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Ennis, C.A.; Blarel, N.R.J.B

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Mapping and Theorizing Migration Governance: Insights from the South-to-West Asian Migration Corridor

Nicolas Blarel and Crystal A. Ennis

Introducing the migration governance complex in the South Asia to Gulf corridor

Labour markets in Gulf economies are considered peculiar spaces, where over 80 per cent of the private sector labour force is foreign. The six economies that make up the Gulf Cooperation Council (GCC) are major attractors for economic migrants from South Asia, with the International Labour Organization (ILO) (2015a) reporting that over 90 per cent of economic migrants from India, Pakistan, and Nepal leave their homes to work in the region. According to the same report, Bangladesh and Nepal send more than 60 per cent of their migrant workers to the GCC region (p 6). Gulf labour markets have attracted increased attention since international media amped up attention on the status of construction workers from South Asia after Doha won the bid to host the 2022 FIFA World Cup. In the intervening years, it has become increasingly apparent that, aside from human rights outcry, insufficient academic attention has been given to the governance of this large migration flow and its position within global migration governance.

The South Asia to Gulf Migration Governance Complex examines one of the world's most significant labour migration corridors. The Gulf is a major global destination for migrant workers, following Europe and North America, and 24 per cent of global remittances flow out of the Gulf (World Bank data 2020). The ILO estimates that the Arab states of the Gulf,

the focus of our study, along with Lebanon and Jordan, host 35 million migrants, estimating that 23 million of them are migrant workers. This means that this region hosts nearly 14 per cent of the world's formal migrant workers (ILO 2018: 15; ILO 2020: 2). A majority of these migrant workers come from South Asia, yet much of the scholarship on global migration governance has failed to systematically integrate insights from the South Asia to Gulf corridor.[1] Ignoring this important migration route impairs our ability to generate governance insights that are truly global. At the same time, scholarship on migration from South Asia, or migration to the Gulf, tend to not only be methodologically nationalist and geographically limited within the nation–state or region, but also fail to directly engage with the latest theoretical developments and points of inquiry in global migration governance literature. This volume is designed to address this mutual neglect, suggesting how insights from managing, regulating, and governing this migration corridor can inform broader debates over global migration governance.

This book argues that multiple overlapping processes occur simultaneously and form a *global migration governance complex* that takes shape within and beyond national borders. By using the concept of a *complex*, we aim to emphasize that we look at governance as developing alongside and beyond formal structures and to concentrate rather on all the varying actors involved in the actual practices of governing and managing migration.[2] This migratory corridor is usually treated in isolation within South Asian or Gulf migration studies, viewed as an exceptional space because of the mechanisms of governance, the deficits and gaps in migrant rights, or due to the '*kafala*' sponsorship system.[3] We insist, however, that this space offers rich insights for how some patterns of global migration governance occur in practice in diverse spaces and are of immense comparative value. This volume represents a first attempt to put an analysis of the South Asia to Gulf migration corridor in dialogue with the wider scholarship on global migration governance.

Our perspective on global migration governance draws from Dingwerth and Pattberg (2006) and also from Rosenau and Czempiel's (1992) understanding of governance, illustrated through their book *Governance Without Government*. Rosenau and Czempiel introduced this alternate formulation to break with the traditional assumption that governance is only connected to the activities of governments. We build from this scholarship to equally contest the assumption that governance is restricted to formal governmental institutions, and that global governance is restricted to global governance organizations. In this light, we use James Rosenau's definition of global governance as 'conceived to include systems of rule at all levels of human activity – from the family to the international organization – in which the pursuit of goals through the exercise of control has transnational repercussions' (Rosenau

2005: 45). This volume finds that the global governance of migration in the South Asia to Gulf corridor is a multi-layered, multi-actor space that occurs 'at all levels' and at various intersections 'of human activity'.

We offer a volume that is intentionally diverse, multi-disciplinary, and multi-method. We include scholars from the disciplines of international relations, political economy, law, anthropology, economics, history, and arts alongside practitioners in national and global governance institutions. Their diverse disciplinary lenses and approaches to scholarship offer fruitful insights into not only the different angles and components of migration governance and the actors involved, but also to varying ways of interpreting and explaining the meaning and value of these interactions.[4] We weave the findings together throughout the volume to map the global migration governance *complex* in the South Asia to Gulf corridor. Moreover, the position of the authors, being from or working in diverse regions, adds fresh perspectives and insights that broaden Western-centric views and approaches to migration governance. We believe the intersection of multi-disciplinarity and globality contributes to our claims to expand the diversity and *global* nature of scholarship on the field of global migration governance.

The South Asia to Gulf migration corridor should be especially interesting to migration and global governance scholars because the labour market space in which these governance spheres interact is especially globalized. By this we mean not just that globalization has affected labour markets, which, in turn, are subject to demand and supply pressures from the global economy, but also that these pressures intensely manifest in Gulf labour spaces. Not just the types of economic activity, but also the individuals in the labour market, are international and subject to multi-level governance pressures. We also see in the various chapters of this book that, in practice, domestic and international forms of migration governance have led to the outsourcing of migrant governance to non-state actors and citizen populations. We believe that this offers interesting comparative insights for how globalization and global migration governance can interact in other migratory corridors.

This particular migration corridor and labour market is subject to a variety of competing pressures and processes that are analysed through the various contributions to this volume, as indicated below:

- Forces of supply and demand: seeking the lowest cost, most flexible, and mobile labour to fuel ambitious development projects and the expanding consumption needs of a growing middle class (Ennis and Blarel; Hamadah; Walton-Roberts et al).
- Competing global pressures: the push for adherence to international labour standards in global migration and labour regimes on the one hand and the

neoliberal pressures for labour market flexibility on the other (regulation versus liberalization) (see, for example, Cammett and Posusney 2010) (Devkota; Babar; Hamadah).

- Reputational pressures: alongside these global constraints, there are reputational concerns among Gulf states as they engage more widely with the international community. This became especially apparent after Qatar won the FIFA 2022 bid and Dubai was announced as the host for Expo2020. Furthermore, the pressure to conform to labour standards has been further fed by the contemporary intra-GCC rivalries (Devkota; Hamadah; Ennis and Blarel).
- Global and regional governance processes: for governing and managing migration, such as the Global Compact for Safe, Orderly, and Regular Migration; the Colombo Process; and Abu Dhabi Dialogue (Ennis and Blarel; Devkota; Walton-Roberts et al).
- Regional and bilateral agreements: facilitating and regulating aspects of labour migration (Walton-Roberts et al; Ennis and Blarel; Devkota).
- Diplomatic and foreign policy initiatives integrating diaspora needs and labour demands into negotiations and political platforms. Both sending states (South Asian states) and host states (GCC members) are increasingly conscious of both the opportunities and constraints the presence of migrants can create for furthering diplomatic ties. As witnessed throughout this volume, this 'migration interdependence' (Tsourapas 2018) plays out in different ways contingent on how dependent the sending state is on remittances and other economic benefits coming from its diaspora abroad. For instance, the chapters by Devkota, Percot, and Wadhawan note that countries like Nepal, Sri Lanka, and Bangladesh have relatively less leverage (or political willingness to use this leverage) than India (Walton-Roberts et al).
- Domestic pressures in host states, where unemployment and underemployment are rising, to protect local labour and provide employment to Gulf citizens (Percot; Wadhawan; Hamadah).
- Public and private authorities and transnational labour standards bodies (Walton-Roberts et al; Devkota; Babar).
- Private sector interests, including employers and recruitment agencies (Babar; Ennis and Blarel).
- Civil society actors, like human rights networks and transnational migrant rights activists, and informal migrant networks (Babar; Percot; Devkota).
- Sub-national and national political pressures in the home states to take the needs of migrants into account (Akhil and Ganga; Ennis and Blarel).

This volume finds that global migration governance occurs in both *expected* and *unexpected* spaces. It happens at the border, through the state, and in bilateral spaces between states. It also occurs below the state, at the

level of the individual employer who acts as immigration sponsor or the individual migrant through the informal networks that facilitate migration. It happens above and beyond the state at the regional and international organization levels, and also in the transnational private business and activist networks (Geddes 2021). In short, we see both bottom-up and top-down governance alongside spaces of overlapping and intersecting governance. The South Asia to Gulf migration corridor illustrates these forms and scales of governance clearly, contributing insights for how we should think of and analyse global migration governance as it occurs in practice in different parts of the world.

These varying pressures and their interactions are at the core of this book, and we thereby propose a novel approach to understanding the variety of actors in migration governance along the South-to-West Asia corridor. We call this a *global migration governance complex*, and illustrate it through the South Asia to Gulf corridor as visible in Figure 1.1, and further unpacked below. Each of these layers contributes to our conceptualization of a complex, multi-scale space of competing interests, identities, and pressures for governance reform.

The purpose of the volume is to interrogate these different levels and scales of governance and a range of traditional and non-traditional actors involved in the global migration governance space (see Table 1.1). For example, Chapter 4, by Akhil and Ganga, is focused on the two Indian states of Kerala and Andhra Pradesh as examples of subnational governance. The empirical chapter by Ennis and Blarel (Chapter 7) is focused on the relations of state and non-state actors between the emirate of Dubai and the Indian state of Kerala as an example of contested sovereignty and 'extraterritorial' governance interventions. Chapter 6, by Percot, is interested in local networks of recruiters and migrants between Hatiya, Bangladesh, and the coastal regions of Oman. The focus of our book is on the corridor rather than only the nation-state(s). States remain crucial actors through some of their actions and non-actions in migration management, as well as their reactions to seeing their migration policies contested by non-state actors. We not only engage with regulatory measures and change in countries of origin and destination in states, but also those between states. Our perspective looks at, below, and beyond the state when analysing migration governance by focusing in on the interactions across and around a corridor.

The remainder of this introductory chapter is organized as follows. First, we provide a brief review of the history and existing literature on global migration governance. Second, we unpack global migration governance scholarship, locating our contribution within the wider literature on the global politics of migration. In so doing, we demonstrate the relevance of the South Asia–Gulf migration corridor as an illustrative case to further understand how the governance of migration takes shape over time and in

Figure 1.1: Mapping the South Asia to Gulf migration governance complex
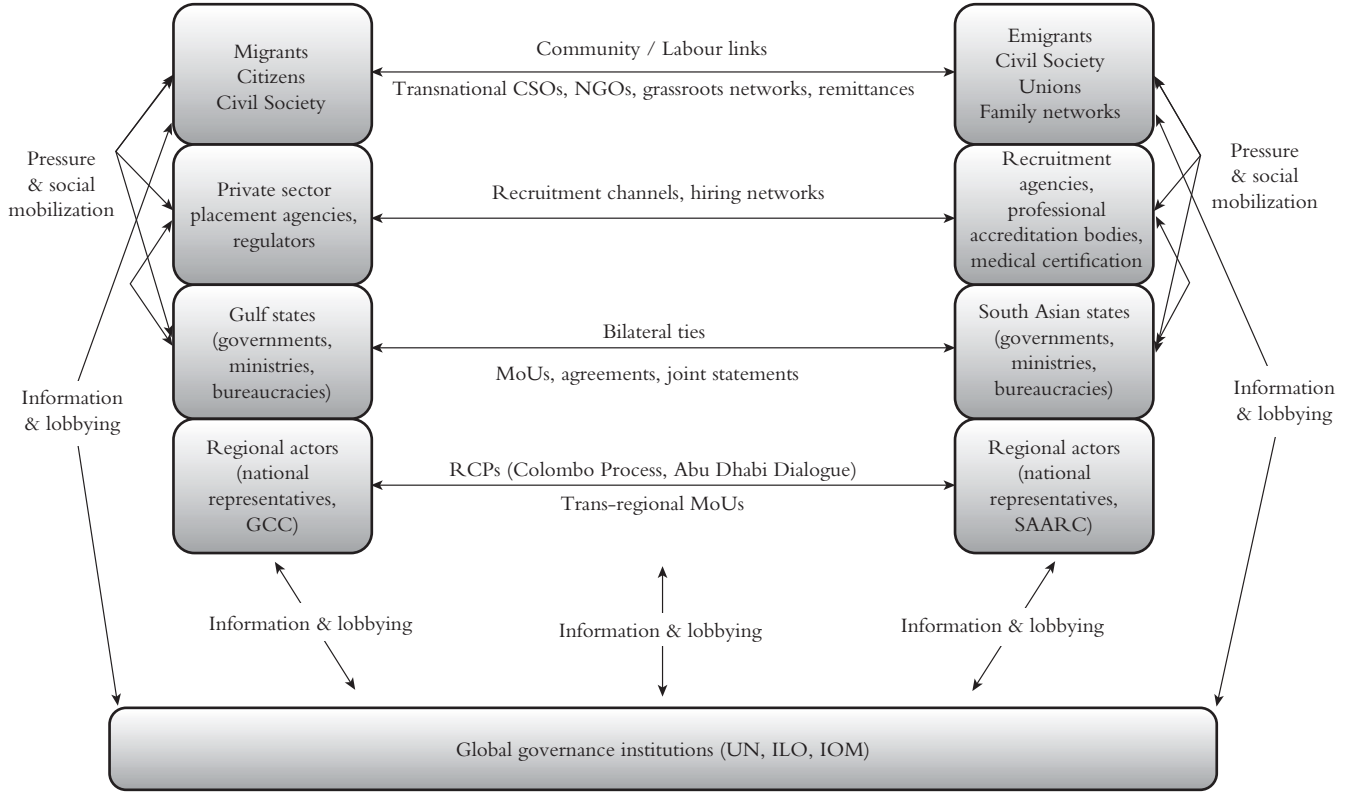
diverse contexts. Overall, we map the important actors and their preferences and roles, as well as their interactions. Each subsequent chapter of the volume uses different entry points to further engage with this mapping exercise, elaborating on the diverse roles, pressures, and entanglements of particular actors and processes within the migration governance complex. As a whole, both this chapter and the volume provide a picture of the migration governance architecture in this corridor.

Formal institutions and global migration governance

One of the most contentious contemporary policy and scholarly debates is the extent to which states agree to renounce their sovereign powers to control the admission of foreign nationals into their territories and to dictate the terms and conditions of their stay. Relatedly, sending states also have to expand their attention and policy reach to their emigrant constituents. Moreover, business interests press for liberalized labour markets to reduce costs and regulatory interventions. Although national leaders have increasingly recognized the need for cooperative approaches to the management of migration flows, multilateral approaches have only received tepid support. Difficulties in addressing this collective action problem at the global level were visible through the uneven support for the UN's Global Compact for Safe, Orderly and Regular Migration.

Unlike other policy fields like trade and finance, where states were mobilized by an urgent need for institutionalized cooperation and the formation of global regimes, a multilateral framework to govern the cross–border movement of people has never fully materialized (Betts, 2011; Grugel and Piper 2007, 2011; Kalm 2008; Koser 2010). This is puzzling as public and policy attention to cross–border migration issues has been constant. The existing scholarship offers various explanations as to the absence of concrete problem–solving arrangements in the form of international organizations. Most of the responsibility is, for instance, attributed to states' (real or perceived) needs to control population flows and access to employment opportunities, mediated by national sovereignty claims (Piper 2015). The right of countries to decide over the entry and admission of people, and of the rights of these people to obtain nationality and employment, has been considered a 'last bastion of state sovereignty' (Dauvergne 2009: 169) in the context of globalization. Others have pointed out the problem that international migration has been divided into various regimes and their corresponding specialized formal and informal organizations (Betts 2011; Ghosh 2000; Koslowski 2011; Trachtman 2009; Triandafyllidou 2018), thereby limiting the emergence of a more general and collective approach to problems linked to global migration. This has led to the emergence of a wide array of specialized, local, and ad hoc arrangements and agreements.

For instance, the creation of the ILO in 1919 at the Peace Treaty of Versailles marked the first attempt at giving an international organization a mandate on labour migration. By 2016, the ILO produced '189 Conventions, six Protocols and 204 Recommendations' (Hendrickx et al 2016: 342). However, this mandate was limited from the start as it did not extend to matters of immigration. The Preamble to the ILO Constitution only mentioned its role to protect 'the interests of workers when employed in countries other than their own'. There were some initiatives during the interwar period to expand the role of the ILO but opposition from the states limited any breakthrough until the adoption of the revised Migration for Employment Convention in 1949, followed by the 1951 Refugee Convention and the 1967 Protocol, which extended the ILO's coverage. While there were still differences in how states would define asylum-seekers and refugees, all signatory states agreed to cooperate with the Office of the UN High Commissioner for Refugees in supervising the application of the Convention. As a consequence, there are some minimal multilateral tools to manage migration in the field of asylum and refugee protection.

In parallel, the International Organization for Migration (IOM) was established in 1951 to become one of the first inter-governmental organizations in the field of migration management, and today includes 166 member states. However, for most of its institutional existence, the IOM operated outside of the UN system and without a clear mandate. The drive towards migration governance has increased over the last decades, along with the growth of irregular migration. Notably, this has led to the adoption of the 1990 Convention on the Rights of Migrant Workers and Members of their Families. However, the absence of ratification from major migrant–receiving countries (such as the US, the West European states, Australia, the GCC, and India) limits the relevance of this attempt at global migration governance (Western et al 2019).

In 2003, at the initiative of the governments of Sweden, Switzerland, Brazil, the Philippines, Morocco, and Egypt, the UN Secretary General, Kofi Annan, created the Global Commission on International Migration (GCIM) with expectations that this could lead to the 'institutionalization' of the governance of migration at a global level, akin perhaps to the functioning of the World Trade Organization (WTO). In 2005 the Commission completed its work and issued a report, which recommended the establishment by the UN of a 'global migration facility' (Global Commission on International Migration 2005).

It was not until the UN General Assembly (UNGA) meeting in September 2016, however, that member states sent a message that migration and refugee matters had to receive a high profile on the international agenda (Pecoud 2020). This started the course towards the development of the Global Compact for Safe, Orderly and Regular Migration (GCM), which was

developed as a multilateral effort, with specific regional–level consultations. In 2018, global governance of international migration received much attention, with governments succeeding in negotiating, for the first time – albeit not unanimously and not without controversy – an agreement to cooperate to manage migration work. The GCM became the first comprehensive framework of principles and objectives to guide international cooperation on migration that has been formally negotiated and adopted by a majority of states. However, the concrete policy implications of that latest development are still to be monitored and evaluated, as several states, including some major countries of immigration such as the United States and Australia, refused to support the compact (Guild 2018; Pecoud 2020; Turk 2019). Recent scholarship notes that 'because of the diverging worldviews and interests among governments and other stakeholders, the GCM is marked by major internal contradictions' (Pecoud 2020). As a result, when it comes to migration governance, members of the EU have been the closest to embracing the idea of a concerted rapprochement to the management of refugees and illegal migration, but there are still some problems of uneven implementation and different interpretations of the engagements made through various multilateral agreements (Mainwaring 2020). Similarly, in Africa and Latin America, attempts at multilateral management of migration problems have led to varying results (Geddes et al 2019). As a consequence, there remains little consensus among states over the policy responses to govern the transnational mobility of people.

This uneven development of a global migration governance architecture can be explained by the fact that not all areas of migration governance have been recognized as 'global public goods' by states (Betts 2011; Hirst and Thompson 1995). This has led states to opt between alternative forms of cooperative management of migration (bilateral, regional) depending on perceptions of how to maximize the benefits and minimize the costs of population mobility and mobilization (Hollifield 1998, 2004). Regional organizations also 'become increasingly significant sites of cross–border social governance and social policy formation, and of the contested social politics of globalization and international integration' (Yeates 2014: 18). According to Betts, the perspectives over the division and exclusivity of benefits and costs of migration have led states to prioritize bilateral and regional levels of cooperation rather than be constrained by collective engagements at the global level (2011).

Some scholars perceive international and transnational cooperation as materializing at different levels and speeds (Kunz et al 2011: 6). Others observe alternative formal and informal forms of migration governance gradually taking shape along some migration corridors. For instance, Ennis and Walton–Roberts (2018) recently discussed how skilled migration governance policies are formed within globalized policy spaces that transcend the control of any one state or level of governance. In particular,

they point to spaces where labour market policies in conditions of high migration become deterritorialized. While states have tried to retain formal authority over migration issues, national policy autonomy is limited.

The governance of migration does not just entail migration admission policies and bilateral agreements, but also regulations directed at recruiters, placement agencies, and professional credential evaluators. It also involves legal frameworks and soft laws advocated by non–governmental organizations (NGOs), advocacy networks, and trade unions (Pittman 2016). The actors are multiple. The strength and enforcement capacity of any regulation or governing mechanism variable.

Our project fits within the growth of studies looking at mapping and theorizing what has been termed multi–level (or multi–layered) migration governance, which takes the form of a 'complex array of bilateral, regional, and inter–regional institutions … enabling states to selectively engage in different forms of informal cooperation with different partner states' (Betts 2011: 2). In particular, our book sits alongside new thinking on global migration, and on international political economy of the Gulf and South Asia as part of an Indian Ocean regional system.[5] We build on important insights from Hugo and Piper (2010) that show important social policy and development implications of South–South migration, and on insights from recent works like LeBaron and Phillips (2019) and LeBaron (2020), which made critical contributions to understanding unfree labour within existing global governance frameworks of labour migration; Ennis and Walton–Roberts on the labour market governance as global social policy (2018); Panizzon et al (2015) and Piper and Rother (2019), which show the importance of a transnational civil society network within this space.

Unpacking (global) migration governance through the South Asia to Gulf migration corridor

The South Asia to Gulf migration corridor offers compelling examples of how migration governance transpires, illuminating well Saskia Sassen's impression that 'the politics of contemporary sovereignties are far more complex than notions of mutually exclusive territorialities can capture' (2006: 415). We believe the South Asia to Gulf migration corridor is a prototypical case of the fragmented, uneven, and complex nature of global migration governance today. It is also important for theoretical purposes as it has witnessed the unprecedented creation and development of new political spaces at various levels (national, subnational, transnational, regional, and global). Within these, migration governance has taken a more dynamic form. We have unpacked in Figure 1.1 how these levels of governance, processes, and political and economic forces engage with, influence, or circumvent the global level.

In this volume, we focus on the governance of economic migration, which would seem to be a policy space with clear lines of authority – states being the most relevant actors. Yet research shows that state authority is diffused even in such instances (Sassen 2005; Strange 1996). The case of the South-to-West Asia corridor shows how in circumstances of high migration, where host country dependence on migration is extremely high, the situation becomes even more complex. In her work, Sassen uses the term 'assemblages' to describe formations that mix subnational and global domains to address issue areas that are usually considered the purview of one or the other. We see similar patterns of uneven, fragmented (and sometimes incidentally overlapping) migration governance in the context of the South Asia to Gulf migration corridor. As a consequence, some of the instances observed in this corridor seem to resemble the model of multi-layered architecture of international migration governance developed by Kunz et al (2011) and Panizzon and van Riemsdijk (2019).

The lack of a comprehensive and unified international regime regulating states' responses to economic migration means the governance of migration is increasingly complex. Chimienti has persuasively argued that the failure of global migration governance can be traced to the state-level 'denial of connectiveness and interdependence', which hinders both effective governance and the implementation of labour and human rights (Chimienti 2018: 425–26). Yet taking a global governance perspective, both sending and hosting states are not unitary actors in this field. Rather, they are part of an assemblage of multiple actors with various agendas conditioned more or less by the state sovereignty and political regimes these actors operate in. It is still the state that, in many ways, decides who has access to rights or not. The state itself is not a monolithic actor. States are often disaggregated with various layers of governance, such as bureaucracies and subnational governments, which develop their own ideas, interests, and competences when it comes to migration governance. Therefore, the state evolves and its policies are shaped by a fluctuating collection of ideas, identities, and interests.

At the same time, and in conjunction or competition with state actions, legal action by migrants and migrant advocates 'invoke international law in order to challenge the sovereign power of the state' (Mainwaring and Walton-Roberts 2018: 136; Devkota, this volume). Their claims and exercises in agency are often 'not subversive' but rather appeal to both states and international organizations to implement the norms and policies they have set (Chimienti 2018: 427). As a result, individual citizens (migrants, their families, and political, professional, and ethnic communities), international non-governmental organizations (INGOs), private recruitment agencies and agents, regional and international organizations, and states (which we then understand both in a broad and non-homogeneous sense, including notably central and subnational political authorities) all have stakes in the

migration process, and each serve as potential mechanisms of governance or venues for responding to migrant needs. We thereby argue that this density of actors (see Table 1.1) and clashing international, regional, and national legal and regulatory frameworks, while raising questions about the clarity and potency of governance, are equally part of the *migration governance complex*.

Scholarship on 'bottom-up' migration governance is useful in unpacking migration governance in this corridor. Within this literature, some scholars have concentrated on understanding new forms of governance from the actions of transnational social movements engaged in the promotion of the rights of migrant workers through mobilizing and capitalizing on new political opportunities that have materialized at the global and regional levels (Grugel and Piper 2007; Lavenex 2019; Lavenex and Piper 2019; Piper 2015; Piper and Rother 2019; van Riemsdijk et al 2021). In line with Piper (2015), we emphasize in this book the role of migrant activism and transnational advocacy networks, which have also had an influence on global migration governance over time. Migrant networks have been conceptualized as functioning as a form of governance in their own right (Taylor 2016). A view of migrant agency even in cases where migrants are usually written as victims or criminals is important and better captures the forms and levels of governance occurring simultaneously. Mehta's study of Indian domestic workers in Oman is one example of how migrants use existing systems to empower themselves (2017). Moreover, Onuki's study of Philippine migrants illustrates how global labour migrants are not 'passive recipients' of state policies that facilitate migration but are active political agents that 'contest and negotiate' global migration spaces, politics, and practices (2007: 126). Percot (this volume) further unpacks this phenomenon in her chapter. In most of the chapters, we also observe patterns of grassroots as well as transnational social movement linkages (between the migrants' home and host states, and international NGOs), notably in the form of transnational campaigns for labour standards and rights in the Gulf states.

Certain economic perspectives view temporary labour migration as a benefits-for-all system. Since the 1970s, host Gulf countries have been able to support a level of economic activity that would be impossible without foreign workers. For South Asian states, overseas migration has provided relief to local labour market pressures and brought in much needed foreign exchange earnings in the context of poverty and slow growth. Finally, this system should have been beneficial for the migrants who have been able to earn relatively higher incomes and escape the limited socio-economic opportunities provided by their home states (Farbenblum and Nolan 2017). This supposed triple-win scenario is the standard economic explanation for continued labour migration. Yet pointing to push/pull factors and deferring to the 'wisdom' of the market in balancing the supply and demand of labour both normalizes market pressures and overlooks the abuses inherent

in such a system. Moreover, it is 'de-contextualized, reductionist, and misleading', overlooking both the 'realm of neoliberal globalization and unequal development in which contemporary migration is embedded' (Wise 2015: 39).

Economic migration flows transpire within what have been called global production networks or global value chains (Neilson et al 2014; Ravenhill 2014). These networks are an integral feature of global capitalism, and labour costs and flows serve these pressures. These labour demand patterns shape the flows of migration in and through hydrocarbon-dependent Gulf economies. A steady supply of cheap, flexible labour is critical for fuelling development and economic activity in Gulf economies. Cheap labour is one of 'the main engines of neoliberal capitalism' (Wise 2015: 28). Not just supply and demand of labour itself, but also other aspects of the labour flow process become commodified and part of the production network. Even the employment visa, as Rajan et al (2013) discuss, has become 'a commodity of sale and purchase' (58); its price level is controlled by recruitment agencies, and this power is exploited and worsened with fraud. Gaps in effective governance compound the practice of taking advantage of aspiring migrants. This underlines a fundamental reason as to why international organizations, governments, and other transnational and subnational actors have been unable to develop a system that ensures that the relationships across global production networks become a global public good, which deliver benefits equally to all three parties. The nature of the system is a key obstruction. Indeed, such economic pressures have resonance not only in South–South migration, but also through South–North migration.

Gulf policy makers have long argued that migration policies were 'depoliticized along the line of classical economics' (Thiollet 2011: 105). But newer scholarship argues to the contrary, looking at the control of migration flows and populations as an outcome of deliberate state policy and political engineering (Khalaf et al 2015; Thiollet 2011, 2015). In these views, host countries preferred migration from particular sending states because they were viewed as less obstructive to domestic political objectives (Hanieh 2010: 55–8). Thus, it was not only cost savings that led to a shift in migration from Arab states to South Asian ones in the 1990s, but also the perception that migrants from Asian countries would demand fewer political rights.[6] Differing national policies and divergent political objectives across home and host countries add to the complex set of pressures structuring migration and shaping possibilities in the governance of it.

Labour migration into GCC countries is infamously structured by the *kafala* system. *Kafala* comes from the Arabic root k-f-l – to sponsor. The *kafeel* is the individual sponsor. *Kafala* is a sponsorship system, akin to guest worker programmes. Migrants' work and residency are tied to their sponsor – an individual or company (Dito in Khalaf et al 2015; Sater 2014).

The use of the term 'kafala system' in English gives the impression that it is a uniform system that is applied across the Gulf. However, the regulations which shape immigration into each GCC country differ and are subject to independent regulatory amendments. Notably, kafala has been subject to many reforms in Qatar and the UAE in the last few years (see Hamadah, this volume).

Domestic politics in both host and home states have also increasingly played a role in shaping labour and migration policies. In some Gulf countries, concerns about national unemployment and citizens' access to jobs and economic benefits forces state action to curtail migration or restrict migrants' access to certain professions. In home states, increased sensitivity about the treatment of expatriates in Gulf countries have compelled countries to be more vocal, and prompted some, like India and Sri Lanka, to be more or less proactive in advocating the welfare of its diaspora.[7]

Multiple interpretations exist that seek to explain the motivation for the variation seen in sending states' advocacy on behalf of their overseas migrant population. In the Indian case, one possible utilitarian explanation is recognition of the value of its diaspora for public diplomacy. Some scholars have argued that sending states engage their expatriate population as 'potential resources for material power', and through this aim to attract remittances and direct investments (Adamson and Tsourapas 2019; Gamlen 2014; Koinova 2018; Koinova and Tsourapas 2018; Ragazzi 2009, 2014). In some cases, guest workers abroad have also acted as a 'safety valve' against unemployment in developing economies (Tsourapas 2015, 2018). Taking this into account, some states have actively tried to help expatriate populations achieve a more secure status in the host states to ensure 'sustained economic and political contributions' (Portes 1999: 467). One important initiative in this direction has been India's attempt to regulate, through a national ordinance, the emigration of low-skilled labour migrants, following numerous reports of exploitation by private brokers involved in connecting low-skilled labour migrants to employment in Gulf states. To streamline the recruitment of certain categories of labour migrants, the Government of India has, since May 2015, centralized the recruitment process through an online e-Migrate system. This initiative is further explored by Walton-Roberts, Rajan, and Joseph (Chapter 2) and Ennis and Blarel (Chapter 7).

Alongside economic forces, national policies, and domestic politics, the migration governance complex also involves a patchwork of various bilateral arrangements. Over the last decades, bilateral Memorandums of Understanding (MOUs) on labour migration have been signed between governments. Usually, policy pronouncements follow bilateral visits and summits, where migration issues are linked to cooperation on other

economic (trade, investment) and security issues (military cooperation, counter-terrorism) (see also on this Battistella 2015).

In addition, the two regional organizations, the GCC and the South Asian Association for Regional Cooperation (SAARC), have also initiated measures to regulate migration dynamics and limit fraudulent recruitment of migrants along this corridor through disseminating information about migration procedures, especially in the sending countries. The SAARC has, for instance, created the South Asian Migration Commission to spearhead such initiatives (Jain and Oommen 2016: 12). Agreement and implementation at this regional level have been weak. Both the GCC and the SAARC have mainly been ineffective in pushing for coordinated migration policies among their members (for more on the lack of coordination at the SAARC level see Shivakoti 2020).[8]

Over the last two decades, there has also been some degree of influence of global and transnational efforts and organizations. For example, the ILO, through its South Asia Labour Migration Governance Project, has launched numerous activities, including a report promoting effective governance of labour migration from South Asia (ILO 2015a, 2015b). Importantly, the GCM has embarked on numerous regional consultations that engage with governmental and non-governmental actors active in this transnational space. The networking between these consultative processes and migration rights networks and organizations, like the Migrant Forum in Asia (MFA), is a case in point (Akhil and Ganga, this volume).

Further coordination occurs at the transregional level through regional consultative processes on migration (RCPs), such as the Colombo Process and the Abu Dhabi Dialogue. These have brought together representatives of states, international and regional organizations, and NGOs for informal and non-binding dialogue around migration management and labour regulation. We therefore see how transnational activist networks engage with regional, transregional, and global processes. They also use their international linkages to engage in migration diplomacy (Malit Jr and Tsourapas 2021; Piper and Rother 2019). Some networks take on more institutionalized shapes, like the MFA, which has membership across South and South East Asia and participates in regional consultations like the Colombo Process and those in the lead up to the GCM. They also take shape in quieter, informal spaces. Personal networks of activists and individuals across South Asian and Gulf cities pool their experiences, connections to various communities, and know-how to support migrants in distress and advocate for regulatory change across different levels of governance at different times.

We observe that the migration complex provides new opportunities for migration actors to exercise agency by opening new avenues for 'forum shopping' (Koinova 2018; Murphy and Kellow 2013). The multiple levels of governance – global governance institutions; transnational consultation

processes; and local, state, national, regional, and international organizations – are all places where actors can put forward their grievances, ideas, policy proposals, and rights-based claims. They can take these issues and shop them across different forums where they perceive they have a greater chance of their voice being heard. The chapters herein show various instances of actors within sending states (subnational political entities like regional states, parties, bureaucracies, civil society organizations, and other non-state actors) making use of such opportunities and forums. Their outreach and efficiency seem to be conditioned by statehood and varying institutional dynamics (centralized vs. federal, regime type). Through existing scholarship, we know that migrants look at 'transnational space', such as kinship and informational networks (Levitt 2001; Massey and Espinosa 1997; Rother 2019; Schiller 1999), and at international human rights regimes to improve their legal and socio-economic situation in the host state (Jacobson 1996; Soysal 1994). We find that the potential of this transnational space has expanded, increasing both opportunity and also complexity.

Further observations from this volume

The South Asia to Gulf migration governance complex is characterized by an accumulation of actions and interactions across multiple levels, spaces, and directions of governance, with varying layers of formality and informality. This complexity offers the potential for improved governance, but its disaggregation also leaves many governance gaps. Spaces of contested sovereignty over migration issues create opportunities for multi-actor cooperation, but also for multi-actor blame-shifting, blind spots, and weak political will to construct effective responses. Along with mapping the governance complex, this volume raises important questions and cross-cutting themes. One of the most obvious shared insights is that labour migrants have to cope with multiple challenges due to the vulnerabilities produced by inadequate migration governance throughout the corridor. These challenges and vulnerabilities vary by social class and skill class of labour; by the regularity or irregularity through which the migrant enters the work space; and by gender, race, and caste. For irregular migrants, work conditions in the GCC states are often precarious and dangerous. Many South Asian migrants operate in gray and unregulated or under-regulated sectors of the labour market (as the cases of fishing and domestic work by Percot and Wadhawan in this volume illustrate). In the GCC states, these migrants have limited access to the appropriate knowledge or networks to support their labour rights. If they are irregular, seeking labour rights support would often result in detention or deportation for violating labour and residency regulations (see the contributions of Devkota, Hamadah, and Percot in this volume).

Why are there these governance gaps? Why do the existing regulatory spaces deprive so many migrants of basic labour rights? The chapters offer varying answers to these questions. The authors in this book all highlight the weakness of the state's ability to regulate the recruitment industry, which then leaves most migrant workers hostage to exploitation by recruitment agencies and employers (Akhil and Ganga; Babar; Percot). According to most chapters, emigration clearance policies are no guarantee of protection for the migrants (Ennis and Blarel; Devkota; Percot; Walton–Roberts et al). Given the cumbersome regulations in formal recruitment processes, many migrants opt for irregular channels through which to obtain jobs in the Gulf through their own informal (professional, family, local) networks (Babar; Percot; Ennis and Blarel). Many of these migrants have decided to exercise agency by using irregular channels to migrate, thereby opting out of the official governing space and becoming undocumented in their home country's migration governance systems (Wadhawan). Differences between sending countries' policies in how active the state is in facilitating outward migration, and variation in receiving countries' policies all add confusion to the process. Prospective migrants must not only navigate their local regulations concerning their emigration, but also interpret differences between sending country regulation that, from afar, may seem similar.

In reaction to these problems, the chapters discuss several initiatives that have been announced by South Asian states to address various governance gaps and regulate emigration to the Gulf. For example, Devkota examines the provisions present in Nepal's 2015 constitution, which, for the first time, recognized foreign employment as 'State Policies'. This was intended to guarantee the regulation and management of the sector in order to make foreign employment safe and free from exploitation, and to guarantee employment and rights of labour migrants (Devkota). In Pakistan, the Migrant Resource Center was established to provide information on the migration process, recruitment channels, and potential challenges faced in host countries, as well as on laws and regulations on labour protection both in Pakistan and in host states (Babar). In India, as well, the e-Governance system launched in 2015 offered an online registration portal to better monitor the recruitment process between workers falling under the Emigration Check Required (ECR) category, recruitment agents, and foreign employers in the Gulf (Ennis and Blarel; Walton–Roberts et al).

Crucially, the chapters point out negative consequences linked to these policy changes. Evidence suggests that increased controls in formal migration channels have in fact encouraged migrants to bypass the formal system to travel to the Gulf and find employment (Walton–Roberts et al). According to the chapters, these new initiatives towards the increased control and monitoring of migration have neither provided additional or effective

protection for migrants, nor seem to address the structural conditions that have led labour migrants to travel to the Gulf economies in the first place. In limiting the ease of migration, sending states like India have in fact pushed migrants to pursue irregular channels, which increases their vulnerability to bad contracts, poor working conditions, and weaker access to legal support. In effect, by clearly demarcating the space of regular migration channels through official registration systems, sending states also restrict, to some degree, their own responsibilities, and potential migrants are made individually accountable and responsible of ensuring their own safety by following the stipulating guidelines or opting out of the governance space (Percot; Walton-Roberts et al).

Another crucial outcome of these governance gaps, and the complexity of contested sovereignties over the regulation of migration, is the proliferation of diverse actors aiming to respond to such governance oversights and migration outcomes. International organizations and global governance processes seek the creation of alternative frameworks to govern migration. Non-state actors and transnational activist communities network across national spaces with migrants, their families, with human rights organizations, with social clubs, political parties, and policy players in sending and receiving states. They do this not only to advocate on behalf of migrants but also to intervene in the direst of cases – to rescue or secure legal counsel for migrants in distress (Devkota). Likewise, subnational political entities craft their own regulatory frameworks and governance mechanisms to support outward migration from their geography. Examples discussed include the states of Kerala and Andhra Pradesh in India (Akhil and Ganga).

Another set of questions raised in this book pertain to the conventional wisdom over the structural conditions leading migrant workers to enter into irregular migration. The association of irregular status with illegality poses a major obstacle to ensuring and protecting the rights of migrant workers, and leads both sending and receiving states to shirk their traditional governance responsibilities (Percot). Traditionally, irregular immigration has been presented as the result of extreme poverty, the lack of opportunities in sending countries, and the fraudulent acts and false promises of recruitment agents and employers (Devkota). Chapters in this book, however, also suggest that the migration choice process is not as straightforward as this. Alongside structural conditions that encourage outward migration and facilitate forced migration, some of the authors in this volume point out a critical, complex tension between victimhood and agency (Babar; Percot; Wadhawan; Walton-Roberts et al). Sometimes migrants choose an irregular path because they perceive it as a way of improving their welfare – a more empowering option. As a result, rather than simply viewing precarity and irregularity as negative outcomes, scholars can disentangle the choices (sometimes informed) that

lead to irregularity and how these can be experienced as an exercise in agency towards potential empowerment.

Opportunities for empowerment and spaces to exercise agency are also often shaped by the skill class of labour in migration. For instance, some authors emphasize how low-skilled female workers employed as domestic workers are marginalized in policy discussions. Their work, located in private homes, is often invisible and therefore difficult to regulate (Wadhawan). Due to variation in educational qualifications and income (such as the case of investor categories), migration networks for 'high-skilled' workers and 'investors', the recruitment process, and terms of employment are significantly better (Ennis and Blarel). Interestingly, semi-skilled and skilled labour that is 'gendered' has been the focus of monitoring, as seen with nurse migration being placed under the purview of the Emigration Check Required (ECR) process. Previously the ECR system had been a 'means to discriminate based on education', which had typically only been 'applied to low skilled migration flows to Gulf nations' (Walton–Roberts et al). Its expansion to include nurses has further fed the impression that female migrants were 'lacking in agency and not in control of their own actions and experiences' (Walton–Roberts et al).

Finally, all chapters note that knowledge gaps exist in the available data. Often the information is spread across disparate data sources and institutions, and there is a variance in the ways the data is collected, categorized, and disaggregated in both sending and receiving states. Many authors encountered data that did not match, was not reported, or was contested by various parties. Indeed, the politicization and fragmentation of available data hinders thorough analysis. To counter this challenge, many of the contributors in this book derive primary data through their own survey and field work (Akhil and Ganga; Babar; Ennis and Blarel; Hamadah; Percot; Wadhawan), or consult secondary statistics provided by multiple national and international, official and non-governmental sources (Devkota; Wadhawan). Informal and irregular migration often escapes accounting altogether. For example, Devkota observes that the data regarding the number of irregular migrant workers often varies depending on whether you consult the estimates from national institutions in the sending state or the figures collected by embassies in the receiving states. Recent surveys of migrants in the Gulf have also suggested that available Indian data on the magnitude of ECR migration to countries since the initiation of the e-Migrate system in 2015 may not correspond with the actual number of Indian migrants there (Walton–Roberts et al). Moreover, not all GCC countries provide population breakdowns by country of origin. On top of this, data on the type of work is often inaccurate as employers may receive a visa clearance for one occupation but actually need an employee in a different job altogether. Restrictions on visa clearances

and migration bans in certain categories of work encourage employers to misrepresent the nature of the work needed.

Wadhawan's chapter also laments the availability of disaggregated data according to sex, class, caste, religion, or source location in the public domain. This is not a trivial issue as efforts to disaggregate data on labour migration by gender and occupation, for instance in Sri Lanka, have shed considerable light on the magnitude of women's migration for work. Wadhawan argues that a better picture of the composition and distribution of emigrant workers might underline the significant contribution to remittances of female migrant domestic workers, which is currently neglected in the national official data and policies of most South Asian countries. In fact, the paucity of data on these critical labour flows draws attention to the need for more systematic information collection on migrant workers to generate evidence-led policy debates and suggestions over better migration governance in both sending and receiving states (Walton-Roberts et al).

Taken together, the chapters of this volume provide scholars of migration governance with critical insights into the complex space that continuously evolves in reaction to the demands of labour migration in this region and in others (Carmel et al 2021; Panizzon et al 2015; Schierup et al 2015). They also address a series of questions that analyse not only the dynamics of migration governance, but also the interactions that occur within and between different actors and stakeholders of this migration complex. The volume, through examining an underexplored labour migration corridor, challenges prevailing notions of the migration governance literature that had, until recently, concentrated on South–North migration and on state-centric structures. Morgana, in Chapter 10, notably concludes the book by highlighting which lessons from the chapters can contribute to a more inclusive approach to, and understanding of, the global governance of migration. Many of the governance challenges highlighted in this book, such as the vulnerabilities produced by inadequate migration governance mechanisms in both sending and receiving states; the complexity of contested sovereignties; and the resulting proliferation of diverse actors, including private and informal actors aiming to respond to existing governance oversights, are shared by other migration corridors. That South–South migration now exceeds South–North migration makes studies like this volume an even more urgent contribution to the migration governance literature, as it both problematizes these divides and raises questions about why this corridor continues to be left out of comparative global migration governance analysis. Here we disentangle the migration governance complex in the South Asia to Gulf corridor as a critical step to shed more light on how migration corridors take shape across the globe, and how multifaceted pressures and actors become involved in its governance.

Table 1.1: Multi-level migration governance of the South-to–West Asian corridor

Level of analysis	Actor(s)	Motivations/ preferences	Policy impact for migrants	Degree of institutionalization
Global, multilateral	• ILO • IOM • UNHCR (United Nations High Commissioner for Refugees)	• Effective governance • Migrants' welfare	• Information • Recommendations • Non-binding • Programmes to help migrants	• Semi-formal
Transregional (RCPs)	• Colombo Process • Abu Dhabi Dialogue	• Regulation	• Information • Recommendations • Non-binding	• Informal • Collective action (CA) problems • But regular meetings
Regional	• SAARC Technical Committee on Labour Migration and SAARC Ministerial Forum for Labour Migration • GCC	• Regulation • Migrants' welfare	• Information • Recommendations	• Formal • CA problems
Bilateral	• MoUs • Treaties • Joint statements	• Economic incentives (trade, investments) • Welfare of citizens • Security	• Depends on willingness of actors and power symmetry • Legal and signaling power • More or less binding	• Formal

Table 1.1: Multi-level migration governance of the South-to-West Asian corridor (continued)

Level of analysis	Actor(s)	Motivations/ preferences	Policy impact for migrants	Degree of institutionalization
National	• National governments • National institutions/ bureaucracies	• Economic incentives (internal development) • Welfare of citizens • Security • Political and electoral incentives (local and coalitional politics)	• Creation of institutions to regulate migration • Creation of institutions to support citizens abroad or temporary migrants • Binding	• Formal
Transnational	• Transnational advocacy networks (labour unions, kinship, culture)	• Migrants rights (labour, political, human) • Input in governance architecture	• Provides visibility for grievances • Information • Lobbying • Recommendations • Programme to help migrants	• Both informal and formal

Notes

[1] Scholarship on migration governance mirrors the extraordinary attention focused on the immigration and refugee policies of the EU and OECD. Less well explored is how this unfolds in other global contexts. There are some notable exceptions, such as Geddes et al (2019) and the special *Third World Quarterly* issue edited by Riemsdijk et al (2021). The South Asia–Gulf migration corridor is especially neglected, despite the fact that intra-Asian migration flows between South Asia and the Gulf are centuries old (Amrith 2011; Kumar 2021; Sheriff and Ho 2014; Tinker 1974; Wright 2021). This is even more surprising given the high level of migration across those regions mentioned above (Baldwin-Edwards 2011; ILO 2015a, 2015b). In many GCC countries, migrants form a demographic majority (Modarres 2010).

[2] Here we agree with and build on Lavenex and Piper's suggestion to look at the interaction between perspectives 'from above' and 'from below' (2019).

[3] The dynamics of Gulf migration management and of the kafala system inform debates over how actors beyond the state are shaping migration governance. See, for example, Malit Jr. and Tsourapas (2021).

[4] See Panizzon et al (2015) for another example of the benefits of multi-disciplinary lenses on global migration research.

[5] To date, only one edited volume takes the international political economy of Gulf migration and citizen/migrant relations in the labour market seriously – *Transit States*, edited by Khalaf et al (2015).

[6] Oomen (2016) refers to this shift as the 'Asianisation' of migrant workers in the GCC, but traces its cause more to economic than political demands.

[7] The most vocal and active sending state is arguably the Philippines, but its location in South East Asia kept it out of this volume.

[8] The GCC, notably, was unable to agree on a common GCC framework for domestic worker regulation (HRW 2014).

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