suitable persons from the relevant government departments and organizations as well as persons who are experts in labour matters as members to supervise the systematic functions of overseas employment.⁴²

⁴² Law Relating to Overseas Employment (1999), Article 7(a).

The leadership and structure of the OESC has changed in recent years. Instead of the Director General of the Department of Labour chairing the committee, it is now chaired by the Minister of MoLIP.⁴³ This elevation of leadership indicates that the government recognizes the importance of the committee. In addition, the structure of the committee has changed, such that the OESC now consists of three working committees: the administrative working committee, the workers' benefits committee, and the workers' rights protection committee. The majority of OESC activities take place within these three working committees, which bring together numerous ministries and personnel from various levels of government. The OESC as a whole, with all three working committees together, meets when necessary rather than on a regular schedule.⁴⁴ When the structure of the committee changed, in 2011, the government reaffirmed that the purpose of the committee is to review, coordinate, and supervise the governance of international migration.

The working committees' leadership and main responsibilities are now as follows. First, the administrative working committee is chaired by the Deputy Minister of MoLIP, with the Deputy Minister of the Ministry of Home Affairs serving as the Vice Chairman. This committee's main duties include formalizing bilateral agreements with destination countries for Myanmar migrants; providing clear and correct information to workers prior to their departure; ensuring workers' job offers and employment contracts meet required guidelines; and handling activities related to fees and the payment of taxes. Second, the workers' benefits committee is chaired by the Deputy Minister of the Ministry of Finance (now the Ministry of Planning and Finance), with the Deputy Minister of the Ministry of Foreign Affairs serving as the Vice Chairman. This committee offers loans to workers when necessary, enables them to receive insurance, and assists with matters related to the sending of remittances, especially incentivizing the use of legal remittance channels. Third, the workers' rights protection committee is chaired by the Deputy Minister of MoLIP, with the Deputy Minister of the Ministry of Foreign Affairs again serving as Vice Chairman. For this committee, the main duties include designating labour attaches; coordinating with non-governmental organizations, making efforts to provide protection according to labour laws in the destination country, including through factory visits and support during labour disputes; and assisting in the return and repatriation of workers whose contracts have been terminated. Each committee also coordinates with an advisory committee consisting of three experts, now retired, on overseas labour.⁴⁵ (See Annex III for a description of which actors the OESC brings together and how.)

Outside of the government, awareness is limited about the structure and activities of the OESC. Yet partners in the international community fully recognize the value of an inter-departmental committee like the OESC, which is unusual elsewhere in the region.⁴⁶ Republic of Korea and South Africa have also been identified as examples of countries that have inter-departmental committees working towards coherence and coordination in migration governance. Republic of Korea features an Immigration Policy Commission, chaired by the

⁴³ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

⁴⁴ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

⁴⁵ "Formation of Three Sub-Committees for Overseas Employment Supervisory Committee," Ministry of Labour (18.8.11).

⁴⁶ Consultation, IOM, Yangon (12.9.16).

Prime Minister while South Africa established an inter-ministerial committee in 2015 upon a directive from the President.⁴⁷

4.4 Parliamentary Committee on Local and Overseas Workers

The Parliamentary Committee on Local and Overseas Workers was formed in February 2016. The committee consists of 15 parliamentarians, with the chairman being a parliamentarian from the Yangon region.⁴⁸ As a new committee working in a fluid political situation, including under a new government, the scope and scale of the committee's work is still evolving.

The current duties of the committee cover broad responsibilities to support workers' rights and, when possible and necessary, the reform and revision of labour laws. A key mechanism for these duties is submitting information and proposals to parliament for discussion, debate, and eventually legislative action. The mandate of the committee includes coordinating and cooperating with national and international labour organizations, under the supervision of the Chairperson of the Amyotha Hluttaw (House of Nationalities). The chairman of the committee encourages, in general, all stakeholders engaged with international migration governance to submit clear and correct information to the committee so as to strengthen the legislative work of the parliament and therefore protect the rights of workers.⁴⁹

The committee has suggested that being recently formed, and presently with a relatively narrow scope of action, its practical contributions to migration governance are not as significant as they may become. Indeed, the committee has expressed interest in exploring a wider range of activities, including study trips with suitable organizations to better understand the situation of Myanmar migrant workers overseas.⁵⁰

For now, there are three main sets of activities within the committee: cooperating with MoLIP to help settle labour disputes, proposing ways to address the grievances of workers in the present situation, and working to amend and supplement current labour laws.⁵¹

4.5 Additional government actors

Although the range of additional government actors relevant to international migration governance is too extensive to fully consider here, several actors are worth noting. In April 2013, the Ministry of Home Affairs formed the Anti-Trafficking in Persons Division (ATIPD), which oversees pre-existing Anti-Trafficking Task Forces (ATTFs). The ATIPD is a specialized unit with dedicated funding; it operates three sub-divisional offices that supervise 18 ATTFs in relevant cities and international border crossings. Three recently created child

⁴⁷ EIU (2016: 21).

⁴⁸ "Formation of Three Sub-Committees for Overseas Employment Supervisory Committee," Ministry of Labour (18.8.11).

⁴⁹ Statement by U Kyaw Htway, Chairman of the Parliamentary Committee on Local and Overseas Workers, at ILO Labour Law Forum (ND).

⁵⁰ Consultation, Parliamentary Committee on Local and Overseas Workers, Naypyidaw (14.9.16).

⁵¹ Statement by U Kyaw Htway, Chairman of the Parliamentary Committee on Local and Overseas Workers, at ILO Labour Law Forum (ND).

protection task forces are also under the purview of the ATIPD.⁵² In addition, coordination and cooperation around the management of bilateral migration memoranda also brings together a substantial number of government actors, including but not limited to MoLIP, ATIPD, Home Affairs, Police Special Branch, Foreign Affairs, Labour Attaches, and Border Affairs. Equivalent actors from the Thai government also participate in these activities.⁵³ Myanmar's local-level labour exchange offices (LEOs) are also spaces of coordination with respect to migration governance. Some LEOs are designated as Migrant Workers Resource Centres (MRCs) and are places where potential migrants can learn about the opportunities and risks associated with migration, return and reintegration. The MRCs coordinate with labour organizations and CSOs to provide outreach, and workshops. There are a total of 96 LEOs, including 20 sub-offices nationwide but only 11 LEOs house MRCs.⁵⁴

Beyond migration policy as such, many further actors enter the frame. At the level of national economic and social planning, the Ministry of Planning and Finance is the most central actor. For other policy areas adjacent to migration, such as poverty alleviation, rural development, and social protection, relevant ministerial leads play policymaking roles that provide opportunities for inter-linkage with migration policy. These actors and their work are described elsewhere in this paper.

4.6 Relevant stakeholders outside government

A full discussion of the policy contributions of non-governmental stakeholders is beyond the scope of this paper. However, it should be noted that with regard to the governance of international labour migration, such stakeholders include, at a minimum, international organizations (governmental and non-governmental), donor agencies, trade unions and labour federations, civil society organizations (CSOs), migrant workers and their families, local constituencies, and a range of private sector actors, such as employment federations. These stakeholders are inclusive of, yet also exceed, the ILO's social dialogue partners: government, workers, and employers.

In consultations for this paper, CSOs reaffirmed their capacity and willingness to contribute to migration governance, including but not limited to policy consultations. Actors within government also consistently recognized the importance of non-governmental actors' participation in policymaking and governance activities. This readiness to coordinate and cooperate reflects a broader increase in the participation of CSOs and other non-governmental actors in policymaking over the last five years. Still, opportunities for participation largely remain ad hoc, varying greatly across consultations for particular policies, rapidly evolving policy agendas more broadly, and periodic meetings, workshops, and trainings. High-level governmental coordination platforms such as the OESC, bilateral meetings for overseas migration, and the Parliamentary Committee on Local and Overseas Workers do not include formal, institutionalized channels for the participation of CSOs, unions, and other actors.

⁵² "Burma," *2014 Trafficking in Persons Report*, U.S. State Department, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226691.htm> (accessed 14 December 2016).

⁵³ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

⁵⁴ "Labour Exchange Office (LEO)," National Employment and Skill Development, <http://www.nesdmyanmar.org/labour-exchange-office/> (accessed 15 December 2016); "Labour Exchange Offices Opened," *Myanmar Times*, 14 December 2016, <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/24192-labour-exchange-offices-opened.html> (accessed 15 December 2016).

5. Coordination and cooperation on migration governance

Research on national migration governance frameworks identifies three main channels States primarily use to effectively strengthen policy coherence: specialized inter-departmental committees, the development of a national plan or strategy on migration, and the activities of either a single lead agency or several agencies working together.⁵⁵ The governance of international labour migration in Myanmar includes a combination of all three channels. MoLIP, working through the Migration Division, its migration management focal point, is the lead agency that coordinates with other relevant actors. The Overseas Employment Supervisory Committee is an inter-departmental committee that brings together MoLIP and the Migration Division with other key ministerial actors.

The National Plan of Action (NPA) on labour migration provides an overarching strategic framework within which coordination and cooperation can proceed. Outside of these three main channels, coordination also takes place through bilateral meetings for overseas migration, through the activities of the Parliamentary Committee on Local and Overseas Workers, and through the activities of local LEOs. Beyond formal and recurring channels such as these, occasional conferences, workshops, and trainings provide additional opportunities for coordination and cooperation between a range of actors within and beyond the government.

5.1 The Migration Division within MoLIP

The Migration Division (MD) is the focal point in the government for managing international labour migration. Within MoLIP, the MD is the main body for gathering and mobilizing migration-specific expertise and policy inputs. Thus, although it is not formally a coordination platform, in practice it offers coordination activities. For example, the MD seeks to ensure complementarity between the pursuit of the government's migration and employment policy objectives.⁵⁶ However, as noted above, the MD's coordination capacity is limited by the relatively small size of the MD within MoLIP, as well as its restrained human and financial resources. Beyond MoLIP, the MD is the body most likely to handle the implementation of, rather than the planning and initiation of, coordination activities. Such coordination activities are likely to be formulated and decided upon at higher levels in MoLIP and in communication with other relevant ministries and actors.

5.2 The Overseas Employment Supervisory Committee

Within the current governance framework, the OESC is the lead platform through which coordination and cooperation related to international labour migration takes place. Those coordination activities, moreover, are distributed through the OESC's three working committees: the administrative working committee, the workers' benefits committee, and the workers' rights protection committee.⁵⁷ Each working committee brings together around ten different ministries and related departments to implement the specific duties of that committee. In this way, the working committees provide regular and recurring coordination

⁵⁵ EIU (2016: 20-21).

⁵⁶ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

⁵⁷ "Formation of Three Sub-Committees for Overseas Employment Supervisory Committee," Ministry of Labour (18.8.11).

opportunities. On the other hand, coordination between these working committees appears limited, since the OESC as a whole does not commonly meet together.⁵⁸

The Law Related to Overseas Employment (1999), which first established the OESC, stipulates that the OESC can include a non-government servant.⁵⁹ However, the OESC's three working committees feature government officials exclusively. While the OESC's Advisory Committee does include people who are not current government officials, they are retired government officials rather than representatives from civil society, trade unions, or other non-governmental actors. Hence as an inter-departmental coordination platform, the OESC provides a regular channel for government actors to communicate and cooperate. Formal participation from actors beyond the government is not currently accommodated within the OESC's structure.

5.3 National Plan of Action for the management of international labour migration

The National Plan of Action provided a coordination opportunity when it was formulated and, to some degree, subsequently implemented, although implementation has remained uncertain due to questions about the plan being formally adopted. MoLIP and the Migration Division led the process of envisioning the plan, with international partners such as the ILO and IOM providing technical inputs and support. The plan was designed to cover the period 2013-2017. As this period comes to an end, and given the extensive political and economic reforms of recent years, the Migration Division has suggested a new five-year plan may follow the current plan.⁶⁰ As and when that happens, the development of a subsequent plan will be a new opportunity for coordination. It will also be a chance to further strengthen the main strategic framework that provides for policy coherence in the governance of international migration. Until then, the current channels the NPA lays out for pursuing policy coherence remain important: systematic revision of legislation, rules, and regulations; coordination through the OESC; review and/or revision of bilateral agreements; and the harmonization of Myanmar's international labour migration governance framework with relevant international standards.

5.4 Additional governmental coordination

Bilateral agreements require considerable communication and cooperation between various government agencies and between the governments of sending and receiving countries. In Myanmar's case, the MoU with the Republic of Korea involves relatively limited ongoing technical cooperation: one bilateral meeting takes place every two years, with updates and revisions formulated as necessary. The MoU with Thailand, on the other hand, entails tighter coordination through regular and recurring meetings that bring together a wide range of Myanmar and Thai government ministries, departments, and so on. Participants include at least the following government actors from the Myanmar side, as well as equivalent actors from the Thai side: MoLIP, ATIPD, Home Affairs, Police Special Branch, Foreign Affairs, Labour Attaches, and Border Affairs.⁶¹ Technical meetings with these actors take place

⁵⁸ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

⁵⁹ Law Relating to Overseas Employment (1999), Article 7(d).

⁶⁰ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

⁶¹ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

every two months, alternating locations between Myanmar and Thailand. Technical meetings set the stage for less common bilateral meetings. In preparing for these meetings, government actors have solicited input from the ILO and IOM and sometimes other organizations, and afterwards, the results of meetings may be shared with the media.

Despite representation from a wide range of government actors, the process of coordinating and negotiating bilateral MoU provisions tends to be heavily influenced by national security concerns, and thus the government actors most associated with national security as well. This is the case not just with Myanmar's MoUs; it is a broad tendency for countries negotiating bilateral migration agreements.⁶² In addition, sending countries participate in such negotiations in a position of structural disadvantage; receiving countries generally have more power to set the terms of the bilateral memoranda. Nevertheless, the ongoing coordination that is required to maintain and, when necessary, revise MoUs does offer regular channels for harmonizing migration policies across government agencies and across bilateral relations. Pursuing systematic and comprehensive approaches to international migration governance.⁶³

6. Challenges to coordination and cooperation on migration governance

Current challenges to coordination on migration governance can be broken down into two main strands: coordination challenges within the governance of migration, and coordination challenges between migration and other policy areas. Additionally, contextually both within and beyond the government, public acknowledgement and discussion of international labour migration has long been limited in Myanmar. This situation has begun to change in recent years. As levels of recognition and awareness increase, so too will key actors' grasp of the empirical reality of migration and hence possibilities for more coherent governance.

6.1 Coordination challenges within migration governance

For three of the main actors in the current migration governance framework – the Migration Division (MD), the Overseas Employment Supervisory Committee (OESC), and the Parliamentary Committee on Local and Overseas Workers – the central coordination challenge is where and how the power to act and make decisions is concentrated.

Within the Myanmar government overall, and within MoLIP more specifically, the MD is the focal point for managing all aspects of labour migration. However, the MD is a relatively small unit within MoLIP, with limited human and financial resources. Moreover, decision-making power is centralized at higher levels within MoLIP, such that in practice, the MD's capacity to take the lead on activities related to policy advocacy and coordination is restricted. The activities of the division tend towards implementation of coordination activities rather than their planning and formulation.⁶⁴ As a result, although the MD remains a critical

⁶² Hickey, Narendra, and Rainwater (2013: 15).

⁶³ ILO (2015), *Review of the Effectiveness of the MOUs in Managing Labour Migration between Thailand and Neighbouring Countries*, http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/publication/wcms_356542.pdf (accessed 14 December 2016).

⁶⁴ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

actor for policy coordination, the current structure of MoLIP means their contributions would likely be in carrying out decisions initiated elsewhere in the ministry.

If the way the MD operates so far raises questions about the centralization of leadership and decision-making in the current framework, then the OESC reflects challenges over its relatively decentralized set of working committees and activities. The OESC's three working committees – the administrative working committee, the workers' benefits committee, and the workers' rights protection committee – pursue their activities largely independently of one another, with the OESC as a whole rarely meeting.⁶⁵ Although the reform of the OESC in 2011 included assigning to it broad supervisory and coordination responsibilities, its main activities filter into these three fairly distinct working committees.⁶⁶ In addition, the activities and structure of the OESC outside of the government is little known, which limits the ability of actors outside of the government – donors, civil society, international organizations – to interface with it.

Challenges related to the activities of the Parliamentary Committee on Local and Overseas Workers reflect a combination of these elements, from limitations on the committee's own decision-making power to a fluid national governance situation. On one hand, the committee stands to offer valuable linkages to the legislative side of Myanmar's policy infrastructure, to the advocacy activities of civil society organizations – which often engage with parliamentary committees – and to the local constituencies of committee members. On the other hand, the duties and responsibilities of the committee are still taking shape under the new government.⁶⁷

Furthermore, gaps exist between national, sub-national, and local levels within Myanmar's current migration governance framework. For example, LEOs operating at local levels are sites for productive communication and cooperation between government offices, local civil society, and local people.⁶⁸ One excellent example of this cooperation is in Keng Tung, Eastern Shan State. Due to the high levels of irregular migration, a Migrant Workers Resource Centre was established under the Mawk Kon Local Development Organization and not the Labour Exchange Office. However, the labour exchange officer, the anti-trafficking police and Mawk Kon work together to implement activities, including trainings at the centre and outreach to communities. If efficient data collection and management could record the tangible benefits of such collaboration – such as the number of migrants brought into formal migration channels through workshops and outreach activities – then the positive outcomes of stronger governance coordination among different kinds of actors could be demonstrated more clearly to higher-level actors and institutions. Limited communication between different levels of the current governance framework is an obstacle to bottom-up coordination of this kind. In addition, the need for stronger data collection and management – one of the strategic areas of the NPA – is reflected here as well.

⁶⁵ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

⁶⁶ "Formation of Three Sub-Committees for Overseas Employment Supervisory Committee," Ministry of Labour (18.8.11).

⁶⁷ Consultation, Parliamentary Committee on Local and Overseas Workers, Naypyidaw (14.9.16).

⁶⁸ "Labour Exchange Office (LEO)," National Employment and Skill Development, <http://www.nesdmyanmar.org/labour-exchange-office/> (accessed 15 December 2016); "Labour Exchange Offices Opened," *Myanmar Times*, 14 December 2016, <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/24192-labour-exchange-offices-opened.html> (accessed 15 December 2016).

6.2 Coordination challenges between migration policy and other policy areas

The challenges noted previously apply here as well. Due to limited awareness about and public discussion of international migration for many years, actors and institutions involved in policy work in other policy areas – poverty alleviation, rural development, planning processes, social protection, and so on – may not actively seek to integrate migration-related policy concerns in to these other policy areas. In addition, for reasons discussed above, key migration governance actors like the MD, the OESC, and the Parliamentary Committee on Local and Overseas Workers are constrained in what they can achieve in terms of actively inter-linking migration with other policy areas.

Currently, the OESC is the platform most directly engaged in coordinating migration governance. Through its three working committees, the members of which come from a range of other ministries, the OESC brings other actors into the work of migration governance (see Annex II). However, the OESC is a platform more than an actor.⁶⁹ It does not have the capacity itself to pursue the integration of migration concerns within, for example, the National Comprehensive Development Plan (NCDP), unless the NCDP were to be discussed within one of the three OESC working committees. On the other hand, participants in the OESC, whether from MoLIP or other ministries, are no doubt free and able to raise discussion points from the OESC in other settings, such as in meetings, workshops, and planning processes in related policy areas. Due to present limitations of capacity and their mandates, the MD and the Parliamentary Committee on Local and Overseas Workers are not likely to pursue the inter-linkage of migration policy to other policy areas.

Two more conceptual relationships are relevant here as well: (1) between the issues of protection and development in international migration, and (2) between migration and development. The way these two relationships are understood depends on a further position common to many stakeholders consulted for this paper: migration is a phenomenon that should be reduced – due to the risks, vulnerabilities, and exploitation many migrants face – rather than an opportunity to be harnessed or maximized, such as for national development objectives.

First, protection and development. In the NPA, the four strategic areas include two that address how to manage migration – governance of migration and data collection and management – and two that address what about migration must be managed – protection and empowerment of migrant workers and labour migration and development.⁷⁰ The plan states clearly that the priority area, its centrepiece, is the protection and empowerment of migrants. Understandably, stakeholders both within and beyond government place a great deal of emphasis on protection needs for migrants (empowerment of migrants is less commonly discussed). Moreover, migrants' protection needs are seen as conflicting with the development potential of international migration. Stakeholders view the vulnerabilities and exploitation faced by migrants as risks that outweigh possible development benefits that migration may offer.⁷¹ This perceived trade-off is one place where stronger policy

⁶⁹ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

⁷⁰ NPA (2013: 3).

⁷¹ Consultation, Parliamentary Committee on Local and Overseas Workers, Naypyidaw (14.9.16); consultation, 88 Generation Students, Yangon (16.9.16).

coordination could promote complementarity, rather than conflict, between protecting migrant workers and harnessing migration's development potentials. For instance, stronger protection of migrants could be understood as improving the development potential of migration rather than being a step towards reducing or limiting international migration. A supposedly conflicting relation between protection and development objectives within migration governance is thus a challenge for policy coherence, even if it is an opportunity as well.

Second, migration and development. At an underlying level, awareness of the relationship between migration and development is currently limited in Myanmar. This helps to explain why migration represents, first and foremost, a phenomenon to be reduced, and most pressingly an issue of protection policy rather than development policy. Furthermore, as migration policy actors thus do not prioritize integrating migration issues into policy work on development, so too are prominent actors engaged in development policy not likely to seek out participation or contributions from key actors in migration policy. A certain conceptual distance, whereby migration and development are seen as either unrelated or even inversely related, has an effect on the practical distance between these two key areas in governance and policymaking. Pursuing stronger inter-linkages between these two areas, as per the vision laid out in the NPA, will require addressing and overcoming this challenge.

If these two relationships suggest stakeholders' pronounced sense of potentially conflicting policy priorities – between protection and development, and between migration and development – then other potential conflicts are still less discussed or understood. Three of these relationships are worth noting here. First, the relation between growing foreign direct investment (FDI) and migration: increasing FDI is likely to mean more people migrating from rural areas, as research in Myanmar has already shown.⁷² However, this research, which tends to envision this process as the benign unfolding of economic dynamics, risks underestimating the challenges faced by migrants leaving rural-agrarian production.⁷³ Particularly due to land investments that cause displacement and dispossession for rural producers.⁷⁴ This research also rarely considers whether people displaced from rural areas will gain employment in the formal or informal sectors.

Thirdly, the link between climate change and migration: recent research shows that a high percentage of workers in Myanmar's industrial zones come from the Ayeyawaddy Division and Rakhine State, where numerous extreme weather events such as typhoons have undermined rural livelihoods over the past decade.⁷⁵ Yet Myanmar's economy remains reliant on unsustainable industries like oil and gas. Third, the relation between broader sociocultural changes and migration: migrants leave rural areas for a wide range of reasons, not just wage differentials. From the allure of urban living and lifestyles, to oppressive conditions that reflect more local politics than economics, people move due to complex

⁷² EOD (2015); World Bank (2016).

⁷³ EOD (2015: vi, 10, 62).

⁷⁴ MRLG (2015).

⁷⁵ Progressive Voice (2016), *Raising the Bottom: A Report on the Garment Industry in Myanmar*, <http://progressivevoicemyanmar.org/2016/12/01/raising-the-bottom-a-report-on-the-garment-industry-in-myanmar/> (accessed 15 December 2016).

factors.⁷⁶ Policies that treat migrants and potential migrants as one-dimensional economic actors, rather than human beings subject to a variety of desires and motivations, are bound to fail.

How can trade policy, which can cause upheaval and displacement in rural areas, be reconciled with migration policy objectives, which seek to protect and empower migrants, and which take migration and development to be complementary processes? How might Myanmar's economic growth, now so reliant on natural resource extraction, be made more resilient and sustainable, and more conducive to secure rural livelihoods, in this time of climate change? How can migration policy take into account not only structural economic factors, but also wider sociocultural changes? Although admittedly broad questions, they point to potentially competing policy areas that a stronger approach to policy coherence can help address.

7. Opportunities to incentivize and strengthen policy coherence

Opportunities for incentivizing and strengthening policy coherence can be divided into several different levels and areas: (1) in relation to broad, overarching factors; (2) within existing migration governance institutions and instruments; (3) between migration policy and other policy areas; and (4) in relation to specific perceived or potential policy conflicts. The following section discusses the benefits and advantages of strengthening policy coherence in migration governance.

7.1 Overarching factors

Two broad, overarching factors are currently a challenge for policy coherence: 1.) limited public discussion and awareness of international labour migration, given it has been little discussed openly in Myanmar until recently; and 2.) the wider process of political and economic reforms, which has created a certain level of fluidity and uncertainty in terms of the roles and responsibilities of Myanmar's governance institutions. These are relatively generalized contextual challenges, and ones that cannot be addressed or overcome immediately. Still, practical steps can be taken to begin attending to them in ways that will have positive spill over effects for migration governance.

With respect to the first of these two factors, the challenge is to open up and increase public discussion and awareness about international labour migration. In terms of awareness, it is important to note that international migration is a long-standing and complex phenomenon in Myanmar. At the level of personal, familial, and social networks, migration is well-known; from local people to government officials, many people in Myanmar are either migrants themselves or know someone who is or has been a migrant.⁷⁷ Yet the kind and quality of this knowledge tends to be personalized rather than public, and has not yet substantially informed policymaking and governance work. Social norms have limited the degree to which

⁷⁶ Chatterjee (2008b), "Peasant Cultures of the Twenty-First Century," *Inter-Asia Cultural Studies* 9(1): 116-126; Soe Lin Aung (2014), "The Friction of Cartography: On the Politics of Space and Mobility among Migrant Communities in the Thai-Burma Borderlands," *Journal of Borderlands Studies* 29(1): 27-45.

⁷⁷ According to consultations for this research and in consultation with Ms. Hkun Sa Mun Htoi, National Project Coordinator, ILO Myanmar.

migrants and their families have been willing and able to discuss their experiences openly – a situation particularly pronounced with domestic workers over the years.

Recent years have seen signs that this situation is changing. Migration is acknowledged and discussed more widely by migrants, their families, and the public; and the government, far from disavowing or concealing international migration, is taking open and transparent steps to strengthen migration governance. The NPA on labour migration is one indication of this shift. The formation of the Migration Division in 2012, is another, as is the restructuring of the Overseas Employment Supervisory Committee the year afterwards. The setting up of Facebook accounts by the Migration Department, Safe Migration and by the labour attaches, provides another example of how the authorities are trying to reach migrants with up to date, accurate information. As discussed below, it is in the interest of all migration governance actors, within and beyond the government, to continue to support these changes in migration governance; to increase the flow of information and to increase the transparency and accountability with greater interaction.

Further activities could reinforce wider changes in awareness outside of the government. For instance, a campaign focused on public awareness of migration could bring together government, international organizations, trade unions, civil society, and donors. The tools of awareness raising campaigns could be practical and effective here: a series of public discussions, multimedia outreach across print, radio, and digital platforms, qualitative and quantitative information-gathering covering migrant experiences and the scale of migration, related contributions to policy advocacy and policymaking, and so on. As the depth and breadth of understanding of migration grows both inside the government and within the public at large, the possibility of linking migration to other pressing social issues – such as rural development, poverty alleviation, and social protection – will grow as well. Although it will take time for these changes to take root, they will help solidify the conditions for more coherent approaches to migration policy.

As for the second of these two overarching factors – the fluid situation created by the wider economic and political transition – the challenge is for migration governance actors to be enabled and empowered by reforms rather than limited or constrained. Government actors report that with the new government, and under the transition process more generally, roles and responsibilities have been evolving. Actors and institutions are working, in some cases, under specified mandates that may or may not broaden as reforms stabilize. There is a hesitation to exceed such mandates as long as further decision-making, often at higher levels of government, is forthcoming. Considering possibilities for decentralization, within ministries and within representative institutions, would be a way of beginning to address this challenge. Any such efforts, moreover, would benefit from coordination and cooperation with existing decentralization activities.⁷⁸

⁷⁸ Cf. Ninh and Arnold (2013), “In Myanmar, an Evolving Discourse on Decentralization,” The Asia Foundation, <http://asiafoundation.org/2013/10/02/in-myanmar-an-evolving-discourse-on-decentralization/> (accessed 15 December 2016); Nixon and Joeline (2014), “Fiscal Decentralization in Myanmar: Towards a Roadmap for Reform,” The Asia Foundation, <https://asiafoundation.org/resources/pdfs/FiscalDecentralizationinMyanmarTowardsARoadmaptoReform.pdf> (accessed 15 December 2016); “Local Governance and Decentralization in Myanmar,” The Local Public Sector Initiative, 20 March 2015, referring to the UNDP Local Government Mapping in Myanmar project, <http://www.localpublicsector.net/news/news150320.htm> (accessed 15 December 2016).

7.2 Existing institutions and instruments of migration governance

The three main actors in migration governance – the Migration Division within MoLIP, the Overseas Employment Supervisory Committee, and the Parliamentary Committee on Local and Overseas Workers – provide different opportunities for strengthening policy coherence in migration governance. The MD is a relatively small body with limited human and financial resources. Its activities tend towards implementation more than planning and formulation, given that power and decision-making largely lie elsewhere, at higher levels, within MoLIP. Yet as the focal point for managing all aspects of international migration within the government, the MD maintains a high degree of responsibility. Hence steps should be taken to consider how the MD could be empowered to meet those responsibilities, including but not limited to capacity building activities with the MD and considering possibilities for decentralizing some of the power and decision-making within MoLIP. Efforts to explore these opportunities can build, moreover, on current work that both supports and partners with the MD. Strengthening the MD is consistent with the NPA, which places the MD at the centre of the government's labour migration governance framework.⁷⁹

The OESC, unlike the MD, is explicitly a coordination platform, one whose duties and responsibilities are clearly outlined in the Law Relating to Overseas Employment and in subsequent directives providing for the OESC's present structure and activities.⁸⁰ The body's three working committees currently pursue their activities mainly independently of one another, a delineation of responsibilities that provides for clear and efficient decision-making.⁸¹

However, consultations for this paper suggest that a better balance can be struck between maintaining that breakdown of activities and building up the OESC's capacity to function as a cogent, holistic body. Alongside the OESC's specific, and often separate channels of action, for example, it could convene more frequently as a whole, creating a stronger and more integrated platform for coordinating migration policy actors and instruments. In addition, the OESC could seek to increase its public profile, raising awareness over its duties and activities so that other key actors in migration governance, many of which are not fully informed about the OESC as a body, could more regularly and effectively cooperate with it. Media outreach, digital platforms like a website, or hosting and participating in policy forums and conferences are some steps the OESC could take to increase other actors' knowledge of and engagement with it. More common plenary gatherings of the OESC could also help raise its profile as it takes a more unified, more consolidated shape.

The Parliamentary Committee on Local and Overseas Workers demonstrates some of the main institutional realities of the present reform process in the early stages of the new government. Individual parliamentarians are ready and willing to expand their scope of activity, including by strengthening linkages between other governance actors, on the one hand, and a range of actors and processes on the other: legislative policymaking work, policy advocacy by civil society organizations, and the priorities and concerns of local constituencies. However, the committee's current duties and responsibilities have a fairly

⁷⁹ NPA (2013: 10).

⁸⁰ Law Relating to Overseas Employment (1999), Article 7; "Formation of Three Sub-Committees for Overseas Employment Supervisory Committee," Ministry of Labour (18.8.11).

⁸¹ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

narrow focus; they cannot expand without explicit direction from higher levels in government.⁸² Undoubtedly, the mandate of the committee will expand as the new government stabilizes its agenda and priorities. While this process unfolds, targeted decentralization measures – small steps to increase the scope of action for the committee – could empower the committee to play a stronger role in migration governance. Given its location at the intersection of policymaking, legislation, advocacy, and links to local constituencies, the committee could be a significant actor in promoting coordination and cooperation in migration governance.

The work of the committee also highlights the issue of better connecting national, subnational, and local levels of migration governance. At very local levels, activities centring on the labour exchange offices – such as workshops, trainings, and resource sharing activities – could bring together actors from local government, civil society, and the migrant sending communities.⁸³ An opportunity thus exists to document the tangible benefits of such coordination, and then to pass such documentation on to higher levels of government, from the subnational to the national level. If the advantages of collaboration can be demonstrated clearly and effectively, then higher-level actors may have an incentive to pursue stronger coordination at such higher levels – as well as more robust linkages between these different levels. This would be one way to strengthen policy coherence both horizontally and vertically.

Beyond the scope of this current paper but an important aspect to explore in later papers, is the role of the regional governments and different departments at the regional level and how to incentivize greater coordination with these players who can more closely interact with the potential and returned migrants.

Often under the heading of fiscal decentralization efforts, projects and programming around participatory budgeting, public financial management, and subnational finance have gained ground in recent years.⁸⁴ At national and subnational levels, budgetary processes bring together a range of actors around the tangible question of financial resources. In Myanmar, the budget cycle includes four overall stages: planning and preparation, formulation and approval, implementation and execution, and evaluation, reporting, and auditing.⁸⁵ According to the Medium-term Fiscal Framework adopted in 2014, followed by the current selection of public financial management programmes, the government seeks to improve strategic resource allocation by practicing top-down budgeting and bottom-up planning. It is in that bottom-up planning process, concentrated in the first, and to a lesser degree second, stages of the budget cycle, that the budgetary process convenes multiple actors and

⁸² Consultation, Parliamentary Committee on Local and Overseas Workers, Naypyidaw (14.9.16).

⁸³ “Labour Exchange Office (LEO),” National Employment and Skill Development, <http://www.nesdmyanmar.org/labour-exchange-office/> (accessed 15 December 2016); “Labour Exchange Offices Opened,” *Myanmar Times*, 14 December 2016, <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/24192-labour-exchange-offices-opened.html> (accessed 15 December 2016).

⁸⁴ The Asia Foundation (2014), “Public Financial Management in Myanmar,” <https://asiafoundation.org/resources/pdfs/MMPublicFinancialManagement.pdf> (accessed 15 December 2016); Nixon and Joeline (2014); “Open Myanmar Initiative” (2016), Open Myanmar Initiative, <http://en.omimyanmar.org/> (accessed 15 December 2016).

⁸⁵ Aung Myat Kyaw (2015), “Myanmar’s Budget System Reform (Considering Japanese Experiences),” https://www.mof.go.jp/pri/international_exchange/visiting_scholar_program/ws2015_aung1.pdf (accessed 15 December 2016).

institutions. By participating in this process – by submitting proposals, negotiating, and renegotiating – these various actors engage in concrete activities related to burden sharing and accountability in relation to each other.

It is important to recognize that decentralization refers most often to questions of state financial management. As a policy prescription, decentralization may seek, for example, to address concerns that excessive public spending is concentrated in a capital city rather than more rural areas. Hence, decentralization measures often stand for the possibility of not just a more adequate and efficient distribution of resources, but also a fairer and more just form of governance.⁸⁶ Decentralization is only one way of achieving such goals; other approaches must address structural and systemic questions of political economy. Alternatives to decentralization include more thorough-going privatization and reduction of the scale of the state. Other alternatives move in the opposite direction, posing the need for stronger coordination between different sectors of the state and the economy in order to reduce potential negative spill overs among them.⁸⁷ In the domain of policymaking more strictly, the stakes are somewhat different. Here, decentralization, as part of good governance discussions more broadly, aims to open up and make more flexible hierarchies of power and decision-making, granting more autonomy and responsibility to actors otherwise restricted within a more vertical structure of authority.⁸⁸ Where the Migration Division and the Parliamentary Committee on Local and Overseas Workers may be currently constrained, within the present governance structure, decentralization measures aim to empower these bodies in a more horizontal distribution of authority.

Meanwhile, the central instruments of migration governance are evolving. A review of the Overseas Employment Law has been carried out, and the revision process continues. Although mainly a technical undertaking, the revision process has provided, and can still provide, a platform for engagement and cooperation. The National Plan of Action is likely to be succeeded by a subsequent plan and an associated series of one-year work plans.⁸⁹ The formulation of a new plan will offer a significant opportunity to further strengthen policy coherence in migration governance. Overall, the design and implementation of policy and legislation remain critical sites of coordination and cooperation. For additional laws and policies such as the Code of Conduct for overseas employment agencies, the Anti-Trafficking in Persons Law, and the range of recent legislation tied to labour and employment, relevant actors should continue to consider possibilities for engagement and cooperation in the process of implementation.

⁸⁶ Tanzi (2002: 3), "Pitfalls on the Road to Decentralization," Carnegie Endowment for International Peace Working Papers, <http://carnegieendowment.org/files/19Tanzi.pdf> (accessed 15 December 2006).

⁸⁷ Tanzi (2002: 3-5); Gardett (2012), "Decentralization and Its Discontents: Development Alternatives Emerge," *Breaking Energy*, <http://breakingenergy.com/2012/06/08/decentralization-and-its-discontents-development-alternatives-e/> (accessed 15 December 2016).

⁸⁸ Shamir (2008), "The Age of Responsibilization: On Market-Embedded Morality," *Economy and Society* 37(1): 1-19; Walters (2004), "Some Critical Notes on 'Governance,'" *Studies in Political Economy*, Spring/Summer.

⁸⁹ Consultation, Migration Division, MoLIP, Naypyidaw (14.9.16).

7.3 Between migration policy and other policy area

The prior section suggests, within migration governance, steps to strengthen the ability of the NPA, OESC, and MD to provide coordination opportunities with respect to migration governance. This section moves beyond migration governance as such to consider other platforms and policy areas into which migration policy concerns could be better integrated. Overarching national planning processes and more local ministry-level entry points are foremost here, particularly in relation to planning and policymaking on rural development and poverty alleviation.

Relevant national planning processes include: the National Comprehensive Development Plan (NCDP) and its associated five-year plans; the Rural Development and Poverty Reduction Strategy, sometimes referred to simply as the poverty reduction strategy; the Framework for Economic and Social Reforms (FESR); the National Strategic Plan for the Advancement of Women (2013–2022) and strategic plans developed by key partners in the international community, such as the United Nations, World Bank, and Asian Development Bank.

Institutionally, the National Planning Commission (NPC), formed in May 2016 and chaired by the President, oversees national planning processes within the government. The NPC is also reviewing existing planning mechanisms, and scrutinizing the viability of state projects and joint ventures with the private sector.⁹⁰ Although not the first commission of its name, the NPC was formed recently alongside a series of other new bodies staffed by high-level government officials.⁹¹ It has yet to meet under the new government. Going forward, the NPC will provide oversight as the NCDP, with its associated five-year plans, is implemented. The commission will also coordinate with the Ministry of Planning and Finance (MoPF), which is the ministerial lead for national and subnational planning processes. MoPF officials have noted that two parliamentary committees – the Economic Committee, and the National Economic Coordinating Committee – play coordinating roles with respect to national development policy. The Foreign Economic Relations (FER) unit within MoPF, meanwhile, is the entry point for economic cooperation with international organizations, development partners, and some bilateral economic agreements.⁹²

The NCDP is a wide-ranging, long-term planning framework designed to guide policy formulation from 2010 to 2030. Four five-year plans provide more localized strategic guidance, with annual approaches determined, in the past, by twice-yearly meetings of the planning commission.⁹³ Although the NCDP does not contain explicit discussion of migration, its over-arching strategy focuses on industrialization, with the expectation –

⁹⁰ Consultation, Ministry of Planning and Finance, Naypyidaw (15.9.16); “Amid Cabinet-Building Spree, Government Priorities Questioned,” *Myanmar Times*, 11 May 2016, <http://www.mmtimes.com/index.php/national-news/nay-pyi-taw/20227-amid-cabinet-building-spre-govt-priorities-questioned.html> (accessed 15 December 2016); “New Bodies Formed on Land Disputes, Other Pressing Matters,” *Irrawaddy*, 9 May 2016, <http://www.irrawaddy.com/news/burma/new-bodies-formed-on-land-disputes-other-pressing-matters.html> (accessed 15 December 2016).

⁹¹ ADB (2012), “Interim Country Partnership Strategy: Myanmar 2012-2014,” <https://www.adb.org/sites/default/files/institutional-document/33702/files/icps-mya-2012-2014.pdf> (accessed 15 December 2016).

⁹² Consultation, Ministry of Planning and Finance, Naypyidaw (15.9.16).

⁹³ Consultation, Ministry of Planning and Finance, Naypyidaw (15.9.16).

shared by research from the World Bank and others, recently – that labour will shift from agriculture towards a range of other sectors, including labour-intensive light manufacturing.⁹⁴ Although largely unstated, at this level of national planning, migration is thus central to Myanmar's formal vision of long-term structural transformation. Still, it should also be noted that the economic policy of the new government emphasizes agricultural development and rural poverty alleviation.⁹⁵ This apparent rebalancing vis-à-vis the industrial sector as such may require a reorientation of national planning priorities, as and when the NPC takes up its mandate and begins activities.

As for the Rural Development and Poverty Reduction Strategy, the committee charged with developing and implementing the strategy, chaired by President Thein Sein when it was formed in 2011, was abolished in March 2016.⁹⁶ Still, numerous overlaps between the poverty reduction strategy and recent migration research – particularly in the strategy's attempts to address the causes of rural poverty, which is among the lead drivers of migration – suggest directions for more closely connecting policy work on migration and policy work on poverty alleviation and rural development. The strategy also contains multiple implicit references to the value of policy coherence in development policy.⁹⁷ To the extent that the emerging national planning mechanisms under the NPC continue in these directions, these opportunities for better inter-linking migration and development policy, and strengthening policy coherence, will also remain.

The Framework for Economic and Social Reforms (FESR), on the other hand, was a five-year strategy that expired in 2016. The activities outlined in the FESR, oriented towards quick wins in areas like fiscal, trade, and governance reforms, have not all been accomplished, such that emerging planning mechanisms, yet to be fully specified under the NPC, are likely to incorporate at least some of them under the new government. Notably, the FESR discusses migration under the heading of poverty and human development, recognizing migration as both a poverty reduction strategy for migrants as well as a challenging policy domain within MoLIP.⁹⁸

The National Strategic Plan for the Advancement of Women (2013 – 2022) developed by the Department of Social Welfare, Ministry of Social Welfare, Relief and Resettlement is a comprehensive ten-year plan that targets key areas that affect women's lives and indicates practical ways to address the issues. It anticipates the coordination and commitment of different ministries, national non-governmental organizations and Myanmar's development partners to implement it. The plan recognises female migrant workers in the section on women and the economy and includes migrants in the goals of achieving equal and fair working conditions and opportunities for women.

⁹⁴ NCDP (2014: 6, 19). See also ADB (2014); EOD (2015); World Bank (2016).

⁹⁵ "Myanmar Government Releases Economic Policy Goals Without Specifics," *Wall Street Journal*, 29 July 2016, <http://www.wsj.com/articles/myanmar-government-releases-economic-policy-goals-without-specifics-1469799645> (accessed 15 December 2016).

⁹⁶ Consultation, Ministry of Planning and Finance, Naypyidaw (15.9.16).

⁹⁷ "Rural Development Strategy for Poverty Reduction," Ministry of Livestock, Fisheries, and Rural Development, Concept Note, 5th Draft.

⁹⁸ FESR (2012: 17), "Framework for Economic and Social Reforms: Policy Priorities for 2012-15 towards the Long-Term Goals of the National Comprehensive Development Plan."

The strategic plans of international organizations and development partners working in Myanmar also present opportunities for inter-linking migration policy with programming and policymaking in other areas. The UN Strategic Framework for 2012-2015 contains four strategic priorities targeting inclusive growth, access to social services, vulnerability to natural disasters and climate change, and good governance.⁹⁹ The 2012-2015 framework recognized migration as a livelihood strategy in the context of human development challenges. The next UN Strategic Framework envisioning 2030 is currently being prepared.

The World Bank's 2015-2017 Country Partnership Framework focuses on inclusive and sustainable private sector-led growth, with particular attention to poverty reduction, gender, governance, and climate change. Although the World Bank framework contains little reference to migration, the bank has conducted in-depth research on migration in Myanmar that demonstrates how economic change is likely to increase migration flows – through both spatial and sectoral reallocation of labour – in coming years.¹⁰⁰ The ADB's Country Partnership Strategy, building on an interim 2012-2014 strategy that has been extended for 2015-2016, contains an overarching goal of promoting sustainable and inclusive economic development, with improved domestic-regional and rural-urban connectivity central to the strategy's vision. Like the UN and World Bank frameworks, the ADB strategy does not address migration as such in detail, yet the relevance of its strategic priorities to migration policy is clear. The ADB's 2014 Country Diagnostic Study, moreover, discusses migration explicitly as both a challenge and an opportunity in pursuing inclusive growth.¹⁰¹

Understandably, actors in the international community have expressed uncertainty about the value of policy engagement at the level of national planning processes like the NCDP, the poverty reduction strategy, and the FESR. In recent years, various planning processes have emerged and receded – the poverty reduction strategy and the FESR among them – and under the new government, the level of commitment to formulating and then implementing high-level planning agendas is not yet clear. In addition, outside of government, the level of awareness about the NPC, the NCDP, and national planning mechanisms more broadly is limited. Still, the MoPF emphasizes their dedication to engaging with the media and the international community, through public forums and press outreach as well as through soliciting substantive input and guidance from development partners like the ADB and the United Nations Development Programme (UNDP).¹⁰² Consultations for this research indicate that international organizations, financial institutions, donors, and civil society can and should pursue policy and planning engagement at these high levels. Under Myanmar's first democratically elected government, such national planning processes represent opportunities to build migration governance into the country's long-term policy architecture. The five-year plans linked to the NCDP are one platform for integration of this kind. As the

⁹⁹ UN Country Team in Myanmar (2011), "United Nations Strategic Framework: 2012-2015," https://www.unfpa.org/sites/default/files/portal-document/Myanmar_UNDAF.pdf (accessed 15 December 2016).

¹⁰⁰ World Bank (2015), "Myanmar – Country Partnership Framework for the Period FY 15-17," <http://documents.worldbank.org/curated/en/510151468280767634/Myanmar-Country-partnership-framework-for-the-period-FY15-17> (accessed 15 December 2016); World Bank (2016).

¹⁰¹ ADB (2012); ADB (2014); ADB (2015), "Interim Country Partnership Strategy: Myanmar 2015-2016," <https://www.adb.org/documents/myanmar-interim-country-partnership-strategy-2015-2016> (accessed 15 December 2016).

¹⁰² Consultation, Ministry of Planning and Finance, Naypyidaw (15.9.16).

NPC's priorities and agenda become clear in coming months, more such opportunities will emerge.

At the same time, migration governance actors within and beyond the government should seek out more local entry points for integrating migration into other policy areas. Two more local entry points of this kind emerged in this research: subnational planning processes and ministry-level planning and policy work. Beyond the NPC, state and region planning commissions, chaired by the state or region's Chief Minister, are tasked with examining projects that have been proposed, including by the private sector, and offering feedback and even rejection of projects if and when the NPC permits.¹⁰³ To the extent that research and strategic planning have identified particular states or regions where migration issues are most pressing – for example Magway and Ayeyarwady, as in the recent World Bank research¹⁰⁴ – migration governance actors should engage with the subnational planning mechanisms of those areas to integrate migration concerns into planning processes.

Planning and policy work in specific ministries is another level at which to inter-link migration policy with other policy areas. National planning processes, such as the activities associated with the NCDP and the related five-year plans, provide important long-term frameworks for guiding and formulating policy. But as the policy activities of MoLIP demonstrate, stakeholders within and beyond government can have a more direct impact on governance in and through particular ministries, as in the ongoing work on the NPA and the Law Relating to Overseas Employment. If migration governance actors are committed to integrating migration policy into related policy areas, then equivalent entry points and instruments must be located in other ministries. To strengthen inter-connections between policy work on migration and rural development, for instance, migration governance actors could more directly engage the Ministry of Livestock, Fisheries, and Rural Development (MLFRD), under which the Department of Rural Development is now based. Although the Rural Development and Poverty Reduction Strategy is no longer operative, a strategy building on it is likely to emerge under the evolving planning apparatus.¹⁰⁵ The core planning and policy work of the MLFRD, attuned to its main policies and objectives, also provide opportunities for policy engagement by migration governance actors.

Also relevant here are the drafting of the Ministry of Agriculture, Livestock, and Irrigation's (MOALI) Agriculture Policy, and the development of the Agriculture Development Strategy (ADS). The MOALI's Agriculture Policy, not yet finalized, is a short-term five-year plan that nonetheless provides an overarching framework within which further policy work, such as the development of the ADS, is taking place. It has been developed largely by MOALI staff within MOALI. Reflecting, to some extent, the NLD's commitment to redirecting economic policy towards the agricultural sector, the MOALI draft framework lays out a series of policies relating to land ownership, crop production, fisheries, and livestock; the utilization of water resources; investment in and procurement of farm machinery and equipment; research, technology, and human resources in the agricultural sector; and environmental

¹⁰³ "Amid Cabinet-Building Spree, Government Priorities Questioned," *Myanmar Times*, 11 May 2016, <http://www.mmmtimes.com/index.php/national-news/nay-pyi-taw/20227-amid-cabinet-building-spree-govt-priorities-questioned.html> (accessed 15 December 2016).

¹⁰⁴ World Bank (2016).

¹⁰⁵ Consultation, Ministry of Planning and Finance, Naypyidaw (15.9.16).

conservation.¹⁰⁶ Importantly, the MOALI policy, if and when finalized, will bring into a single framework a range of policies that, as late as December 2015, were formally uncoordinated, spread across land management, finance, rural electrification, water and irrigation, and so on.¹⁰⁷ In its current form, the policy does not, however, consider the kinds of spatial and sectoral reallocations of labour one can expect with changing rural livelihoods. Policy challenges related to labour and migration are not included in how the policy has been conceptualized.

Though in an early drafting stage, the ADS seeks to implement and operationalize the MOALI policy.¹⁰⁸ The Asian Development Bank has provided input on the ADS, the development of which is proceeding quickly, and with limited opportunities thus far for input and consultations with civil society. In addition, the ADS drafting process has taken into consideration a variety of other plans and policies, among them the MOALI policy itself, the National Land Use Policy, the Myanmar National Action Plan for Food and Nutritional Security, the Myanmar Rice Sector Development Strategy, and the Agriculture Policy White Paper (titled *From Rice Bowl to Food Basket* and developed by the National Economic and Social Advisory Council). Eventually, a series of action plans will result from the policy and the ADS. Again, however, there is no indication that those drafting the ADS have considered the labour and/or migration implications of how rural life and livelihoods are changing. These changes are due, in part, to processes like mechanization, technological upgrading, and land privatization that these policy documents promote and aim to implement.

Further related policy areas include trade and investment, land and natural resource management, social protection, and anti-trafficking. Like much of Myanmar's policy landscape, these areas are currently in flux.

The new Myanmar Investment Law, approved by parliament in October 2016 but yet to take effect, combines two former laws: the Myanmar Citizens Investment Law and the Myanmar Foreign Investment Law. The new law streamlines the investment process and prioritizes investment in certain sectors by providing for tax breaks in some sectors and not others.¹⁰⁹ In January 2016, Myanmar adopted a National Land Use Policy (NLUP), which civil society groups have welcomed for its recognition of customary land management practices and the right to restitution in the context of the nationwide ceasefire process.¹¹⁰ It remains unclear, however, how the NLUP will relate to the drafting of a new land law, which would replace two highly problematic laws adopted in 2012. Intersections between land, foreign investment, infrastructure development, and the peace process have been among the more

¹⁰⁶ MOALI (nd: 3), "Second Short-Term Five-Year Agriculture Policies and Plans."

¹⁰⁷ MDRI (2015: 2-3), "Promoting Agricultural Growth in Myanmar: A Review of Policies and an Assessment of Knowledge Gaps," http://fsg.afre.msu.edu/fsp/burma/Research_Paper_5_Promoting_Agricultural_Growth.pdf (accessed 15 December 2016).

¹⁰⁸ Land Core Group list serve (consider if/how to cite).

¹⁰⁹ "Myanmar Investment Law Approved," *Mizzima*, 6 October 2016, <http://www.mizzima.com/business-domestic/myanmar-investment-law-approved> (accessed 15 December 2016); "Lower House Passes Myanmar's Long-Awaited Investment Law," *Myanmar Times*, 29 September 2016, <http://www.mmtimes.com/index.php/business/22798-lower-house-passes-myanmar-s-long-awaited-investment-law.html> (accessed 15 December 2016).

¹¹⁰ "Our Customary Lands," Ethnic Community Development Forum, 5 July 2016, <http://www.burmapartnership.org/2016/07/26273> (accessed 15 December 2016); "The Right to Land at Crossroads in Myanmar: A Commentary by Jenny Franco," Transnational Institute (TNI), 5 July 2016, <https://www.tni.org/en/article/the-right-to-land-at-crossroads-in-myanmar> (accessed 15 December 2016).

charged political issues to emerge in recent years. These factors greatly affect rural life and livelihoods in Myanmar, contributing to the structural and systemic context of migration.

Social protection has recently also been an area of significant policy development. In 2015 the government launched the National Social Protection Strategic Plan (NSPSP), which seeks to provide a comprehensive framework for the introduction of innovative responses to social and economic vulnerabilities, including poverty. Cash transfers, school stipends, and a delivery mechanism called the Integrated Social Protection System (ISPS) are among the elements included in the NSPSP.¹¹¹ As for anti-trafficking policy, the current five-year National Plan of Action to Combat Human Trafficking was established in 2012, following the first five-year action plan adopted in 2007. Building on the Anti-Trafficking in Persons Law, adopted in 2005, the national plans combine prevention, protection, and prosecution measures.¹¹² Awareness-raising activities have also been carried out under the purview of the national plans.

7.4 Perceived or potential policy conflicts

Earlier discussion referred to a series of perceived policy conflicts: between protection and development, in migration policy; between migration and development more broadly, in migration policy; and between three further relationships: trade and migration, climate change and migration, and migration and wider sociocultural changes. The first two conflicts – between protection and development, and between migration and development – are increasingly matters of public discussion and awareness. As awareness increases and political and economic reforms stabilize, clearer and longer-term planning and policy work will become possible. The three additional relationships, however – between trade and migration, and so on – are currently little known and rarely discussed as matters of policy or public knowledge. Research and advocacy will be needed to bring these areas to the fore.

Indeed, the stabilization of political and economic reforms will enable greater clarity in planning and policymaking. Yet before the reforms settle concretely, attempts to pursue greater policy coherence within migration governance and inter-linkage between migration and other policy areas are essential. National economic and social planning processes, ministerial and sector-specific planning and policy formulation, budgetary processes, and subnational activities at the level of states, regions, and local communities – from regional planning commissions to programming at and around LEOs – are all channels through which policy coherence can be strengthened within and between migration and related policy domains. Broadly speaking, these are the sites of coordination and cooperation through which policy conflicts and competing priorities, actual or perceived, will be discussed, negotiated, and resolved.

¹¹¹ “Social Protection in Myanmar,” UNICEF, [https://www.unicef.org/myanmar/Social_impact_study_version_2_\(Fianl_Draft\).pdf](https://www.unicef.org/myanmar/Social_impact_study_version_2_(Fianl_Draft).pdf) (accessed 15 December 2016); “Building Myanmar’s Social Protection System can Protect the Poorest,” World Bank, 4 November 2015, <http://www.worldbank.org/en/news/feature/2015/11/04/building-myanmar-social-protection-system-can-protect-the-poorest> (accessed 15 December 2016).

¹¹² “Burma,” *2014 Trafficking in Persons Report*, U.S. State Department, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226691.htm> (accessed 14 December 2016); “Law Reform Efforts,” IMPOWR, <http://www.impowr.org/content/law-reform-efforts-prostitution-myanmar-burma> (accessed 15 December 2016).

The perceived conflicts noted above lend themselves to engagement with different actors and instruments within and beyond Myanmar's migration governance framework. Promoting the link between protection and development, in migration policy, can be pursued through the work of the main actors and institutions within migration governance: the Migration Division within MoLIP, the OESC, and the Parliamentary Committee on Local and Overseas Workers. Policy instruments can be critical as well. If and when the National Plan of Action is redeveloped as a new plan, it can stress the protection and development connection as a productive and complementary linkage. Technical input and research from international partners like the ILO can support these processes. These channels will be important to improving knowledge of and action on the migration and development nexus as well. Yet the government's wide range of actors dedicated to the national development agenda should also be targets of outreach and coordination, among them the Ministry of Planning and Finance (MoPF), the Ministry of Livestock, Fisheries, and Rural Development (MLFRD), and the Ministry of Agriculture, Livestock, and Irrigation (MOALI). The planning and policy work that takes place in these ministries is vital for strengthening policy inter-linkages between migration and development.

The remaining relationships between migration, on one hand, and trade, climate change, and broader sociocultural changes, on the other hand, require coordination and inter-linkage with a further set of actors, institutions, and governance instruments. An emerging set of relevant laws and policies includes but is not limited to the new Myanmar Investment Law, the National Land Use Policy, and the policy being developed by MOALI, which includes a strategic focus on environmental conservation. For instance, if the link between foreign investment and labour migration is to become beneficial across relationships between employers, workers, and the government, then investment that produces secure and protected employment should be prioritized rather than capital-intensive resource extraction, which often contributes to environmental degradation and generates relatively few employment opportunities. That the new investment law is designed to enable the government to promote investment in some sectors rather than others is, in this sense, an encouraging sign.

Moreover, inter-linking migration policy with social protection, and health and education policy, can contribute to a more comprehensive approach to migration. An approach of this kind would see migration not just as an economic phenomenon of mobility across wage differentials, but a socio-economic phenomenon that involves interests in and desires for certain kinds of lifestyles, social mobility, cultural norms, and so on. This more holistic understanding must balance both structural and systemic factors in migration as well as a range of socio-cultural factors in a rapidly changing society.

8. The benefits of strengthening policy coherence

To what ends can and should migration governance actors strengthen policy coherence? The goal of pursuing policy coherence is not simply more meetings; greater communication and cooperation are not ends in themselves. The goals of policy coherence, rather, are two-fold: negative on one side, positive on the other.

On the negative side, foremost, policy coherence seeks to avoid or at least minimize trade-offs and policy conflicts in different areas – whether policy areas or geographic areas. In advanced research on policy coherence at the international level, the goal is often to reduce the possibility that policies in one place – say, agricultural subsidies in wealthy countries – might hinder or depress economic growth and development in other places – say, low-income countries that could benefit from agricultural exports to grow their economies. An increasingly interconnected global economy means negative spill overs of this kind are possible more than ever before.¹¹³

What is possible for geographic areas is also possible for policy areas. In Myanmar, for example, trade policies seeking to increase foreign direct investment may stimulate economic growth, yet they may also create dramatic changes in rural life and livelihoods, in many cases driving migrants out of agricultural production and into vulnerable, precarious employment situations.¹¹⁴ Strengthening policy coherence means being able to prevent or reduce policy spill overs of this kind. Yet geographically they are also possible not just internationally, between rich and poor countries, but domestically, between urban and rural areas, or highland and lowland areas. Debates over resource extraction and revenue sharing are relevant here.¹¹⁵ Who gains and how from hydropower, mining, and oil and gas projects in ethnic areas? Where do the benefits – financially and otherwise – actually accrue, and who migrates to provide labour on such projects? Greater policy coherence means having the capacity to balance competing objectives and move towards more inclusive, equitable economic development.

In addition, research on policy coherence shows that avoiding or minimizing trade-offs such as these requires the ability to carefully track progress on multiple policy fronts. Monitoring, evaluating, and reporting mechanisms are essential.¹¹⁶ The NPA's strategic focus on data collection and management is particularly welcome in this regard.

On the positive side, policy coherence seeks to maximize complementarities in different areas, again whether policy areas or geographic areas. Strengthening policy coherence means pursuing policy synergies both horizontally – beyond policy silos, across economic, social, and environmental policy areas – and vertically – linking multiple governance levels, from international and regional levels to national, subnational, and local levels. The aim is for an integrated agenda (horizontally) to meet a transformative agenda (vertically) with tangible impacts on the ground.¹¹⁷

¹¹³ OECD (2016).

¹¹⁴ MRLG (2015).

¹¹⁵ Dapice and Thanh (2013), "Creating a Future: Using Natural Resources for New Federalism and Unity," Proximity Designs Myanmar, <http://ash.harvard.edu/files/creating.pdf> (accessed 15 December 2016).

¹¹⁶ OECD (2016).

¹¹⁷ OECD (2016: 16, 20).

In Myanmar, policy coherence thus challenges policymakers and governance actors to consider migration not only as an economic phenomenon where people move across wage differentials, but also as a social and cultural phenomenon, and one reflecting changes in the environment as well. Moreover, policy coherence means ensuring the greatest possible impact of policymaking by coordinating actions at and between different levels of government. Hence a policy coherence perspective would encourage migration governance actors, within and beyond the government, to consider not only national-level policy activity but also subnational activities at the level of states and regions and below, from regional planning commissions to activities centred on local labour exchange offices.

Strengthening policy coherence thus provides opportunities to address some of the most difficult challenges in migration governance and may also provide insight on how to address gaps in the governance of labour more generally. What are the main factors that drive migration – from structural economic causes to sociocultural and environmental causes – and how can policy actors integrate these different, sometimes competing factors in a balanced governance framework? At a time when international migration is being discussed more openly than ever before, but is seen understandably as a problem of exploitation to be reduced, how can policy actors maximize the development potential of migration while addressing pressing needs for the protection and empowerment of migrant workers? The pursuit of policy coherence aims to develop a more integrated, better balanced, more strongly interconnected governance framework, holding out the possibility of safe, mutually beneficial, and humane migration. Both within migration governance itself and between migration and other policy areas, this paper has proposed measures for achieving a more coherent migration governance framework in Myanmar.

9. Conclusion and recommendations

Myanmar is facing a turning point in migration policy. On the one hand, international labour migration is being discussed more openly and more publicly, including in policy contexts, than it ever has been before. For the first time in generations, the prospect of wide scale national political and economic reforms have raised the possibility of fewer Myanmar people having to move abroad for work in the future and more migrants and their families finding reasons to return home.

On the other hand, at the heart of Myanmar's national development objectives is a vision of structural transformation that promotes a shift towards manufacturing and services, and away from agriculture, to drive the country's economic growth. To the extent this process takes place, it will have tremendous consequences for rural life and livelihoods, with great implications for where and in what sectors people from rural areas will be able to seek out employment. Yet labour and migration, while growing as areas of policy discussion on their own, are almost entirely absent from policy discussions of structural transformation.

Against this backdrop, this paper has considered how to strengthen coordination and cooperation in the governance of labour migration in Myanmar, both as a policy area unto itself and in its many inter-linkages with other policy areas. Such coordination embodies the meaning of policy coherence: minimizing policy conflicts and maximizing policy synergies. More tangibly, harmonizing policy agendas raises the potential for a more balanced, shared, and equitable pursuit of national development. Migrants from rural areas are often among

the poorest of the poor: landless workers, dispossessed farmers, young men and women facing narrowing rural livelihoods. National development policies that actively take into account their changing employment prospects and labour migration patterns are more likely to fairly account for who benefits and how from Myanmar's economic and political reforms. The pursuit of policy coherence thus represents an opportunity to articulate a more just vision of developmental change. This paper has sought to provide practical policy analysis geared towards making that vision a reality.

The following recommendations are drawn from consultations and desk research conducted for this paper, as well as from complementary studies of best practices for pursuing and promoting policy coherence in the governance of international labour migration. Below, recommendations are divided into those regarding coordination between different actors, integration of various policies, and possible future policy briefs.

9.1 Coordination between actors

A) Strengthen the Overseas Employment Supervisory Committee (OESC)

Utilize the mandated framework to provide greater overall policy guidance, ensuring regular meetings where the work of the three committees is shared. According to the Law Relating to Overseas Employment, the Committee is inter-ministerial and multi sectoral, including labour organizations as well as experts in labour matters. The OESC therefore provides an excellent platform for making policies more coherent and as such should be fully optimized in this role. Adding other sub committees may be considered to address particularly challenging issues, whether related to documentation, irregular migration, or particular labour sectors. Each subcommittee should also include social partner representatives and a system should be devised to allow for regular sharing and coordination between the subcommittees. In addition, adding a section to the MoLIP website to report on OESC decisions would increase transparency and allow for greater public participation in reflecting on policies.

B) Strengthen coordination between local, subnational, and national levels

Expand existing linkages – and where they do not exist, develop them – between the main actors working at multiple levels of migration governance. Possible ways to expand or develop such linkages include: shared activities, such as trainings or workshops that include not just local actors at local levels, or national actors at national levels, but actors at different levels of the governance framework collaborating to achieve common goals and outputs; multi-level data collection and data management programmes and/or activities. A platform or channels for such inter-level communication and cooperation would need to be established, as none currently exists in a formalized manner.

C) Strengthen engagement with national and subnational multi-sector planning processes

National processes like that of the National Comprehensive Development Plan (NCDP), as well as subnational planning processes at the level of states and regions, provide critical opportunities for influencing Myanmar's long-term policy architecture. Moreover, engagement of this kind should be seen not as a substitute for more local inputs in, for example, ministerial policymaking processes, but rather as a complementary form of engagement that can round out an ultimately better-supported, more comprehensive, whole-

of-government approach to policymaking, per the recommended policy coherence guidance from international governance institutions.

D) Strengthen engagement with the planning processes of specific sectors, ministries, and international development partners

These more local areas for policy input are likely the most effective avenues for more strongly inter-linking migration governance with the policy and planning activities of other sectors and institutions. International development partners and civil society can cooperate with the MD, MoLIP – and within MoLIP – to better integrate migration governance into the strategic planning of UN agencies and international financial institutions, as well as into policymaking focused on poverty alleviation, rural development, social protection, disaster risk reduction, advancement of women and anti-trafficking (among others).

E) Expand coordination with actors working on trade and investment, land and natural resource management, and disaster risk reduction

Trade liberalization stands to increase investment flows into land and natural resources, enabling more large-scale land concessions for crop production, infrastructure development, and resource extraction. This process is having substantial effects in rural areas, as turbulent political movements contesting land grabs and resource extraction have shown in recent years. These dislocations in rural life effect where people work and in which sectors, raising questions about their implications for labour and migration policy. Employment prospects are changing given likely spatial and sectoral reallocations of labour. Amid a potential expansion of employment in rural and urban informal economies, for instance, policymakers should consider what kinds of interventions – in social protection, around working conditions, in freedom of association, and so on – may enable migrants to pursue and maintain dignified work and sustainable livelihoods. Such policy interventions will be critical to developing a more complementary relationship between migration and development.

In addition, given how significantly Cyclones Nargis and Giri became drivers of labour migration to Yangon, more considered attention should be given to linkages between migration policy and certain domains of environmental policy, including how or to what extent current disaster risk reduction policies address the way disasters contribute to labour migration flows over time. More broadly, to the extent that climate change leads to more extreme weather events, policymakers may find reason to consider measures to reduce Myanmar's economic dependence on the storage and transshipment of oil and natural gas. A more diversified, more sustainable approach to economic growth can address some of the root causes that drive migrants into low-wave, precarious labour, a process that, unaddressed, will only amplify over time.

9.2 Integration of policies

A) Protection and empowerment

Across Myanmar's migration governance framework, all actors recognize that Myanmar migrants working abroad often face dreadful living and working conditions – a fact integrated into policy work, including the National Plan of Action (NPA) on international labour migration. Attempts to improve protection for overseas migrants have included recommendations to adopt a standard model employment contract, strengthening regulation of Myanmar's recruitment agencies – as in the Code of Conduct that has now been signed by upwards of 100 private-sector agencies – and developing public information campaigns and stronger pre-departure programming. Research for this paper suggests that protection policies including but not limited to these should continue to be explored in the next National Plan of Action. Yet it is critical to recognize that strengthening protection of overseas migrants, while addressing the negative aspects of migration, can also reciprocally complement the positive aspects of migration, including the development potential of international migration. Migrants who are safer, more secure, and more empowered will be better able to harness the benefits of overseas migration for their families and indeed for Myanmar – such as remittances, circular migration effects like knowledge transfer, and certain diaspora outreach benefits. A paradigm shift in migration policy, worth considering in the context of new policymaking to succeed the NPA, would see protection and development as mutually reinforcing areas of migration policy, an opportunity to mobilize rather than a tradeoff to avoid. Although the current NPA considers both areas, they are treated largely separately. More explicitly framing their synergistic relationship would be a strong starting point for developing a vision in which overseas migration is understood as an essential component of Myanmar's national development objectives. A new NPA could be developed with a clearer long term vision linked to the 2030 Agenda for the Sustainable Development Goals; providing strategic guidance and integration between migration and development and with a monitoring system linked to international goals and indicators on migration.

B) Employment, skills training and decent work

Taking into account the multiple linkages between migration and employment, migration policy should complement policy fields of vocational training, economic promotion the labour market, and decent work. In turn, all these policy fields should be aware of the trends and patterns of migration.

To achieve more efficient migration and employment policies, relevant statistics need to be collected. Tools need to be developed to identify the effects of migration on labour markets and employment.

Skills development programmes require long term projections of labour markets to upgrade future workers with appropriate skills. Good coordination and policy coherence between the countries of origin and destination will ensure more accurate labour market and skills projections while multilateral coordination will prevent competition and a race to the bottom. The decent work section of the Global Compact for safe, orderly and regular migration will provide global guidance.

C) Migration and development

Although Myanmar migration governance actors consistently consider development planning and policy in the making and implementation of migration policy, the opposite has not always occurred. Actors and agencies focused on development have not systematically integrated migration into development policy, despite clear trends indicating that rural development and trade liberalization policies will increase labour migration flows. Thus research for this paper suggests that one of the main action points in the NPA – the integration of migration policy into development policy – remains a pressing area for migration governance actors. Key migration governance actors, from MoLIP and the MD to donors and international organizations, should work to more clearly and effectively inter-link migration and development policy. Engagement with national and subnational planning processes, as well as more local ministerial entry points, can be priority approaches for policy integration. Relevant actors should actively seek such policy engagement at each step of those policymaking processes – when and where possible and appropriate, from formulation to implementation. Where opportunities for contributing input already exist, those opportunities can be taken. If opportunities need to be created, actors should work to create them.

Parliamentarians through consultations with all sectors should strengthen their voice on policy coherence for development and migration and seek synergies between migration and development policies to deliver and achieve the Sustainable Development Agenda.

Policy engagement that actively inter-links migration and development policy should be complemented by steps taken within migration policy to better address migration's development potentials. Here, a range of policy options noted in the NPA remain relevant: establishing skills recognition systems; promoting the effective use of migrant remittances for investment at the level of the household, community, and community development; and initiating engagement with Myanmar diaspora communities to contribute to national development objectives. Further policy options include: pursuing and maintaining circular migration arrangements, for instance through encouraging host countries to adopt clear multi-annual visas, within coordination around MoUs and comparable engagements with destination countries; developing effective data collection and management programmes to enable monitoring of migration at all stages, as the development impacts of migration differ at various stages of the migration process; reviewing legislative bottlenecks and disincentives that may discourage internal or international migration; and reducing remittance transfer costs through private sector engagement and consideration of new financial instruments (public-private partnerships, municipal bonds, certain securitization measures, and so on).

D) Address key perceived or potential policy conflicts

This paper discusses perceived fundamental conflicts between protection and development objectives, and migration and development objectives more broadly (see above). Three further potential conflicts are also discussed: between trade and migration, climate change and migration, and broader sociocultural change and migration.

To the extent possible and appropriate, migration governance actors within and beyond government should explore inter-linking migration policy within policy work in these areas. Such policy work includes but is not limited to: the new Myanmar Investment Law, the

National Land Use Policy, the MOALI policy and related ADS process, core policymaking within the MLFRD, the Myanmar Climate Change Strategy and Action Plan, and the current updating of the national environmental policy (slated for release in 2017). Where policies are already finalized, as in the NLUP, governance actors can engage with the use and implementation of policies in ways that complement priorities in migration policy. Where policies are being developed, engagement at the formulation and consultation stages should be considered. Inter-linkages with current policy development in social protection and health and education can furthermore contribute to a more comprehensive migration governance framework that would be more responsive to wider sociocultural changes in Myanmar.

9.3 Future policy briefs

A) Sub-national migration governance

Practical directions for subnational migration governance need further consideration. As starting points, governance actors within and beyond government can consider the following: activities of labour exchange offices and the various local-level organizations and institutions that coordinate and cooperate with them; subnational planning processes at the level of states and regions; the outcomes of the ILO's series of labour migration management trainings. Indeed, governance actors working at the level of states and regions and below have certain advantages. They are more likely to be in closer contact with, and have more tangible opportunities to coordinate with, migrants, migrants' families, and the institutions migrants interact with at all stages of migration, beginning with pre-departure programmes and relations with recruitment agencies and brokers. Hence migration governance stands to be strengthened if authorities acting below the national level – regional governments, chief ministers, subnational planning commissions, and more local actors as well – were to be given more authority. This more vertical integration of policy is a critical piece of a more transformative policy framework for international migration governance.

B) Towards a land-labour-migration nexus

In recent years, researchers, scholars, and activists have emphasized the importance of bringing labour perspectives to debates about land. Labour perspectives stand to highlight the tangible impacts for rural communities of changing control over land and natural resources, including the displacement of smallholder farmers amid heightened investment in land acquisitions and resource extraction. Tracking what kinds of employment uprooted farmers may move into, or not move into, underlines how rural life and livelihoods can change dramatically – and what kinds of support farmers may need on a policy level – in the context of economic reforms and trade liberalization. Yet this paper suggests that while sectoral reallocation of labour is no doubt important, so too is spatial reallocation of labour. As rural societies change, not only will people move into different and emerging sectors, among them the growing rural non-farm economy (RNFE). People will also move to new locations for work. Some migration flows will be rural-to-urban, while others will be rural-to-rural or between various peri-urban areas.

Although restrictions on migration are counterproductive and harmful to livelihoods, policy actors should recognize that migration is rarely an unconstrained, purely voluntary choice. People move according to complex reasons. Despair over narrowing livelihood possibilities in changing rural societies can combine with hope for a new and better life elsewhere. Dislocations of this kind can cause tremendous upheaval, as seen in explosive political

movements tied to changing land and resource control across rural Myanmar. Regardless of the causes and consequences of such dislocations, Myanmar's working people – rural or urban, industrial or agrarian, and in various locations in between – deserve serious policy consideration about how best to protect and improve living and working conditions during this time of tremendous changes. Building on recent research and policy work, starting points may include further attention to the RNFE, to migration flows that may not adhere to often expected rural-to-urban dynamics, to a likely expansion of informal economies, and to the way in which current trends – such as the growth of low-wage, informal labour – may impact women and men very differently.

C) Building awareness of and policies on the migration-development nexus

Research for this paper has shown that migration governance actors are rightly very concerned about the exploitative, vulnerable nature of work that Myanmar migrants often encounter but that this acknowledgement of migrants' commonly difficult living and working conditions has led to an understanding, among many policymakers, that migration is a phenomenon that should be reduced. Yet amid persistent rural poverty and regional wage differentials, reduction in migration flows is unlikely, at least in the near term, and restrictions on migration can have negative impacts for migrants and their families. Stronger understanding of the development potential of overseas migration can contribute to a qualitatively different approach. This approach would ask how current migration trends may offer opportunities for migrants to build better lives for themselves, their families, and their communities, and how migration can reinforce – rather than weaken – the development objectives of Myanmar overall. Policy options for strengthening the migration-development nexus in policymaking typically include attention to remittances, circular migration, labour market integration, and diaspora outreach. Myanmar's current NPA offers specific policy options in these areas. More broadly, to produce and secure a qualitative paradigm shift that takes migration and development as complementary processes, activities geared towards awareness-raising and information dissemination may be necessary for actors and audiences within and beyond migration governance. Public discussions, multimedia campaigns, and information-gathering and sharing are all activities that could be considered in this context.

D) Further directions

This paper has raised some issues that are not always considered within the bounds of conventional migration governance discourse, for instance land politics, natural resource management, climate change, and the growth of low-wage, precarious, informal labour. Each raises questions about migration governance that may be worth considering in subsequent research and policy work on migration. On land and resource management, we might ask: how and why are rural communities changing, who does and does not benefit and how, and how might these processes challenge dominant understandings of migration as a largely economic, apolitical phenomenon?

On climate change, we could examine: with large-scale labour migration having followed Cyclones Nargis and Giri, what can we expect and where, in Myanmar, from a likely increase in extreme weather events and changing rural ecologies? How are livelihood possibilities changing in different parts of the country, how do natural disasters and climate change contribute to such changes, and how might Myanmar's labour migration trends be likely to change as a result in coming years?

On informalization and precarious labour, we might consider: which sectors are actually absorbing migrants from rural areas, how might informal economies provide unique challenges from the standpoint of protecting migrants' living and working conditions, and how would growing informal economies mark a different kind of development pathway – with potential implications regarding forms of social and political exclusion – compared to earlier development models? Considerations such as these suggest new challenges that are emerging with Myanmar's shift towards more liberal political and economic governance. Bringing together often separated policy areas like land and labour, and migration and climate change, these challenges imply the need for systematic, coordinated policy responses that cut across policymaking silos at each level of Myanmar's governance framework. Responses like these are precisely the kind that stronger approaches to policy coherence can help make possible.

Annex I. Country case studies

The migration and development nexus in the Philippines

The Philippines has been a major migrant sending country since at least the 1970s, when the government adopted the policy of exporting skilled and unskilled labour overseas. Over time, as migrant remittances came to exceed official development assistance (ODA), the government formulated an increasingly systematic approach to managing the relationship between migration and national development. In the 2011-2016 Philippine Development Plan, 60 provisions consider the migration and development nexus, covering issues such as financial literacy, the suppression of human trafficking, the relationship between gender and migration, and the emergence of a second generation of overseas Filipinos.¹¹⁸ The one country team approach of the Philippines on labour migration is a good example of a coordinated approach to labour migration governance under the supervision of Department of Labor and Employment. The government has also sought to foster circular migration, as well as to enhance the attractiveness of the country as a place for business outsourcing. Rather than promoting only outward migration, the government aims to incentivize and plan for the return and repatriation of overseas migrants as part of its migration and development strategy in coming years.¹¹⁹ The Commission on Filipinos Overseas include the Diaspora to Development Programme and a Return and Reintegration Programme.

Despite strong attention to the migration and development nexus in the Philippines, recent studies have found that tighter integration between migration policy and development policy is both possible and beneficial. As recently as 2011, an influential study strongly encouraged the inclusion of migration policy in the country's national development plans, which partially accounts for the 2011-2016 plan's detailed consideration of migration.¹²⁰ A 2013 report, meanwhile, recommended further study of a number of areas in order to improve the linkage between migration and development, among them: better channelling of remittances towards the promotion of small businesses and employment; addressing the political development of migrants by improving access to voting rights and communication with local government; and enhancing social insurance to better cover migrants and their dependents.¹²¹ The Philippines government's approach to migration and development has also been subject to criticism. To the extent that overseas migration has come to stand in for a national sustainable development strategy, civil society and religious groups have raised concerns that migrants bear an excessive burden, and face disproportionate vulnerabilities and exploitation, as a result of shortcomings in the government's domestic agenda.¹²² In addition, the benefits of remittances have been subject to debate. International financial institutions have questioned the social and economic impact of remittances, pointing to spending patterns that privilege household consumption rather than savings and reinvestment of remittances. Civil society groups, on the other hand, have argued that

¹¹⁸ "Philippine Development Plan 2011-2016 (PDP)," Global Forum on Migration and Development, <https://www.gfmd.org/pfp/ppd/2368> (accessed 15 December 2016).

¹¹⁹ EIU (2016: 50).

¹²⁰ IOM (2013: 208), *Country Migration Report: The Philippines 2013*, https://publications.iom.int/system/files/pdf/cmreport_philippines2013.pdf (accessed 15 December 2016).

¹²¹ IOM (2013: 197-198).

¹²² O'Neil (2004), "Labor Export as Government Policy: The Case of the Philippines," Migration Policy Institute, <http://www.migrationpolicy.org/article/labor-export-government-policy-case-philippines> (accessed 15 December 2016).

remittances make migrants and their families vulnerable to international financial shocks and, more broadly, to a macro-economic system that is exploitative and creates dependence.¹²³

Republic of Korea and South Africa: Inter-Departmental Committees

Research on institutional capacity in migration governance has highlighted the Republic of Korea and South Africa as countries that use inter-departmental committees to pursue and maintain policy coherence. In the Republic of Korea, the Immigration Policy Commission is a high-level body chaired by the Prime Minister that works towards policy coherence. The commission is part of the Korean Immigration Service, which is under the Ministry of Justice, and it includes private sector representatives.¹²⁴ Overseeing ongoing policy planning is at the core of its mandate. In 2009, the commission established the First Basic Plan for Immigration Policy (2008-2012), a five-year plan designed to guide comprehensive and systematic policymaking on immigration. The plan also integrates previously diffuse policies related to immigration across a range of ministries.¹²⁵ As for outward migration, the Republic of Korea, like the Philippines, has a government agency specifically geared towards Koreans migrating abroad, namely the Overseas Koreans and Consular Affairs Bureau. The bureau coordinates with a private sector organization called the Overseas Koreans Foundation to enhance economic opportunities for Koreans working overseas.¹²⁶

South Africa's Inter-Ministerial Committee (IMC), established by the president in April 2015, aims to promote both orderly and efficient migration to South Africa, as well as broader mutual tolerance between South Africans and foreign nationals.¹²⁷ Convened in response to violence that broke out due to tensions between South Africans and international migrants (both migrant workers and refugees), the IMC has sought to address specific communal strains and underlying socio-economic concerns.¹²⁸ 14 government ministers comprise the IMC, which is in the process of a systematic review and revision of South Africa's migration policies. The country's post-apartheid migration policies have been split between a generous asylum policy for refugees and a strict entry policy for migrant workers, a combination that some have argued contributed to rising tensions in recent years.¹²⁹ The Chairperson of the IMC has suggested the committee will seek to tighten the management of refugee processing and labour migration, while seeking stronger regional coordination through the Southern African Development Community (SADC).¹³⁰

¹²³ Opiniano (2004: 29), "Our Future beside the Exodus: Migration and Development Issues in the Philippines," Institute for Migration and Development Studies, <http://library.fes.de/pdf-files/bueros/philippenen/50083.pdf> (accessed 15 December 2016).

¹²⁴ EIU (2016: 22, 54).

¹²⁵ "Korean Immigration Integration Program: Helping New Arrivals Feel at Home," Ministry of Justice: Republic of Korea, <http://www.korea.net/NewsFocus/Society/view?articleId=81053> (accessed 15 December 2016).

¹²⁶ EIU (2016: 54).

¹²⁷ "President Jacob Zuma Convenes Inter-Ministerial Committee on Migration," South African Government: Media Statements, <http://www.gov.za/speeches/subject-president-convenes-imc-migration-22-apr-2015-0000> (accessed 15 December 2016).

¹²⁸ "Statement by Inter-Ministerial Committee on Migration," Government Communications: Republic of South Africa, <http://www.gcis.gov.za/newsroom/media-releases/statement-inter-ministerial-committee-migration> (accessed 15 December 2016).

¹²⁹ Wellman and Landau (2015), "South Africa's Tough Lessons on Migrant Policy," *Foreign Policy*, <http://foreignpolicy.com/2015/10/13/south-africas-tough-lessons-on-migrant-policy/> (accessed 15 December 2016).

¹³⁰ "Home Affairs Reviewing Migration Policy," *South African Government News Agency*, 10 November 2015, <http://www.sanews.gov.za/south-africa/home-affairs-reviewing-migration-policy> (accessed 15 December 2016).

Ghana: National Policy on Migration

In 2016, Ghana formally launched its first-ever National Policy on Migration (NPM) with a plan for its implementation. Formulated over several years of planning and coordination between a range of government agencies, the NPM builds upon legislation dating to the early 2000s, providing a systematic framework for governing internal and international migration.¹³¹ The overarching policy goal is to leverage the benefits of migration for the country's national development agenda. The specific objectives of the policy are designed to achieve an effective link between migration and development. Those objectives include: enhancing coordination between current migration policies and legislation; developing programmes to harness the development potential of migration; protecting the rights, security, and welfare of citizens and migrants within Ghana and beyond; strengthening legislative and institutional frameworks for comprehensively managing migration; improving data collection and management; creating platforms for dialogue on migration at national, regional, and global scales; and fighting xenophobia, racism, ethnocentrism, and gender inequality in the context of internal and international migration.¹³²

The policy places significant emphasis on the institutional arrangements needed for its implementation. It identifies the responsibilities of over 20 government agencies in this regard, from the Ministry of Employment and Labour Relations to the Ministry of Education and the Ministry of Health.¹³³ An unusually wide range of agencies are brought together in this framework, exceeding the spectrum of institutions often seen as key migration governance actors. In formulating the policy, the Ministry of the Interior (Mol) and the Migration Unit within the Mol, with support from IOM, created the Inter-Ministerial Steering Committee on Migration (IMSCM), which provides a structure to support the breadth of burden sharing contained in the policy.¹³⁴ The policy also specifies that public-private partnerships will be part of the resource mobilization effort for the policy, and it explores the possibility of better utilizing Ghana's significant diaspora population for further financial resources.

¹³¹ "Ghana Launches National Migration Policy," IOM, 4 August 2016, <https://www.iom.int/news/ghana-launches-national-migration-policy> (accessed 15 December 2016).

¹³² National Policy on Migration (NPM) (2014: 1-2), "National Migration Policy for Ghana: Revised March 2014," https://s3.amazonaws.com/ndpc-static/pubication/Migration+Policy_March+2014+ (accessed 15 December 2016).

¹³³ NPM (2014: 39-45).

¹³⁴ "Ghana Builds National Migration Policy Capacity," IOM, 20 November 2015, <https://www.iom.int/news/ghana-builds-national-migration-policy-capacity> (accessed 15 December 2016).

Annex II. Towards a land, labour, and migration nexus

Scholars and researchers refer to the land-labour nexus when discussing how land issues converge with labour issues, often in the context of changing control over land and natural resources in rural areas. Such changes can have substantial implications for the nature of work and where to find it for farmers (Brent and Kerksen 2014; Parthasarathy 1984; Robbins 2012). Regional scholarship on and in Myanmar's neighbours is relevant here, as is research from within Myanmar itself.

In South and South-East Asia, in recent years, scholars have called attention to how capital investment has increased in agricultural areas, yet farmers' land is needed while their labour is not. Technological upgrading, mechanization of agriculture, and overall limited employment growth has meant that farmers who can no longer farm, or who choose no longer to farm – for instance through coercive processes of dispossession, slow processes of changing rural livelihoods, or the attractions of urban mobility and lifestyles – are increasingly redundant to formal economic production, whether in agriculture, manufacturing, services, or otherwise. A resulting trend towards exclusion from formal wage labour has been seen as driving a shift away from long-held visions of postcolonial development, once imagined as a transition from farm to factory, and peasant to wage worker. This failure of industrial modernization has meant, instead, the persistence of grinding poverty and stark inequalities. People excluded from both farms and factories struggling to maintain a bare level of subsistence, typically in expanding informal economies.

In Myanmar, research from organizations and institutions like the World Bank, Asian Development Bank, and the United Nations have promoted a different picture of the land-labour nexus (although they do not use this term). These actors persist in their expectation of a transition from agriculture to manufacturing and services, with a resulting reallocation of labour according to natural market forces. This vision of structural transformation is shared by the Ministry of Planning and Finance (MoPF), which was the ministerial lead in drafting the National Comprehensive Development Plan (NCDP). The NCDP is directed towards achieving that transition. Research underwriting UN donor support has argued that the process of labour reallocation can and should be relatively benign. Yet at the same time, control over land and natural resources has become one of the most explosive political issues in Myanmar since 2011. In and around the Myitsone Dam in Kachin State; the Letpadaung mining project in Sagaing; the special economic zones (SEZs) being developed in Dawei, Kyaukphyu, and Thilawa; the pipeline stretching from Kyaukphyu to Yunnan; and smaller-scale land conflicts in Shan State and Ayeyawaddy Division, access to and control over land and resources have sparked the most dramatic popular mobilizations in Myanmar in recent years. The scope and scale of these mobilizations emerge with new clarity in light of regional research highlighting the insecure and precarious livelihoods that await uprooted agriculturalists across South and South-East Asia.

Despite stark differences between regional scholarship and research from development agencies in Myanmar, a lack of attention to migration cuts across both. Reallocation of labour in Myanmar, whether local, regional, or national, involves the movement of people to find work. Similarly, farmers displaced from the land in neighbouring countries often migrate to swelling informal economies in urban areas. Tying migration to the land-labour nexus is necessary to secure and maintain stronger policy inter-linkages between poverty alleviation,

labour migration, and changing livelihoods across rural and urban Myanmar. Building migration into national planning processes, relevant ministerial and sector-specific planning and policy work, and national legislative processes are starting points for pursuing a land, labour, and migration nexus.

Sources:

On land-labour nexus: Brent and Kerssen 2014; Parthasarathy 1984; Robbins 2012.

Regional literature: Breman 2013; Chatterjee 2008; Dasgupta and Singh 2005; Hall, Hirsch, and Li 2011; Li 2009, 2014; NCEUS 2007; Sanyal 2007.

Myanmar literature: ADB 2014; EoD 2015; NCDP 2014; World Bank 2016.

Annex III. Which actors does the Overseas Employment Supervisory Committee bring together?

The Overseas Employment Supervisory Committee (OESC) is composed of three working committees: the administrative working committee, the workers' benefits committee, and the workers' rights protection committee. Each pursues its activities relatively independently, through periodic meetings as and when necessary. It is uncommon for the OESC to come together as a whole. The leadership and membership of each committee is drawn from a range of ministries and other institutions as follows.

(1) The Administrative Working Committee:

- Chairman: Deputy Minister, Ministry of Labour;
- Vice Chairman: Deputy Minister, Ministry of Home Affairs;
- Member: Deputy Minister, Ministry of Transport;
- Member: Director General, Consular and Legal Affairs Department;
- Member: Director General, General Administration Department;
- Member: Director General, Bureau of Special Investigation;
- Member: Director General, Department of Marine Administration;
- Member: Director General, Immigration and National Registration Department;
- Member: Police Major (Information), Myanmar Police Force, Ministry of Home Affairs;
- Secretary: Director General, Department of Labour; and
- Joint Secretary: Director, Department of Labour.

(2) The Workers' Benefits Committee:

- Chairman: Deputy Minister, Ministry of Finance and Revenue;
- Vice Chairman: Deputy Minister, Ministry of Foreign Affairs;
- Member: Vice Chairman, The Central Bank of Myanmar;
- Member: Managing Director, Myanmar Economic Bank;
- Member: Managing Director, Myanmar Insurance;
- Member: Director General, Consular and Legal Affairs Department;
- Secretary: Director General, Internal Revenue Department; and
- Joint Secretary: Deputy Director General, Department of Labour.

(3) The Workers' Rights Protection Committee:

- Chairman: Deputy Minister, Ministry of Labour;
- Vice Chairman: Deputy Minister, Ministry of Foreign Affairs;
- Member: Vice Chairman, Ministry of Home Affairs;
- Member: Deputy Minister, Ministry of Border Affairs;
- Member: Deputy Minister, Ministry of Social Welfare, Relief, and Resettlement ;
- Member: Director General, General Administration Department;
- Member: Director General, Bureau of Special Investigation;
- Member: Ambassador, Myanmar Embassy in the concerned country;
- Member: Director General, Relief and Resettlement Department;
- Secretary: Director General, Department of Labour; and
- Joint Secretary: Director General, Consular and Legal Affairs Department.

Research conducted for this paper suggests that this structure of the OESC, constituted as of August 2011, remains largely in place. However, some ministries have changed their structures and/or names during this time. For instance, the Deputy Ministry of the Ministry of Labour would now be coming from the Ministry of Labour, Immigration, and Population (MoLIP). In addition, the Ministry of Finance and Revenue is now the Ministry of Planning and Finance (MoPF).

Source: Ministry of Labour (2011), Formation of Three Sub-Committees for Overseas Employment Supervisory Committee.

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Building Labour Migration Policy Coherence in Myanmar

This working paper provides an overview of international labour migration governance in Myanmar, detailing the most relevant actors and policies at Union/National level and how they presently do or do not intersect, coordinate, and cooperate together. It also discusses where and how the governance of international migration can be more strongly linked to other policy domains, exploring to what extent labour migration policy is consistent with and contributing to national development plans and how it relates to other policy areas such as poverty reduction, rural development, social protection, women's empowerment and others. By tracing out intersections and overlaps, both actual and possible, between different policies, policy areas, and the actors responsible for formulating and implementing them, this paper seeks to lay the groundwork for promoting greater policy coherence in the governance of international labour migration. The paper includes a set of policy recommendations to strengthen and improve coordination between actors, to facilitate greater integration of migration into other policy sectors and to recommend pertinent topics for future policy briefs. The Annex provides Case Studies from a variety of different labour migration governance systems including The Philippines, Republic of Korea, South Africa and Ghana.

This paper is the second in a series to support the development of improved labour migration governance in Myanmar produced by the ILO Yangon supported by Livelihoods and Food Security Trust Fund (LIFT). The first paper, Country of Origin Complaints Mechanism for overseas migrants from Myanmar was published in 2016 and further papers will include a sequel to this paper looking at Policy coherence at the sub-national level as well as papers on Recruitment processes, Social protection and Domestic Work.

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