Policy Brief
Migration Governance in Nepal

Based on One Year of Real-Time Governance Monitoring

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Governance Monitoring Centre Nepal
Centre for Social Change

Key Takeaways

- GMC Nepal's effort of monitoring migration governance throughout 2021 has resulted in the identification of key policy gaps and implementation issues. These findings, along with corresponding policy recommendations are outlined below.

- Above all else, the largest concern within migration governance is the inefficient and ineffective implementation, application, and monitoring of currently governing laws and policies. Disruptions caused by the Covid-19

- pandemic have further highlighted the need for effective migration policy enforcement.

- The ongoing pandemic has exposed the lack of an effective crisis-management and emergency preparedness mechanism within migration governance in Nepal. There is an urgent need to rethink matters such as evacuation, food security, emergency task delegation, etc.

- Other pressing concerns include effective communication across stakeholders, climate change resilience, and policy localization.

Introduction

Governance Monitoring Centre Nepal (GMC Nepal) is a research initiative launched by Kathmandu-based non-profit making social think-tank *Centre for Social Change* and funding partner *The Asia Foundation*.

GMC Nepal was created with the aim of building an enabling environment to foster state-society relationships in young federal Nepal through the transparent, fluid, and accessible transfer of accurate and up-to- date information between all

stakeholders. It works to boost this engagement by shedding light on the Government's policies, laws, and execution programs within three key areas of governance – Health, Education, and Migration.

The pages enclosed in this document summarize GMC Nepal's key findings relevant to Migration sectoral governance and their corresponding policy recommendations, thus also establishing the frontier for future research in the space.

Background and Context

Nepal has recorded large surges in volumes of both domestic and international migration over the last few decades. These unprecedented increases have been triggered by several factors – including economic liberalization, rise of affordable travel options, and supportive policies/treaties, especially among migrant workers seeking employment in urban centers within Nepal and Malaysia and

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Gulf-Cooperation Council nations outside the country. Following the promulgation of the 2015 constitution that established a three-tier federal governance framework in Nepal, national and international researchers have begun to look deeper into the problems faced by Nepali migrants to identify potential policy interventions. Disruptions caused by the Covid-19 pandemic have similarly boosted migration governance as a key topic of discourse in the country.

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Methodology

GMC Nepal conducted its first year of governance monitoring throughout 2021 in the health service sector with a mixed method approach using advanced qualitative research as well as quantitative statistical tools. Key methods included:

1. Desk Policy and Legal Review
2. Real-Time Governance Monitoring
3. Real-Time Media Monitoring
4. Data Scraping and Analysis
5. Expert Consultations

Since commencing its research on the Migration sector in October 2020, GMC Nepal has produced over 30 publications reflecting its preliminary results, observations, and thematic findings, including:

- 4 Policy Briefs
- 10 Monthly Thematic Review Reports
- 10 Monthly Media Monitoring Infographics
- 3 Sectoral Findings Infographics
- 15 Opinion Articles on the GMC Blog

All publications can be accessed at GMCNepal.org

Key Findings

The following policy challenges and observed frontiers for future research have been identified by the year-long study of migration governance in Nepal:

1. The central governance challenge being faced by the current administration is the effective implementation and monitoring of existing migrant protection laws. There have been several laws, policies, and provisions created to strengthen the rights of migrants and ensure their protection against various concerns such as predatory recruitment agencies, systemic corruption, unsafe working conditions, etc. However, the enforcement of these policies been ineffective due to geographical difficulties, lack of monitoring mechanisms, and Covid-19 disruptions. While other policy findings present the need for new avenues for migration governance in Nepal, it is equally important for the government to ensure that current laws are upheld.

2. Unlike the case with GMC Nepal's other research areas – Health and Education governance – there is no singular ministry or government body that exclusively oversees concerns surrounding migration governance. Instead, power is shared between various bodies, including the Ministry of Labor, Employment, and Social Security, Department of Foreign Affairs, Department of Home Affairs, etc. Upholding communication and operational mechanisms, balancing different political interests with a federal policy vision, and operating multi-body processes smoothly thus continues to be a pertinent challenge.

3. A lack of emergency and crisis-period preparation is a widely reported governance problem within the migration sector in Nepal. The Covid-19 pandemic triggered a global crisis of migration management, which manifested with a notable lack of cohesion and cooperation among different stakeholders in Nepal to ensure the protection of Nepali migrants. Experts have stated that the pandemic should be considered a wake-up call for the creation of strong, streamlined, and clear emergency period policies.

4. Climate Change resilience is a growing migration concern. There has been an increase in volumes of displacement triggered by the effects of anthropogenic climate change, which include extreme weather events such as floods and landslides, soil aridity, and unreliable harvest due to irregular rainfalls. Given Nepal's high environmental vulnerabilities, these issues are likely to take centerstage in the coming decades. Furthermore, economic shocks caused by climate change impacts have increasingly pushed citizens to migrate both internally and externally for employment.

5. There is a strong need for locally initiated migration development plans to be created by provincial and local stakeholders within the federal framework across Nepal. Due to increases in domestic and international migration flows, localized concerns such as municipal territorial management, registration processes, service delivery (schools, hospitals, election logistics, etc) have become increasingly unregulated. Thus, recordkeeping practices have become undermined, migration volume data rely on estimations, and service delivery concerns have surfaced.

Policy Recommendations

1. The government should mechanize and ensure proper implementation of its existing policies and laws.

2. Due to the lack of a single migration-governance based body, policies and targets should be particularly mindful to ensure streamlined communication, responsibilities delegation, and smooth operation between different stakeholders.

3. The government should invest in crisis preparedness plans for migrants, addressing needs such as emergency evacuation plans, increase in emergency food and water security, capacity development of embassies, etc.

4. Migration governance stakeholders and experts should be involved in environmental policymaking.

5. The federal framework should be utilized to activate provincial and local stakeholders for localized migration management development plans.