



## HMI World Congress Human Movements and Immigration

### Track: Regulation and Management

#### Dialogue: Is it possible to manage migration?

#### Title:

**Time for Change: The Role of Institutional Capacity Building in Managing Migration**

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#### Key issues (300 words)

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1. For as long as there exists powerful push factors in sending countries or pull factors in receiving countries, people will migrate. This behavior challenges States to develop a comprehensive set of norms and standards to make the management of an Overseas Employment Programme (OEP) more orderly and productive while maintaining a balance in the interests of all parties involved.

2. Globalization, which was intended to speed the process of economic integration among countries, has not led to the freer flow of workers which is the most abundant factor of production of many labour-sending countries.

International organizations have recognized that their prescriptions for economic progress can not be based solely on the classical economic and financial determinants for establishing sound rules of a market economy. They have realized that treaties, conventions, laws and regulations are only as good as the administrative machineries' capacity to implement them.

International capacity building (ICB) provides an approach that is a practical compromise in favor of the imperfect but achievable second-best over the paralysis by analysis that has befallen the OEP. ICB can provide the practical assistance that OEP institutions require, rather than the rhetoric of intentions that many studies and manuals provide.

3. ICB allows countries to shift from a rule by authority vested in politicians to a rule by impersonal institutions, with rules that replace favoritism with merit and personal preferences that are supplanted by impersonal codes. ICB has a direct correlation to the success or failure of policies and programmes of any given institution. It is, after all, in the day-to-day activities and decisions of bureaucrats that the citizenry perceive the success or failure of policies and programs.



What is certain in the effort to introduce change is that the techniques and approaches must prove their potency against the intricate formula for development. The OEP is essentially a multidimensional phenomenon that defies a unisectoral approach.

## Content (1200 words)

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Migration for employment is a centuries-old phenomenon. For as long as there exists powerful push factors in sending countries or pull factors in receiving countries, people will migrate. Even if labour-sending countries were to make notable progress towards their development, international labour migration will continue unabated as long as the economic disparity among countries continues to widen. The danger of massive irregular and illegal migration will continue because growth results in gaps at the bottom rungs of the labour market. This behavior challenges States to develop a comprehensive set of norms and standards to make the management of an Overseas Employment Programme (OEP) more orderly and productive while maintaining a balance in the interests of all parties involved.

Globalization and international protection. Globalization, which was intended to speed the process of economic integration among countries has not led to the freer flow of workers which is the most abundant factor of production of many labour-sending countries. In fact, while the flow of the trade and investment aspects of globalization were directed towards the minimal amount of control possible, international labour migration has provoked greater intervention towards blocking and tightening controls of the flow of Overseas Contract Workers (OCW's).

While the General Agreement on Trade and Services (GATS) accords "service providers" recognition due to their being considered as "a prominent factor in trade and its growth," the definition provided by GATS of who constitutes "service providers" is embroiled in controversy as it currently limits coverage only to professionals and highly skilled workers.

The dialectic between national sovereignty and international obligations of states underlies the fundamental dynamic of the global restructuring process that produces contrasting tendencies towards greater universalization at the expense of local concerns. Universalization severely restricts the manner in which such principles may be operationalized; the operational reality still remains as the domination of the interplay of power and money. In other words, the big powers and rich nations still tend to lay down the laws and rules of the game.

Countries conform to certain international rules and conventions not because they abide by the principles attached to these rules and conventions but because it is within their interests to do so. They accept universal principles of rights and justice as formal norms but not as substantive ones.

The role of international organizations. In the mid-90's, international organizations such as the IMF, WB and the ADB realized that their prescriptions for economic progress could not be based solely on establishing sound economic and financial rules of a market economy; that certain



political factors such as good governance, a predictable legal system and the capacity of government institutions to formulate and implement policies effectively must augment economic policies to bring about the desired development goals. They realized that treaties, conventions, laws and regulations were only as good as the administrative machineries' capacity to implement them.

Institutional capacity building as a framework. Most previous studies and seminars on the OEP merely accept the role of international labour migration institutions as a given and presume that the organizational mission and objectives are regularly and routinely being accomplished.

Institutional Capacity Building (ICB) assisted the Philippines in identifying the obstacles to change and helped it to create a strategy that led to the development of a feasible alternative to the status quo. This was done long before it was recommended by the international agencies cited above as a necessary component to achieve national development goals.

ICB provided an approach that is a practical compromise in favor of the imperfect but achievable second-best over the paralysis by analysis that has befallen the OEP. It showed that local ingenuity can overcome the deadening effects that the dialectics between national sovereignty and international obligations often result in due to the weakness or absence of international laws and conventions.

ICB responds to two basic realities in many developing countries: 1) that governments do not recruit only public service-minded individuals who will put public service ahead of families and friends; and 2) that scarce resources result in services that are far from ideal in terms of their quality and quantity leading to further administrative problems.

The standardization of procedures, particularly in offices that deal heavily with the general public, is a strong deterrent for the exercise of the discretionary powers and arbitrariness in decision-making of authorities that have been shown to be major factors in the commission of graft and corruption.

ICB enabled the Philippines to structure human efforts and direct patterns of behavior towards the realization of organizational goals. It proceeded by installing well-defined and constructed systems and procedures that forced the modification of human efforts towards the desired effects.

ICB has a direct correlation to the success or failure of policies and programmes of any given institution. It is, after all, in the day-to-day activities and decisions of bureaucrats that the citizenry perceive the success or failure of policies and programs.

Translating theory into actionable terms. The output of most research-based findings that trickled down from the "knowledge factories" to the points of application and implementation – the OEP institutions of both labour-sending and receiving countries – lack the methods to translate these theories and findings into operational terms.



OEP institutions need more practical assistance than the rhetoric of intentions that many studies and manuals provide. Truisms do not constitute programs and their particularization into operational terms is currently beyond the ability of many of the developing countries to undertake.

In fact, what these countries need is assistance in transforming the knowledge derived from studies and manuals into practical ways and means for the benefit of their international labour migration institutions, and for throughput processes such as ICB to transform these into reality. There is a need for a shift towards pragmatic methods at the grass roots level to identify practical solutions to problems confounding the OEP.

The absence of follow-up processes is one of the more serious defects of many technical assistance projects. In many instances, recommendations from consultants are often consigned to oblivion after their departure. It could be that despite technically sound recommendations, these may be unrealistic in the sense that they may not be politically feasible or they may be regarded as too bitter a medicine for the government to accept. More often, however, recommendations are neglected because no systematic mechanism exists for processing, evaluating and incorporating them into the existing national decision-making process.

Conclusion. The very nature of the OEP is that it is a demand-determined market and is therefore inherently biased in favor of labour-receiving countries that dictate the terms and conditions of employment.

It is also important to remember that the laws of the labour-receiving countries in almost all instances prevail at the worksite and are the final determinants for the thrust and direction of their policies and procedures despite the global restructuring in the economic and political spheres.

Further, even if migration institutions are vested with the authority to manage their OEP, they can only successfully do so with the cooperation and coordination of an array of other national government agencies. This coordination does not come automatically but must be nourished and nurtured all throughout the process.

What is certain in the effort to manage migration is that the techniques and approaches must prove their potency against the intricate formula for development. The OEP is essentially a multidimensional phenomenon that defies a unisectoral approach.