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Cross-border governance in Asia

Trends and Innovations in Governance Series

This book forms part of a series on trends and innovations in governance in Asia; the 2010 launch of which coincided with the fiftieth anniversary of the East-West Center.

The Trends and Innovations in Governance series is the result of collaboration between the East-West Center's Asia-Pacific Governance and Democracy Initiative (AGDI) and the United Nations University Institute for Sustainability and Peace. Contributors to the books include leading scholars from around the world specializing in governance, political science and the Asia-Pacific region.

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Cross-border governance in Asia: Regional issues and mechanisms

Edited by G. Shabbir Cheema, Christopher A. McNally
and Vesselin Popovski



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Endorsements

“Despite many predictions to the contrary, the countries of Asia are becoming ever more cooperative as their interdependence increases. Contributors to this timely volume provide in-depth analyses of the formal and informal mechanisms of Asian governance that are now dealing with a diversity of cross-border problems—migration, infectious disease, water management, trade and human trafficking. The book will be a welcome and insightful read for anyone interested in how globalization is actually playing out across Asia.”

T.J. Pempel, *Professor in the Department of Political Science, University of California, Berkeley*

“I believe that this edited book is a timely contribution to the discussion on globalization within the Asia and Pacific Region. Its focus on the cross-border challenges of migration, disease, trade, water, and human trafficking provides a comprehensive argument for governments, civil societies, and even the private sector to contribute solving a crop of new cross-border challenges. What makes this volume compelling is its link to the structures of governance through which these players can play a useful role.”

James H. Spencer, *Associate Professor, Urban Planning/Political Science, University of Hawai'i at Manoa, and Adjunct Fellow, Environment Program, East-West Center*

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Preface

Asia and the Pacific's burgeoning population and economic growth present a unique backdrop for the challenges of the new globalized era. Interdependence in the region, born of rapid globalization, is manifest in increased flows between countries of goods, services, capital, ideas, information and people. As such, the traditional paradigm of "national" problems and challenges that do not transcend political boundaries is outdated. Essential to this shift is the issue of externalities, where costs and benefits may be assumed by countries and people who in any given situation have little or no control over the decisions which resulted in them. Driven by these new realities, the international community has been forced to reassess development, cross-border governance issues and other issues of shared concern.

Cross-border issues are those which cannot be resolved successfully by isolated policy action at the national or sub-national levels. In order to address the cross-border issues faced by countries within the Asia-Pacific region, it is essential to forge strategic alliances at the regional level which support the development of consolidated approaches through regional platforms for dialogue. Examples of cross-border issues include the movement of people (migration and refugees), epidemic and infectious disease surveillance and response, water management and human trafficking. The migration of people is a critical issue as it is apparent that poor governance is diluting the potential for migration to deliver development dividends in origin areas. Epidemic and infectious disease control is emblematic of the new shift in orientation and has undergone a paradigm

shift which has seen resources and collaborative efforts move from “control at the border” to “control at the source”, from specific diseases to all threats, and from preset measures to adapted responses. This reflects the recognition of the increased mobility of disease since the 1980s. Water-related issues in Asia are diverse and range from economic matters to environmental concerns, from multi-stakeholder decision-making and negotiation processes to debates on national sovereignty. Finally, the Asia-Pacific region is seen as the most vulnerable region for trafficking because of its huge population pyramid, growing urbanization and extensive poverty.

This volume represents a concerted effort to identify existing gaps in the analysis and study of cross-border governance issues. The quality of governance has now been recognized as a key factor in promoting economic and social development. Therefore, the purpose of this volume is to contribute knowledge on how collaboration among relevant stakeholders can be enhanced in a balanced, equitable and sustainable manner.

The United Nations Development Programme (UNDP) provided core funding and substantive support for the study through its Cross-Border Governance (CBGov) project which was designed to respond to emerging challenges in cross-border governance within the region, taking into account discussions on United Nations reform and aligned to UNDP's overall Strategic Plan (2008–2011) and the Regional Programme Document (2008–2011). Dr Hafiz Pasha, former Assistant Administrator and Regional Bureau Director for Asia and the Pacific, provided guidance and support during the programme design stage. We are grateful to Nicholas Rosellini, Deputy Assistant Administrator and Deputy Regional Director of the UNDP Regional Centre in Bangkok, and Pauline Tamesis, Governance Practice Leader, for funding the initiation phase of the project and for hosting the Regional Stakeholders Consultation on Cross-Border Governance in Asia and the Pacific.

The chapters included in this book were refined through feedback from the consultation. Participants in the consultation included those from government, civil society organizations and UN agencies. It sought to identify issues, particularly on regional governance mechanisms to address cross-border governance, and examined how cooperation can be enhanced. UN agencies and projects directly involved in making presentations in the meeting were the World Health Organization (WHO), the International Labour Organization (ILO), the International Organization for Migration (IOM), the Office of the High Commissioner for Human Rights (OHCHR), the UN High Commissioner for Refugees (UNHCR) and the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Region.

We are also grateful to William Ascher, Director, and Jay Heffron, Associate Director of the Pacific Basin Research Center of Soka University of America, for their continued support. Additional thanks are due to Cameron Lowry for assisting in the editing of the manuscript and undertaking research into regional trends and issues; and Lillian Shimoda for providing secretarial assistance.

We hope that this publication will promote dialogue, policy discussions and innovative programmes dealing with cross-border governance issues in Asia.

The views expressed in the book are those of the authors and do not necessarily reflect the views of the UNDP, United Nations University or the East-West Center.

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1

Cross-border governance in Asia: An introduction

G. Shabbir Cheema

Countries in Asia and the Pacific, the fastest growing region in the world, have become more interdependent as a result of globalization. Information, ideas, culture, people, resources, capital and crime all move across borders in larger numbers than ever before. As such, problems and challenges that face one nation often have a rippling impact throughout the region. Essential to this understanding is the issue of externalities, where costs and benefits may be assumed by countries and people who in any given situation have little or no control over the decisions which resulted in them. As a result, the international community has gained an improved understanding of the urgency and importance of addressing the challenges of development, cross-border issues, as well as other issues of shared concern.

Cross-border issues are those which cannot be resolved successfully by isolated policy action at the national or sub-national levels. The list is long and growing. The management of common issues such as water, trafficking of women and children, trade integration, infectious diseases and forced child labour are serious cross-border issues that require regional responses. Other issues include illegal migration, market access for less developed countries (LDCs), regional investment funds, as well as aid and debt relief for the poorest and most disadvantaged countries to address imbalances within the region.

Rapid climate change is expected to create a range of adverse impacts in Asia and the Pacific. Many natural ecosystems throughout the Asia-Pacific are vulnerable to climate change and some will be irreversibly damaged. It is reasonable to conclude that climate change poses a new

and significant threat to achieving both poverty reduction and economic growth in many developing countries. Solutions to the issues of climate change require intergovernmental cooperation. With this in view, the United Nations Framework Convention on Climate Change (UNFCCC) sets an overall framework for intergovernmental efforts to tackle the challenges posed by climate change. It recognizes that the climate system is a shared resource whose stability can be affected by industrial processes and emissions of carbon dioxide and other greenhouse gases.

Each of these requires significant cross-border coordination between national governments, as well as good systems in place to enable consultation with other stakeholders and collaboration between national and local governments. In turn, this cross-border coordination requires that governmental agencies and departments be aware of the existing procedures that may already be in place, and willing to undertake new efforts to improve the process. When these procedures are not clearly defined or available, issues may “fall through the cracks” and receive insufficient follow-up and resolution. Moreover, in order to address the cross-border issues faced by countries within the Asia and Pacific region, it is essential to forge strategic alliances at the regional level which support the development of consolidated approaches through regional platforms for dialogue on issues such as trade in services and energy; management of trans-boundary energy and water resources; labour mobility and management of development assistance flows.

This book discusses regional governance mechanisms and institutional arrangements to respond to emerging cross-border issues and trends in Asia and the Pacific – the movement of people including refugees and migrants, regional trade integration for human development, effective and efficient water management, human trafficking, and health, focusing on infectious disease surveillance and response in Asia and the Pacific. It examines the effectiveness of regional governance mechanisms and institutional arrangements to respond to these issues through four governance angles:

- Description of institutional arrangements at national and regional levels;
- Review of government policies and policy-making processes about the above issues;
- Assessment of legal framework and equity considerations; and
- Discussion of the roles of civil society and media in promoting greater awareness of the significance of these issues.

In addition to government structures and processes dealing with cross-border issues, the book also discusses the role of civil society. Along with the state, civil society is instrumental in promoting cross-border governance. As an agent of change, civil society can actively engage in policy

analysis and advocacy related to cross-border issues, monitor state performance including the actions and behaviour of local public officials, and increase awareness of the cross-border issues such as human trafficking and cross-boundary water management. Civil society can also mobilize particular constituencies such as vulnerable and marginalized groups and minorities to participate more fully in politics and public policy. Another important role of civil society is to undertake local developmental activities and understand how they are affected by cross-border issues. In order to understand the strengths and weaknesses of civil society, however, there needs to be an analysis of their context-specific history and pattern of growth, legal framework under which they are established, their capacity to deliver on their mission, and their upward and downward accountability. The experience in Asia suggests that, in order to ensure that they remain effective advocates of the public good, civil society organizations (CSOs) must improve their capacity and their linkages with other organizations, address issues related to their legitimacy, and strengthen horizontal and vertical accountability through various measures, without detracting from their organizational flexibility.

The United Nations definition of civil society is used for the purpose of this book to include “all groups outside government such as community groups, non-governmental organizations, labour unions, Indigenous Peoples’ organizations, charitable organizations, faith-based organizations, professional associations and foundations” (http://www.fao.org/tc/NGO/index_en.asp).

An important part of governance dimensions of cross-border issues is the interplay between different governance levels. Effective regional-level responses to cross-border issues require not only regional plans of action but also capacities and resources at national and local levels. Co-operation and adequate capacities at national and local levels are needed to effectively respond to such cross-border issues as water management, human trafficking and migration. Though focused on cross-border institutional arrangements, the book also discusses capacities at the national and local levels to ensure implementation.

This book examines four questions:

1. What are key issues in Asia concerning migration (including refugees), cross-border health cooperation focusing on infectious disease surveillance and response, cross-boundary water management, regional trade integration for human development, and human trafficking?
2. What are the regional governance mechanisms to cope with these issues?
3. How effective are the regional mechanisms and national institutional capacities in responding to these issues including the role of civil society and the media?

4. What factors contribute to the success or failure of the mechanisms for regional cooperation?

Centrality of governance

Over the past two decades, governance has received increasing attention as a key success factor in the achievement of a wide range of items on the UN development agenda. During this time, the United Nations has organized conferences and summits on key issues of global concern, including the environment, human rights, human settlements, social development, status of women, children, and financing for development. One of the most critical issues emerging from each of the above has been the central role of governance systems and institutions in promoting economic development, increasing the access to basic services for the vast majority of the poor, eradicating poverty, enforcing human rights legislation, enhancing the participation of women in the development process and protecting the quality of the environment.

The 2005 World Summit outcome document emphasized the direct, causal relationship between good governance and the eradication of poverty and hunger (UN General Assembly 2005). The centrality of governance capacity-building was also underscored in several different contexts, including economic growth and development, access to services, employment, health, education, gender equality, protection of vulnerable groups, social integration, countries with special needs, resource management, sustainable development, technology, security and the global partnership for development. The World Bank studies suggest that governance matters as a key factor in promoting economic and social development (Dethier 2009).

Both the Millennium Declaration and the Millennium Report of the Secretary-General in 2000 have further highlighted the impact and importance of governance on the outcome of many critical objectives and commitments of the world community. According to the Millennium Declaration, success in meeting the objectives of development and the elimination of poverty “depends, inter alia, on good governance within each country. It also depends on good governance at the international level and on transparency in the financial, monetary and trading systems” (UN General Assembly 2000).

In recent years, support from the United Nations Development Programme (UNDP) to strengthen governance within Asia and the Pacific has materialized in three distinctive phases or generations (UNDP 1997) (see Fig. 1.1). The first generation of governance projects in the region

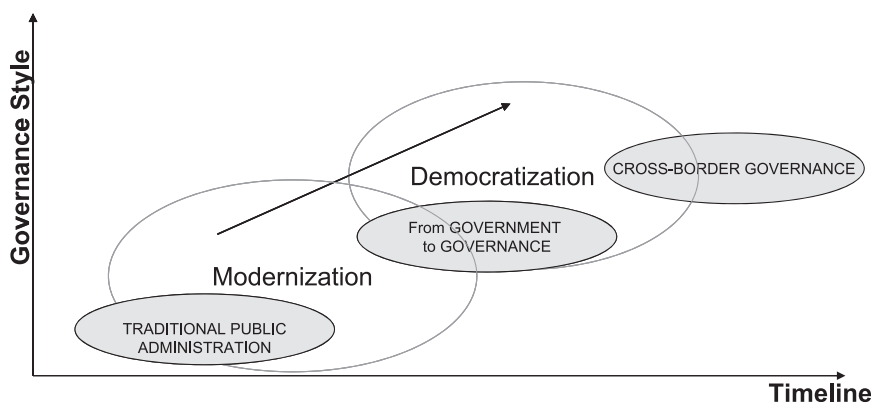


Figure 1.1 Shifts in paradigms of governance.

addressed the need for the improvement of public sector capacity in policy-making, implementation and evaluation at both the systemic and sectoral levels. UNDP played a key role in supporting developing countries to strengthen their public administration capacities for the objective of achieving sustainable development. Coinciding with this period, the “New Public Management” philosophy emphasized the importance of public sector efficiency and a market orientation.

In the second generation of governance projects, a shift occurred from “government to governance”. This shift entailed a recognition of the increasingly overlapping spheres of interest of government, civil society and the private sector, and hence the need to find new methods of encouraging democratic, participatory and transparent governance. Within the UN system, the UNDP was the trend-setter in reconceptualizing governance practices within the context of achieving human development goals. To accomplish this, it prepared and mainstreamed its first policy papers on governance for sustainable human development, and the integration of human rights with human development. Democratic governance was also the theme of one of the human development reports during this stage. Through its country offices, the Regional Bureau for Asia and the Pacific dramatically increased support to programme countries to strengthen parliaments, electoral management bodies and electoral processes; engage CSOs; improve local governance and decentralization processes; promote access to justice; and strengthen accountability and transparency. Moreover, the Bureau was the first to launch the Sub-Regional Resource Facility (SURF), which focused on governance and led to the adoption of the model, with regional variations, to the SURFs in all regions and finally the Regional Support Centres.

The third generation of governance projects within the Asia-Pacific region represents a natural progression in understanding ways to improve governance in line with changing global conditions, and takes into account the lessons learned during the previous generations. Globalization is a dominant force in the twenty-first century. It is shaping a new era of interaction – and interdependence – among nations, economies and people. Integration is taking place not only in economies but also technology and governance. New technologies are developing rapidly. Knowledge-based industries and skills are growing in importance. The world economy is being increasingly integrated through an accelerated pace of trade and investment. Though globalization is not a new phenomenon, the present era is resulting in profound and far-reaching changes in new markets (foreign exchange and capital markets linked globally), new tools (such as Internet links and media networks), new actors (such as the World Trade Organization and networks of global NGOs), and new rules (including multilateral agreements on trade, and intellectual property). In the context of rapid globalization, cross-border governance issues have become increasingly identified as requiring additional attention; the breadth of circumstances in which Member States of the United Nations must now coordinate their actions with others in order to successfully address and resolve issues, which were previously defined as being primarily of a domestic nature, has multiplied.

Figure 1.1 illustrates the shifts in the paradigms of governance described above.

Cross-border issues

The book examines five cross-border issues and the governance mechanisms to cope with each of these.

1. Movement of people: migration and refugees
2. Epidemic and infectious disease surveillance and response
3. Trade integration for human development
4. Water management
5. Combating human trafficking

The rest of this chapter contains a short synopsis of the status of each issue within the region. In chapters 2, 3, 4, 5 and 6, respectively, each of the above cross-border issues will be scrutinized through four specific governance lenses and will include specific and comparative examples of national plans, regional undertakings and inter-regional and transnational activities. The four lenses are (i) institutions; (ii) policies; (iii) laws and equity; (iv) civil society and media (see Fig. 1.2).

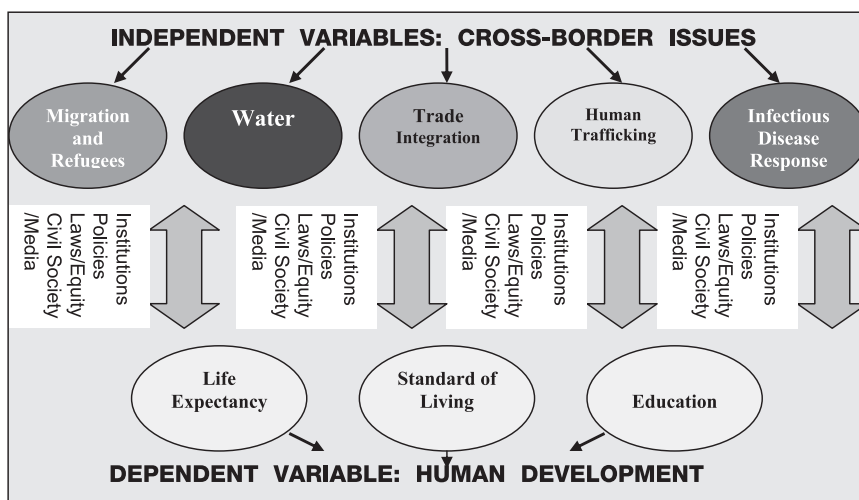


Figure 1.2 Four governance lenses.

Movement of people: Migration and refugees

In the last two decades there has been a substantial increase in the scale, complexity and significance of international migration in Asia and the Pacific as both a cause and consequence of the economic and social change that has swept across the region. While there have been significant increases in international migration these increases have not been as great as those in international flows in capital and trade. There remain a number of constraints to international migration in the region and, among these, governance and institutional issues are especially significant. These constraints assume increased significance in the light of recent discourse on the relationship between migration and development. This has seen a shift away from a concentration on “brain drain” impacts toward the positive effects which migration can have in origin areas provided that the policy context is favourable. It is apparent that poor governance is diluting the potential for migration to deliver development dividends in origin areas. “Poor” governance in this area is partly a function of the fact that, although it has a significant impact on development efforts, it cannot be managed unilaterally.

Increases in migration can place additional stress on existing infrastructures, leading to declines in the quality of public services and access to them by disadvantaged and vulnerable communities. New immigrants can be particularly vulnerable to health problems, due to partial or

negligent legal status, as well as language, economic and other barriers which inhibit them from taking full advantage of any existing social safety nets. In the case of refugees, this vulnerability is heightened, as reintegration can be more difficult due to prolonged exposure to traumatic circumstances, as well as unclear legal status or commitment by host countries, and extended periods spent in encampment (UNHCR 2007).

According to the United Nations Population Fund (UNFPA), international migration has had a significant impact on the social, demographic and economic development of all Asian nations (UNFPA 2004). Over 20 million Asian workers are estimated to be living outside their native countries. Asia has been a primary destination for migrants since the 1960s and today accounts for some 28 per cent of the world's international migrants. A significant share of this flow – 14.6 per cent – are refugees. The continent is also the leading source of family and authorized economic migration to most of the world's immigrant-receiving regions and countries. The nine largest immigrant-exporting countries (Bangladesh, China, India, Indonesia, Myanmar, Pakistan, the Philippines, Sri Lanka and Thailand) together contribute between one-half and two-thirds of all documented immigrants and refugees to the international migration stream.

The Philippines, together with Indonesia, Sri Lanka and Bangladesh, constitute the major source countries for migrants of labour within this region. In terms of receiving countries, the Middle East still constitutes the major destination of Asians, but certain Southeast and East Asian countries, such as Malaysia, Singapore, Korea, Japan and Thailand, have also become significant destination countries.

Migration can be voluntary or forced. Forced migration is that which results from coercion, violence, or compelling political or environmental reasons. The best-known aspect of forced migration is “refugees”: people who flee countries hit by war, violence and chaos, and who are unable or unwilling to return to their home countries because they lack effective protection. In 2005, there were 12.7 million refugees: 8.4 million under the responsibility of the UN High Commissioner for Refugees (UNHCR) and an additional 4.3 million under the charge of the UN Relief and Works Agency for Palestine Refugees (UNRWA). Overall, refugees now make up 7 per cent of all migrants, down from 11 per cent in the early 1990s.

Migration processes in Asia have led to increasing mobility and to the displacement of immigrant labour and the female labour force, which has affected the local economy, type of work and gender relations. Currently, more than half of the Asia-Pacific region's refugees (2.35 million) are the longstanding groups from Afghanistan in Iran, Pakistan and India. In addition to the major refugee movements out of Afghanistan and Indo-

China, there have been smaller, locally significant flows. In Sri Lanka, resumption of fighting between government and Tamil rebel forces has caused massive internal displacement and refugee outflows. Political crisis in Timor-Leste brought the displacement of some 150,000 people in Dili and surrounding districts. Asylum-seekers in the region, such as Rohingyas from Myanmar and Sri Lankans, as well as the precarious circumstances of North Koreans in transit drew increased attention.

Other issues that were of paramount significance in the region's population movements, other than the aforementioned emergence of a vibrant immigration industry composed of a complex group of recruiters, lawyers, travel providers, immigration officials and gatekeepers were: (i) an excessive economic dependence upon the export of labour which has resulted in the multiplication of illegal immigration; (ii) fears that migration threatens social cohesion (independent of other discourses on the dilution of national homogeneity); (iii) the feminization of immigration, giving rise to "transnationally split families" that has long-term negative psychological and social consequences; and (4) remittances of immigrant workers, that are becoming considerable in terms of national balance of payments.

To address some of these issues, "managed migration" regimes have been introduced in some countries within Asia and the Pacific to help capitalize upon the benefits of immigration and lessen its costs. These regimes aim to facilitate cooperation between states to plan the movement of people in humane and orderly ways and within the framework of regional consultative processes. However, the focus within the region has remained primarily on the entry and stay of immigrants, rather than their working conditions.

Many countries within the region have also established standard operation procedures and institutions to protect refugees and their children. As one example, Thailand has created legal aid centres and administration of justice projects to respond to the needs of refugee women and children. Screening mechanisms to identify those in need of special protection have also been put into place in Bangladesh, Malaysia and Nepal.

A rather drastic structural system has been put in place by Australia to discourage illegal immigration from Indonesia: the Australian government changed the status of Christmas Island and Ashmore Reef – two outlying territories closer to Indonesia than to Australia – to prevent illegal entrants from claiming asylum there. Instead, arrivals are shipped to Australian-funded detention centres in Nauru and Papua New Guinea, where the UNHCR is processing their claims. The diversion of illegal immigrants to Pacific islands for processing was expected to build a disincentive against illegal migration into the system.

In recent years, registration of refugees through the Project Profile in Asia has been an immense policy initiative. Registration through community outreach programmes has resulted in better service to refugees. The 1990 UN Convention on the Rights of All Migrants and their Families (ICMR) also offers a rights-based approach to migration policy in order to shield immigrants from abuse. In order to discourage settlement, migrants are often not allowed to enjoy equal rights with native workers. However, the growth of populations of undocumented migrants who are unable to access legal protection has profound social and economic consequences. That is why national governments are enacting various equality and protection legislation.

Legislation to protect refugees and migrants does not take place at the domestic level only. There are various initiatives between the entities of the United Nations and governments of the region to enact national refugee legislation. For instance, many countries in the region have now accepted the validity of the United Nations refugee agency (UNHCR) documents and have started to provide public health services to refugees and asylum-seekers at reduced rates and to release asylum-seekers from detention. In the same vein, a comprehensive study on the legal status of the Bihari, an Urdu-speaking community in Bangladesh, found them entitled to Bangladeshi citizenship. Civil society can be a significant actor in population movements through its contribution to work on increasing awareness. One example is the Asia-Pacific Migration Research Network (APMRN), composed of universities and other research bodies based in Australia, Indonesia, Japan and the People's Republic of China including Hong Kong. Civil society can also constitute an important component in the process of governance of the cross-border issue of population movements. It can do that by advocacy activities for inclusion, providing educational and vocational training capacity as well as assistance programmes in literacy. Some examples are Coordination of Action Research on AIDS and Mobility (CARAMASIA) in Kuala Lumpur and the Migrant Forum in Asia (MFA) in Manila.

Epidemic and infectious disease surveillance and response

Global infectious disease surveillance is “messy” in that there are multiple actors and driving forces. There are global players, global initiatives, regional initiatives and public-private partnerships. Cross-border health governance has undergone a paradigm shift which has seen resources and collaborative efforts move from “control at the border” to “control at the source”, from specific diseases to all threats, and from preset measures to adapted responses. This reflects the recognition of the increased mobility of disease since the 1980s.

The spread of avian influenza and other naturally occurring or human-made biological threats presents a grave security and humanitarian threat regionally and globally. Dramatic increases in the worldwide movement of people, animals and goods; growing population density; and uneven public health systems worldwide are the driving forces behind heightened vulnerability to the spread of both old and new infectious diseases. In addition to traditional threats such as cholera and malaria, since the global spread of the human immunodeficiency virus (HIV) began in the early 1980s, 29 new bacteria or viruses have been identified, many capable of global reach. With more than one million travellers flying across national boundaries every day, it is not an exaggeration to say that a health problem in any part of the world can rapidly become a health threat to many or all. For example, since emerging in 1997, avian influenza – which to date has infected over 400 people and killed half of those infected – could, if it becomes capable of human-to-human transmission, create a global pandemic of unprecedented lethality.

Global economic and political stability could fall victim to a pandemic too. Today, nations must provide for their citizens' health and well-being and protect them from disease. Health provision has become a primary public good and part of the social contract between a people and its government. Accelerating transnational flows, especially pathogens, can stress and could overwhelm a state's capacity to meet this essential function. Weak states could fail economically or politically. Even in the strongest states, leaders must be prepared, in an integrated way, to respond to the full spectrum of biological threats.

Reducing the danger of influenza or other infectious diseases requires a focus on preparedness and monitoring. Rapid identification, information sharing and response are critical to limit the perils of pathogenic threats. Although the peril is great, so too is the promise of building cooperation and a foundation for peace regionally and globally through disease surveillance, detection and response that includes financial and material support for emergency interventions, long-term health improvement programmes and the creation of internationally accepted rules and protocols.

Regional cross-border health issues present both a great challenge and a great opportunity for enhancing inter-state relations and building peace. By understanding better the basis for such cooperation and the mechanisms by which it is achieved, the regional and international community can respond more effectively to a critical transnational security and humanitarian concern. The six countries of the Mekong Basin share thousands of miles of borderlands and waterways, which are crossed by more than a million people a year. Effective disease surveillance and response must also cross borders and requires not just governments, but governance.

While an investigation into regional or global governance should not slight the interests of traditional national actors or the distribution of power in a given policy arena, it should also consider the role of other actors that potentially facilitate cooperation and the role knowledge and norms play in managing a particular problem.

The emerging sub-regional organizations dedicated to cooperative infectious disease surveillance and response suggest that, even in complicated regions and amid ongoing tensions, states working with a variety of non-state actors can cooperate for their common good and help allay a critical transnational threat. As such, regional networks may hold important lessons and insights for scholars and students of international cooperation and transnational problem-solving and for conflict resolution and peace practitioners engaged in “global or regional health diplomacy”.

Trade integration for human development

Despite the global economic crisis, trade in East Asia continues to grow – albeit at a lesser rate than was originally predicted. Bilateral Free Trade Agreements (FTAs) are an important characteristic of this continued growth. Considerable cross-country heterogeneity exists in trade facilitation in East Asia. On a regional level, ASEAN has been active in adopting harmonized standards. There is a complicated regional web of FTAs registered with the World Trade Organization (WTO); 34 exist in East Asia alone, with 30 more currently being developed.

Deeper integration with international markets and trade can boost economic growth and generate jobs. The Asia-Pacific region’s share of international trade more than doubled in the period 1990–2003. During the same period the share of trade in the region’s GDP also grew, from 45 per cent to 81 per cent in East Asia, and from 20 per cent to 34 per cent in South Asia. The region now accounts for 30 per cent of world exports, largely from East Asia (WTO 2004).

Regional integration has intensified in the Asia-Pacific and at the same time the region is home to immense poverty and other economic challenges. Policy analysts suggest that there is something missing in this whole process and it may be the lack of a human face for growth and development. Of major concern to human development, particularly in Asia, is the imbalance in countries’ capacity to negotiate and to benefit from liberalization. FTA agreements often provide more favourable terms to the larger economy, the weaker economy being forced into a “better than nothing” reasoning. The negotiation processes for these agreements remain closed to all other governance institutions, CSOs and the private sector.

Additionally, examination of real situations inside individual countries often reveals large gaps between the actual tariff rates and the rates registered with the WTO. This manipulation of tariffs has had negative effects for free, fair and open trade. Other concerns regarding trade for human development are the many protectionist measures still in place, particularly in the areas of agriculture and food. Countries such as the Philippines, which adopted strategies of rapid liberalization, also saw the rapid collapse of their domestic industry and the rapid decline of agriculture with few export “winners”.

Challenges in trade facilitation are of particular relevance to countries aiming to more effectively use trade to improve domestic human development. Often in an open economy accessibility to the domestic market is not easy because of “burdens”. These may include imposition of standards (health and safety), transport logistics and customs requirements. The potential of regional standards to facilitate trade is being examined.

Labour mobility is an area of serious concern in the Asian region. Largely, progress in international labour mobility has been absent. Currently most progress has been made in areas closely related to foreign direct investment. The flow of unskilled labour remains a highly sensitive and stagnant issue among nations. Other trade issues in Asia severely limiting human development are the inadequacies in the trade agreements being established. Social safety nets for injuries, poor environmental standards and inattention to sustainable development, as well as a lack of trade remedy measures and safeguards are areas of international concern.

Countries in the Asian and the Pacific region have tackled the issues of poverty alleviation and human development in multifarious and innovative ways (UNDP 2006). While trade is profit-driven in nature and can lead to marginalization of the least developed countries and the least skilled economic actors, the new approach on this cross-border issue is to give international trade a human face by changing its premise from mere profit to human development. With the adequate change of structures and institutions, effective policy-making and inclusive governance mechanisms, trade can pursue human development goals such as poverty reduction, equality of opportunities, decent work, access to education and the freedom for everyone to fulfil their potential. The economic growth brought about by international trade can be put to good use toward human development. But how? The following issues and topics can be considered in refashioning economic growth toward human development:

- *Equilibrium between goal prioritizing and a balanced path to economic growth:* Prioritization of either economic growth or human development alone is often counterproductive. It is better, yet more

complicated, to pursue a balanced approach between “profit-first” and “human-development first” approaches.

- *Equilibrium between industrial and service sectors and the agricultural sector:* Many agricultural workers are being displaced and rural–urban inequalities are widening.
- *Conditions for the emergence and functioning of Regional Trade Agreements (RTAs):* Between 1990 and 2005, the number of RTAs increased from 27 to 180. There are different varieties of RTAs and their effectiveness vis-à-vis Bilateral Trade Agreements (BTAs) and Multilateral Trade Agreements (MTAs) is under debate.

For trade to culminate in human development, states need to create the safety nets for the protection of the vulnerable. Innovations in social security, welfare state and education policies to legal protections on unemployment, training and capacity-building programmes are essential. Legal and constitutional bases for all the above policy-making areas and associated strategies are crucial for purposes of transparency, openness and monitoring. To make sure that the benefits of trade are sustainable and equally distributed, vital social actors, particularly civil society and the media, must become an integral part of the drive toward trade for human development. Both civil society and the media can significantly contribute to this process by acting as hubs of research, engaging in the investigation and assessment of the international context and changes in the global production system. States can thus greatly benefit from the contribution of societal organizations in identifying niche areas for investment and competitiveness-building. Civil society and the media can also act as efficient watchdogs on the process and institutionalization of trade links and practices toward human development. With the spread of technology and the informational communication technologies (ICTs), locally grounded non-governmental organizations can project themselves to the global arena to effectively shape and influence the rules and norms of international trade.

Water governance

Water is a key issue in poverty reduction, sustainable development and the achievement of the Millennium Development Goals (MDGs). Water is essential for the production of food, and lack of water is the first cause of death and disease in the world. The Asia-Pacific region faces many water environmental challenges in the new millennium. Examples include the assurance of an adequate and clean water supply, the prevention of urban and basin flooding, search for a sensible sewage strategy, the achievement of sustainable water quality to enhance quality of life, and the protection of aquatic and coastal fisheries. More than 700 million

people in Asia do not have consistent access to safe drinking water, and more than twice that number lack access to sanitation.

The water-related issues in Asia are therefore diverse and range from economic matters to environmental concerns, from multi-stakeholder decision-making and negotiation processes to debates on national sovereignty. Some of the current concerns and issues in the region are:

- *Demand for water is increasing but water resources are degrading:* The increasing rates of urbanization in Asia, which by 2025 will have about 7.9 billion inhabitants, requires more and more and decent quality water for livelihood and industry. Riverbanks are historically the most favourable places for urban settlement because there is easy access to surface water coupled with good-quality groundwater, fertile soils and flat terrain. The use of riverbanks and basins, however, is often subject to bilateral and multilateral agreements.
- *Exchange of human resources between Asia and other regions:* Exchange of information and technical expertise are crucial to intensify knowledge exchange, promote innovative environmental technologies, such as wastewater treatment infrastructure, and new sanitation concepts for sustainable water management.
- *New technology and environmental awareness are crucial:* Since agriculture is the major consumer of water, there is a need for concentrating cost-effective, innovative and new semi-natural irrigation channels and other technologies driven by the public's growing environmental awareness and understanding of adverse effects of concrete-bedded irrigation systems.
- *Integration of coastal areas within river basin management is complex:* This depends on governments' ability to address urban encroachment, pollution of inland, estuarine and coastal waters, overexploitation of marine resources, nature conservation, flooding, erosion and other coastal hazards in the face of political and socioeconomic pressure. River basin management might also include bilateral and multilateral consultation and decision processes when upstream and downstream countries are not the same, as apparent in the conflict between India (downstream) and Bangladesh (upstream) over the sharing of the Ganges waters.

The interdisciplinary nature of water management requires the integration of technical, economic, environmental, social and legal aspects into a coherent analytical framework. As such the structural, policy-based, legal and societal governance mechanisms to deal with water management issues have been diverse in Asia. The institutional framework for the water sector in many Asian countries is inadequate. Usually, separate agencies are responsible for each of the specific sub-sectors, such as water supply, irrigation, flood control, hydropower, etc. There is no agency

entrusted with the task of ensuring coordinated and integrated development and management of water resources. When there is, it is a mere apex body, which does not wield substantial enforcement power.

There is emerging activity on the part of regional organizations and individual political figures in raising public awareness and promoting international and inter-regional networks on issues of water governance. Former Japanese Prime Minister Yoshiro Mori has led the launch of a regional network dedicated to tackling the most pressing water-related challenges facing Asia and the Pacific. The Asian Development Bank has organized various conferences on water security and management in Asia. The ASEM (Asia-Europe Meeting) countries have also started extensive research and networking activities in setting priorities and looking into ways and means of supporting effective water management in the region.

Effective water policies are essential so that good coordination can be ensured among the water sector agencies and non-governmental stakeholders. The Asian Development Bank fosters the establishment of a national water resources council in each Asian country to oversee effective water sector reform at the national level. Several countries in the region already have such a body. In the Asia-Pacific region, Integrated Water and Environmental Management Plans (IWEMPs) have been developed with the aim of ensuring decent water quality through preserving freshwater resources, controlling pollution, treating wastewater, preventing groundwater overdraft and enabling wastewater reuse. These plans involve multi-stakeholder actors, including the local and national governments, professionals and members of the civil society. IWEMPs have been established in China's Hai River Basin and for Tianjin municipality.

Civil society must have an active role in the conservation and management of water. Participation is necessary to ensure that conflicting interests are harmonized and inequities are removed or mitigated. Civil society can be proactive in identifying regional needs and issues, in designing context-specific solutions and establishing mechanisms for monitoring and dispute resolution. In particular, women's participation in these processes can and should be encouraged via discrete programmes that target the education and empowering of women and enable them to participate in community-based decision-making.

In a majority of the cross-border water basins of Asia, the current situation is one of converging crises in both water system quality and performance of governance mechanisms. As crises become more complex and dramatic, and the time between their most severe manifestations becomes shorter, a race-against-time becomes the metaphor for the need to rapidly and substantially improve cross-border governance institutions and tools.

To summarize the current governance outlook: the importance of international cooperation for Asia's many cross-border river basins can only be expected to increase in the coming years. However, a search for generic solutions to the heightening vulnerability of Asia's cross-border river basins is not viable. Each context requires its own mix of strategic interventions, programmes and projects. Promoting a locally centred process of decision-making and action calls for tapping people's knowledge and enthusiasm to participate in river basin management. Higher levels of governance at regional, national and international scales then take on more facilitative roles in conflict resolution and cooperative engagement across borders. Public sector funding and prioritization of water management will also be essential if the impending crises are to be met and ameliorated.

Human trafficking and human rights

The United Nations defines human trafficking as "The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." Estimates place the value of the human trafficking industry at US\$10 billion per annum.

The Asia-Pacific region is seen as the most vulnerable region for trafficking because of its huge population pyramid, growing urbanization and extensive poverty. Trafficking is a violation of human rights. Victims of trafficking suffer from physical and mental abuse and social stigmatization. They become isolated, losing ties with their former lives and families. Trafficking undermines development efforts and raises social and health costs (Emmers, Greener-Barcham and Thomas 2006; Lee 2005; UNESCAP 2004).

Women are particularly vulnerable to human trafficking. Data from 2004 show that of the estimated 600,000 to 800,000 people trafficked across international borders each year, 80 per cent are women and girls. Females who are most vulnerable to being trafficked are those aged 10–35 and who are impoverished, uneducated or from indigenous, ethnic minority, rural or refugee groups. There are, unfortunately, no data on human trafficking in the Asian region since it is particularly difficult to define human trafficking to start with. However, it is known that Japan, South Korea and Hong Kong, with well-developed sex industries, are destinations for women from the Philippines, Thailand, several Commonwealth of Independent States (CIS) nations, Eastern Europe and South

America. Within China, many incidents of women and children being trafficked for forced marriage and adoption, respectively, have been noted.

Despite unprecedented growth in programmes and policies to combat trafficking in persons, the problem is generally believed to be getting worse. Some of the mechanisms to counter human trafficking include awareness-raising, vulnerability reduction and migration controls. Promoting gender equality through the elimination of gender discrimination and gender-based violence will enhance the dignity and human rights of women and girls and prevent their being trafficked. The UN Economic and Social Commission for Asia and the Pacific (UNESCAP) supports regional cooperation to combat trafficking; reduce undocumented migration and forced labour; support capacity-building and economic empowerment of women; and promote adoption and implementation of international legal instruments.

To combat human trafficking, countries within the Asia-Pacific region have focused on the exchange of information, legal coordination, law enforcement, training, institutional capacity-building and extraregional cooperation to combat human trafficking. Some of the more specific structural, policy-based, legal and societal governance mechanisms they have adopted or implemented are described below.

Almost all of the human trafficking routes within Asia run from the less developed to the more developed regions and countries. Globalization has raised the importance of gender-specific cheap labour. Supply and demand factors for labour are at the root of human trafficking; hence, structural reforms that target economic and human development are crucial in treating the root causes of human trafficking.

Structural reforms that aim to mitigate corruption are also effective in combating human trafficking since the latter always includes a host of criminal activities in addition to violating basic human rights. These activities include identity fraud, threats, abuse, bribery and money laundering. More often than not, government officials may be involved in corrupt smuggling and trafficking deals. In some of the wealthier countries within the region, organized crime groups are believed to have initiated the importation of foreign women. These groups often enjoy high acceptance among the population, contribute to community programmes and pay substantial bribes to officials. Therefore, structural as well as legal undertakings against collusion are paramount in fighting human trafficking. In Japan, some yakuza activities have been outlawed by legislation.

Although developmental and anti-corruption structures and mechanisms are essential in combating human trafficking, normative policy structures are a determinant. This refers to the willingness to recognize and to fight against human trafficking. Comparing Laos with Japan provides a

case in point: although Laos is less developed and lacks many resources, it was placed in Tier 2 countries along with one of the richest countries of the world, Japan, in the 2005 *Trafficking in Persons (TiP) Report* published by the US State Department to “name and shame” states into addressing the problem. In the absence of a policy environment structured to counter human trafficking, people can still be exploited in developed countries.

Various structures and institutional bodies dealing with human trafficking have been established at a regional level in the Asia-Pacific region. The ASEAN Directors-General of Immigration Departments and Heads of Consular Divisions of the Ministries of Foreign Affairs (DGICM) is an example. The DGICM meets annually and has adopted the ASEAN Plan of Action on Immigration and Consular Matters. ASEAN Chiefs of Police (ASEANAPOLIS) has also adopted a resolution to enhance the sharing of identities, movements and activities of transnational criminal organizations involved in human trafficking. The Pacific Islands Forum (PIF) is the equivalent Pacific institution established to raise awareness and advance proposals on counteracting human trafficking. Transnational crime units (TCUs) have been established in Fiji, Tonga, Samoa, Vanuatu, Papua New Guinea and the Solomon Islands. The South Asian Association for Regional Cooperation (SAARC) is another sub-regional association against human trafficking and has issued the first regional anti-trafficking treaty in the Asian continent.

Policies that promote more effective regulation of migration and border controls are also important in tackling human trafficking. However, restrictive immigration policies and laws contribute to the development of underground migration channels, as is apparent in the cases of Japan and the Republic of Korea. Regional cooperation in the form of soft policy-making, i.e. based on the sharing of information and intelligence and harmonization of legislation, has been the dominant way to respond to the problem of human trafficking in Asia. The Bali Process, which started with the 2002 Bali Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, gave regional priority to human trafficking and was followed by a Ministerial Conference, again in Bali, in 2003. The Bali Process concluded that there is need to take on an analysis of migration flows to, from and within the Asia-Pacific region through effective international migration data management approaches.

Although not every country in Asia and the Pacific has specific or relevant anti-trafficking legislation, almost half of the ASEAN+3 countries have ratified the 2004 ASEAN Declaration Against Trafficking in Persons Particularly Women and Children, which affirmed the protocols of the UN Convention against Transnational Organized Crime. The lack of

accession to this protocol limits the ability of states to develop interoperable legal systems to combat trafficking. The temporary “entertainment visas” in Japan and South Korea facilitate women from less developed countries to enter and become trapped in sex industries. While Japan has not progressed on this account, the Republic of Korea passed a draft law in March 2004, the Prostitution Victims Prevention Act, which criminalizes the acts of intermediaries in the sex industry.

Civil society is a crucial actor in the fight against human trafficking. International NGOs have been active in organizing conferences to raise awareness and to push for government activism on the issue. NGOs have also been active in conducting research and accumulating data on this scarcely examined and complex issue. The Coalition Against Trafficking in Women (CATW) composed of regional networks and affiliated individuals, as well as the International Organization for Migration (IOM), have been enrolled in ongoing ESCAP Region projects against human trafficking. These and other non-governmental organizations were integral parts of the Bali Process and assisted in creating legislation and building legal and judicial capacity to address trafficking threats. The Coalition to Fight Against Child Exploitation (FACE), End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes, CHILD WISE, Child Workers in Asia, Global Alliance against Trafficking in Women and its National Advocacy Project (NAP), and the Mekong Regional Law Centre are other examples of regional, national and international NGOs working against human trafficking.

About this book

Graeme Hugo (in Chapter 2) identifies key trends in international population, emerging issues relating to migration and development, and migration policies and frameworks in Asia and the Pacific. He also discusses the role of government, civil society and the media in dealing with migration issues. He argues that the scale, spatial patterns and composition of international movements have increased due to such factors as economic transformation, globalization, education and development and that international migration to, out of and within the region will continue to increase. Other factors contributing to international labour migration in the region are labour market segmentation, expansion of the global international migration industry, remittances by migrants and the expansion of social and cultural networks. Recognizing the potential benefits of migration, he suggests the need to design and implement judicious policies within the origin and destination countries to promote a higher level of cooperation among the sending and receiving countries.

William Long (in Chapter 3) describes the challenge and opportunity inherent in the area of infectious disease surveillance and response, and raises some of the theoretical and policy questions. He presents the Mekong Basin Disease Surveillance Network (MBDS) and other cases of emerging sub-regional cooperation in infectious disease control to examine the motives and methods of building cross-border cooperation dealing with this important aspect of global health. He discusses the factors that facilitate effective cooperation within the MBDS Network and the inherent difficulties, the recognition by the members of their “enlightened self-interest” and vulnerability in the regional public good that affects them all, the connection between the organization’s composition and problems it confronts, the evolution of the network over time, and cultural similarities. Other aspects of the network that facilitate its functioning are that it is a “direct action network”, with an emphasis of the network on building trust, consensual decision-making and shared leadership and equity among the members.

Mike Douglass (in Chapter 4) discusses the sources of change and conflict in cross-border riparian systems in Asia, and variations in the contexts of cross-border governance including the Mekong River Basin and the Mekong River Commission, Indus River Basin and Central Asia. He also discusses the current cross-border and regional policies and frameworks. He argues that there are converging crises of both water system quality and the performance of governance mechanisms in the region. He notes that river basin governance continues to be donor-driven, no river basin has implementable legal authority over the region, the politics of upstream/downstream countries tend to determine the existence and effectiveness of relevant cross-boundary projects, and enhancing information sharing and transparency are essential to improving cross-border water relations. He concludes that the increasing engagement of civil society and grassroots participation is leading to more attention being paid to the issues of equity in resource allocation and distribution of externalities, disaster management and poverty alleviation in riparian regions.

Taeho Bark (in Chapter 5) discusses issues and emerging trends in trade promotion in East Asia including trade policy development, regional mechanisms and institutional arrangements, and policy and legal frameworks. He examines trade promotion and regional mechanisms from six perspectives – trade liberalization, trade facilitation, labour mobility, trade adjustment assistance, trade remedy systems and sustainable development. He suggests that future trade negotiations should concentrate on raising the quality of East Asian FTAs. The future interlocking FTAs should be integrated into a larger regional system through such mechanisms as ASEAN+3 or a Korea-China-Japan FTA. He also argues for transparent and regulated labour mobility, regional efforts for

sustainable development including effective countermeasures against climate change, and the need for regional organizations and governments to provide a forum for unbiased exchange of information concerning the costs and benefits of trade liberalization.

Mely Caballero-Anthony (in Chapter 6) discusses the current trends of human trafficking and institutional responses to address problems of human trafficking in Asia. She assesses the effectiveness of regional mechanisms at the state or inter-state level and the roles of non-state actors in addressing human trafficking. She argues that, while the Asian region does not have a dominant regional organization to combat transnational coordination, the region has developed formal and informal legal frameworks to manage trafficking, leading to greater awareness of the problem among the governance actors including civil society, media and governments. She notes that persistent challenges exist including: the lack of systematic data collection complicated by definitional disagreements in the international community; limited project harmonization intra-state, much less inter-state; and trafficking interventions typically have not focused on those who benefit the most from this industry. She also challenges the common misconception that people are mainly trafficked for sexual exploitation rather than for labour. Furthermore, she asserts that the highest-risk group of people being trafficked is not the poorest of the poor, but rather invariably those who have an education and seek opportunities to create a better life for themselves and their families. She concludes that a common vision with a harmonized approach (UN agencies, governments, CSOs, donors) is paramount and that there needs to be a reorientation of the issue as a human rights issue, not just criminal justice.

In the final chapter, Chris McNally picks out key messages and conclusions concerning cross-border issues and the effectiveness of regional governance mechanisms to cope with the issues and factors that contribute to success or failure of regional governance mechanisms. He asserts that nation-states need to move forward with designing and implementing cross-border legal frameworks and regulatory structures while mediating the challenges of reconstituting government bureaucracies and notions of sovereignty. The policy implication is therefore that civic education is crucial, and that political leaders have to muster the political will to reach viable compromises and make commitments to develop cross-border institutional capacities.

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2

Governance and institutional issues in migration in Asia

Graeme Hugo

Introduction

One of the most striking changes in the Asia-Pacific region over the last two decades has been a massive increase in cross-border flows of goods, finance, services and people. This has been both a cause and consequence of the rapid economic growth enjoyed in the region. While there has been a dramatic increase in population movement between countries, it has not been nearly as great as that of capital and goods. While there has been considerable liberalization of regulations regarding flows of capital and goods there remain substantial barriers on international migration. Some would argue that this has been a constraint not only on development in the region but also on spreading the benefits of development more widely and deeply among countries and socioeconomic groups.

There is, however, an increasing awareness in the region of the complex relationship between migration on the one hand and economic and social development on the other. This awareness has been sharpened by the steepening of the demographic and economic gradients between countries, which has seen labour shortage–surplus differences widen. Moreover, while there is an appreciation that “brain drain” losses of human capital caused by emigration of skilled people can impinge negatively on low-income countries, there is increasing evidence that in some countries emigration can and does have positive impacts on origin areas.

In fact, migration has both positive and negative impacts on development. It can both support and undermine attempts to reduce poverty. The

crucial issue is that migration *can* play a positive role in the development of low-income countries and that there is scope for policy intervention which can facilitate or enhance those elements of migration which have positive impacts and reduce or ameliorate those which have negative consequences. The positive impacts of migration on development in Asia and the Pacific has, however, been diluted because of poor governance and a lack of cross-border cooperation.

This chapter begins by identifying key trends in international population movement within the Asia-Pacific region and then discusses some of the important emerging issues relating to migration and development in the region. It then reviews policies and frameworks relating to migration at national and cross-national levels. It also makes some comments on the role of government, civil society and the media in dealing with migration issues. It concludes with a number of recommendations relating to migration and governance.

Any discussion of this kind is beset with a number of difficulties. First, the vast size and cultural, ethnic, political, religious and economic complexity of the Asia-Pacific region makes it difficult to generalize. Second, the exponential increase in significance of international migration in the Asia-Pacific region has not been accompanied by a concomitant increase in the amount and quality of data collection on migration. This is a major constraint on the research effort in migration and needs to be systematically addressed. Measuring migration is especially problematic because of the widespread occurrence of undocumented migration.

Main trends in international migration in Asia and the Pacific

Any close observer of Asia and the Pacific over the last two decades cannot fail to have noticed how international mobility of one kind or another has entered the calculus of choice of a much larger proportion of people when they consider their life chances. Less obvious though is that international movement has become much more diverse both in terms of the forms that it takes and in terms of the people who move. There has been a significant increase in the movement between Asia-Pacific nations but also out of and into the region. Movement is both forced and unforced, documented and undocumented, permanent and non-permanent, work-related and not work-related.

The United Nations (2009) estimates that in 2005, 53.3 million of the 190.6 million people worldwide who live outside the country in which they were born were in Asia. While this is equivalent to only 1.3 per cent of the total Asia-Pacific population, it is a significant understatement of

the impact of international migration in the region. This is partly because the data severely underestimates the movement since it excludes much temporary and undocumented migration, and many countries in the region do not collect information on the stocks or flows of migrants influencing them. Moreover, migrant workers are drawn from, and concentrate in, particular countries and particular areas within those countries so their impact is magnified in particular countries and parts of countries. In addition, these data relate only to *immigrants* and Asia is the largest global supplier of *emigrants* to other regions of the world. The foreign-born make up only a minuscule proportion of the population of most Asian nations. However, the data also indicates that Asia has some of the world's most migrant-influenced countries, with Hong Kong SAR having 42.6 per cent in 2005 (39.3 per cent in 1995) of its population foreign-born and Singapore 42.6 per cent (compared with 28.5 per cent in 1995). Rates of migration are generally low for the largest nations in the region but some have argued that burgeoning internal migration in China, which has seen the number of rural-urban migrants in its cities increase from 21 million in 1990 to 121 million in 2000 (Zhou and Cai 2005), is in some ways akin to international rather than internal migration because of the *hukou* (internal passport) system (Zhu 2004). Nevertheless the predominance of the Asia-Pacific as a *source* of migrants rather than a destination is reflected in the fact that in 2005 only seven Asia-Pacific countries (India, Pakistan, China-Hong Kong SAR, Kazakhstan, Japan, Singapore and Malaysia) were among the 30 top nations according to their stock of immigrants (United Nations 2009: 3).

The last decade has not only seen an increase in the numbers of Asians moving between nations, but the types of mobility have become more complex and the movement has become less selective. The forces which are responsible for this increase in movement are associated with globalization, increased levels of education, growing demographic and economic differentials, proliferation of international media, improved transport systems and the internationalization of business and labour markets. Two elements which are often overlooked have been especially influential. The first is the proliferation of social networks. Most Asian international migrants move to a place where they have social capital in the form of relatives or friends already living there. These networks not only encourage and facilitate mobility but also assist the migrant in adjusting to the situation in the destination. The growing numbers of Asians living outside their country of birth comprise anchors in a rapidly spreading network of connections facilitating migration. The second facilitator is the vast "migration industry" comprising migration agents, recruiters, travel providers, immigration officials and so on who form chains linking Asian communities with overseas destinations and are crucial elements in the migration

system. In the last decade there has been an exponential increase in the movement of Asian workers out of the region, and also between Asian countries, and there has also been an increased movement of people into the Asian region from outside the region.

We will now consider some of the main types of international migration influencing the Asia-Pacific region. At the outset, however, we can make a number of generalizations which apply to all of the nations in the region.

In all countries there has been an increase in individual personal mobility and in rates of internal and international migration, and international migration data varies greatly in quality between countries both in terms of its coverage of all forms of mobility but also in its accuracy. However, in general the quality of the data is poor (Hugo 2006).

International mobility is increasing in complexity in that there are a greater variety of *types* of movement – permanent and temporary, documented and undocumented, high skilled and low skilled, etc. Moreover there are strong linkages between the different types of mobility, and there is an increasing involvement of women in migration such that they are dominant in several important flows.

There is a general increased scale and significance of the migration industry, with increasing number of agents, travel providers, government officials and middlemen of various types which serve to both facilitate and encourage migration. This is coupled with an increasing involvement of government in influencing both immigration and emigration. Undocumented migration has also increased in scale and some estimate it may be as large as that flowing through authorized channels.

Migration to OECD countries

An important element in both permanent and temporary migration occurring out of Asian countries is that it involves movement from low-income Asia-Pacific countries to high-income countries both within the region, and especially outside the region. The region accounted for over a third of documented immigration into OECD¹ countries in 2006 (Table 2.1) and five countries (China, the Philippines, India, Vietnam and Korea) are among those sending the largest number of immigrants into the OECD.

For more than 200 years the United States, Canada, Australia and New Zealand have been receiving substantial numbers of immigrants and are among the few countries in the world to have active immigration programmes. Until the late 1960s, however, these programmes discriminated in favour of Europeans, so Asian settlement was extremely limited. Since the early 1970s, discrimination on the basis of race, ethnicity or birthplace

Table 2.1 Immigration from Asia and Oceania to OECD countries, 2006

Region of origin of immigrants	Percent of inflow into OECD		
	OECD Europe	Other	Total OECD
Western Asia	5.4	2.5	3.9
Central and Southern Asia	4.1	10.1	7.2
South Eastern Asia	2.1	13.6	7.9
East Asia	3.6	23.8	13.9
Total Asia	15.2	50.1	33.0
Oceania	0.3	1.9	1.1
Total	155	52.0	34.1
Total OECD ('000)	2,170	2,250	4,420

Source: OECD (2008: 40).

has been removed and immigration selection is now based mainly on skills and family reunion; as a result Asian immigration has increased substantially and there has been an upturn in Asian permanent migration to the four traditional migration countries. This migration has a number of defining features.

Migration from Asia is predominantly the permanent settlement type of migration where the migrant workers seek permanent residence or citizenship at the destination, and it is becoming increasingly selective of high-skilled workers. For example, since the early 1990s, migrants selected on the basis of their skill have increasingly outnumbered those moving as family reunion migrants or refugees in the case of permanent migrants from Asia to Australia.

There is an increase in “designer” migrants (Simmons 1999), that is, migrants who have first arrived as students, gained their qualifications at the destination and subsequently applied for permanent residence as migrants to that destination. There is an increasingly significant nexus between student migration from Asia and skilled migrants out of Asia. While there is a predominance of movement out of Asia and settlement in “north” (more developed) countries there are significant flows in the opposite direction, among which return migration is a major component. There are major differences between Northeast and South Asia in the extent of return migration, with the flow to the former being more than half the size of the inflow whereas for South Asia return migration represents only 3.5 per cent of the inflow. In Southeast Asia both patterns are evident in individual countries.

An important feature of recent years has been the increase in Asian migration not only to the traditional migration countries but increasingly to other OECD nations. A study brought together census data (and,

Table 2.2 Stocks of Asian- and Pacific-born persons in OECD nations around 2000

Country	Asian-born	Pacific-born
USA	8,402,240	196,731
Canada	2,040,590	23,665
Great Britain	1,579,133	5,577
Australia	1,115,655	97,971
Japan	969,799	329
Germany	567,021	
France	444,774	1,056
Netherlands	367,987	256
Sweden	244,246	117
New Zealand	175,302	117,378
Korea	116,732	
Denmark	110,454	62
Switzerland	101,599	425
Norway	100,274	70
Spain	86,669	218
Turkey	83,657	36
Greece	75,854	183
Belgium	68,494	71
Austria	57,236	
Ireland	27,768	43
Czech Republic	21,365	80
Finland	18,375	12
Portugal	16,859	13
Mexico	10,765	453
Hungary	10,730	5
Poland	9,479	10
Luxembourg	4,382	5
Slovak Republic	1,400	8
Total	16,828,839	444,774

Source: Dumont and Lemaitre (2005: 31).

where there are no census data, registration information) on the overseas-born populations in OECD countries (Dumont and Lemaitre 2005: 31). This study found that the stock of Asian-born immigrants was 16.83 million at the turn of the century. Table 2.2 shows that the largest concentrations are in the United States (8.4 million), Canada (2.0 million), Great Britain (1.6 million) and Australia (1.1 million) but there are substantial communities in each nation listed. Moreover, these data are a significant underestimate of the Asian communities in these countries for the following reasons: the figures do not include second and later generations born to immigrants; some undocumented migrants will have not been included in censuses because they will have sought not to be counted; some

long-term migrants would have been missed in census collections; and there are no data for some countries with large Asian populations, such as Italy.

The largest Asian communities in OECD nations are from China, the Philippines, India, Korea, Pakistan and Vietnam. The diaspora from these and other nations are of increasing interest as the potential to mobilize the diaspora to assist in the economic and social development of home countries is being realized (Johnson and Sedaca 2004; House of Commons 2004; Hugo 2003a). Asian expatriate communities are among the largest in the world with estimates of 30–40 million Chinese (Sahoo 2002), 20 million Indians (*Migration News* 9(10), October 2002), 7.5 million Filipinos (Dimzon 2005) and 2.5 million Vietnamese (Cohen 2003: 48).

Permanent south–north migration (from less developed to more developed countries) is very selective. While refugees and asylum seekers make up a significant part of the flow, permanent south–north migration includes a disproportionate number of highly skilled and highly educated migrants. Indeed, Dumont and Lemaitre (2005) calculate emigration rates to OECD countries for the total and highly skilled populations for a majority of Asian countries, and in all cases the rates are highest among the skilled. Many OECD nations have developed programmes to attract and retain highly skilled workers in response to increased global competition and ageing of their populations. In recent years recruitment of medical professionals from Asia and Africa by OECD nations has gathered momentum, leading to an increasing concern for health services in the origin nations. The issue of brain drain from low-income to high-income nations is more complex than it was depicted in the 1970s, but is nevertheless of considerable significance in several Asian nations (Carrington and Detragiache 1998).

The selectivity of south–north Asian permanent migration can be demonstrated by the example of a single destination country – Australia. Of all permanent settlers from Asia over the 1997–2006 period who were workers, 66.7 per cent were in the two most skilled categories in Australia's Standard Classification of Occupations (ASCO) compared with 54.1 per cent of the total settler intake.

Increased non-permanent migration to OECD countries

One of the major changes in south–north international migration in recent years has been the development of temporary migration programmes in OECD countries which are highly selective of skilled migrants – indeed more selective than permanent migration programmes. These are typified by the H1B Visa requirement in the United States

(Martin 2005) and the 457 Visa in Australia (457 Skilled Temporary Migration Program; Khoo et al. 2003). OECD figures (OECD 2008: 49) show that there were 2.5 million such workers in 2006. In the last decade or so the intake of skilled workers from Asia to Australia in the traditionally important permanent migration programme has been supplemented by a large intake of temporary residents. Long-term arrivals include only those persons who intend staying in Australia for more than 12 months; many of the new temporary migrant worker visa-holders coming to Australia from Asia would be classified as short-term arrivals (who intend staying less than one year). The south–north temporary migration of labour from Asia has thus increased substantially and it is a highly skilled flow.

While much of the flow of temporary skilled workers is south–north in direction, there are two trends of increasing significance in this movement. The first is an increasing flow of skilled workers *between* Asian nations. This is especially true of some of the more developed economies in the region. In the past, for example, most Japanese temporary migration has been of skilled people, usually employees of multinational corporations (MNCs), who move to other OECD nations. In recent years, however, other Asian countries have become the main destinations of skilled Japanese emigrants and many of them are now not moving as MNC employees but as part of an increasing, vigorous and competitive skilled labour market within Asia. Of the 1.06 million Japanese going overseas for three months or longer in 2006, 267,064 went to other Asian nations (*Asian Migration News*, 16–31 August 2007). Skilled Singaporeans, Filipinos, Indians, Bangladeshis, Sri Lankans and Pakistanis are especially important in the increased skilled temporary migration occurring between Asian countries and especially focusing on the rapidly growing economies of countries such as China.

The second trend is the flow of skilled persons coming to Asia from OECD countries outside the region. The booming economies and increasingly competitive labour markets are driving up wages in places such as Hong Kong, Singapore and Shanghai, and this is attracting skilled workers, usually on a temporary basis, from outside the region.

Student migration

In assessing international labour migration in Asia and the Pacific it is important to consider the increasingly significant migration of students because there is a growing nexus between student migration and subsequent skilled migration out of Asian countries. Moreover, while increasing international student migration is occurring within Asia, the predominant pattern is south–north. South–north student migration is

potentially a contributor to the development effort at home through students being able to work at their destination and remit money home, through knowledge transfer and the enhancement of national human resources when they return home after completing their studies. In reality, however, student migration has often resulted in a net loss to development in some origin countries. On the one hand there is a significant south–north flow of money for fees and living costs, with the total paid to host nations each year by foreign students reported as US\$30 billion (*Migration News* 12(2), April 2005). On the other hand there is a growing nexus between south–north student migration and permanent settlement in north countries. Many Asian student migrants see their movement as the first stage to settlement, while several OECD nations have immigration regulations which favour recruitment of these students as immigrants because they are seen as ideal migrants, having qualifications recognized at the destination and first-hand experience of the destination country's labour and housing markets and living situations. Moreover, the host nation has not paid for their training. The growing linkages between student migration and permanent settlement are a major component in the increasing incidence of south–north brain drain.

Table 2.3 presents UNESCO data on the number of students from Asia studying in countries other than their own. This indicates that over the 1998–2004 period such students numbered some 3.7 million, the largest numbers being from China, Korea and India.

Student migration needs to be considered as part of the emigration of human resources in science and technology (HRST) and other skills out of Asia, both because many students work while studying and, especially, because for an increasing number of students their move is a prelude to permanent settlement in the destination. Indeed, OECD nations are increasingly seeing recruitment of overseas students not only as being financially beneficial but also as an excellent source of future skilled migrants. Hence, what potentially is a valuable asset to an Asian nation's human resources and a conduit of knowledge transfer has become a dimension of the brain drain. There has been a rapid growth of student migration into Australia, and an increasing proportion of these students are opting to become permanent residents on completion of their studies (Hugo, Callister and Badkar 2008). However, it is interesting that the latest issue of *SOPEMI* (OECD 2008: 51) notes an international trend toward a falling off in the rate of increase in student migration.

Another important training-related type of international movement is that of so-called trainees from more populous, labour-surplus countries such as Indonesia and Vietnam to Japan and South Korea. These temporary migrations are ostensibly to train employees of MNCs located in

Table 2.3 Foreign students by country of origin, 1998–2004

Country of origin 1998–2004	Number
Bangladesh	38,097
China	804,919
Hong Kong (China), SAR	129,337
India	329,354
Indonesia	127,501
Japan	250,641
Korea, Democratic People's Rep.	44,829
Korea, Republic of	306,963
Malaysia	173,728
Nepal	22,241
Pakistan	62,916
Philippines	23,593
Singapore	98,364
Sri Lanka	32,698
Thailand	89,111
Turkey	233,758
Vietnam	47,054
Other Asia (incl. Western and Central)	892,192
Total Asia (incl. Western and Central)	3,707,296

Source: UNESCO Institute for Statistics; available at http://www.uis.unesco.org/ev.php?URL_ID=5187&URL_DO=DO_TOPIC&URL_SECTSEC=201 (restricted access).

Asian countries during a stay in Japan and Korea, when much of the training involves working in a factory of the MNC. It has been suggested that such programmes are simply a mechanism to access low-paid factory workers in situations where there are no legal channels to access low-skill labour through migration. In Japan over the 1992–2003 period, 590,001 trainees entered the country, notably from China (278,964), Indonesia (60,336) the Philippines (43,468), Thailand (43,310), Vietnam (22,188) and Malaysia (19,226). There is a high incidence of “absconding” among these trainees because they can earn much more in other jobs; so, as is the case with students, trainees often remain at the destination and their human capital is lost to their home country.

Contract labour migration

The largest system of labour migration influencing Asian immigration economies involves low-skilled workers who are employed in low-status, low-paid jobs which have been characterized as 3D (dirty, dangerous and difficult). The demand for workers in these areas is fuelled by the

demographic forces mentioned earlier, and also the fact that in tight employment–rapid economic growth contexts these jobs are being eschewed by local workers. Accurate estimation of the scale of these flows, both skilled and unskilled, is not possible. There are a number of reasons for this: a high incidence of irregular migration both as a result of clandestine migration as well as people entering an economy legally but without permission to work; systematic exclusion of some international labour migration from data collection systems, as in the case of high-skilled workers in India; lack of comprehensive and efficient data collection systems; a neglect of temporary migration in data collection systems which focus on permanent migration; a focus in data collection systems on foreigners with data on locals not being collected or processed; some destination economies do not divulge data on international migration because they do not wish the precise degree of dependence on foreign workers to be widely known. As a result there are divergent estimates of international labour migrants for many economies.

Accordingly it is difficult to obtain estimates of the numbers of overseas contract workers (OCWs). Table 2.4 presents estimates of the contemporary numbers of OCWs from the countries of Asia drawn from a wide range of sources. Although the precision of the numbers varies widely, it indicates that the scale of low-skilled labour migration within the region is substantial. Moreover it is growing in both scale and significance as the demographic and economic differentials between countries widen. To give an indication of trends over time it is useful to focus on a single flow. Indonesia was one of the slowest starters of the labour migrant origin countries but has experienced burgeoning labour migration out of the country. Moreover these data include only the migrant workers that are officially deployed, and some commentators estimate that the number of undocumented labour migrants is also significant. The most recent estimate by the Indonesian government department responsible for labour migration gives the stock of OCWs absent as 6 million, a third of them in Malaysia and a quarter unauthorized (*Migration News* 16(1), January 2009). Another trend is that, while in the 1980s the Middle East was the main destination, Asian destinations have become of greater significance. Another feature is that, for most years, women outnumber men two to one in the official labour migration.

The fact that Asian countries not only have become increasing origins of low-skilled labour migrants but destinations as well can be illustrated by the case of Malaysia, one of the main destinations of OCWs leaving Indonesia. There has been a steep increase in the numbers of official labour migrants in Malaysia, which reached a peak of 2,235,200 in 2007, although it is estimated that there were also 1 million undocumented mi-

grants. The global financial crisis has led to a small downturn in 2008 and 2009.

One of the most significant features of Asian international labour migration is what has been referred to as a *feminization* of the movement over the last two decades. It is important to study the movement of women separately from that of men for a number of reasons: the patterns differ from those of men; the causes and consequences of movement can differ from those of men; and the policy implications of movement can differ from those of men.

International labour migration in Asia is very definitely a gendered process and interlinked closely with changes in the role and status of women in Asia. Female migration in Asia has taken some distinctive forms and there is a great deal of segmentation into specific types of migration. A clear distinction must be drawn in the employment-related migration of women (and men) between migration of non-skilled or low-skilled migrants on the one hand, and highly skilled migration on the other. These types of movement differ not just with respect to the characteristics of the migrants, but also to the circumstances, destination, nature and experience of the migration. There is a little overlap with some more-skilled migrants accepting some “occupational skidding”, whereby they accept an unskilled occupation in order to migrate and earn money. Hence there are many examples whereby Filipino women who have tertiary-level education have become domestic workers overseas in order to be international labour migrants (e.g. see Battistella 1995).

Asian countries vary in the extent to which women are represented in labour migration streams, as Table 2.5 shows. Clearly, in three of the major migrant sending nations, Sri Lanka, the Philippines and Indonesia, women dominate, whereas in Bangladesh cultural factors have led to women not being permitted to be recruited as labour migrants until relatively recently. The Thai figures are a little misleading in that much female migration is undocumented (Klanarong 2003).

It is apparent, however, that among female migrants from Asia who move to work, unskilled women predominate. Indeed much of the migration involves women, like men, taking up low-wage, low-status 3D jobs that are eschewed by local women at the destination. With women there is greater occupational segmentation than is the case with men. There are a relatively small number of occupations among which unskilled female international labour migrants from Asia are concentrated. Paramount here is the occupation of domestic workers. Asia is one of the world’s greatest suppliers of female international migrants who become domestic workers, not only elsewhere in other Asian countries but in other regions, especially the Middle East and Europe.

Table 2.4 Asian countries: Estimates of stocks of migrant workers in other countries

Origin countries	Number	Main destinations	Source of information	Year
Southeast Asia				
Burma/Myanmar	1,840,000	Thailand	<i>BurmaNet News</i> , 8 January 2007	2006
Thailand	340,000	Saudi Arabia, Taiwan, Myanmar, Singapore, Brunei, Malaysia	<i>Migration News</i> , March 2002, Scalabrini Migration Center 1999	2002
Laos	173,000 ^b	Thailand	<i>Migration News</i> , January 2005	2004
Cambodia	183,541	Thailand	Lee 2005	2006
Vietnam	400,000	Korea, Japan, Malaysia, Taiwan	<i>Migration News</i> , October 2007	2005
Philippines	8,233,172	Middle East, Malaysia, Japan	Philippines Overseas Employment Agency	2006
Malaysia	250,000	Japan, Taiwan	Asian Migrant Center 1999	1995
Singapore	150,000 ^a		Yap 2005	2005
Indonesia	2,700,000 ^a	Malaysia, Saudi Arabia, Taiwan, Singapore, South Korea, United Arab Emirates	Ananta and Arifin 2008	2007
Total	14,269,713			
South Asia				
India	3,100,000	Middle East	<i>Migration News</i> , April 2003	2002
Pakistan	3,180,973	Middle East, Malaysia	Scalabrini Migration Center 2000	1999
Bangladesh	3,000,000	Saudi Arabia, Malaysia	<i>Migration News</i> , July 2002	2002
Sri Lanka	1,500,000	Middle East, Italy, Singapore, South Korea	Sri Lanka Bureau of Foreign Employment; <i>Asian Migration News</i> , November 2007	2006
Nepal	1,565,000	Middle East, India, Malaysia	<i>Nepal Monitor</i> , 7 October 2006	2006
Total	12,345,973			

North East Asia					
China	530,000	Middle East, Asia and the Pacific, Africa	Ma 2005		2004
North Korea	300,000	China	<i>Migration News</i> , June 2002		2002
South Korea	632,000	Japan	<i>Migration News</i> , August 2002		2002
Japan	61,000	Hong Kong	Stahl and PECC-HRD 1996; Iguchi 2003		2000
Total	1,523,000				
Central Asia					
Kyrgyzstan	600,000	Russia, Kazakhstan, UK, Germany, South Korea, Turkey	<i>Asian Migration News</i> , May 2005		2005
Uzbekistan	700,000	Russia, Kazakhstan	<i>Asian Migration News</i> , March 2005		2005
Tajikistan	600,000	Russia, Kazakhstan	<i>Asian Migration News</i> , March 2005		2005
Total	1,900,000				

Note: ^aDocumented; ^bundocumented.

Table 2.5 Selected Asian outmigration countries: Proportion of international labour migrants who are women

Country of origin of international labour migrants	Year	Number of workers sent	Percent women	Source
Philippines	2006	1,062,567	59.9*	Philippines Overseas Employment Administration
Sri Lanka	2004	214,709	62.4	Sri Lanka Bureau of Foreign Employment
Thailand	2005	128,612	17.7	Chalamwong 2005, 18
Indonesia	2004	382,514	78.0	Soeprobo 2006, 7
Bangladesh	1999	268,182	0.1	Siddiqui 2003, 16
Vietnam	2000	30,000	15.0	Dang et al. 2003, 28

Note: *New hires.

Forced migrations

While much migration in the region involves both forced and voluntary elements, at the extremes some people are forced to move away from their homes by environmental or political events which threaten their life. The bulk of this forced displacement occurs within countries rather than across national boundaries. This applies especially to environmental displacement (Hugo 1996a). Particular attention has been focused on refugees, defined by the 1951 UN convention as:

a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country. (UNHCR/IOM 1996)

Asia has in the recent past been the location of some of the world's largest refugee flows, notably those out of Indo-China and Afghanistan. Table 2.6 shows that between 1995 and 2005, both in Asia and in the world as a whole, there was a considerable reduction in the number of UNHCR-mandated refugees. Nevertheless, by far the largest number of refugees remain those displaced from Afghanistan into Pakistan and Iran. However, there have been and remain substantial refugee movements elsewhere in the region such as between Burma and Thailand.

There has been significant political displacement of populations within Asian countries and internally displaced persons (IDPs) are a group

Table 2.6 Asia: Numbers of refugees, 1995 and 2005

	1995	2005
World	18.5 million	13.5 million
Asia	4.2 million	2.8 million
East Asia	295,000	303,100
South Asia	3.8 million	2.4 million
Southeast Asia	129,500	169,800
Percent in Asia	22.7	20.7

Source: United Nations (2009).

which are increasingly helped by the UNHCR despite IDPs being outside their mandate. IDPs are defined as persons or groups of persons who have been forced to flee their homes or places of habitual residence, in particular, as a result of, or in order to avoid the effects of, armed conflict, internal strife, systematic violations of human rights, or natural or man-made disasters, and who have not crossed an internationally recognized state border (OCHA 2004).

Increasing attention is being paid to migrants who are forced to move because of environmental factors rather than a threat posed to life by workforce or political events. Hugo (1996) proposed the term “environmental migrants” to group migrants *forced* to leave their homes due to natural disaster, those displaced by external compulsions such as physical dangers and economic insufficiency as well as victims of the “silent violence” of drought, famine and severe food shortage associated with deterioration of the environment. More recently the International Organization for Migration (IOM 2007: 1) has proposed a working definition of environmental migrants which has gained wide acceptance (Adamo 2008: 3):

Environmental migrants are persons, or groups of persons who, for compelling reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are obliged to leave their habitual homes, or choose to do so, either temporarily or permanently, and who move either within their country or abroad.

In fact hitherto most environmentally displaced migration has occurred within countries (Hugo 1996a), although there is increasing concern that the projected impacts of climate change may lead to more international displacement, especially from low-lying atoll countries and perhaps some of the large populations concentrated in low-lying deltaic and coastal areas in Asia (McGranahan, Balk and Anderson 2007).

Emerging issues on migration in the Asia-Pacific region

Migration and development

The discourse on the effects of migration on development are polarized around two schools of thought. On the one hand the “brain drain” perspective sees migration impact on origin areas being negative because emigration is selective of the “best and the brightest”, providing a diminution of human capital which is a constraint on development in the home country. In contrast, others point to the inflow of finance, information and ways of doing things which result from the outflow as being positive for development. In fact both perspectives have relevance in contemporary Asia-Pacific migration.

A “brain drain” involving a net loss of skilled persons from less developed nations in Asia and a net gain in the more developed countries of the OECD was recognized as long ago as the 1960s (Adams 1968). More recent analyses (e.g. Carrington and Detragiache 1998; Dumont and Lemaitre 2005) have confirmed that emigration rates in LDCs in Asia are higher for skilled groups and that many Asian countries experience a significant brain drain. Moreover, in recent times, OECD nations have placed greater emphasis on skill in their selection of immigrants and this, with the increasing global competition for talent and skilled workers (Abella 2005), has exacerbated these tendencies. A recent comprehensive analysis by the OECD (Dumont and Lemaitre 2005) has collected data from 227 sending nations and 29 OECD receiving nations and calculated emigration rates of all highly qualified (with a university education) for non-OECD nations. The rates are low for large nations such as Indonesia (1.9 per cent), Thailand (1.9 per cent), Bangladesh (2.0 per cent), India (3.1 per cent) and China (3.2 per cent) but much higher for small nations. Hence in their list of the 10 non-OECD nations with the *lowest* per centage of their highly skilled population who were overseas, seven are Asian. On the other hand, among the 10 countries with the *highest* percentages only Fiji is from the Asia-Pacific region.

Despite these numbers it would be incorrect to assume that brain drain does not have negative impacts in Asia; there have been net losses of the human resources necessary to foster long-term development in Asia. Figure 2.1 shows that Asian countries are among those with the largest numbers of their doctors who are outside the country. The Philippines (2005 population 84.8 million) is one of the nations most influenced by emigration and it is estimated that in 2000, 18 per cent of Filipinos with college degrees were in the United States alone (*Migration News*, July 2004), suggesting that at least one in three Filipino university graduates are lost to the nation. Moreover there is evidence that emigration out of poor na-

(number of emigrated physicians, thousands)

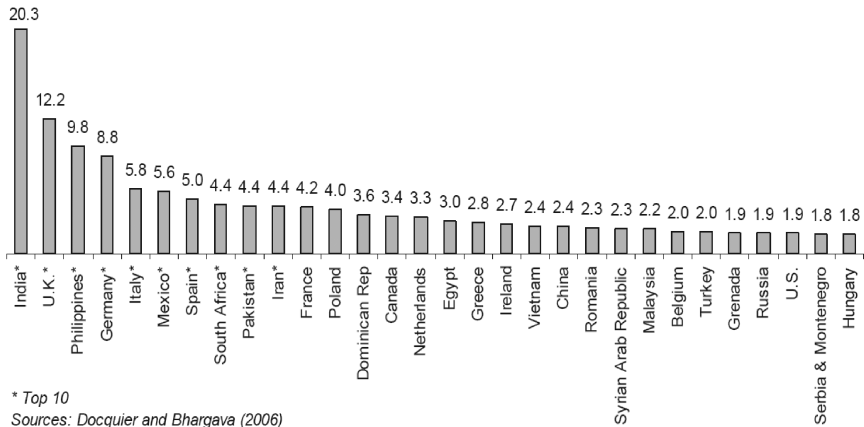


Figure 2.1 Top emigration countries of physicians, 2000.

Source: World Bank (2008).

tions in Asian countries is selective of their most skilled, most educated and most entrepreneurial. As Carrington and Detragiache (1998: 24) conclude: “These numbers suggest that in several countries the outflow of highly skilled individuals . . . is a phenomenon that cannot be ignored by policy makers.” It cannot be disputed that the loss of skills in particular areas can impact negatively on the well-being of origin populations and development potential. Particularly significant here is the net loss of doctors, nurses and other health personnel from south countries. With ageing of the population in OECD nations there have been shortages of medical workers and consequent recruitment of people with these skills from developing countries. In Australia, for example, in 2006, 14.6 per cent of the medical workforce was born in Asia, Africa and the Middle East compared with only 9.6 per cent of all workers.

In the early literature, brain drain was seen as having an unequivocally negative impact on development in the origin nations since it deprived them of scarce human resources required for achieving economic and social progress. Even the loss of small numbers could therefore be significant. While it is recognized that such effects are still strongly in evidence in Asia, there is increasing evidence that the brain drain’s effects on development are not necessarily only negative. This partly derives from evidence that in some contexts the economies and labour markets in some LDCs cannot effectively absorb some skilled people and they can make a greater contribution to development by emigrating and remitting earnings back to the home country. Hence, an interesting econometric

analysis based on Philippines data considered that training physicians in that country for export would appear to return a net benefit to the nation (Goldfarb, Havrylyshyn and Mangum 1984).

In recent years, however, some of the world's major development organizations such as the World Bank (2006), Asian Development Bank (2004), International Labour Organization (Martin 2004), USAID (Johnson and Sedaca 2004), DFID (House of Commons 2004), UN (2006a) and the IOM (2005) have argued that emigration can play a positive role in facilitating economic growth, development and poverty reduction in origin areas. It is argued that these positive effects occur through three basic processes: inflow of remittances from migrants; the role played by diaspora in enhancing growth and development in their country of origin; and the return movement of former migrants.

Remittances, until recently, were regarded as being of minor relevance for development, but work by the World Bank has demonstrated the scale and significance of these flows (World Bank 2006; Terry and Wilson 2005). The World Bank (2009) estimated global remittances in 2008 to be US\$397 billion and developing countries accounted for \$305 billion (76.9 per cent) of this. Moreover remittances to developing nations increased by 8.8 per cent in 2007/08 and by 164.2 per cent between 2002 and 2008. Some \$339 billion dollars were received in Asia and the Pacific – over 17 per cent of the global total. Official remittances to less developed countries are now more than twice as great as official development assistance and almost as large as foreign direct investment (FDI).

This amount, however, reflects only transfers through official channels. Econometric analysis and available household surveys suggest that unrecorded flows through informal channels may add 50 per cent or more to recorded flows. Hence remittances are the largest source of external funding in several Asian and Pacific countries.

Another way in which development in origin countries may be beneficially impacted by migration is through diaspora. Table 2.7 shows that Asia-Pacific countries have some of the most significant global diaspora, and research indicates that diaspora can play a role in development in a number of ways.

First, as discussed above, remittances are a more reliable and larger source of development funds to less developed countries than FDI.

Second, the diaspora can be a direct source of FDI and can be an effective “middleman” to channel FDI towards the home country. Biers and Dhume (2000: 38) report that “several overseas Indians who had reached upper management positions in Western multinationals helped convince their companies to set up operations in India, Hewlett Packard being a prime example.” However, cases par excellence here are China and Taiwan where the spectacular economic growth of recent years has

Table 2.7 National diasporas in relation to resident national populations

USA	7 million – 2.5% of national population
Australia	900,000 – 4.3% of national population
New Zealand	850,000 – 21.9% of national population
Philippines	7.5 million – 9.0% of national population
India	20 million – 1.9% of national population
Pakistan	4 million – 2.8% of national population
China	30 to 40 million – 2.9% of national population
Japan	873,641 – 0.7% of national population
Mexico	19 million* – 19% of national population
South Korea	6.4 million – 13.2% of national population
Niue	5,884 – 294.2% of national population
Tokelau	2,019 – 138.5% of national population
Samoa	78,253 – 44.5% of national population
Fiji	128,284 – 15.8% of national population

Sources: US Census Bureau (2002a, b); Southern Cross (2002); Bedford (2001); Ministry of External Affairs, India, available at <http://indiandiaspora.nic.in> (accessed 28 September 2010); Naseem (1998); Sahoo (2002); Iguchi (2003); Gutiérrez (1999); Dimzon (2005); OECD, unpublished data.

Note: *Mexican diaspora in the United States.

been heavily influenced by investment from a diaspora of perhaps 30 million Chinese (Lucas 2003). There has been considerable discussion of how Chinese business and social networks have overcome barriers to international trade. Rauch and Trindade (2002) found that ethnic Chinese nationals have a quantitatively important impact on bilateral trade. Rubin (1996) has shown how Chinese entrepreneurs in the United States are taking their businesses into China. The Indian diaspora, second in size only to that of China, is around 20 million people with an income of \$160 billion – more than a third of India's GDP (Sharma 2003: 29).

Third, the diaspora can be a bridgehead into expansion of the economic linkages of the home nation. Korean Americans were the bridgehead for the successful penetration of the US market by Korean car, electronics and white goods manufacturers. Canadian-based studies have shown that a doubling of skilled migration from Asia saw a 74 per cent increase in Asian imports to Canada (Head and Reis 1998; Lucas 2001). Finally, diaspora networks have become important in transmitting information both formally and informally.

The main way in which net emigration countries have attempted to recoup the human capital of skilled emigrants is through return migration programmes. Some of the major attempts to encourage expatriates to return have been made by Asian countries. Korea and Taiwan (Englesberg 1995), for example, initiated programmes to encourage a “reverse brain drain” (Chang 1992; Hugo 1996b) with some success (Yoon 1992),

although it is not clear the extent to which this was due to the programmes and how much was a result of rapid economic development (Lucas 2001: 41). Saxenian (1999: 59) points out that one of the advantages flowing from these activities was an increase in interaction between Taiwanese and Korean scientists and engineers with expatriate colleagues in the United States, facilitating knowledge transfer, investment and business cooperation (Lucas 2001: 42). Taiwan has had one of the most comprehensive reverse brain drain programmes among Asian countries.

In recent times it has been realized that origin countries encourage non-permanent returns by their diaspora. For example, China has become very active in using its skilled diaspora as a source of expertise to assist in its development efforts. In effect, using the diaspora in this way is a “virtual return migration”. Wescott (2005) and Biao (2006) have showed how China has made important steps in this direction. In the last two decades of the last century, China’s main policy direction toward its students who had remained overseas after graduation was *huiguo fuwu* or exhorting them to return and serve the motherland (Zweig 2006). This is the concept encapsulated in the commonly used analogy of “turtles eventually returning to their birthplace”. At the turn of the century, however, there was an important change in policy direction (Biao 2006: 3; Wescott 2005: 272) which is articulated in the term *weiguo fuwu* which encourages “flexibility mobility” rather than permanent return. Chinese government and other agencies now do not necessarily advocate that skilled Chinese return home but rather that they maintain and develop a range of affiliations, linkages and relationships with counterparts and relevant institutions in China from their base in a foreign country. Moreover it involves regular moving back and forth between China and the destination country in a pattern of *rouxing liudong* or flexible mobility. There is a double benefit for China in that its expatriates maintain their affiliations in the destination and hence are at the forefront of innovation and change, and they also immediately transmit that into practice in China. One study (Hugo 2007) found that Chinese researchers in Australia maintain strong linkages with China.

The demographic dividend

In addressing contemporary and likely future scenarios for mobility in Asia and the Pacific economies, it is important to consider the role of demographic change in the region. The Asia-Pacific region contains both high-income and low-income economies and their demographic trajectories have differed. On the one hand, the high-income economies are experiencing low (and, in a few cases, negative) natural increase of population because of an extended period of low fertility. This is resulting

Table 2.8 Asian population aged 15–24, 1960–2000 and projected 2020 and 2040

Year	Population aged 15–24		Annual percentage growth per annum
	Number ('000)	Percent	
1960	282,897	17.28	
1980	491,143	19.50	2.80
1985	565,400	20.48	2.86
1990	613,497	20.26	1.65
2000	625,463	17.81	0.39
2020	679,547	15.72	0.42
2040	653,223	13.60	–0.20

Source: United Nations (2007).

Note: excludes Western Asia: Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Iraq, Israel, Jordan, Kuwait, Lebanon, Occupied Palestinian Territory, Oman, Qatar, Saudi Arabia, Syrian Arab Republic, Turkey, United Arab Emirates and Yemen.

in slow natural growth and projected declines of their workforce-age population as the proportion of elderly in the population increases. On the other hand, in low-income economies of the region, fertility decline has been more recent although in most countries it has also been dramatic. In the Asia-Pacific region the total fertility rate fell from 5.4 children per woman in 1970 to 2.3 in 2007 (UNESCAP 2007). The average life expectancy over the same period has increased by around 15 years (UNESCAP 2007). These shifts have wrought significant changes in age structure. Table 2.8 depicts the changes in the 15–24 age group which have occurred in the region, and are anticipated to occur, between 1960 and 2040.

The table depicts the passage of what has been called the “Asian youth bulge” (Fuller and Hoch 1998; Westley and Choe 2002). As Westley and Choe (2002: 57) point out, the “youth bulge . . . is the result of a transition from high to low fertility about 15 years earlier. The youth bulge consists of large numbers of adolescents and young adults who were born when fertility was high followed by declining numbers of children born after fertility declined.” Table 2.8 indicates that, in 1960, the Asia-Pacific youth population numbered almost 283 million and comprised 17 per cent of the total population. However, over the next two decades this group grew very rapidly and by 1985 they had more than doubled in number and reached a peak of 21 per cent of the total population. Subsequently, the growth of the age group has been lower as the effects of the decline in fertility have been felt. Hence, in 2000 the Asian youth population had reached 625 million but their proportion of the population declined to 18 per cent. The outlook for the future is for the youth population to

increase slowly to 653 million in 2040 when they will make up 14 per cent of the total population. This of course has implications for migration since the youth age groups are the most mobile.

The Asian youth bulge can produce a “demographic dividend” (Wang and Mason 2007; Mason and Lee 2006; Mason 2007) of economic growth when the workforce grows faster than the overall population – especially when it grows faster than the dependent segments of the population (children and the elderly). In Asia, the rapid and sustained declines in fertility that followed the boom generation have created a special demographic situation: the ratio of the working-age to the non-working-age population is the highest it has ever been. While this does not automatically confer a dividend of enhanced economic growth if there is an unfavourable policy environment, several empirical studies of Asian countries have confirmed the existence of a dividend.

If the correct policies are in place, the combined effect of this large working-age population and the appropriate health, family, labour, financial and human capital policies can create virtuous cycles of wealth creation. Asia’s demographic dividend has coincided with the era of globalization, and will continue to increase for the next decade or so before it begins to decline in the late 2020s.

Specifically, a demographic dividend can be delivered through the following three mechanisms. Increased labour supply is the first mechanism with the passing of the youth bulge into the working-age range combined with higher female workforce participation (resulting from smaller families due to low fertility). The second is higher savings in that working-age people tend to have a higher level of output and also a higher level of savings than the very young, so a shift away from a younger age distribution favours the economy. Finally, there is human capital investment as the third mechanism. Decreasing fertility rates mean that more health and educational resources are going to fewer people, which will boost primary and secondary school enrolment rates.

Education is another important consideration. Almost all Asia-Pacific youth have some formal education, and are easily the region’s best-educated generation of young people. Therefore, not only are there more workers for each dependant than in past generations, but these workers’ per capita productivity is considerably greater.

There is, however, enormous variation between Asian countries in the projected growth of their youth populations. The widening differences between countries in their declining or growing youth populations raises a number of questions. Will the countries with declining youth populations suffer economically? Can immigration from countries with continuing growth of youth populations make up for these deficits? Can the

youth bulge in poor countries still deliver a demographic dividend to their countries of origin if they emigrate?

Opposition to permanent settlement of immigrants

Until recently, all Asian countries have embraced a model of international migration which opposed permanent settlement of foreigners. The major elements in this model will be discussed. Immigration needs to be highly restricted. It is not generally perceived as being a positive thing for the nation-state. Hence, even in nations where there are good reasons for migration, such as the demand for labour or the arrival of asylum seekers fleeing persecution, it is not allowed.

Emphasis has been on constraint, policing and exclusion rather than migration management. There is little tradition of the development of a managed migration system in the nation-states. Where the need for migrant workers, tourists and business people has been recognized as essential to the economy, this has been strictly on a temporary basis.

Foreigners should not be allowed to become citizens except in exceptional circumstances. The national culture and identity should not be modified in response to external influences. (Castles 2003: 6)

There are some indications that these attitudes toward migration are beginning to change in Asia although the exclusionary ethos in Asia remains dominant. Singapore has a well-developed policy to attract immigrant settlers. However, this is a highly selective policy whereby, although Singapore each year admits more than 100,000 unskilled workers on a temporary basis, they are not given access to permanent settlement, which is reserved for high-skilled migrants. This represents a substantial shift and maturing in Singapore migration policy, which until the 1990s saw migration as a “revolving reserve army of labour” (Fong and Cheung 1988; Pang and Lim 1982; Hugo and Singhanetra-Renard 1991: 17). Singapore was reticent over releasing any information on migration because of fears of becoming overly dependent on foreign labour. While the present policy on settlement is very selective of skilled persons, the attitude toward migrant settlement has relaxed and migration is now seen as a long-term structural component of the nation’s economy.

In Malaysia and Thailand there is also the recognition that sectors of their local economies are not going to be able to be supplied with labour from sources within the country and they will rely on foreign labour for the foreseeable future. Moreover, despite the fact that there is official opposition to permanent settlement of immigrants, it is apparent that many

Indonesians and Filipinos in Malaysia, and Burmese, Laos and Cambodians in Thailand, have been able to permanently settle.

South Korea has undergone a transformation in the last two decades from a net emigration to an immigration country. However, until recently it strongly opposed permanent settlement of foreigners. The South Korean government has now realized the demographic reality of an ageing and declining internal workforce and has set up an immigration bureaucracy. In common with Taiwan and Japan, marriage migration has been a significant factor in breaking down perceptions of the society as being, and having to be maintained as, homogeneous.

Japan has been a strong opponent of permanent settlement (Nagayama 1992) although it developed various mechanisms to bring in unskilled and semi-skilled temporary workers – the *Nikkeijin* (South Americans of Japanese heritage), trainees (workers employed by Japanese companies in foreign countries) and foreign students. In recent years mechanisms have been developed to settle highly skilled and professional migrants. The local government agencies have been active in helping migrants settle (Keizo 2007). Unauthorized migration has been substantial. New developments include schemes to bring in entertainers, and care workers for the elderly; marriage migration has also been a significant force for change (Asis 2007).

In Taiwan over 300,000 foreign brides and 339,000 foreign workers are changing long-held views on cultural homogeneity. Hence while Castles (2003: 22) was able to state that nothing short of a “conceptual leap” was necessary for Asian destination countries to accept the need for permanent settlement of migrants, there is mounting evidence that, while that leap has not yet been made, some, albeit tentative, short steps have been taken in that direction.

Temporary vs permanent migration

A crucial question relating to the burgeoning international labour migration impinging upon Asia is the extent to which the migration will remain temporary. At present the bulk of OCWs return to their homeland. However, policymakers in destination nations are conscious of the experience with guest workers in Europe in the 1950s and 1960s whereby temporary labour migration became transformed into permanent settlement (Castles, Booth and Wallace 1984). There are signs that some Asian labour migrants are settling more or less permanently at their destinations (e.g. the Indonesians in Malaysia; Hugo 1995). However, most of the labour migration is emphatically circular and non-permanent migration is built in to the structure of economies and societies at both origin and destination. Indeed, it may be that attempts by governments to im-

pose greater border restrictions may force undocumented migrant workers, who would prefer to circulate, to settle at the destination because of the danger of being detected during multiple crossings of the borders.

Internationally the overwhelming body of academic opinion has been opposed to temporary labour migration since it is associated with exploitation of migrant workers and the activities of criminal syndicates. However an increasing group of commentators are suggesting that it is more the way temporary labour migration has been managed in the past (or not managed!) that has been the problem, not circular migration per se (GCIM 2005). Indeed there is a longstanding body of evidence indicating that circular migration can be beneficial to migrants and their origin areas and that it is often the preferred strategy of migrants rather than always being a precursor to permanent settlement (Hugo 1982; 2003b). The debate then is not so much permanent versus temporary migration but what is the appropriate mix of migration types to best meet the needs of origin *and* destination countries. Moreover the question of how best to manage non-permanent migrations in order that the interests of origin, destination and migrant workers are protected is one of increasing interest and significance (Agunias and Newland 2007).

How can the inflow of remittances be maximized and their beneficial effects on origin low-income countries be enhanced?

As shown earlier, there is a diaspora of permanent settlers of Asian origin, most of them living in OECD nations, and Asia is also the pre-eminent source of the world's contract labour migrants. Both of these groups are an important source of remittances into the Asian region. However, the measurement of remittances in Asia generally is problematical and this difficulty is exacerbated in many contexts by the illegality of much movement, the isolation of the home areas and the long history of remitting money to the area through non-formal, traditional channels. In the past there has been a tendency to dismiss the developmental impacts of remittances as being peripheral or negative in their impact on Asian economies. Tiglao (1997: 40), for example, argues in the Philippines case that it has insulated a backward agriculture sector from modernization and diverted attention from the need to attract foreign investment in manufacturing. There is considerable concern in Asia (Athukorala 1993) that labour migration, in conjunction with remittances, can lead to so-called "Dutch disease" which creates a condition of greater vulnerability to external shocks by stimulating imports and reducing the incentives to develop exports (Quibria 1996: 97).

However, intensive work by the World Bank (2006; Terry and Wilson 2005) is demonstrating that remittances can and do have positive effects

on low-income countries of origin. The issue for Asian origin nations has become twofold as a greater awareness is arrived at regarding the potential for remittances to enhance development. The first relates to how to maximize the inflow of remittances into the nation. Here the World Bank (Terry and Wilson 2005) has demonstrated that there is often excessive rent-taking by intermediaries, and flow of remittances can be enhanced by providing safe, cheap mechanisms for remitting funding while having the subsidiary benefit of introducing poor families to the formal financial system. A second set of issues relates to how the remittance inflows can be “captured” to have the maximum developmental impact in origin countries. Great care needs to be exercised here because attempts by Asian governments to tax remittances have resulted in driving them underground. One of the real benefits of remittances is that they deliver capital directly into the hands of individuals, families and communities, unlike other foreign financial transfers, and this must not be disrupted. As Ratha (2007: 1) states: “Migrant remittances are the most tangible and perhaps the most controversial link between migration and development. They can play an effective role in reducing poverty and they provide a convenient angle for approaching the complex migration agenda.”

Protection of migrants, especially migrant workers

Undoubtedly, one of the areas of most concern relating to international labour migration in Asia relates to the abuse and exploitation of many migrant workers, and improving the protection of the human rights of OCWs must be a priority. Origin and destination countries of Asian OCWs vary greatly in the level of their commitment to protecting the rights of workers they send away or who work within their national boundaries. However, there is a need to progress on a number of fronts to guarantee the rights of international labour migrants. OCWs are frequently marginalized in destination countries on a number of bases: ethno-linguistic differences; non-citizenship restricting their access to services; involvement in vulnerable occupations like domestic work and the entertainment industry; involvement in low-status, low-income occupations; and frequently being undocumented.

Destination countries often fail to recognize and protect the rights of OCWs, although there is also limited commitment of origin nations to providing protection to their nationals working overseas. There is a need to recognize in destination countries that protection of migrant workers is not only important from a human rights perspective but will result in reduced involvement of organized crime, and have beneficial economic outcomes. There is now a great deal of knowledge and experience regarding the protection of labour migrants and it is important to document

best practice in this area to assist sending nations in developing effective systems to protect their OCWs.

The problem of exploitation of migrants is usually conceptualized as a function of a failure of destination countries to recognize their rights. While this is an important issue, it is also partly a function of the migrant workers not being aware of the rights that they do have. Moreover, many do not have strategies and mechanisms available to them to protect themselves at the destination. Research has been clear that migrants adapt and integrate best in situations where they have strong social support networks to assist and support them. It is crucial that migrant workers be linked into such networks where they do not already have such linkages. This involves better preparation for migrant workers before they leave their home country, more and better information about what they can expect there and mechanisms of how to deal with crises at the destination. Some countries, such as the Philippines, have been quite effective in empowering their overseas workers through appropriate departure training and information provision, and also by inserting them in appropriate networks at the destination. Modern technology (mobile phones, etc.) can greatly assist this process.

A specific area of concern has been trafficking, since Asia figures prominently in global concern in this area. The Sixth East Asia and Pacific Ministerial Conference reported in 2003 that one-third of global women and children trafficking occurs in Southeast Asia with 230,000 victims (*Asian Migration News*, 1–15 May 2003). Trafficking in persons has been defined by the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which was accepted by the UN General Assembly in November 2000, as:

recruitment, transportation, transfer, harbouring or receipt of persons by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. (United Nations 2000)

Forced and voluntary migration are a continuum rather than a dichotomy in Asian labour migration. Nevertheless, the trafficking end of that continuum is one which represents a clear abuse of human rights and must be the target of effective policy intervention.

There are no simple solutions to undocumented migration smuggling and people trafficking in the Asian region. This is partly because it is

deeply embedded in local societies. While transnational criminal syndicates are involved, so also are a myriad of small-scale local organizations. Hence it is not very amenable to policy and programme interventions. An absolutely crucial need for any effective intervention is for full cooperation between all nations involved. The whole of the chain of linkages involved in each move needs to be targeted – to only affect part of the chain means it will continue to operate. People will continue to attempt undocumented migration while they feel they have no chance of immigration in the legal system. Other people will assist them in this while there is a chance to gain financially from it. However, many of the facilitators are not international criminals but local fishermen and others who are very poor and see involvement in the immigration industry as one of the few current options available for them to earn a living. Policies which aim at providing these people with alternative ways of earning a living can potentially deprive the criminal organizers and profilers in the illegal migration system of the means to facilitate the migration. At present they are not very exposed to risk of detection since the bulk of “hands-on” involvement is of small-scale operations. Efforts to combat the movement will need to go beyond improved policing and address the causes of the movement and of the involvement of various groups supporting it. Policies and programmes need to be comprehensive and consistent across all nations and groups involved. More information needs to be collected about the operation of undocumented migration in the region to better inform policy-making and planning. Full international cooperation will be essential. The legal international migration regime must be made to work better so that potential illegal migrants feel they have a fair chance of immigrating through the legal system.

Issues surrounding the migration of women

The increased involvement of Asian women in migration, both internal and international, is significant. Migration in Asia is very definitely a gendered process and it is important to consider the movement of women. It is necessary to study the movement of women separately from that of men for a number of reasons including: patterns differ from those of men; the causes and consequences of movement can differ from those of men; and the policy implications of movement can differ from those of men.

A key issue of course relates to protection since women move and are often more vulnerable to exploitation than their male counterparts. This arises not only from gender considerations but also because they are disproportionately represented in vulnerable occupations such as domestic work (Huang, Yeoh and Rahman 2005), entertainment and the sex industry (Lim 1998). However, from a development perspective as well, there

are concerns since there may be gendered differences in the migration and development relationship not only from the perspective of women migrants but also women left behind in origin communities while their husbands and fathers migrate.

How should undocumented migration be tackled?

Battistella and Asis (2003: 5) estimate that in the Southeast Asian region alone there are around 2 million irregular migrants. Undocumented and documented systems are not totally separate, although they are often portrayed as such. Usually undocumented flows duplicate documented flows; some middlemen and officials are involved in both types of movement; and the networks established by documented migrants are often utilized by later, undocumented migrants.

Undocumented labour migration in Asia can be differentiated along a wide spectrum ranging from totally voluntary movement in which the mover controls the migration process through to kidnapping and trafficking at the other extreme. While there is a great deal of concern in the region about trafficking of workers, there is an array of other undocumented migration types and a more meaningful differentiation of undocumented labour migration. This shows a continuum of types of undocumented movement.

At one extreme are labour migrants who control each aspect of their own movement. The workers arrange all of their own travel and move along familiar, well-established routes. However, in many undocumented moves, middlemen of various types are involved and their control over the migrant workers varies considerably. In some situations the chain of middlemen involved reaches back to the home village and they have strong accountability to the home community. In others, they are all-powerful in controlling the information that potential workers receive about the migration process and destination, in determining when they move, how much it costs, where they go to and what job they obtain. These movements grade into trafficking where workers are forced to move and are in indentured situations in destinations. In some cases, potential migrant workers are purposely misled about the type of work at the destination, the conditions, remuneration, and so on, and are “trapped” at the destination. In others, workers (often women and children) are sold into bonded situations, often by relatives, while at the extreme, people are kidnapped and trafficked across borders against their will. In all cases, their unauthorized status exposes them to the possibility of exploitation and prevents them seeking the protection of authorities at the destination. This can add to the marginalization experienced by many migrant groups.

There is some evidence that there is increasing activity in destination countries to “crack down” on undocumented migrants. More emphasis is being placed on compliance with immigration regulations than ever before, including massive investments in policing and compliance measures. Sanctions on employers of undocumented migrant workers, incarceration of detected undocumented migrant workers, caning of them, and so on, are becoming more prevalent. Such activities have not necessarily reduced flows but have forced such migrants into different, often dangerous, avenues.

Where countries have attempted to legalize migrations of workers, illegal operators have become so entrenched that it is difficult to persuade undocumented workers to replace their illegal strategies with legal ones. Indeed, in some countries the undocumented approaches have come to be trusted while governments are not trusted and government avenues for migration are more expensive and more time consuming. There is a tendency to associate all undocumented migration with the insidious practice of trafficking. This is doubly unfortunate because in fact much undocumented migration is not criminal, as indicated above.

In addition, the bulk of policy and research effort is put into trafficking when there are also highly exploitative, corrupt and venal practices which occur in legal migration and which need to be the target of policy.

There are clearly no simple solutions to the undoubted significance of undocumented migration and its most insidious subcomponent, trafficking. What does seem clear in Asia is that so long as there are not safe, fair, documented avenues for migration, where there is a manifest demand for migrant labour, undocumented migration will continue to occur. Policing alone is not the solution. There is also recognition that these issues can rarely be effectively tackled unilaterally. The process occurs across countries and cooperation between countries of origin, destinations and transit countries will be necessary.

Forced migration issues

While most attention is focused on international refugee flows and there is an international regime through the UNHCR to protect and assist mandated refugees, forced migration in the region also includes much larger displacements of people *within* countries. Although the UNHCR does become involved in such migrations and there are national and bilateral assistance programmes for them, internally displaced persons outnumber mandated refugees in the region and these groups are especially vulnerable. Indonesia provides a case in point. There have been small refugee migrations out of Indonesia such as that of the West Papuans, but there have been many millions internally displaced in recent years both

by unrest (Hugo 2002) and by environmental disasters such as the 2004 tsunami. The support of displaced persons and associated issues of repatriation and/or resettlement are of considerable development concern in countries such as Indonesia.

Migration and health

There is considerable discussion within the region on the interrelationships between migration (both internal and international) and health, although the nature of the linkages between them remains little understood. In recent years there has been a particular interest in the connection between people mobility and the spread of HIV/AIDS (Hugo 2001; Chantavanich et al. 2000a, b, c, d). This is particularly the case, for example, in the Greater Mekong Region (Chantavanich et al. 2000a). In several countries a higher incidence of HIV infection has been identified among mobile groups than in the population that has not moved. However it is crucial that there be a recognition that it is not mobility per se which is a cause of higher rates of infection. The fact that mobility is concentrated among the high-risk demographics – young adult populations – places migrants at greater risk than non-migrants of engaging in high-risk behaviour, concentrates people in high-risk occupations (e.g. sex workers) and has a nexus with the commercial sex industry (Hugo 2001).

There is a real danger that migrants will be made the scapegoat as a cause of the spread of the infection and that they are stigmatized and demoralized by host societies. Moreover they can distract attention of the society away from the significance of the disease in the mainstream population by allowing officials to depict HIV/AIDS as a disease of marginal groups.

Other issues of health and population relate to the greater vulnerability of many migrant groups to health problems. This may be as a result of the living conditions that they often are forced to experience, but can be associated with the difference between the environment and the destination which exposes them to diseases which may not occur in their origin area.

A negative attitude toward migrants

As was indicated earlier, there has been widespread suspicion of migrants in Asian countries and negative perceptions are often reinforced by governments and media in the region, regardless of the lack of evidence available to support them. As a result of this negative public discourse on migrants they have been subject to exclusion and stigmatization and there has been an increase in undocumented migration.

Those migrants who are allowed to enter legally, who are overwhelmingly migrant workers of some kind or another, experience a high degree of *exclusion*. Where migrant workers are allowed into a country their rights are considerably restricted by such elements as not being allowed to bring family with them, restricted in the jobs they can hold, usually being restricted to their initial employer, the fact that they cannot travel freely in the country, they do not have access to basic workers' rights, are subjected to compulsory health tests such as HIV testing, do not have the capacity to approach agent employers, cannot marry local people, and do not have access to citizenship.

There is a high degree of *stigmatization and stereotyping* of migrants. They are often made scapegoats for a range of ills in the host society. This is facilitated by their "otherness" and often readily observable ethnic and cultural differences. Stigmatization is exacerbated by media, and national governments are also often implicated since migrants can deflect criticism from other shortcomings. An example of this is the Indonesian migrant population in Malaysia who are accused in media of a high incidence of HIV and indeed are blamed for the spread of the disease in the country as well as being behind high rates of crime. This is in spite of the fact that official health and crime data over a long period do not ascribe higher rates to migrants than to natives (Hugo 1995).

Asian nations, with a few exceptions, have extremely restrictive citizenship policies which make it very difficult for immigrants to obtain citizenship, at least legally.² In recent years, however, there has been a substantial increase in the number of Asian countries recognizing dual citizenship or dual nationality (Vertovec 1999: 455). This has been a function of the growing recognition of the benefits to be derived from maintaining strong linkages with their expatriates. Hence, the Philippine Congress passed the Dual Citizenship law in 2003 and in 2005 India extended dual citizenship rights to all overseas Indians (*Asian Migration News*, 1–15 January 2005). This culture of negativity remains an important issue not only in international migration in Asia but also often applies to internal migration where identifiable newcomers are excluded and stigmatized in various ways. There is clearly a need for a greater appreciation not only of the positive effects of migration to balance out the emphasis on negative effects but also of the fact that migration is of crucial significance to the prosperity of some sectors in particular countries, cities and regions.

Migration and the environment

The relationship between migration and environment is a complex one and is two-way, with environmental change being a factor in initiating migration as well as being a potential consequence of people movement

(Hugo 1995). The issue of the environment is becoming of increased interest in Asia as it is elsewhere. However, development of policies to move toward a sustainable environmental policy in the region needs to consider the implications of, and implications for, people movement.

Policies and frameworks for dealing with migration issues in the Asia-Pacific region

One of the defining characteristics of international migration in Asia and the Pacific has been the increasing involvement of governments in seeking to influence the pattern of immigration or emigration influencing their countries. The United Nations conducts a survey of national governments every few years, to assess their population policies. It is interesting to note that only two of the 24 Asian countries responding to the UN survey in 2005 indicated that current immigration was too high, compared with five in 1996. Moreover the number of nations with policies to try and lower current levels of immigration fell from 12 in 2001 to only 5 in 2005. This is indicative of a realization since the terrorist attacks in America on 11 September 2001 ("9/11") of the significance of migration in several Asian destinations and that it is needed for national prosperity. The survey also recorded Asian government attitudes toward outmovement. The results of these surveys indicate that there has been an increase in the number of Asian countries who consider emigration to be too high, although the number who have policies which attempt to lower outmigration has fallen. This is partly a function of "brain drain" concerns which are mainly related to the more permanent migration to Europe, North America and Australia. However, there are also some concerns about the negative effects of labour migration.

It could be argued that one of the most pressing needs in the region is for migration in general, and international labour migration in particular, to be considered by national governments in a more objective way. It is clearly an emotive issue but, in many countries, especially in destination nations, there is widespread misunderstanding and misinterpretation of the nature, scale and effects of contemporary international migration of workers. Indeed, one of the concerns is that the international labour migration issue is not even on the "radar screen" of either formal or informal discussion. There are myths and half-truths abounding about migrant workers and their effects. Stereotypes about involvement in crime and spreading disease need to be exposed as incorrect, and there is a need for both governments and the public more generally to see migrant workers as continuing and in some cases as an integral part of the local economy. Indeed, in many cases such workers are necessary for the

long-term health of the economy. The failure to recognize these realities has led to unrealistic policies and programmes to replace migrant workers with local workers, overly restrictive entry policies which encourage the proliferation of underground migration and marginalize the migrant workers, and restriction of the rights of international labour migrants.

Hence, there would seem to be a need in the region for the wider dissemination of quality, research-based information about the reality of labour migration and its effects to policymakers, planners and the general population in destinations. There is a widespread view in destination countries that the whole migrant worker issue revolves around maintenance of national homogeneity, compliance with immigration regulations and border control. However, more positive aspects need to be understood, such as the contribution of workers to the national economy, the fact that most migrant workers wish to maintain strong contact with their home areas and to return to their home country, and the social and cultural benefits of multicultural societies. What is involved here is a significant shift in culture and this is one of the most intractable barriers to improving the situation for migrant workers but also to enable labour migration systems to work more efficiently and effectively, as well as equitably and justly.

There is a particular concern in Asia to achieve better practice with respect to international labour migrants both in origin and destination nations. There is considerable variation between nations in the level of government commitment and extent of protection given to labour migrants. For example, the Philippines has developed an array of strategies to protect its migrant workers while Indonesia, until recently, has done little. There is an array of international instruments available which, if accepted by all nations, would provide a framework for international labour migration to operate more efficiently, effectively and justly. In particular, the UN Convention on Migrant Workers (ICPRAMWF) of 1990 and finally ratified by the General Assembly in 2002 would be the basis for improving the Asian international labour migration system, but it has not been ratified by most Asian nations and the destination countries for Asian migrants. Developing a strategy which aims at gaining wider acceptance of ICPRAMWF and other relevant instruments is an important priority. Such a strategy must be long term rather than short term since it involves some substantial cultural change, especially in destination countries. A major element in the strategy is a component which aims at providing policymakers and planners as well as the general population, in destination countries, with sound information which is informed by wealth research and relates to the nature, causes and consequences of the types of population mobility which currently, or perhaps in the future, will impinge upon their country.

Unions represent one of the few internationally linked groups which make workers' best interests paramount. In destination countries unions are frequently concerned that overseas migrant workers will underbid local workers for jobs by being willing to work for lower remuneration and accepting poorer conditions. However, in the traditional migration countries unions have also played an important role in ensuring that migrant workers are not exploited. Unions, in their many forms, must be engaged more in informal discussion about migration and its effects. Anti-migrant worker stances among some unions need to be addressed and migrant workers incorporated into union activity. Similarly non-governmental organizations (NGOs) are playing an important role in international labour migration in Asia, especially in protecting the rights of workers.

While much Asian international labour migration remains undocumented, there will remain huge amounts of suspicion about migrants and migration in destination nations. Nation-states will be legitimately concerned regarding their lack of control over their sovereign borders and migrant workers will have an aura of "criminality" among the citizens in the destination. Hence there is a pressing need to regularize migration, and this applies equally to origin as it does to destination countries. Too often, undocumented migration is able to thrive because not only are the documented channels too narrow and limited but also the transaction costs involved are too high because of rampant rent-seeking by a range of stakeholders. The process is slow and cumbersome and too difficult and bureaucratic for potential migrant workers with little education, skill or experience in dealing with bureaucracy. In origin countries the process of migration will only become fully regularized when official channels for movement are seen by potential migrants as more effective than the undocumented channels. The common response to illegal migration is increased policing and compliance activity against the undocumented migration system. However, this will be ineffective unless at the same time there is an equally concerted effort to wipe out corruption, exploitation and needless bureaucracy in the official system. In destinations there needs to be official and community recognition of the structural role of migrant workers in the prosperity of local economies, and with this the regularization of immigration which maintains national sovereignty and control over who enters the country but recognizes the rights of migrant workers and the need for them.

As was indicated earlier, civil society is playing an increasing role with respect to migration, internal and international, in Asia although there is considerable variation from country to country in the nature and level of that activity. Most NGO activity in this area is nationally based but there are some emerging regional NGOs which cover several nations. It is

particularly important to have NGOs which are active in pairs of origin and destination countries. There are a number of examples of effective NGO activity in improving the protection of migrants, providing support for migrants, and also advocating for the rights of migrants and lobbying to change policy in both origin and destination countries. In terms of origin countries the Philippines has the best-developed and most comprehensive NGO presence and their role undoubtedly has improved the lot of OCWs from that country. In particular, the way in which the migration of refugees is being organized and influenced by NGOs can give many indications of best practice. With respect to destination countries, NGO activities have been especially important in Taiwan in improving protection for both migrant workers and the foreign brides of Taiwanese men. NGOs have the potential to play an important role in the protection of migrants, especially migrant workers and brides of commodified arranged international marriages. This is because while governments are constrained in their ability to help nationals in foreign countries by diplomatic convention, NGOs are much more flexible in the types of support they can provide.

International agencies have become much more active in the Asian region in the migration area. The UNHCR has played an important role with mandated refugees since the exodus of Indo-Chinese refugees beginning in the mid 1970s. The UNHCR, however, is restricted in its mandate to deal only with mandated refugees and not other migrants – international or internal. It is limited, for example, in its ability to provide assistance for internally displaced persons (IDPs) although their activity in this area has increased in recent years. The IOM has become more active in the region over the last decade, widening the number of countries in which it has offices and the breadth of activities it has undertaken in relation to migration – from improving protection of migrants to facilitating regional and bilateral dialogue on migration issues to capacity-building of government to address migration.

The Catholic Church and to a lesser extent other religious organizations have been especially active in supporting and protecting international migrants in the region. This has unsurprisingly been most apparent in, but not confined to, predominantly Christian countries and regions. For example, the church in Japan has done much to protect migrants – workers, brides and entertainers – and similarly in South Korea and Taiwan. In the country most influenced by international migration in the region, the Philippines, the church has shown leadership and has been extremely active.

The bulk of NGO activity, however, is focused on international migration. This is not surprising given the fact that migrants in a foreign country generally face a greater range of issues, barriers and uncertainties

than their internal counterparts. Moreover, they are less likely to be able to call upon traditional support mechanisms of the extended family and kin group in foreign countries. Nevertheless, NGOs working in support of internal migration are less active than their international counterparts.

One of the major constraints on governments in the Asian region in the development of efficient and equitable migration systems which work for the benefit of countries of origin and destination as well as the migrants is a lack of capacity. Countries need to move from a migration governance system which is focused on control to systems which seek to manage people movement. Migration will continue to occur if there is a good reason for it to occur (demand for workers, persecution, environmental pressures, etc.). To seek to stop it in such circumstances is doomed to failure and simply forces the movement underground and more and more into the hands of illegal and criminal agencies. However, effective migration management requires considerable capacity and infrastructure, including multiple elements. The first is a well-trained cadre of migration officials who are not general public servants but have specific background and experience across the full range of migration activities. Such a group are fundamentally important to the setting up and running of an effective migration management system as well as in the development of emigration policies.

The second is integration of all of the government activities concerned with migration – customs, police, labour and border officials. This would also help facilitate the establishment of appropriate migration management systems. Appropriate hardware and software have been developed at a rapid rate, especially since 9/11, and the adopting and use of these is important. The migration management system would need to be bolstered by setting up an appropriate information system. Effective migration management is impossible without timely and relevant measurement of the scale and composition of migration into and out of the country.

Third, a body of policy-relevant research would need to be established, which is essential not only for the continuing surveillance of the impact of migration and to make evidence-based recommendations for migration policy and practice, but also to develop policies which can maximize the beneficial impacts of migration on development.

Finally, there needs to be a competent, well-trained, national research capacity to inform policy development on migration as well as migration and development issues.

The countries of the Asian region vary considerably across each of these criteria but most have shortcomings in each. Migration on the contemporary scale is a very new phenomenon in most countries and there has not been sufficient time or resources to build up the capacity

necessary for effective migration management and to facilitate migration and development processes and outcomes.

There is general agreement that in the new “age of migration” countries cannot aspire to stop migration flows but they are best advised to develop effective management of that mobility which maximizes national interest while preserving the integrity of national borders and human rights. Effective management of migration is very much dependent on international cooperation, bilateral, regional and multilateral. It has become commonplace in the burgeoning number of international meetings on international migration, policy and management of international migration to conclude with a consensus on the need for such cooperation. However, the cases where such admirable intentions have become translated into operational activities on the ground remain few in number. The development of regional economic blocs such as members of the North American Free Trade Agreement (NAFTA) and the European Union (EU) has seen massive shifts which have facilitated regional flows of investment, trade and finance, but initiatives regarding flow of people have been fewer. In Asia the global trend toward regional organization development and regional cooperation is in evidence in the development of organizations such as APEC (Asia Pacific Economic Co-operation) and ASEAN (Association of South East Asian Nations) which have now been in existence for more than a decade. However, little has been achieved with respect to regional agreement on international migration issues. Indeed in ASEAN, despite the fact that all nations³ have been strongly influenced by migration since its formation, the sensitivity of the state of Singapore to the issue prevented the subject even being discussed until recently. ASEAN contains major origin and destination nations so there would appear to be much to be gained.

There are some signs of change on this issue, however. This would have appeared to have occurred in the wake of the events of 9/11, which heightened the awareness of policymakers:

1. that migration can present a threat to security and that effective management of migration is an essential component of maintaining national security;
2. that effective management of migration cannot be achieved by a single nation-state without cooperation with other nations.

The 1995 ASEAN Framework Agreement on Services (AFAS) provides, *inter alia*, for regulatory convergence and regulatory harmonization, including mutual recognition agreements or arrangements (MRAs). ASEAN members may recognize the education or experience obtained, requirements met and licensing or certification granted by other members. However, progress in Mode 4 of the World Trade Organization's General Agreement on Trade in Services (GATS) on movement of natu-

ral persons and progress on MRAs has been slow. The Bali Concord II in 2003 called for completion of MRAs for qualifications in major professional services by 2008 to facilitate free movement of professionals and skilled labour within ASEAN. Cooperation is still limited on core migration issues such as orderly recruitment of migrant workers; protection of the rights of migrant workers; facilitating circular migration; facilitating remittance flows; and harmonization of migration information collection. The terrorist attacks of 9/11 have raised concerns over the security threat posed by labour migration, and regional cooperation is needed to ensure regional and national security. The ASEAN Economic Community to be realized by 2015 includes only free movement of skilled labour.

The ASEAN Economic Community allows for managed mobility or facilitated entry for movement of natural persons engaged in trade in goods, services and investment through facilitating the issuance of visas and employment passes for ASEAN professionals and skilled labour engaged in cross-border trade and investment-related activities.

The ASEAN Economic Community is also intended to facilitate free flow of services through harmonization and standardization to facilitate their movement within ASEAN. This entails completing MRAs in various service occupations; enhanced cooperation among ASEAN University Network members to increase mobility of students and staff; develop core competencies and qualifications for job/occupational and trainers' skills required in the services sectors; strengthen the research capabilities of ASEAN countries in terms of promoting skills, job placements and developing labour market information networks among ASEAN countries.

A major step forward in ASEAN recognizing the significance of migration was the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. This contains commitments among other things to share data, promote "decent humane, productive, dignified and remunerative employment for migrant workers", control smuggling and people trafficking, and extend assistance to migrant workers caught in conflict situations.

APEC, too, has introduced a number of measures particularly to facilitate the mobility of professionals and business people. These initiatives include the APEC Business Travel Card Scheme, the APEC Advanced Passenger Information, and MRAs.

The APEC Business Travel Card Scheme simplifies the entry of cardholders into the participating members (with special lanes at airport immigration control), and reduces the time and costs for applying for entry visas and permits. APEC has also agreed on a service standard for processing applications for, and extensions of, temporary residence permits for executives, managers and specialists transferred within their companies to other APEC economies.

The APEC Advanced Passenger Information (API) systems enable all passengers to be processed in advance of arrival in destination economies by instituting the check at the point of checking in to board aircraft and sea vessels at the point of origin. Finally, MRAs for certain occupations and skills are to facilitate international and regional labour mobility.

There has been an increasing readiness on the part of countries in the region to come together to discuss migration issues. A regional meeting on irregular migration in Bangkok in 1999 produced the Bangkok Declaration on Irregular Migration, which said, among other things:

The orderly management of migration and addressing of irregular migration and trafficking will require the concerted efforts of countries concerned, whether bilaterally, regionally or otherwise, based on sound principles of equality, mutual understanding and respect. (Bangkok Declaration 1999)

The increasing scale and significance of people smuggling, trafficking and undocumented migration in the Asian region has seen a number of bilateral and multilateral initiatives of cooperation to combat such activity. One of the most inclusive and significant has been the meetings convened by the Foreign Ministers of Indonesia and Australia in Bali on 26–28 February 2002 and 28–30 April 2003, the Ministerial Conferences on People Smuggling, Trafficking in Persons and Related Transnational Crime (MCPSTPRTC). This has come to be referred to as the “Bali Process”, which is intended to complement and strengthen bilateral and regional cooperation in this area.⁴ The initial meeting involved almost all countries of the region as well as a number of observer countries and organizations⁵ reflecting the increasing significance of this issue in the region as well as globally. Agreement was reached about the nature and importance of the problem, the principles for combating it and for the necessity of bilateral and multilateral cooperation to combat it. The Ministers agreed that they would work towards developing more effective information- and intelligence-sharing arrangements within the region, improving cooperation between law enforcement agencies, enhancing cooperation on border and visa systems, increasing public awareness of the facts of smuggling and trafficking operations, enhancing the effectiveness of return as a strategy to deter illegal migration through the conclusion of appropriate arrangements, cooperating in verifying and identifying the nationality of illegal migrants in a timely way, and improving technical capacity in the region to respond to the challenges posed by people smuggling, trafficking in persons, including women and children, and other forms of illegal migration.

The Ministers established a follow-up mechanism to implement the recommendations of the Regional Conference and coordinate action that

the region could undertake to combat the problems. In particular, the conference set up two ad hoc groups of experts. Group I is coordinated by New Zealand whose mandate was to promote regional and international cooperation. Group II is coordinated by Thailand, whose mandate was to assist states to strengthen policy-making, legislative arrangements and law enforcement practices.

There is also regional cooperation on refugees through the intergovernmental Asia Pacific Consultations on Refugees, Displaced Persons and Migrants (APC), which has been in existence since 1996. This is an informed consultative arrangement between countries in the Asia-Pacific region. It is a non-decision-making body, and membership is voluntary and aims to promote dialogue and explore opportunities for greater regional cooperation on matters pertaining to population movements including refugees, displaced persons and migrants. There is an annual plenary consultation as well as sub-regional and expert meetings. Most Asian nations are participants.⁶

However, perhaps the most important element in both the ASEAN and APEC initiatives, together with others such as the Bali Process and the Colombo Process, is that they are providing an opportunity for dialogue between origin and destination countries on migration issues (Hugo 2004). Bringing key immigration officials together in a non-threatening atmosphere to discuss issues of mutual interest can build up mutual interest and confidence which can be the basis for more detailed later engagement.

There are growing indications that bilateral negotiation and agreement may be a useful first step in achieving better migration outcomes. Destination countries are wary of what they see as open-ended agreements which they perceive to challenge the sovereignty of their nation-state. Bilateral agreements can be specific and demonstrate that a regularized, fair and equitable migration system can work to the benefit of the destination country, origin country and the migrants themselves. Such agreements can take out the role of many rent-seeking agents who thrive in the contemporary situation, and reduce the transaction costs of migration. Importantly, too, it provides migrant workers with security at their destination. The transaction costs of migration, which are predominantly borne by the migrant workers themselves, will not be reduced without state intervention. Such intervention will necessitate close cooperation between origin and destination economy governments.

It is, however, proving difficult to get pairs of Asian origin and destination countries together to discuss migration issues which mutually influence them both. Indeed, it has been difficult to get "labour exporting" nations together to agree on minimum standards, workers rights, and so on. There have been strong feelings of competition and little cooperation.

In Asia, a promising development has been a ministerial level meeting of ten labour-exporting nations in Asia and the Pacific organized jointly by the government of Sri Lanka and the International Organization for Migration in April 2003. While no firm agreements emerged, there was a recognition that bilateral and regional consultations are essential to the successful management of migration flows (*Asia Migration News*, 1–15 April 2003).

It has been argued (United Nations 2002: 21) that:

the adoption of the General Agreement on Trade in Services (GATS) during the latest rounds of the General Agreement on Tariffs and Trade (1993) provides a general framework for trade related temporary movements of people based on government to government agreements. So far, no such agreement has yet been worked out as GATS contains no clear specific rules regarding the movement of labour. However, a number of developed countries, including the EU as a whole, have taken steps toward the formulation of agreements.

Hence there are some promising signs of a recognition of the structural nature of non-permanent migration in many developed countries and its long-term significance and importance.

Many of the existing bilateral free trade agreements (FTAs) contain provision for the “movement of natural persons”. The liberalization of services trade has prompted the need to guarantee free mobility of professional workers and service suppliers. However in the region the extent to which FTAs have been used to facilitate international labour migration has been limited. Most FTAs include little or no consideration of migration. Where migration is included in FTAs it tends to involve professional and high-skilled migrants or corporate and other transfers *within* companies operating across countries.

International Labour Organization (ILO) and UN Conventions on migrant workers suggest that bilateral agreements and/or memoranda of understanding (MOUs) between origin and destination countries are an effective way of setting out the rights and obligations of employers, migrants, private agencies and government instrumentalities in the migration process. These have certainly become more popular in the Asia-Pacific region. Korea, for example, has in recent years conducted 14 MOUs with sending countries. On the sending side, Indonesia has in the last few years signed MOUs with Malaysia (2), Korea, Taiwan, Japan, Australia, United Arab Emirates (UAE), Jordan, Kuwait, Qatar and Syria. An important MOU signed with the major destination of Indonesian migrant workers, Malaysia, in Bali in 2006 had the following provisions (*Asian Migrant News*, May 2006): employers are required to sign

contracts that specify the rights and obligations of both parties; withholding of workers' wages is prohibited; salary of domestic workers should be Malaysian ringgit 400–500; workers have the right to practise their religion, vote in the Indonesian general election at the embassy and have disputes settled in Malaysian courts; a bank account is to be opened in the name of domestic workers by employers into which their full salary is to be deposited, and employment agencies are banned from taking a share.

This latter MOU was additional to an earlier agreement and dealt specifically with the problems being experienced by the estimated 300,000 Indonesian women domestic workers in Malaysia. The effectiveness of this and other MOUs in Asia has yet to be evaluated. Indeed this is a task which needs doing as there has been a proliferation of such agreements in recent years.

There has been some suggestion in the region that the increasing number of FTAs could be a vehicle for agreements to be made between countries on the flow of labour migrants. Indeed, in organizations such as APEC, which has been devoted to freeing up trade and financial flows between countries in the region and has played a role in encouraging FTAs, there is currently a discourse that argues that migrant labour flows are the missing component in these liberalizing processes. Newland, Agunias and Terrazor (2008) argue that by associating with FTAs international labour migration has the potential to “ride on the coat tails” of more strategic objectives. In fact some FTAs in the region contain provisions for the “movement of natural persons”. However, these largely refer to service suppliers under private contracts and, in a few cases, professional workers; they do not allow the movement of low-skilled workers (Hugo 2008). While this avenue needs to be continued to be investigated, it seems to be a second-best solution to MOUs in that any labour migration elements are likely to be seen as peripheral and not given the comprehensive attention that is possible in MOUs.

Governance and migration in Asia and the Pacific

The potential for migration, especially that of low-skilled groups, to deliver development benefits to Asian and Pacific countries is being hampered by: (i) a reluctance in labour-short countries to recognize the structural importance of migration to their contemporary and long-term economic prosperity and to put in place appropriate migration systems; and (ii) a situation whereby in much of the existing migration the potential for development impact is not being realized because of siphoning off

of the earnings of migrants through excessive rent-taking by recruiters, agents, money lenders and other intermediaries involved in the migration process.

Clearly, sound governance systems which protect the interests of destination communities while also providing migrants with appropriate access to work, protecting their rights, making it possible for them to remit as much as possible of their earnings home and to return home are required to achieve win-win-win results. This not only involves the governance of migration within origin and destination countries but also in achieving effective cooperation between origins and destinations. In all of these areas, while there are examples of best practice within the region, there are more situations where the potential for migration to deliver benefits is being constrained by poor governance. Before examining some of these areas where there is a need for improving the governance of migration, we can raise some general issues which impinge on Asia-Pacific countries' abilities to introduce best practice systems.

There is a major need for capacity-building in the whole area of development and operationalization of labour migration policy in several nations in Asia and the Pacific. Development of best practice requires a cadre of well-trained professionals across a range of migration-related skills. They need to be resourced appropriately with appropriate software and hardware to manage the migration. This applies equally to officials in origin as well as destination countries. The urgent need to develop the skills and systems in this area in several Asia-Pacific countries has been identified (Hugo 2008). Associated with this is a pressing need to improve data collection in this area since accurate, comprehensive and timely information on demand and supply of migrants is a fundamental prerequisite for effective management.

Effective governance requires cooperation between authorities at both origin and destination ends of the process and such cooperation has been limited in the region although there are signs that this may be changing.

Improving governance of international labour migration systems in Asia and the Pacific is going to involve confrontation with well-established vested interests inside and outside the existing legal system, which are often not operating in the interests of migrants or of development in origin communities.

Finally, there is a need for a conceptual change among policymakers in the region to recognize that migration can impinge positively on development in origin communities. Part of this is making migration policy in destination areas more "development friendly". This means developing policies and programmes with not only the labour market interests of destinations in mind but also their impacts in origin communities. This may require involvement of development assistance agencies, as

occurs with the New Zealand recognized seasonal employer (RSE) scheme (Gibson 2008) and, increasingly, in Europe (DFID 2007).

The need for a “conceptual leap”

In Asia and the Pacific migration has in the past often been perceived by governments and communities in both origin and destination countries as an unwelcome but necessary “fix” to short-term problems of labour excess and labour shortage. Few have seen it as a structural, necessary and long-term element in national and regional economies. However, steepening demographic and economic gradients between countries mean that migration is becoming in many cases an established and significant feature. It is crucial therefore that there is an effective system of governance at both ends of the process which recognizes this reality.

One of the most important barriers to the development of a more effective and equitable international migration system in the region (and elsewhere) is the inaccurate perception held and disseminated by policy-makers, the media and the community generally about the significance and impact of migration. There is a need for a more empirically informed discourse, to overcome the widespread misinformation which often leads to a failure to recognize that migration is a structural element in local economies and that it will remain so in the long term. Correcting these misperceptions will help bring an end to the stereotyping and scapegoating of migrants, discrimination and denial of migrants’ rights, and unrealistic migration policies.

An important task is to facilitate a more informed discourse about migration in the region. Government and media can play an important role in assisting in the development of migration-friendly contexts.

A major prerequisite for improving migration governance in the Asia-Pacific is a recognition that migration is increasingly necessary if nations are to maximize their prosperity, sustainability and well-being.

Temporary versus permanent migration

Since the Global Commission on International Migration (2005: 16) recommended that special attention be given to “carefully designed temporary migration programs as a means for addressing the economic needs of both countries of origin and destination”, there has been considerable debate on the potential development impacts of circular versus permanent migration. On the one hand, some argue that temporary labour migration is better able to deliver development dividends than permanent migration because temporary migrants remit a higher proportion of their income and are more likely to return as they have left their families

behind. In addition, there are advantages to the destination since they offer greater labour market flexibility, do not add to the ageing population and do not threaten social cohesion. On the other hand, opponents point to the history of exploitation of such migrants, denial of their rights, their lack of opportunity for social mobility and their exclusion from destination societies.

There is a strong contrast in the region in that destination countries have welcomed high-skilled temporary and permanent migrants but are highly restrictive in their attitudes toward low-skilled migrants. The former often enjoy conditions above the average for native workers while the opposite is the case for the latter group. Some origin countries in the region are attempting to increase the proportion of labour migrants they send out with high skills. The logic is that they will remit more because they can command higher salaries, they have a greater opportunity to enhance their skills, they are more likely to maintain non-family networks and can enhance productive linkages between origin and destination. However, against this they are less likely to return, they are more likely to come from cities than from poor rural areas and the loss of human capital may have negative effects in the home area.

There is a history in the Asian region of destination countries eschewing permanent settlement of migrants and meeting their labour shortages entirely through temporary labour migration programmes (Castles 2003). These programmes have been subject to substantial criticism and there can be little doubt that poor governance of such programmes at both origin and destination has constrained their potential to deliver development dividends. There is considerable scope to improve temporary migration systems in the region. In addition, however, there is scope for rethinking restricting labour immigration to temporary movements. It seems that in many destination countries a judicious mix of permanent and temporary migration programmes can produce better results than an insistence on purely temporary movements. This is being increasingly appreciated in countries such as Singapore and South Korea which are diversifying the avenues of migration.

Critics of temporary labour migration programmes are able to demonstrate a number of negative outcomes of such programmes in the region. This has led to some advocating that such programmes should not be encouraged and that permanent settlement migration be used. However, it is important to make the distinction between circular migration per se on the one hand and the operationalization and governance of such programmes on the other. There is compelling evidence not only that circular migration can produce significant economic gains in origin countries but also that it is a preferred migration strategy for many movers (Hugo 2009a). Several decades of research with migrants in Asia has convinced

this writer that while much non-permanent migration is a precursor to permanent relocation for many other types of migrants, circular migration is a sustainable practice that allows them to earn in a high-income country but retain their family and primary residence in their homeland. Accordingly an important priority in the region is to accept that circular migration will continue as a major structural element in the economies of many countries. Hence, it is crucial to improve the governance of such migration (Hugo 2009b).

Improving governance in origin countries

In Asia-Pacific origin areas, migration policy and practice focus on managing the temporary emigration of labour migrants, especially low-skilled migrant workers, and engaging with their diaspora of more or less permanent emigrants who are predominantly higher-skilled workers. In both cases governance is crucial if the potential for development dividends is to be maximized.

First, turning to the temporary outmovement of workers, especially low-skilled workers, while there is variation between countries there is considerable evidence of excessive rent-taking, exploitation and infringement of rights.

It is at the initial recruitment and selection stages in Asia and the Pacific that many of the problems of excessive transaction costs are incurred. Too often migrant workers and their families go into debt to meet the costs which are imposed and this is a major barrier to the earnings of migration being invested in development-related or poverty reduction activity. This is complicated by the fact that in several countries there are a plethora of agents, subagents, middlemen, travel providers and officials that are involved in the recruitment and preparation process and who impose charges – some legitimate, others not. An obvious goal is to reduce these transaction costs to a level commensurate with the services provided, and there are a number of practices which can help achieve this.

The first practice is information provision. Much of the excessive rent-taking occurs because the potential migrant workers are not informed sufficiently about what they should be paying. The development of effective information mechanisms such as the setting up of Migrant Resource Centres in origin areas, which empower potential migrants with detailed and accurate information about the recruitment process and costs, is an important element of best practice. Programmes in the Philippines by both government and NGO agencies have demonstrated how effective this can be.

The second practice is reducing bureaucratic complexity. In some sending countries the official processes necessary for working overseas

are excessively complex, costly and time-consuming. This increases costs for migrants considerably. Best practice here is to streamline the process and develop “one stop shop” facilities to gain necessary government clearances.

A third practice is effective management and control of private sector agents and others involved in the recruitment process. In some countries the links between private sector agents and government officials involved in the recruitment process are close and corrupt. The development of a professional, diligent and appropriately recompensed group of officials to manage this process is an important part of best practice.

A fourth aspect is the need for involvement of NGOs in the process as an independent voice to provide advice to potential migrant workers. This has been effective in the Philippines.

A fifth measure is the non-establishment of bans for migration. From time to time, sending countries in the Asia-Pacific region have applied bans on recruitment of workers to particular countries or on particular types of migrant workers. Indonesia, for example, at different times has banned the sending of unmarried women or women below age 24 to be migrant domestic workers. This has simply resulted in the falsifying of information. Moreover, bans to certain destinations are circumvented by reverting to undocumented migration. Clearly such bans are to be avoided and best practice is to provide safe and fair channels for migration.

Finally, recruitment always will be selective as in all forms of migration, but best practice should avoid unfair discrimination. For example, some agricultural worker programmes such as New Zealand's RSE favour married men because they are seen as being more stable and reliable and less likely to run away than single men because they have families at home. However, denying single young men access to foreign work can create a range of problems at home.

The above elements of best practice lie mainly in the ambit of sending nations and hence in some ways are easier to implement because they do not involve the complication of involving the destination, where the sending government has no jurisdiction. However, achieving best practice in recruiting is no small task in many countries. It assumes a high degree of political commitment since it involves taking on considerable vested interests within and outside of government if the unnecessary rent-taking on the labour migration process is to be significantly reduced and the resources thus freed up made available for development in origin communities. It also presupposes dedicated and well-trained officials to develop and operationalize the practices. In reducing transaction costs it may be useful to examine the way in which some undocumented migration in the

Asia-Pacific is managed. In countries such as Indonesia it is the large differential in transaction costs that accounts for many migrant workers choosing to move outside the official system.

It is apparent that, especially in the case of low-skilled workers, some form of pre-departure training and preparation can improve their chances of success in the destination. Such preparation is mandatory in some systems in the region (e.g. Indonesia) but its quality is often questionable. Low-skilled workers with low levels of formal education and likely unable to speak the majority language at the destination often find it difficult to cope with their work and other aspects of living at the destination. This is particularly the case when the migrant worker is isolated from fellow countrymen at the destination. Domestic workers are in this situation. Training must not be seen as yet another opportunity for squeezing money out of migrant workers, nor can it be excessively long. The elements of best practice in pre-departure training include: specific skills training where the worker is expected to operate machinery or carry out tasks (e.g. pruning) which are not familiar; targeted cultural awareness training to guard against the workers upsetting destination populations by inappropriate behaviour; some key phrases in the language of the destination; clear explanation of the rights and obligations of both the migrant worker and the employer; ridding workers of false expectations at the destination and the job they are going to; empowering migrant workers by guiding them as to how they should respond to exploitation, cheating, excessive workloads, non-payment of salary, and so on. Migrants should be provided with clear instructions of how to contact embassies, consulates and labour attachés if they are confronted with such a situation. Providing each worker with a cellphone with pre-programmed emergency numbers is increasingly being seen as best practice in this area. Gaining cooperation of telecommunication providers is already occurring in the Asian region.

Training needs to be appropriate to the particular work and cultural situations that migrants are going to. In the Philippines some excellent materials have been produced in comic book form to assist in this process. NGOs can and do play important independent roles in this training.

Best practice in labour migration would involve a high level of cooperation between the governments of sending and receiving countries involving such elements as: an MOU which specifies the conditions under which labour migrants are accepted into a country, their minimum conditions, rights and obligations (and those of their employer); a mechanism to allow regular discussions between the countries on migrant issues; a mechanism through which there can be timely and effective action decided upon to deal with pressing specific issues relating to migrant

workers; an open channel of communication between governments in which there can be frank regular interchange and discussion of migrant worker issues.

For sending countries there are major limits on what they can do to protect their migrant workers in destinations because of jurisdictional issues. This is even more the case when migrant workers in destinations are undocumented and have no legal status at the destination, as is often the case in the Asian context. Nevertheless nation-states have an obligation to protect and support their citizens in foreign countries and there are standard diplomatic channels which respect this and facilitate it. A major issue is the strength of political will in origin country governments to protect and stand by their citizens working overseas, and this varies between sending nations. Again some of the best practices in this area within the Asia-Pacific region come from the Philippines (Martin, Abella and Midgley 2004) and elements of their approach are worth emulating.

The Philippines government has demonstrated over the years a strong commitment to support its workers overseas. For example when a Filipino maid was sentenced to death for killing her employer in the UAE, three Philippines government ministers flew to the UAE and successfully pleaded for her life to be spared (Martin et al. 2004: 1553). On the outbreak of war in Kuwait and Lebanon, decisive government action was taken to repatriate Filipino migrant workers. There are many other examples where the government has demonstrated that it has the commitment and capacity to support its overseas workers when they are in trouble.

The Philippines has also been active in setting up labour attachés in embassies and consulates in all major cities abroad where substantial numbers of Filipino OCWs are deployed. In 2008 there were Filipino labour attachés in 35 locations. Moreover the role of the labour attaché is well developed and migrant workers are informed of how to contact them.

As a more general measure, sending country governments can also encourage their national banks to establish branches in major destinations of OCWs, to facilitate the sending of remittances. Russell (1991) notes that when the Philippine National Bank first sets up in a new location there is a noticeable spike in the flow of remittances from that country. Sending countries can encourage and assist NGOs to be involved (with partner NGOs in the destination) to provide support, advocacy and protection for migrant workers at the destination.

Remittances are usually the *raison d'être* of temporary labour migration for both the migrant and the sending country, and maximizing their flow is a priority for both (Athukorala n.d.: 2). In some cases, policies of this type have been quite ill conceived. For example, in Indonesia's 1994–99 Sixth Five-Year Plan and also subsequently, the government expressed

the aim of replacing its dominantly unskilled worker outflow with semi-skilled and skilled workers in order to maximize remittance inflows. However, as Hugo (1995: 291) states, there is a discordance between such plans and reality. The outflow is overwhelmingly unskilled and this has remained the case over the last decade. Indeed, the comparative advantage enjoyed by Indonesia is largely in supplying unskilled workers and there is a major surplus of such workers in Indonesia.

There has been an increasing realization in several Asian emigration and labour-exporting countries that remittances can make an important contribution to national, regional and local economies. This was heightened in several nations including the Philippines, Thailand and Indonesia during the Asian economic crisis of the late 1990s, when there was a sudden decline in foreign investment and an increase in unemployment and underemployment. Remittances gained new emphasis as a source of foreign exchange, and emigration was made even more attractive by the devaluation of local currencies. Overseas labour migration was one of the strategies used to cope with the effects of the crisis.

Some nations have built remittance targets into their national development plans. In Indonesia, for example, in the Fifth Five-Year Plan (1989–94) it was estimated that US\$1.8 billion was transferred through official channels and so a target of \$8.4 billion was set for the Sixth Plan (Hugo 1995). Other nations have put in place programmes to capture as much of the foreign exchange earned by its nationals based overseas as possible. South Korea was a pioneer in this, stipulating as a condition of issuing exit permits to contract workers that at least 80 per cent of earnings had to be remitted through the Korean banking system (Athukorala n.d.: 3). Attempts by the Philippines, Pakistan, Thailand and Bangladesh to do something similar have failed (Abella 1992). It is difficult to enforce such regulations when much of the labour migration is occurring outside of government influence.

Athukorala (n.d.: 4) points out that, to encourage migrant workers to send remittances through official channels, sending countries use two systems: repatriable foreign currency accounts and foreign currency dominated bonds. Most Asian countries with substantial numbers of workers overseas, both temporary and permanent, have systems in place in their domestic banks for remittance of earnings to repatriable foreign currency accounts. These accounts are not subject to existing foreign exchange regulations and in some cases (e.g. India and Pakistan) have an interest rate policy which allows such accounts to earn interest above prevailing world rates (Athukorala n.d.).

Some Asian nations have attempted to tax remittances at various times but in most cases this has failed, with the main effect being to divert remittances through non-official channels. In 2002, Sri Lanka announced

that it would impose a 15 per cent tax on the \$1.2 billion remittances received each year. However, it had to quickly withdraw the measure when there was a massive outcry (*Migration News* 10(1), January 2003).

Turning to origin countries' engagement with their diaspora which is more or less permanently settled in foreign countries, there is growing interest but little in the way of established best practice to provide guidance. Key issues here, however, are: for several countries in the region their "national populations" include a sizeable number of persons living outside the national boundaries; the diaspora is often selectively highly educated and skilled; modern forms of information technology and cheapening of international travel make it much more possible for the diaspora to retain a close, informative, active and intimate relationship with their homeland (Dade 2004).

For origin countries there are a number of considerations including to what extent, and how, should the government engage with the diaspora? How can the diaspora's role in national economic development be maximized? Should return migration be facilitated?

The ability for the diaspora to have an impact on their homelands has been facilitated by modern forms of communication. Moreover, the increasing number of countries that have embraced dual nationality (Weinstock 2008) has meant that diaspora members can opt to be truly binational. Some have argued that in some cases the diaspora may be able to have a greater impact on development at home by residing overseas than by living in their homeland. For origin countries, developing systems of governance that can encourage and facilitate involvement of the diaspora in the development of the homeland is a challenge. Some countries, such as the Philippines (Martin et al. 2004) and India (Khadria 2004), have set up institutions and structures to achieve these objectives and there are increasing indications that such initiatives can be productive.

Improving governance in destination countries

As is the case with origin countries, there is no single formula for best practice in governance of international migration. Much will depend on the particular context of each nation-state; however, some important principles are generally applicable. As has been mentioned earlier, it is important for destination countries to make objective informed assessment of their needs for migration and, having done so, put in place an appropriate suite of migration categories which will provide for those needs. A plea for realism and objectivity in making these assessments is very important. Usually experience has been that there is a need for a

mix of avenues for immigration, both permanent and temporary, if the positive effects of migration are to be maximized.

We will deal first with temporary labour migration, the pre-eminent form of international migration in the Asia-Pacific. Abella (2006: 53), while agreeing that it is not possible to put forward best practices in temporary labour migration that are applicable to all or most countries, suggests that it is possible nevertheless to identify the elements which make for successful programmes. These include: proper management of labour demand; combining long-term forecast of supply deficits with practical methods for responding to current demands of industry; transparency of the admissions criteria for selection and length of approval process; recognition of qualifications to enhance utilization of migrants' skills; cooperation between origin and destination countries especially in supervising recruitment and employment; protection of the fundamental rights of migrant workers; flexibility in determining periods of stay to allow for differences in the type of work to be performed and conditions in the labour market; allowing for change of employers within certain limits; avoiding creating conditions (e.g. imposing forced savings schemes, employment of cheap labour through trainee schemes) which will motivate migrants to opt for irregular status.

To these we might add: the adoption of more "development friendly" migration policies by both sending and receiving countries; the success of any temporary labour migration programme depends on the sending and host countries' *commitment* to applying and enforcing law strictly to all parties – the migrants, recruitment agents, employers etc. (Ruhs 2005: 16); effective administration of a temporary labour migration programme requires both sending and receiving countries having the *capacity* to manage such programmes – committed, properly remunerated staff and access to and training in the hardware and software of modern migration management; improving the governance of migration systems is critical to its success; effective cooperation between sending and receiving countries is necessary for effective labour migration systems.

Empirical evidence confirms that temporary labour migration *can* work to the benefit of development in origin countries in Asia and the Pacific. The argument in the origin country should *not* be whether or not circular migration can have a positive developmental impact in origin areas, but rather: under what circumstances does it have a positive impact?

What policies and opportunities are needed to maximize the development dividend and reduce the chances of a negative impact?

Ruhs (2005; 2006) has argued that the first fundamental step for destination countries developing sound policies on temporary labour migration is effectively managing the demand for labour. Employers will

always have a “demand” for foreign workers if it results in a lowering of their costs. Temporary labour migration must not be a means for driving down the conditions of local workers or even displacing them. The backlash against the Australian 457 Skilled Temporary Migration Program has been driven by reported abuses of the system by a few employers paying lower than official (award) wages and replacing local workers with foreign workers. Best practice should be to offer wages at the same (or better) levels than are offered to local workers. In this way labour shortages reported by employers are more likely to be genuine. Some countries in Asia have imposed levies on employers who take on foreign workers, to moderate the demand for foreign workers. While Malaysia and Taiwan have versions of this approach it is Singapore which has developed the most complex set of levies. As Abella (2006: 43) has pointed out, “the avowed purpose is to moderate the demand for foreign workers by making it more costly to employ one, especially unskilled workers”. A more common approach is apply labour market testing to establish labour shortages. However, such testing and forecasting is not a precise art (Ruhs 2006: 19).

One of the fundamental responsibilities of destination countries is to ensure that migrant workers’ labour and human rights are protected. Since most labour migrants are tied to a particular employer they are often more subject to exploitation and abuse than local workers. Maclellan and Mares (2006: 39–40) maintain that accordingly “safeguards must be built in to protect workers’ rights and guarantee freedom of association. There must also be a mechanism of independent dispute resolution to manage conflicts when they arise.” As Ruhs (2006: 16) has pointed out, liberal and democratic host countries have a poor record of enforcing the law against employers of migrant workers.

One of the real challenges for governments seeking to protect migrant workers in Asia is the fact that many are not employed in standard workplaces which are subject to standard labour laws within countries. This especially applies to many women labour migrants, particularly those who work as domestics and carers in private homes. More than 3 million Asian women at any one time are away from their home countries (especially Sri Lanka, Indonesia and the Philippines) working in such situations. However, entertainment workers are also significant in number and often work in situations where they are at high risk of exploitation. There are few examples of best practice available because these workplaces are also beyond the reach of standard workplace protection mechanisms for native workers as well. In Malaysia, Taiwan, Hong Kong and Singapore draconian policy measures have been put in place which limit the rights of domestic workers – tying them to a single employer, banning marriage to a local, compulsory health tests, disallowing dependants, enforcing

“live-in” situations, and immediate repatriation if found to be pregnant. However, there is increasing evidence of migrant domestic worker activism, especially in Hong Kong, and NGOs (often organized by local women) are taking a prominent role in supporting the rights of female migrant workers in vulnerable situations (Wee and Sim 2005; Yeoh, Huang and Rahman 2005).

Perhaps best practice in this area has been demonstrated in the small Live-in Caregiver Program (LCP) of Canada (McKay 2005). This programme allows caregivers to apply for permanent residence in Canada after three years. Yet even in this programme, McKay (2005: 323) maintains, legislation and policies to protect the rights of such workers are highly ineffective. The following elements would appear to be best practice in this very difficult area: providing mechanisms for live-in workers to make complaints and fair processes to investigate and adjudicate on them; making “live-in” status optional; encouragement of the development of NGOs supporting the rights of domestic workers; ensuring that the basic rights of workers applying to formal workplaces apply also to domestic workplaces.

As Ruhs (2006: 30) has pointed out, a temporary labour migrant programme can never give an upfront guarantee or even raise the expectation that a worker admitted under the programme will eventually and inevitably acquire the right to permanent residence in the destination. However, this does not “preclude the possibility that the host country might facilitate a strictly *limited* and *regulated* transfer of migrants employed on TMPs [temporary migration programmes] into permanent residence based on a set of clear rules and criteria”.

One best practice which applies not only to migrant domestic workers but other temporary labour migrants is the establishment and resourcing of Migrant Resource Centres (MRCs). These have been predominantly developed by NGOs, although in major immigration countries such as Australia, state and federal government have been instrumental in the development of MRCs. Such centres have been shown to play an important role in facilitating the adjustment and protection of migrants. Among other things, the functions of MRCs can include: a point of contact in emergency situations; a mechanism for informing OCWs of their rights and obligations; a place to provide support for OCWs – economic and emotional; and a place to provide information on how to access services in the destination country. Other functions could include: facilitation of maintaining links with the homeland (including remittances); provision of training – e.g. in language; assistance in preparing to return; and legal aid. In fact, informal meeting places have evolved in Singapore and Hong Kong where domestic and other workers congregate on their day off, and MRCs can build on and formalize the support provided in these places.

An important element in best practice of destination countries involves the setting up and administration of regulation of employers of temporary labour migrants (TLMs). Best practice here seems to involve granting special status to employers who have a good reputable history of abiding by regulations and fairness in dealing with migrants. This status involves less complex application for workers and reporting. However, for other employers, inspection and full compliance with regulations is necessary. Moreover employers that repeatedly fail to meet the requirements of regulations should be banned from employing TLMs. Best practice involves adopting a system of labour inspections to meet the specific problems of migrant workers.

Another element of best practice at destinations involves provision of training for TLMs. This provides not only a better workforce for employers but the opportunity for social mobility among the migrant workers. In the New Zealand RSE scheme some large employers have established training facilities in origin countries to prepare migrants for work in New Zealand. Training also means that the migrant worker will return to his or her origin country with new skills which can be of benefit not only to them but to the development project in the home country.

With respect to more permanent migrations directed to destination countries, a new challenge to governance has been presented by the increasing focus on migration and development linkages. Whereas in the past migration policy in destination countries has been the preserve of ministries of migration, there has been increasing interest among development assistance agencies. Multilateral and national development agencies are now seriously considering how they can direct resources to “increase the benefits and reduce the risks of migration for poor people” (DFID 2007: 1), that is, to benefit people in low-income countries. This raises the issue as to whether destination countries could initiate “development friendly” immigration policies.

The new thinking on international migration and development, however, suggests that it is possible to develop immigration policies in migration destinations which have win-win-win outcomes not only for the destination but also for the migrants themselves and the origin communities. Injecting an element of development sensitivity into destination country policies need not mean the sacrifice of any gains or autonomy of that country. This presents a major challenge to the international community on what is already a highly sensitive topic. What would be involved in formulating a “development friendly” immigration policy?

At the outset it needs to be stated that such a policy should *not* involve any loss of national sovereignty or loss of total control over who can enter the destination or settle in the destination, nor any sacrifice of the

undoubted benefits of international migration to the destination's economy, society and culture.

Many argue that destination countries can develop effective policies to assist in migration in Asia and the Pacific, playing a positive role in development and poverty reduction without any major modification or change to destination immigration policy. Moreover, there is increasing international consensus that, in order to maximize the benefits of international migration for development, there is a need for cooperation between countries of origin and destinations.

What are the elements in a development-sensitive migration policy? Such questions are being increasingly raised in Europe and North America (DFID 2007); a number of elements can be put forward in a preliminary way.

Fundamentally, the benefits and impacts of a particular migration policy need to be examined and considered, not only from the perspective of the destination country, but also from that of the origin countries.

One consideration relates to issues of brain drain, especially of medical workers. The potential for such elements as Codes of Practice or providing medical training development assistance to origin areas needs to be considered in a pragmatic and realistic way. It needs to be acknowledged that not all skilled emigration is negative in its effects on low-income countries; but where the result is negative, workable ways of counterbalancing its effect need to be considered. This may mean that destination country development assistance to support education and training is directed to those countries which are a major source of skilled immigrants.

The World Bank (2006; Terry and Wilson 2005) is placing considerable emphasis on the development of policies to maximize the amount of money remitted by migrants to their home area and the effective capturing of these resources to facilitate poverty reduction and development. There would seem to be potential for destinations to play a role in this effort in the East Asian region, perhaps with some assistance and cooperation from each nation's Treasury. First in cooperation with other multilateral agencies and partner governments, policies are needed to improve access to safe, fair, transparent remittance service providers; reduce the excessive rent-taking in remittances and maximize the amount which is received by the recipient; link remittances to other mainstream financial services (banks etc.) so that senders and receivers gain access to a wider range of such services.

Second, destination countries need to work with partner governments and NGOs to develop ways of increasing the effectiveness of remittances in poverty reduction and development in the origin country. There is growing evidence that diasporas often continue to have strong family and

professional linkages with their homelands and that these can have beneficial development impacts (Newland and Patrick 2004). It should be noted, however, that not all diasporas have such positive effects. In a useful initiative in the United Kingdom, DFID undertook in 1997 to “build on the skills and talents of migrants and other ethnic minorities within the UK to promote the development of their countries of origin” (DFID 1997; DFID 2007: 23). These activities need to be considered with a view to the possibility of some such initiatives being undertaken in the destination countries of Asia-Pacific migrants.

Consideration could be given to identifying particular source countries, the development of which would particularly gain from sending migrant workers to a high-income country. This, for example, has been the case in New Zealand in identifying origin countries to several seasonal agricultural migrant workers under the RSE scheme (Ramasamy, Krishnan and Bedford 2008). Return migration, both permanent and temporary, can be encouraged through dual nationality and recognition that migrants have transnational loyalties. The possibility could be discussed of providing support for enhancing human resources of origin economies for the expenses incurred by the state in the education of emigrants. This may be in the form of extra targeted development assistance. The portability of pensions and other entitlements could be allowed. Migrants could be encouraged to maintain linkages with the home economy and encourage cultural and language maintenance. Also, the diaspora may be a vehicle for the delivery of effective development assistance. As such, the development of diaspora organizations should be encouraged.

None of these possibilities have been fully investigated but what is clear is that initiation of at least some of them need not be at the expense of the integrity and impacts of destination country immigration policies. There should not always be a “loser” from international migration.

Conclusion

Among all of the massive transformations which have swept across the Asia-Pacific in the last half-century, the increase in population mobility has been one of the most striking. There has been an increase in scale and complexity of population movement both as a cause and a consequence of the dramatic social, economic, political and demographic changes. International labour migration has been an important part of this change. The scale, spatial patterning and composition of international movements have increased with rapid economic transformation, globalization, political change, development of education, and so on. There is every indication that international population movements into, out of

and within the region will continue to increase in scale and significance. While there is a great deal of variation between economies, it is clear that demographic, economic and social changes within the region will continue to favour an increase in international movement, as will differences between the Asia-Pacific and other regions.

Demographic gradients will continue to widen over the next two decades and, despite the prediction of neoclassical economic theory, it would not appear that the large economic disparities between economies are lessening. These demographic and economic trends are not going to change in the short term, but are long-term structural elements in the economies of the regions and in the economies of destinations of Asia-Pacific emigrants and migrant workers. As was indicated earlier, there are other elements too, which are entrenching international labour migration in the Asia-Pacific region and there is no evidence of these diminishing in influence. The first of these is the process of labour market segmentation; the second is the burgeoning of the global international migration industry which is committed to the sustenance and expansion of migration between countries; and, thirdly, the proliferation of social networks which are growing exponentially and linking more and more residents of less developed countries to more developed economies in ways which will encourage and facilitate migration. Remittances are becoming crucial elements in the foreign exchange earnings of many Asian labour migration-sending countries, while whole sectors of the economy in destinations are becoming dependent on migrant labour. However, while all of these forces are working toward Asia-Pacific international migration becoming more embedded in the structure of the region's economies, and both the demand and supply factors encouraging that migration are increasing in strength, the barriers to mobility are also increasing. At least, this is the case for unskilled workers, who make up the great majority of the region's international labour migrants.

Hence, international migration will almost certainly continue to increase in scale, diversity and impact. It is "here to stay" in the Asia-Pacific region as a permanent structural feature of economies and societies and must no longer be considered as a temporary, ephemeral phenomenon. Yet much of its benefits are being diluted by poor governance. As Castles (2003: 22) argues, there is a need for the elites of many economies to make a "conceptual leap" with respect to international migration policy, involving in part the recognition of the long-term significance of migration and settlement in the region. As he correctly states, the conceptual leap "is not likely to happen quickly, but the human costs of delay may be high". Migration has the potential to improve the situation of people in poorer economies and to facilitate their development. However, making this happen will be dependent in part on the formulation of a

judicious range of migration policies within countries of origin and destination and in part in achieving a greater degree of cooperation between sending and receiving countries.

Notes

1. In 2010 there were 33 members of the OECD: Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, South Korea, Luxembourg, Mexico, Netherlands, Norway, New Zealand, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom and United States.
2. There is a substantial underground industry in document forgery and in some countries significant corruption.
3. Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.
4. In addition to Indonesia and Australia: Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Fiji, France, India, Iran, Japan, Jordan, Kiribati, Democratic Republic of Korea, Republic of Korea, Laos, Malaysia, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Turkey, UNTAET (East Timor), Vanuatu, Vietnam, IOM and UNHCR.
5. Austria, Belgium, Canada, Denmark, Finland, Germany, Italy, Netherlands, Norway, Russian Federation, Spain, Sweden, Switzerland, United Kingdom, USA, ASEAN Secretariat, Pacific Islands Forum Secretariat, EU, UNDP, World Bank, Asian Development Bank, IGC, INTERPOL, International Committee of Red Cross, International Federation of Red Cross and Red Crescent Societies (IFRC), ILO, UN Office of Drug Control and Crime Prevention.
6. Participant countries: Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Burma, Cambodia, China, East Timor, Fiji, Hong Kong SAR, India, Indonesia, Japan, Kiribati, Republic of Korea, Laos, Malaysia, Micronesia, Mongolia, Nauru, Nepal, New Caledonia, New Zealand, Pakistan, Papua New Guinea, the Philippines, Samoa, Singapore, Solomon Islands, Sri Lanka, Thailand and Vietnam.

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3

Cross-border health cooperation in complicated regions: The case of the Mekong Basin Disease Surveillance Network

William J. Long

Introduction

The six countries of the Mekong River Basin¹ are politically and economically diverse and have known much conflict during the Cold War era. Nonetheless, they have worked together for the past decade to institutionalize coordinated surveillance² and response to air- and water-borne diseases, including deadly avian influenza (US GAO 2007). Similar initiatives are under way in sub-regions of the Middle East, Africa, Southern Europe and South Asia.

An examination of the Mekong Basin Disease Surveillance Network (MBDS) and other cases of emerging sub-regional cooperation in infectious disease control may provide important insights into the motives and methods of building cross-border cooperation in a critical aspect of global health. An understanding of these organizations might also inform questions of transnational problem-solving networks³ for scholars of global governance and practitioners and policymakers engaged in regional and global health issues (Keohane and Nye 1971: xi–xvi).

This chapter begins by describing the important challenge and opportunity inherent in the area of infectious disease surveillance and response. Then, it outlines some of the theoretical and policy questions raised by these new initiatives. Turning to empirical investigation, the chapter briefly describes the global and regional context for infectious disease surveillance in which MBDS operates and then discusses the origins, institutions and activities of the network. The chapter concludes by returning to the

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issues of cooperation and governance and offers some initial insights drawn from the case study.

The challenge and the opportunity posed by infectious disease

The spread of avian influenza and other naturally occurring or human-made biological hazards presents a grave security and humanitarian threat regionally and globally (Garrett 1995).⁴ Dramatic increases in the worldwide movement of people, animals and goods, growing population density and uneven public health systems worldwide are the driving forces behind heightened vulnerability to the spread of both old and new infectious diseases. Alongside traditional diseases such as cholera and malaria, since the global spread of the human immunodeficiency virus (HIV) began in the early 1980s 29 new bacteria or viruses have been identified, many capable of global reach (Chen, Evans and Cash 1999: 288). With more than 1 million travellers flying across national boundaries every day, it is not an exaggeration to say that a health problem in any part of the world can rapidly become a health threat to many or all (Lee 2003a: 73–78). For example, avian influenza – which since its emergence in 1997 has infected over 400 people and killed half of them – could, if it becomes capable of human-to-human transmission, create a global pandemic of unprecedented lethality (WHO 2008).

Global economic and political stability could fall victim to a pandemic too. Today, nations must provide for their citizens' health and well-being and protect them from disease. Health provision has become a primary public good and part of the social contract between a people and its government. Accelerating transnational flows, especially pathogens, can stress and could overwhelm a state's capacity to meet this essential function. Weak states could fail economically or politically, thereby creating regional instability and a breeding ground for terrorism or human rights violations. Even in the strongest states, leaders must be prepared, in an integrated way, to respond to the full spectrum of biological threats that could impede essential social functions such as food supply, transportation, education and workforce operation.

Reducing the danger of influenza or other infectious diseases requires a focus on preparedness and monitoring. Rapid identification, information sharing and response are critical to limit the perils of pathogenic threats. Although the risk is great, so too is the promise of building cooperation and a foundation for peace regionally and globally through disease surveillance, detection and response that includes financial and material support for emergency interventions, long-term health improve-

ment programmes and the creation of internationally accepted rules and protocols.

Here is the positive potential of globalization: it can facilitate the rapid response to health challenges by quick mobilization of health professionals, medicines and supplies, and deployment of information technology for disease surveillance and the sharing of best health practices across nations (Lee 2001; Zacher 2007). These exchanges, between neighbouring states and even between traditional adversaries, could contribute to reducing disparities in health and help improve relations generally by building trust.

Regional cross-border health issues present both a great challenge and a great opportunity for enhancing inter-state relations and building peace. By understanding better the basis for such cooperation and the mechanisms by which it is achieved, the regional and international community can respond more effectively to a critical transnational security⁵ and humanitarian concern (UNDP 1994).

The research puzzles

Why cooperation?

The emerging sub-regional organizations dedicated to cooperative infectious disease surveillance and response suggest that, even in complicated regions and amid ongoing tensions, states working with a variety of non-state actors *can* cooperate for their common good and help allay a critical transnational threat.⁶ As such, MBDS and similar regional networks may hold important lessons and insights for scholars and students of international cooperation and transnational problem-solving and for conflict resolution and peace practitioners engaged in “global or regional health diplomacy”.⁷

For scholars of international relations, recent initiatives such as MBDS present intriguing anomalies to the classic problem of inter-state cooperation in the provision of a global or regional public good⁸ (health) in “anarchy” (Wendt 1992). In parts of the world with difficult histories, where trust is low and misunderstanding and recrimination high among countries, cooperation in an area of national vulnerability is especially provocative. It begs the question: “*Why* is public health cooperation occurring in these sub-regions?” Using a number of unlikely cases of cooperation, the larger investigation that includes this case study empirically and comparatively explores several contending, but largely untested, hypotheses suggested by the global health diplomacy literature to answer this question (Kickbusch, Silberschmidt and Buss 2007). These hypotheses draw implicitly from various social science approaches and include:

- An ethical and logical inevitability argument based on the forces of globalization and the social nature of the problem. The global benefits from controlling the transnational spread of disease necessarily *compel* cooperation, and “enlightened self-interest and altruism will converge in the increasingly interdependent world being shaped by the process of globalization” (Yach and Bettcher 1998). Infectious diseases know no physical borders and present particularly compelling “super-ordinate” problems that transcend the interests of contending parties, are shared by all of them and require joint efforts for effective response (Fisher 1990). Although ethically and logically appealing, this hypothesis fails to explain how the difficulties inherent in providing international public goods such as disease control are overcome.
- A psychosocial, “identity” hypothesis. Health initiatives promote an environment that emphasizes human well-being. The aim of reducing pain and disease is relatively undisputed. Thus, health initiatives help overcome other, more divisive sources of identity by shifting the focus away from questions of national or ethnic security to that of human security, and they allow for an evocation and extension of altruism (Skinner et al. 2005).
- A “scientism”⁹ or “epistemic community”¹⁰ hypothesis. Health cooperation creates a realm of objectivity and much-needed expertise in areas where propaganda, suspicion and recrimination often dominate relations. Medical experts can phrase the causes and the responses to health threats in scientific terms. Health workers, in turn, have greater credibility as unbiased professionals, thereby encouraging greater trust and reliance among actors from different states. For example, Martin McKee, Paul Garner and Robin Stott assert: “Health professionals thus have a unique combination of competence in communication, trust of civil society, intimate contact with most of the members thereof, and the capacity to influence individuals whatever their role in society” (McKee et al. 2001a: 10).
- A domestic politics, rational choice¹¹ hypothesis. Health cooperation provides an essential *national* public good¹² (physical security) that redounds to a participating government’s credit, thus enhancing state capacity and legitimacy at the expense of extreme elements in these societies and simultaneously improving regional stability. Furthermore, positive results in health can be observed and measured by epidemiological statistics on mortality and morbidity and have powerful impacts on citizens and thus are attractive investments for governmental and non-governmental actors (Richter 2004).
- A negotiation and signalling hypothesis. Health initiatives, as voluntary, novel and consequential projects, are viewed as reliable signals for improving communication, reducing threats and breaking patterns of con-

flict among traditional rivals or antagonists (Fearon 1994). For example, Thomas Novotny and Vincanne Adams maintain that “Health and scientific interactions can serve as core diplomatic gestures to improve communication, reduce mutual or bilateral threats, and address health problems of mutual importance” (Adams and Novotny 2007).

Furthermore, drawing from functionalist¹³ and neo-functionalist theory,¹⁴ the health diplomacy literature suggests that health sector cooperation can “spill over” into other technical areas (natural disaster planning or the use of informatics in education, for example) or even sensitive political and security arenas (mitigating human-made biological threats, for instance). Is this so, and what would explain health as the leading edge of wider cooperation?

How are cross-border health initiatives instigated, sustained, institutionalized and expanded?

Governments, acting alone, cannot meet the challenge of infectious disease spread. Diseases cross and even ignore the geopolitical boundaries of the state. The six countries of the Mekong Basin share thousands of miles of borderlands and waterways, which are crossed by more than a million people a year. Effective disease surveillance and response must also cross borders and requires not just governments, but governance (McKee, Stott and Garner 2001a: 21). Governance can be defined as the “ability to promote collective action and deliver collective decisions” (Dodgson, Lee and Drager 2000: 6) and, as distinct from government, can be fulfilled by a varied range of individuals and institutions including the public sector, private companies, non-governmental organizations, professional bodies and civil society (McKee, Garner and Stott 2001b). While an investigation into regional or global governance should not slight the interests of traditional national actors or the distribution of power in a given policy arena, it should also consider the role of other actors that potentially facilitate cooperation and the role that knowledge and norms play in managing a particular problem.

In health, there has been a shift of power from vertically organized governments and international agencies to horizontally linked coalitions or networks that also include private actors such as non-governmental organizations, businesses and philanthropies; a process of institutional pluralism driven by technological advances, new sources of funding; and lower barriers to entry (Loewenson 2003). These amalgamations have been labelled “global health alliances”, “global health partnerships” and “global public–private partnerships”.¹⁵ Practitioners and students of “global health governance”¹⁶ and those generally interested in “transnational problem-solving networks”¹⁷ will look to these emerging disease

surveillance networks for answers to a different question, that is: “*How* is this form of cooperation instigated, nurtured, institutionalized and extended to other issue areas?”

Detailed analysis of the governance process in MBDS and similar organizations may generate useful insights for practitioners and researchable hypotheses for scholars interested in the relationship among states, non-governmental organizations, corporations and international organizations in global health governance. For practitioners and policymakers, these generic insights can then be tailored to their specific circumstances. For scholars and students, these cases of sub-regional cooperation may contribute to the emerging fields of global governance and transnational problem-solving networks by generating plausible hypotheses in response to several fundamental questions in these fields, including:

- How are governance networks constituted, launched and facilitated? Do they grow out of existing interest groups or are they the product of policy entrepreneurs? Do sub-regional health networks arise as a response to a health crisis or gaps in governance? (Ahmed and Potter 2006: 25–26)
- What are the potential roles of non-state actors in sub-regional health governance: information providers, issues awareness promoters, moral compasses for states and international governmental organizations (IGOs), or programme auditors? (Loewenson 2003)
- How are sufficient resources for health cooperation generated from old and new philanthropies, governments and international institutions; and how are resources distributed according to agreed priorities?
- What are the most important sources of authority and legitimacy for these networks – speed and efficacy, normative suasion, reputation, or superior information?
- How do networks generate norms, standards and policy recommendations through the evaluation of options and alternatives?
- How and when do norms, standards and recommendations come to regulate behaviour? (Keck and Sikkink 1998)¹⁸
- What is the relationship between these horizontally organized networks with hierarchical states – are they collaborators, substitutes, or opponents? How do these networks gain access to, and influence, national decision-makers? Similarly, how do the global networks relate to existing international architectures? (Ahmed and Potter 2006)
- What constitutes “success” for a transnational network or sub-regional governance structure?¹⁹ Do these transnational arrangements work best indirectly by placing an issue on states’ agendas and increasing an issue’s salience, or through direct action in formulating and implementing policies to manage a global or regional dilemma? Who, if anyone, holds the network accountable for its actions?

A study of MBDS and its counterparts elsewhere in the world can generate answers to these questions, provide policymakers with a checklist of factors that plausibly facilitate or impede cross-border initiatives in health, and generate testable hypotheses on transnational governance and networked problem-solving for further scholarly inquiry.

Method and design

Ultimately, the larger study of which MBDS is a part considers the questions of *why* cooperation is occurring and *how* it is structured and functions through a detailed, theoretically informed, comparative case study design. An in-depth study of a small number of cases provides an opportunity to explore those questions contextually yet systematically. Although less parsimonious than some approaches, case method can lead to plausible statements of causality regarding why and how health-based cooperation is occurring in complicated regions when many variables are involved (King, Keohane and Verba 1994). A situated approach yields an added advantage: insights that are helpful to policymakers and practitioners accustomed to wrestling with real-world complexities and ambiguities (George 2003; George and Bennett 2005).

This methodology presents certain challenges, of course. The major challenge is the problem of complex, multiple determinants of social phenomena and the risk of spurious or invalid inferences being drawn from a few cases in which many causal factors may be at play; in short, the problem of “over-determinacy” (Yin 1989). To control for this problem, the investigation is defined by systematic use of the hypotheses about the possible reasons for health policy cooperation and the key questions associated with the process of transnational governance and a within-case process-tracing procedure.

In terms of data collection, multiple sources of evidence are used to strengthen construct validity. Data sources include semi-structured interviews, field and participant observations, and document and archival analysis.

Regarding case selection, each of the disease surveillance networks studied is an important policy initiative and a dramatic example of sub-regional cooperation. These cases are, for the most part, “least likely” cases of cooperation because of the absence of favourable factors such as pre-existing institutions, regimes, or normative consensus among the actors. Hence, they may tell us something unique and important about the possibilities and mechanisms for international cooperation. For purposes of controlled comparison, some significant variance exists along the dependent variable (cooperation), however, with the MBDS as the most

established institutionally; whereas other groups such as the Southern African Center for Infectious Disease Surveillance have been in operation a short period of time and are more loosely configured. The fieldwork for the cases is being conducted sequentially; with the first case – MBDS – constituting the pilot case that establishes the theoretical boundaries of the study and related interview and other data protocols. After a brief consideration of the global and regional governance framework for infectious disease surveillance and response, the MBDS is described in greater detail.

The messy world of global infectious disease surveillance and response

Before considering the MBDS, it is important to outline the larger global and regional framework governing infectious disease surveillance. The fight against infectious disease has brought together international governmental organizations, states, non-governmental organizations and private actors in an array of new initiatives. Forms of cooperation and governance structures have proliferated within this issue area – a policy space recently described as “pasture open for all” (Fidler 2007b).

Historically, international efforts to control infectious disease in peacetime date to the mid-nineteenth century: a period of rapidly growing industrialization, trade and travel. The 1850 International Sanitary Conference in Paris constituted “the first attempt at international governance in infectious disease” (WHO n.d.) (largely through setting standards for quarantines) and was followed rapidly by several international conventions and institutions that were later subsumed under the League of Nations Health Organization (LNHO) in 1920 (MacLean 2008: 479).

In 1948, the World Health Organization (WHO) succeeded the LNHO and assumed responsibility over existing international sanitary regulations. The WHO organized itself into six regional offices and its full membership meets annually at the World Health Assembly.²⁰ The WHO revised the sanitary regulations in 1951 and 1969 when they were retitled the International Health Regulations (IHR) (Zacher and Keefe 2008: 7). Because technological optimism concerning the control of infectious diseases was the prevailing sentiment until the 1980s, activities directed to the core functions of disease control – sophisticated surveillance for outbreaks, efficient emergency response for containment, and trans-boundary cooperation to stop or slow propagation – were minimal.

Before the mid-1990s, the IHR obligated governments to report outbreaks of only three diseases to WHO – plague, cholera and yellow fever.

Reporting was irregular, however, because countries feared the economic consequences of reporting an outbreak or because governments lacked information concerning outbreaks.

The growth and diffusion of information and communication technologies and the worldwide emergence and re-emergence of new and old infectious diseases fundamentally changed this system in several ways. First, WHO reasserted itself as an active leader in global infectious disease. After much debate, in 2005, WHO concluded a revision of the IHR that set a new international standard for infectious disease surveillance and response (WHO 2005). The new regulations are designed to protect populations worldwide without interfering with travel and trade. Under the revised regulations, member states must notify the WHO Secretariat of public health emergencies of international concern (PHEICs),²¹ and better identify and respond to these events. “IHR 2005” broadened disease coverage from just three to more than fifteen (with the possibility of more) and requires the reporting on other PHEICs such as incidents that involve the natural, accidental, or deliberate release of chemical, biological or radiological materials. The new regulations formally permitted WHO to accept information on outbreaks from non-governmental sources – a process that had begun *de facto* a decade earlier. WHO was also given new decision-making powers to create specific rules or guidelines with respect to emergency outbreaks and long-term problems – so-called “emergency recommendations” and “standing recommendations”. The regulations themselves constitute international legal obligations and the WHO Secretariat is able to encourage compliance by members with its recommendations through its power to “name and shame”. Member states, in turn, committed themselves to acquire the capabilities to gather and distribute information on diseases and to notify WHO and neighbouring countries of all events potentially constituting a public health emergency, to maintain a national focal point to mediate communication between the government and WHO, and to comply with WHO response recommendations (Zacher and Keefe 2008: 74). IHR 2005 encouraged states to participate in regional surveillance networks to enhance their capabilities (Calain 2007).

Today, WHO’s role is to “internationalize” a disease outbreak as a matter of legitimate global concern; mobilize financial, technical and human resources to respond to a large-scale outbreak; and provide advice and information to national public health ministries, the media and the public. Ultimately, WHO is the necessary facilitator of international dialogue and the coordinating body needed to meet an outbreak of global importance. Because of its global reach, WHO carries a measure of credibility with the national health officials who request its involvement.

An organization such as WHO faces certain constraints, however. WHO's established credentials can lead to suspicion that it represents the interests of its most powerful and wealthy members who supply most of its emergency funds. Also, by virtue of its recommendation power, WHO represents "the outbreak police" to some who question its authority to sanction nations. Its global reach and the vagaries of its regional structure can make it an awkward or oversized bureaucracy for addressing matters where small distances and short periods of time can have great consequences.

A second change wrought by new technologies and diseases was the launch of many other global initiatives within and outside WHO during the decade leading up to IHR 2005. Very briefly, these include:

- WHO's Global Influenza Surveillance Network, which pre-dates the modern era, but has expanded to include 126 national influenza centres in 88 countries that coordinate the analysis of data samples collected during the influenza season, which is vital to the production of effective vaccines;
- WHO's Global Outbreak Alert and Response Network (GOARN) made up of more than 140 governments, NGOs and multi-partner health groups that exchange information and help coordinate response teams needed for the implementation of the IHR;
- Program for Monitoring Emerging Diseases (ProMED), an electronically linked group of health professionals that, since 1994, has communicated via the Internet on outbreaks of infectious diseases and acute exposure to toxins to over 40,000 subscribers in over 185 countries;
- Global Public Health Intelligence Network (GPHIN), which was co-created by the Canadian government and WHO in 1997 to monitor media sources worldwide for information on disease outbreaks, bioterrorism threats and other natural and human-made disasters. After screening the information, GPHIN releases the data to its subscribers in real time;
- US Department of Defense, which maintains epidemiological laboratories (in Egypt, Kenya, Indonesia, Peru and Thailand) that monitor infectious disease and contribute to its Global Emerging Infections Surveillance and Response System (GEIS). These facilities coordinate information and research and report back to the main DoD-GEIS laboratories in the United States. Although the primary goal for the system is to monitor and prevent disease outbreaks that could affect military personnel, preventive measures extend to the local community to prevent the spread of communicable diseases. It coordinates its projects with other international organizations to provide a more global network for disease response and surveillance;

- World Animal Health Organization (OIE), which accepts information on animal (zoonotic) diseases submitted officially by the agricultural authority of its 174 member states and 36 international organizations and NGOs; and
- “One World, One Health” initiative launched jointly by the UN’s Food and Agricultural Organization (FAO), OIE, WHO, the United Nations Children’s Fund (UNICEF), the World Bank and the United Nations System Influenza Coordination (UNSIC). This strategic framework seeks to diminish the risk and minimize the impact of epidemics and pandemics by enhancing both human and animal disease intelligence, surveillance and emergency response systems at national, regional and international levels, with a particular emphasis at the national level (Anonymous 2008; FAO 2008: 10).

A third change in the policy environment was the emergence of several regional initiatives directed at infectious disease surveillance and control. Most relevant to MBDS, the ASEAN nations²² and the ASEAN+3 (China, Japan and South Korea) have worked together to form regional animal health centres and to establish networks in surveillance, diagnosis and communications. More recently, ASEAN developed a regional strategy on highly pathogenic avian influenza that has led to information-sharing about national practices among members. Beginning in 2007, ASEAN+3 began an Emerging Infectious Disease Programme, which, along with ASEAN’s Sectoral Group on Livestock, hopes to work with national and international actors to support regional coordination and partnerships between the public and animal health sectors (Anonymous 2008: 14), and aspires to cooperation on a variety of related issues (ASEAN Secretariat 2008).

Finally, technological advances and diffusion of ICTs and the emergence and re-emergence of infectious diseases coupled with a new global standard or “norm” for national policies embodied in IHR 2005 also led to an increase in funding and in the number of funding sources available for infectious disease control, and brought a host of non-governmental actors into this issue area. These health NGOs, together with governments and international organizations, have created new public–private partnerships in the field of public health generally and in disease surveillance and response in particular.

The Mekong Basin Disease Surveillance Network is one of the earliest and most successful of these public–private partnerships. The next section describes the origins and operations of MBDS. The chapter then returns to the research questions: “What accounts for cooperation at this sub-regional level?” and “How does MBDS govern itself as a transnational organization?”

The Mekong Basin Disease Surveillance Network

MBDS member countries share land and water borders crossed daily by thousands of people and animals, making control of communicable disease a longstanding challenge. Beginning informally at a meeting in Bangkok in 1999, health ministries from the six MBDS partner countries, along with epidemiologists and other specialists, began working together to share information and biological samples on disease outbreaks and to develop the capacity to control communicable diseases, especially among marginalized populations. These health officials perceived the need to expand disease surveillance to keep pace with expanded trade and cross-border exchange that resulted from improved political and military relations in the region. Growing interdependence in the region and the rise of novel, highly communicable diseases, many of zoonotic origin, placed an emphasis on rapid identification of the type and source of infections, vaccine development and treatment regimens (Kimball et al. 2008). With the support of the Rockefeller Foundation, the initial activities of MBDS included regular cross-border information exchange at border sites, training health workers in epidemiology and disease surveillance and response capabilities, and planning for joint outbreak investigation and response.

By late 2001, cooperation had progressed to the point where the ministers of health of the six member countries signed a simple Memorandum of Understanding. The document recognized their many existing cooperative efforts and aimed specifically at strengthening national and sub-regional capabilities in disease surveillance and outbreak response with regard to five priority diseases.²³ The understanding contemplated information exchange, cooperative systems development, human resource development and joint outbreak response (MBDSC 2001). The agreement had a life span of five years.

A new Memorandum of Understanding (MOU) signed by MBDS health ministers in May 2007 continued the organization for an indefinite time period. Guangxi Zhuang Autonomous Region of the People's Republic of China became a member of MBDS in February 2008. The 2007 Memorandum expands the network's aims to monitor and control a wider range of priority diseases and public health emergencies of international concern. The 2007 MOU also calls for sharing information essential to develop health and social policy that will reduce the burdens arising from these priority diseases.²⁴ Recall, IHR 2005 encouraged the work of organizations such as MBDS and other regional networks as a complement to WHO global programmes. Cross-border cooperation, particularly at key points of entry, is especially useful in monitoring and rapidly responding to a problem before it becomes a global threat

(M'ikanantha et al. 2007). The new memorandum also called on the members to create a six-year action plan, that came into effect in January 2008.

The general objectives of MBDS included the development of mechanisms for strong cross-border programmes implemented initially at five pilot sites that would grow to 37 by 2009. Data from routine surveillance on priority diseases at each site is exchanged through national coordinators and adjacent provinces site coordinators. Reports of suspected outbreaks are also conveyed when detected. Information exchanges are carried out daily, weekly, monthly or quarterly at the various sites. Improved Internet connectivity within and between member states and technical training programmes have enhanced communications, but standardization issues remain (Kimball et al. 2008).

By 2006, MBDS partners had established joint outbreak investigation and response capability through the creation of cross-border teams made up of health, customs, immigration and border officials. These teams have already investigated and contained dengue fever outbreaks between Laos and Thailand provincial sites, a typhoid outbreak between provincial sites in Laos and Vietnam, and an avian flu incident in Laos after detecting an infected Laos citizen in Thailand.

Human capacity-building through the training of healthcare personnel is another important function of MBDS. The joint Thai-US Centers for Disease Control (CDC) Field Epidemiology Training Program, Mahidol University and Southeast Asian Ministers of Education-TropMed programmes conduct annual training for MBDS "frontline" and supervisory personnel. Participants receive skill enhancement in research, outbreak investigation and communication, and establish working relations with officers from adjunct provinces in neighbouring states. MBDS is currently enhancing training and capacity in field epidemiology via a regional Southeast Asian network – The International Group for Epidemiology and Response (TIGER) – and providing formal degree programmes for veterinary and epidemiology professionals via distance learning with partners in the United States and Europe. MBDS has also linked with ProMED-mail to provide an integrated Internet-based reporting system for the region that will provide early warning of infectious diseases at all levels of the public health infrastructure of the member states. To develop a more integrated approach to a possible pandemic influenza outbreak, each member state, and all six member states together, conducted tabletop simulation exercises in early 2007. Working with gaming and simulation experts from the RAND Corporation, this exercise was designed to foster cooperation and to identify weaknesses in detecting, monitoring and tracking a highly infectious disease. This diagnostic tool is part of an ongoing MBDS initiative to monitor and assess the network's efforts

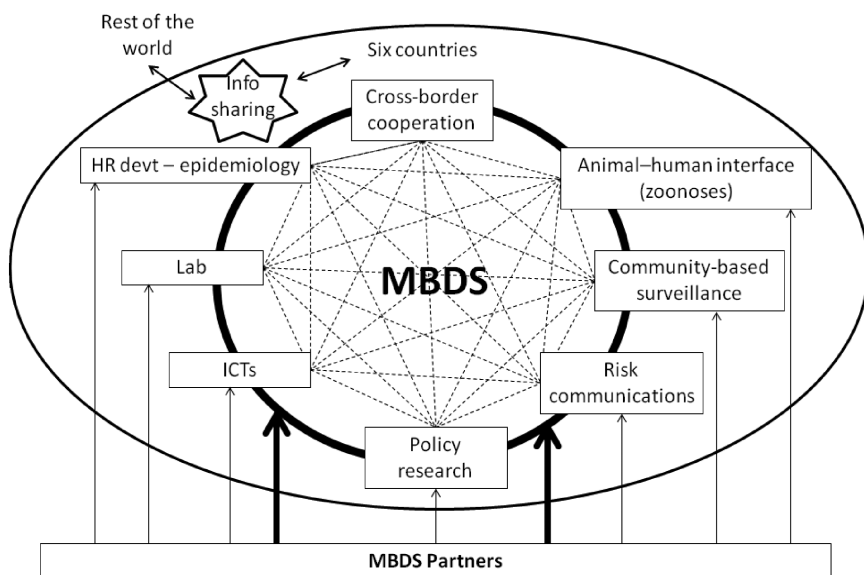


Figure 3.1 Core strategies of the MBDS action plan 2008–2013.
 Source: MBDSC (2008).

using agreed indicators and to make plans for coordinated policy response to emergencies. Overarching all these activities and programmes is the building of trust, common practice, teamwork and understanding among key personnel in the six states.

Over the 2008–2013 period, MBDS partners will focus on the implementation of seven interrelated core strategies identified by the MBDS leadership (see Fig. 3.1):

- Maintain and expand cross-border cooperation;
- Improve human–animal sector interface and strengthen community-based surveillance;
- Strengthen epidemiology capacity;
- Strengthen information and communications technologies (ICT) capacity;
- Strengthen laboratory capacity;
- Strengthen risk communications; and
- Conduct and apply policy research (MBDSC 2008).

Each strategy has a project leader from a different MBDS country and a steering committee with representatives from each member state. For example, Thailand will take the lead on laboratory capacity and epidemi-

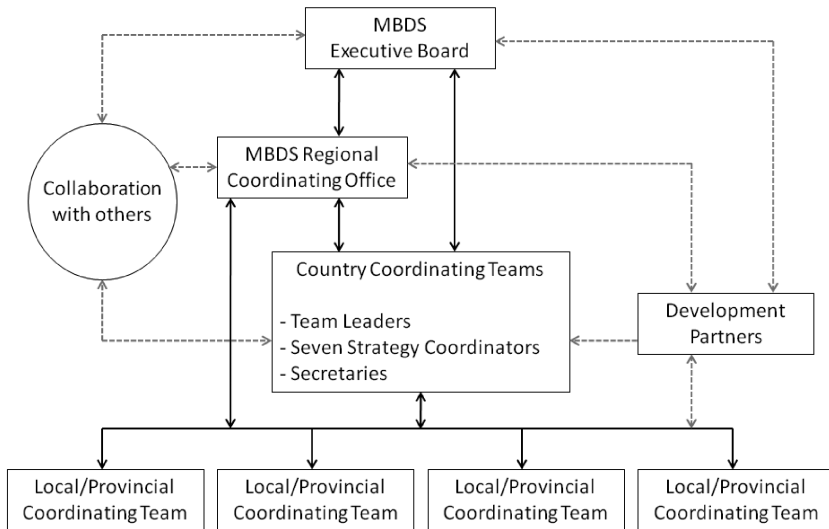


Figure 3.2 The MBDS coordinating mechanism.

ological training, and Cambodia will assume a leadership role in community surveillance policies and procedures. This initiative represents an expansion and formalization of MBDS programmes and will create complexity in coordinating with other regional and global actors engaged in these issues.

Since 2001, the MBDS has been governed by an executive board consisting of the key policymakers of the six partners (typically, the national health ministers). The chairmanship of the MBDS executive board rotates to a different partner in successive years. The executive board is assisted by the coordinating committee, comprising the contact persons assigned by the partners, who are in charge of implementation and follow-up of regular activities. In 2006, the members created a permanent coordination site in Thailand located in the national health compound in Bangkok. MBDS organization within each member state varies, tracking each nation's public health structure.

Partner organizations include the Rockefeller Foundation (which provided start-up and sustained funding), Nuclear Threat Initiative (an American NGO that has orchestrated financial and in-kind support for the organization), Google.org (an ICT supporter), RAND (as trainers in pandemic response), WHO, UNSIC, Asian Development Bank (ADB), ASEAN and others (see Fig. 3.2).

Understanding MBDS cooperation and governance

Returning to the research questions, MBDS presents two puzzles. First, from the outside looking in, the states of the Mekong Basin could not be more varied in their governance structures and levels of economic attainment. Through the Cold War era, these countries have known frequent intraregional conflict. Yet, under MBDS, they cooperate closely and continuously on a matter of great sensitivity to national security and welfare. The next section of this chapter offers a preliminary explanation for this anomaly. Then, the chapter considers the second puzzle, that is, “How has this unique collection of national governments, international organizations and non-governmental organizations effectively worked together to ameliorate a critical transnational problem?”

Why cooperation?

Cooperation within the MBDS Network depends on many factors. The most important element for its successful cooperation is the connection between the organization’s composition and the problem it confronts. Specifically, MBDS has the appropriate number and composition of membership for identifying, appreciating and providing the particular regional public good of infectious disease surveillance and response.

Public goods are those that yield benefits that are “non-rival” in consumption (they can be enjoyed simultaneously by all in a specific community) and “non-excludable” (no one in that community can be kept from consuming them) (Smith et al. 2004; Barrett 2007). At a local level, for example, a public good could be the enjoyment of a city park, or at a national level, the sense of security from foreign invasion provided to all citizens by the existence of a national army or militia. Preventing, monitoring and controlling infectious disease outbreak can be considered public goods. Furthermore, these particular public goods create a “consumption externality”, that is, preventing or treating an infectious disease not only benefits the patient, but also benefits others by reducing their risk of infection. Likewise, the control of a communicable disease in a given country reduces the likelihood of an outbreak in an adjacent country. Depending on the biological properties of the disease and other environmental factors, the control of certain communicable diseases (e.g. malaria) may be a transnational regional public good, while the control of other diseases (such as influenza) may constitute both a regional and a global public good.

The paradox of public goods, of course, is that they tend to be underprovided. Because they are non-excludable by nature, a price cannot be

enforced and, thus, no private incentive exists for their production. The paradox can be overcome at the local and national level to the extent the government can enforce production, such as by taxing citizens for the provision of a city park or by conscripting soldiers for an army.

For global and regional public goods, however, the problem is more difficult because there is no global or regional government to finance and enforce public goods production. In absence of a formal government with coercive powers, the multilateral actors involved in providing a regional or global public good must rely on recognizing their “enlightened self-interest”. Enlightened self-interest is composed of self-interest, shared interest and altruism (other-interest) that together enhance one’s well-being (Ikerd 1999; McInnes 2004). Recognizing and acting on one’s enlightened self-interest is quite rare in matters of transnational problem-solving; it does not happen just because one believes it should happen from an ethical standpoint.

Why is MBDS an exception to rules governing the production of international public goods? I suggest that MBDS members recognize and act on their enlightened self-interest to provide the public good of infectious disease surveillance and response *because it is in the clear self-interest of each member to control trans-boundary communicable diseases and each member receives substantial consumption externalities that allows the members to appreciate their shared interest in disease control and to generate a measure of altruism given the common vulnerability they face.*

It is not the problem of disease control alone that ensures cooperation. Rather, it is the fit between the agent (MBDS) and the action (transnational infectious disease control) that is critical. First, consider the agent. The size and composition of MBDS membership facilitates effective cooperation in disease surveillance and response. The Mekong Basin sub-region is composed of six bordering countries whose water, air and food regularly transgress political boundaries. Because of physical proximity and improving political and commercial relations among the countries, the Mekong Basin is an increasingly interdependent region. MBDS membership includes *all* the most relevant parties and *none* that are irrelevant in addressing the problem of infectious disease spread in this sub-region. In many other regional configurations, the provision of global public goods remains inchoate or merely an aspiration because members do not share sufficient benefits or are not so interdependent as to readily appreciate and act on the existence of shared interests. Compare MBDS membership with the Southeast Region of the WHO, for example, which includes eleven countries ranging from the Democratic Republic of Korea, to India, to Thailand, to Timor-Leste, but does not include Laos, Cambodia, Southern China or Vietnam. Thailand, as a member of the

Southeast Region, has little or no common interest or ability to conduct disease surveillance and response with North Korea, but every reason to want to work closely with Laos, Cambodia, Southern China and Vietnam.

Second, consider the problem posed and the actions required to meet it. With regard to infectious disease control, the six countries of the MBDS system each face a problem with a clear and compelling “win-win-win” solution: by cooperating on infectious disease control, I benefit, you benefit, I benefit by you benefiting, and vice versa. As a result, all members can more easily appreciate and act on their enlightened self-interest in providing this particular regional/global public good. Also, each actor can take credit for any successful results from cooperation since this benefit is also non-rival and non-exclusive.

Not only is the mutual benefit arising from infectious disease control readily appreciated by MBDS members, the consequences of failing to cooperate are equally clear to all. In this sense, *vulnerability* to infectious disease outbreak and spread is a classic superordinate problem because infectious disease affects each member, is shared by all and cannot be resolved without joint action. As one author suggests, “the vicious threat posed by diseases and pathogenic microbes ... is predicated on ... the mutuality of vulnerability” (Aginam 2005: 3). Because of their proximity and interdependence, MBDS participants are keenly aware of their mutual vulnerability and the fact that national efforts alone will not solve the problem. In discussing this issue with MBDS actors, they expressed empathetic understanding of the problem faced by their counterparts in other member states and exhibited no interest in blaming each other for past outbreaks. They stressed that the dangers faced in this area of public health are palpable and compelling, and, as scientists, they recognized that infectious disease could arise in any part of the region, at any time (Anonymous 2009a).

In addition to the right organization for the right problem, a second factor supporting MBDS cooperation is that the network has evolved over time. The MBDS Network began a decade ago without significant political fanfare or scrutiny. At the onset, it was an informal gathering focused on training exercises, identifying lessons learned and building capacity. The impetus for the organization came from health officials from Cambodia, Laos and Thailand (by virtue of geographic centrality) who drew from earlier bilateral exchanges on matters of public health. Three years into its operation, the health ministers of the six countries signed a two-page MOU, giving MBDS a quasi-official status. Foreign ministries or heads of state never formally endorsed MBDS at a higher level. Technically speaking, MBDS is not a legal entity and it has a modest budget that does not come directly from any of the member states. This structure allows for flexibility of operation and less political pos-

turing or undue interference, as will be discussed when this chapter considers governance questions. The organizational history allowed a network of trusted relationships to grow organically over time and without unrealistic expectations or artificial timetables. The organization did not develop by fiat, but rather from an unmet need, and it grew through working together in identifying and responding to difficult and sensitive problems. MBDS evolved from the ground up, not from the top down. The key actors were free to define and act on the problems they identified on site – not problems identified by donors or a remote international bureaucracy. By working together on the problems they believed were critical, the organization developed a sense of efficacy, and its members developed trust. As MBDS evolved, membership expanded slightly (adding a second Chinese provincial government), and the agenda grew as new infectious disease challenges emerged and to keep pace with the official goals of IHR 2005. MBDS institutional structure has gradually become more extensive to better manage its expanding workload. As its agenda expands and MBDS enters a new phase of its cooperation, questions arise as to whether the personal relationships so critical to its early success can be replicated and institutionalized.

A third factor favouring enduring cooperation is the fact that MBDS is a *practice* community, not just a knowledge (epistemic) community and not just a “talk-shop” (although MBDS principals share common professions, and they communicate regularly both at formal meetings and informally). MBDS cooperation is founded on common and continuous practice in disease surveillance, detection and response. These efforts have not come without disagreements, problems and resource constraints, but they are conducted in the context of establishing and maintaining working, cross-border arrangements mainly directed toward populations under the care of the participating officials.

Finally, common culture abets cooperation in MBDS.²⁵ Repeatedly, MBDS principals cited common culture as a basis for cooperation, although I never raised this possibility in my interview questions. Cultural similarities such as respect for senior people; common festivals, foods and religion; similar negotiation style and the like were noted as a basis for normative convergence, trust and understanding (Anonymous 2009a). Whereas an outsider, like me, was struck by the divergence in the countries’ political and economic systems, the members themselves see a deep foundation of shared values. As one MBDS partner explained, “At the end of formal meetings, they all sing the same karaoke songs” (Anonymous 2009a).

In addition to infectious disease control, MBDS has fostered some functional cooperation in related policy domains. MBDS can point to evidence of functional spillover in the area of disaster relief cooperation.

Immediately after Cyclone Nargis struck Myanmar, MBDS deployed a rapid response team to assist refugees in the Myuangmya region (about 50 miles from the storm's centre). Health workers from other MBDS countries, working on a bilateral basis, monitored outbreaks of infectious respiratory diseases and addressed other endemic diseases such as cholera and mosquito-borne diseases such as malaria and dengue fever. MBDS helped these teams to access the region without the political delays faced by some multilateral initiatives because of the pre-existing relationships and collaborative procedures formed by MBDS. In addition to emergency response, because MBDS regularly convenes customs and commercial officials at community and provincial levels across borders, it serves as a forum and model for potential cooperation in expanded trade and tourism. Some believe that MBDS shies away from political controversy, however, and avoids expanding its efforts where the interests among its members diverge. MBDS officials concede that they were not successful in cooperating on intellectual property matters related to the sharing of prescription drugs because of political sensitivities. Likewise, external critics believe that MBDS should do more in tracking migrant and mobile populations in the region, which can create special public health risks such as outbreak proneness or drug resistance, but has not tackled this challenge for lack of political will or technical capacity (Anonymous 2009b). For the most part, MBDS has not led to the creation of supra-national institutions as neo-functionalists might hope. It does, however, coordinate with larger regional and global actors as discussed above. In addition, MBDS recently joined an initiative known as CHORDS (Connecting Health Organizations for Regional Disease Surveillance), which was launched on 28 April 2009, to knit together similar sub-regional infectious disease networks.

How does MBDS govern itself to solve a transnational problem?

MBDS grew out of the response of health professionals to an unmet need: detecting and responding to trans-boundary infectious disease. The organization's founders possessed an abiding professional commitment to public health and were not just nominally committed to the problem or in a great hurry to have something to show for their efforts. The key actors saw themselves as "working people", and not as political figures or even policymakers. Over time, MBDS leaders became quite familiar with each other through their regular interactions within MBDS and other international public health forums.

The source of the organization's authority and legitimacy stem from its expertise and commitment, localized knowledge, timely and reliable information, and personal communication network, which allow it to act

quickly and effectively in an issue area where time is often of the essence. MBDS's functional capabilities have improved over time, and it has benefited by clear leadership from its executive board.

In governance terms, MBDS is a *direct action* network rather than an *advocacy* network. It is not primarily concerned with consciousness-raising or setting national or international agendas. Its success stems from its actions in a well-defined policy niche and its ability to work with actors from the community or provincial level across borders.

The most important norm of MBDS is trust-building or, if you will, friendship. Trust is built over time from regular interaction and the reliability of the information shared among the members, and through joint problem-solving. Many MBDS professionals have worked together in the organization for seven or eight years and are in regular electronic communication. They also interact as representatives of their countries at more formal regional and global conclaves. In discussing their colleagues, they often describe them as "friends", "brothers", or "like family" (Anonymous 2009a). MBDS officials are consciously attempting to perpetuate this sense of kinship through training exercises and other meetings that engage the next generation of health officials.

A second key norm is consensual decision-making and shared leadership. Executive board decisions are made by consensus and the chairmanship of the executive board rotates annually to a different member state. Each member state takes the lead on one of the seven MBDS strategic initiatives and each initiative has representatives from all member states. MBDS allocates its budget equally to the seven initiatives, with a small portion of the budget given over to the operation of the executive board and coordinating committees. To prevent control of the organization by its wealthier member states, no national authority directly contributes funds to MBDS.

A third and related norm is equity among members, while recognizing that strict equality is not always possible. The organization's goal is to raise capacity among all members to permit interoperability and joint action, but not to create identical capacity in each member state. Each MBDS member must achieve a level of congruence in critical areas such as laboratory practice capacity and communications technology. While trying to avoid creating "centres of excellence" in particular countries, MBDS does take advantage of a member's particular strengths – Thailand's epidemiological capability, for example.

With regard to funding, MBDS receives most of its direct support from NGOs, foundations and corporate philanthropies. Member states do not financially support MBDS, but they contribute in kind, and their national efforts are, in turn, supported financially and technically by certain international organizations such as the World Bank, the ADB and the WHO.

Funding for MBDS is complicated by the multiple aims of the donors and by international sanctions on Myanmar that bar it from receiving support from certain entities. Funders' aims vary: some are interested in MBDS *per se*, others are focused on a particular functional aspect of MBDS's operation (such as ICT infrastructure), some are focused on particular sectors (animal health, for example), and others are concerned with a particular disease (such as influenza). Although MBDS has benefited from longstanding supporters, the Rockefeller Foundation and the Nuclear Threat Initiative in particular, the various priorities of its numerous funders present a challenge for maintaining control of the policy agenda by MBDS members. Sanctions placed on Myanmar also complicate operations. MBDS members laud Myanmar for its commitment to the organization, but it is nonetheless walled off from certain donors.

Sustaining funding for its operations is a concern, especially during the current economic recession (2008–2009). MBDS, with the encouragement of some of its senior supporters, is drafting a master plan to anticipate and meet its long-term funding needs.

Increasingly, MBDS faces the challenge of assessment. Initially, MBDS goals were not so much a specific health milestone or metric, but the creation of a trusted network. While this network is the backbone of the organization and indispensable to its effectiveness, it is an accomplishment that is slow to develop and whose value is difficult to quantify to external funders. As its programmes grow, along with greater coordination in budgetary planning, MBDS will likely need to strengthen its programmatic assessment activities.

MBDS functions effectively with the national governments of its member states largely because the bulk of MBDS participants are national officials and their public sector staff. Because the executive leadership of MBDS is composed of senior health officials of the six member states, a direct link exists between MBDS as an organization and the policies of its member states. MBDS is a horizontal network of cross-border cooperation with corresponding vertical national public health services in each MBDS member state. Access to governmental policy is guaranteed through the individual health ministries. In practice, one of the organization's strengths is its ability to work outside the political limelight. More often than not, an MBDS member state is able to translate the organization's goals or procedures into national practice at a technical, working level within a government's public health department, for instance by improving the laboratory practices of its epidemiology section.

MBDS has a second political constituency at the provincial and community level of government within and across member states. The benefits of its labours are felt most directly at this sub-national level, and

MBDS is attuned to local needs and well regarded by local leaders. Local support bolsters the legitimacy of MBDS with its member states.

The activities of international governmental organizations and foreign governments working in the area of disease surveillance and response generally support the work of MBDS. As noted, MBDS receives financial and technical support directly or indirectly from global IGOs (WHO and World Bank), regional IGOs (ADB and ASEAN) and governments from outside the region (US Centers for Disease Control and Australia's Agency for International Development). Beyond material support, MBDS activities are strengthened and given immediacy by the normative and legal imperatives set at the global and regional level – a complementary relationship exists between material and ideational support. Of greatest importance, IHR 2005 creates a legal responsibility for all World Health Assembly members to conduct surveillance, report outbreaks and respond effectively to contagions. ASEAN and ASEAN+3 have raised expectations and aspirations for cooperation in disease surveillance and response, and the "One World/One Health" initiative provides an impetus for MBDS's efforts. In turn, MBDS complements these global and regional activities through direct action without raising the concerns that often accompany efforts by the WHO or other international organizations working in developing regions of the world.

The multiplicity of actors in disease surveillance and response policy is not entirely a good thing. The proliferation of actors and programmes creates obvious problems of coordination and efficiency. It is difficult to keep track of the multiple initiatives occurring on different levels. As one analyst has said, "there is a need for better knowledge management" (Anonymous 2009a).

Conclusion

The Mekong Basis Disease Surveillance Network is a pioneer organization in sub-regional cooperation and transnational governance in cross-border surveillance and response. It operates at a critical "mezzanine" level between national health authorities and regional and global health governance and, generally, complements both. While original, MBDS is not unique. Similar initiatives are under way in the Middle East and in East and Southern Africa and are on the horizon in other challenging regions such as the Balkans and South Asia. Each of these organizations will follow its own trajectory, but much can be learned and appreciated from MBDS.

More generally, MBDS provides an example of an effective direct action transnational problem-solving network. Here too, while *sui generis* in some respects, MBDS may hold organizational and operational lessons for groups addressing other transnational problems. Finally, as for the prospect for international cooperation and peace-building through health, MBDS provides a basis for cautious optimism. International cooperation within MBDS is robust, and it has inspired cooperative efforts in disease surveillance and response elsewhere in the world and cooperative activities in other policy domains among its members.

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Notes

1. The six countries are Cambodia, China, Laos, Myanmar, Thailand and Vietnam.
2. "Surveillance" provides essential information for action against infectious disease threats. It involves four basic functions: (i) disease detection and reporting; (ii) analysis and confirmation of reported information; (iii) timely and appropriate response to disease outbreaks; and (iv) information support for longer-term healthcare management. Similarly, the World Health Organization explains: "Surveillance means the systematic ongoing collection, collation, and analysis of data for public health purposes and the timely dissemination of public health information for assessment and public health response as necessary" (WHO 2005).
3. "Transnationalism" refers to "regular interactions across national boundaries when at least one actor is a non-state agent". "Networks" are "forms of organization characterized by voluntary, reciprocal, and horizontal patterns of communication" (Keohane and Nye 1971: xi–xvi).
4. For an early discussion of this emerging threat see Garrett (1995).
5. According to the UNDP's human-centric definition, "security" involves protection from a range of threats including "disease, hunger, unemployment, crime, social conflict, political repression, and environmental hazards" (UNDP 1994: 2). This broader notion of security has become increasingly meaningful in practice, including state practice (USDoD n.d.).
6. Regional bodies in particular are playing a more prominent role in resolving health security threats, where multilateral and bilateral efforts have faced challenges (Bond 2008).
7. Global health diplomacy is defined as political change activity that meets the dual goals of improving health while maintaining and strengthening international relations, particularly in conflict areas and resource-poor environments (Adams, Novotny and Leslie 2007). Indeed, the term "health diplomacy" may offer an alternative to health security and make more explicit possibilities for the cultivation of trust and negotiation of mutual benefits in the context of global health goals (Bond 2008: 377).

8. Global public goods are benefits that are both non-excludable and non-rival and, while immensely desirable, they are chronically underprovided (Barrett 2007).
9. Scientism suggests that certain socially beneficial, technical tasks should be handed over to experts (Murphy 2005).
10. "Epistemic community" is a network among professionals with an authoritative claim to policy-relevant knowledge (P. M. Hass 1992).
11. Assumptions of rational decision-making are as follows: (i) actors pursue goals; (ii) these goals reflect the actor's perceived interests; (iii) behaviour results from a process that involves, or functions as if it entails, conscious choice; (iv) the individual is the basic agent in society; (v) actors have preferences that are consistent and stable; (vi) if given options, actors will choose the alternative with the highest expected utility; (vii) actors possess extensive information on both the available alternatives and the likely consequences of their choices. These assumptions apply with equal force for all persons.
12. Unlike international public goods, national public goods are more likely to be provided through the use of governmental coercion (Barrett 2007).
13. According to David Mitrany, technological issues confronting modern industrialized nations in the twentieth century require international cooperation along functional lines. He suggests that organizations for functional cooperation will eventually eclipse the political institutions of the past such as the national state (Mitrany 1943).
14. Arguing from a neo-functionalist perspective, Ernst Hass maintained that rational behaviour led not only to transnational interdependence, but also to the creation of supranational institutions, such as the European Community, which contribute to international peace (Hass 1958).
15. See also works by Zacher and Keefe (2008) and Buse and Walt (2000).
16. Defined as collective action to deliver cooperative solutions in the pursuit of common goals in health (Dodgson et al. 2000; Fidler 2007a).
17. Defined as relevant actors working internationally on an issue, who are bound together by shared values, a common discourse and dense exchanges of information (see Keck and Sikkink 1998). Jean-François Rischard has argued that "networked governance" has two generic features that rectify limitations of the current international system: they have a minimum of bureaucracy with a maximum of knowledge; and relatedly, their start-up and delivery time are fast – aiming for global action, not global legislation (Rischard 2003).
18. The literature generally argues that the influence of transnational advocacy networks, for example, is greatest during the agenda-setting or "norm emergence" phase.
19. In a recent programme report, the Gates Foundation defines success of a global health alliance as "an acceleration, improvement, or reduction of the cost of initiatives aimed at reducing disease burdens in comparison to what could be accomplished on a solitary basis" (Bill and Melinda Gates Foundation 2002: 1).
20. The six regions are Africa, Southeast Asia, the Americas, the Eastern Mediterranean, Europe and the Western Pacific. Membership in the World Health Assembly now includes 192 nations.
21. PHEICs are defined as extraordinary events that pose a public health risk through the international spread of disease to the rest of the world.
22. The members comprise Indonesia, Malaysia, the Philippines, Singapore, Thailand, Brunei, Burma (Myanmar), Cambodia, Laos and Vietnam.
23. The initial priority diseases were dengue infection, malaria, severe diarrhea (including cholera), vaccine preventable diseases and other diseases with sub-regional significance (MBDSC 2001).
24. Priority diseases now include severe acute respiratory syndrome (SARS), avian influenza, malaria, dengue, human immunodeficiency virus (HIV), cholera, acute flaccid paralysis (AFP), typhoid, measles and tuberculosis (TB) (MBDSC 2007).

25. The literature on international relations and cooperation has looked at culture to explain state and inter-state behaviour (Katzenstein 1996).

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4

Cross-border water governance in Asia

Mike Douglass

Introduction

Improving the governance of water resources and distribution in Asia is increasingly taking on cross-border dimensions. Urbanization, intensification of primary production for export, global economic integration, increasing scales of projects such as very large dams, global warming and privatization of water infrastructure and services are all creating increasingly spatially extensive interactions and impacts over entire water basins extending across two or more national territories. Together these forces pose high risks of chronic as well as seasonal water shortages and flooding, pollution and degradation of riparian systems, and diversion of water from local to distant uses. In some areas of more extreme water scarcity, conflict over water has intensified across national, regional and ethnic lines. Large-scale dam and irrigation projects have changed ecologies and displaced very large numbers of people. Throughout the world, these water basins and watersheds are also sites of rich cultural histories and settlements reaching back to antiquity that are now in some cases witnessing severe threats to the economic basis for their societies due to water deterioration and disruptions.¹

According to the United Nations, two-fifths of the world's population resides in regions dependent upon water from cross-border rivers and lakes, and 60 per cent of global freshwater flow is found in 263 cross-border lakes and river basins in 145 countries. In addition, about 2 billion

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people worldwide depend on cross-border aquifers for groundwater, that remain mostly beyond the purview of cross-border water governance efforts (UN-Water 2008).

With half of the world's population, Asia has less fresh water per capita than any other inhabited continent (Chellaney 2007). Yet its riparian systems are immense. At least 40 major cross-border rivers and lakes are in Asia (see Appendix, Table 4A.1), totalling more than 16 million square kilometres of land area in the basins surrounding these bodies of water. Some are relatively small and engage limited portions of two countries. But a dozen are large enough to cross borders of four or more countries. Among the largest and most well known are the Amur River Basin, the Aral Sea–Central Asia River Basin, the Ganges-Brahmaputra-Meghna Basin, the Indus River Basin, the Irrawaddy River Basin, the Mekong River Basin and the Tarim River Basin, each of which covers from 700,000 to nearly 3 million square kilometres. Though it only connects two countries, Russia and Mongolia, the Jenisei/Yenisey River Basin covers more than 2.5 million square kilometres.

Size or length is not the only indicator of importance to human activities. Neither population size nor the size of economies necessarily co-varies with river basin size; nor do conflicts over water or complexities of interactions over space.² Variations in geography and human occupation of river basins are great. Some, such as those in Central Asia, are in semi-arid regions where water scarcities have become chronically severe and where cross-border governance has faced serious challenges in taking remedial actions. Others are facing the portent of their watersheds being below sea level as the oceans continue to rise from global warming.

As they cross national borders, variations within a single river basin are high, not only in geography but also in human activities. The 4350 km-long Mekong River flows from steep mountainous areas to sea-level delta as it passes through Tibet, China, Laos, Thailand, Cambodia, Myanmar and Vietnam. Along its course it encounters different types of economies, governance capacities, local water management practices and historical cross-border relations. Further, processes of economic change and greater interactions over space ranging from the local to the global scales increasingly underscore the understanding that managing water alone will not address the sources of contemporary water issues. Water degradation or diminishing water supply is typically the result of deforestation, industrialization and urbanization, transportation and road building, intensification of agriculture, population migration, global warming and a host of factors interacting in complex ways and across national boundaries. How to account for all these forces in the

governance of water systems is the principal question being asked about their sustainability.

In all their variations, cross-border riparian systems are of critical importance to every aspect of their regions and finally to the world at large. Sustaining human life and natural ecologies, supporting local economies, providing for social and cultural practices, and maintaining political stability all are co-dependent with the integrity of water systems. Degraded water is the major source of fatality and disease in the world (Wittwer 2003). More than a billion people do not have access to drinking water, with urban and peri-urban areas being the most affected. Flooding, which is increasing along with the global urban transition that is accompanied by deforestation of uplands, underground water depletion and urban in-fill of flood-prone areas, is responsible for half of all deaths from natural catastrophes worldwide.

Water systems that are degraded or significantly changed by human-made events exacerbate conflict over water that is increasingly being magnified at the border as a nation-versus-nation cause in need of cross-border governance structures. Yet, many issues do not readily divide at the border. In some cases, such as the impacts of global warming, the sources are far away from localities. In others, such as the building of a super-dam to harness water for use in an upstream country without regard for downstream countries, the nation-state system of governance over extensive water basins becomes a serious threat to the integrity of riparian systems, not only in terms of human uses of water, but possibly even more to the downstream ecologies that depend on and support the integrity of rivers, lakes and aquifers.

Sources of change and conflict in cross-border riparian systems in Asia

Each of the cross-border riparian regions in Asia is facing crises that are shifting from acutely experienced periodic or unusual episodes to chronic patterns with persistent sources and cumulatively deteriorating consequences. Although the nature of these crises varies according to local positions in the water system, many of the macro forces underlying them are common to all. These include: the worldwide urban transition, the globalization of local rural as well as urban economies, major infrastructure projects and their privatization, and global climate change. Less common but wide-ranging in impacts are political realignments, such as the collapse of the Soviet Union and the sudden creation of nation-states

in Central Asia, and major economic reforms, particularly in economic transitions in China and Vietnam.

The urban transition

The transition from agrarian to urban-based economies has been proceeding at an accelerated pace throughout the world. For a world region in which about 20 per cent of the population lived in cities around 1970, Asia will surpass the 50 per cent mark over the next few decades (UNESCAP 2007). Further, from 2000 to 2050 Asia's urban population is predicted to increase by nearly 2 billion people (IHT 2008). Cities are voracious consumers of water and environmental resources such as timber and mined construction materials that are often extracted from river basin regions at levels many times greater than those appropriated for rural uses. Much of the destruction of the upstream ecologies, even when located in a different country, is the result of the growth of cities and their unrelenting demand for natural resources and hydropower, supplied by very large dams that have system-wide impacts.

The focus of the urban transition in most countries of Asia is on coastal cities located on coastal alluvial plains. A good number of these cities – Dhaka, Mumbai, Kolkata, Rangoon, Phnom Penh, Ho Chi Minh City, Jakarta, Manila, Hong Kong and, to a lesser extent or indirectly, Bangkok and Shanghai – are port cities created in colonial times, that have since become the principal city regions of their respective countries. Most are facing increasing problems of alternating seasons of water shortages and severe flooding. Many of the sources of these problems, such as groundwater depletion, covering of aquifers with urban landscapes and filling in low-lying areas with the built environment, are found in the immediate area of these cities. But other problems arise distant from the city, including deforestation of uplands resulting from urban demand and international markets for wood; deforestation is a major source of both water scarcities in dry seasons and flooding in wet seasons.

Thus, both urban and rural areas are placed at risk by urban demand for natural resources, and in many cases water governance will need to be extended across borders to address interrelated upstream rural and downstream urban water issues. Food production accounts for about 70 per cent of global water withdrawal (OECD 2005), but now that the world's population is more than 50 per cent urban, cities are drawing increasing shares from rural areas in what is now often a zero-sum game. When water shortages occur, the city tends to be favoured over the countryside, putting food and industrial crop production at higher risk as urbanization focused on the world's great coastal cities proceeds.

Globalization

The opening of national economies to the markets and forces of globalization has broadened over the past two decades of worldwide economic reform. The break-up of the Soviet Union, the advent of market-oriented economic transitions in China and Vietnam, and the shift in national economic policy in India toward more accommodation of international trade have added substantially to the transformation of Asia from agrarian to industrial and even post-industrial economies. This process has contributed to the growth of mega-urban regions (Jones and Douglass 2008) with their great demand for water and other natural resources.

Globalization is not only linking with urban economies, but is also a driver of agricultural transformations, which range from aquaculture such as shrimp farms, and cash crop production such as coffee from the Central Highlands of Vietnam, to non-food and non-agricultural activities such as rural and eco-tourism. These changes have intensified the demand for water and many have also been highly polluting of water.

Dams and major infrastructure projects

Urban-industrial growth, globalization and agrarian transformations are all being fostered by the expansion of infrastructure, including very large dams, to harness nature, increase commercial uses of water, and enable distribution of water and hydropower over long distances. All these developments affect water systems through diversion of water, bringing new uses of water, creating ecological changes and allowing for more rapid extraction of other natural resources such as timber. They can also displace very large numbers of inhabitants and, in some cases, settlements that have long histories as cultural heartlands. The scale and costs of constructing these projects, and their general classification as public goods or natural monopolies, has invariably involved national government and international lender participation. In cross-border riparian systems, such projects carried out in one country invariably have substantial impacts on neighbouring countries.

The construction of large dams in upstream countries that are part of cross-border river basins has become a central issue of concern in terms of their basin-wide and even global impacts. They continue to be among the most controversial human-made intrusions into natural waterways. They also remain one of the most difficult issues to resolve in ways that give due voice and consideration to local communities as well as downstream countries (Ashayagachat 2008; Chellaney 2007; Dinar et al. 2007).

The environmental and ecological impacts of the larger projects are found to be substantial and often irreversible (Box 4.1) (WCD 2000; ICEM 2007).

In Asia the impact of dam construction in one country on the economy, culture and welfare of river basin residents in downstream countries is now among the most common sources of cross-border conflict. For example, the release of water from dams in China during rainy seasons is thought by inhabitants in the Mekong region to the south to cause heavy damage throughout the Mekong River Basin; flooding in Laos and Northern Thailand in 2008 was the greatest in the past 100 years. Half of the water contributing to the flooding originated in China (Gunn and McCartan 2008).³ In a positive step, in 2007 the government of China agreed to begin supplying the Mekong River Commission (MRC) with water level and rainfall data for flood forecasts in return for monthly flow data from MRC stations on the lower Mekong.

Large-scale infrastructure projects such as mega-dams are emblematic of prevailing forms of water governance that take place in a top-down manner, led by international agency/national government and expert consultants, that has been the focus of increasing criticism. In addition to often being carried out through uncoordinated bureaucratic projects, this form of governance has been criticized for a long list of negligent practices and harmful impacts (Gunn and McCartan 2008). Such projects can suffer from what Briscoe and Malik (2006: 1) term “build-neglect-rebuild”, namely, tremendous amounts of money and fanfare devoted to initial construction followed by long periods of neglected, crumbling infrastructure with little maintenance either in personnel or budgets, and then modest rehabilitation efforts. Such conditions are particularly dangerous in the case of mega-dams.⁴

In response to these and related critical evaluations of large-scale dams, in 1998 the World Commission on Dams (WCD) was established by the World Bank and the World Conservation Union (IUCN) as an independent entity to conduct a worldwide review of the effectiveness of large dams and to assess alternatives. Its report (WCD 2000) is generally regarded as a neutral and fair assessment and has become a key reference in identifying the benefits and undesirable impacts of dams, which are summarized in Box 4.2. In terms of governance, the principal outcome of widespread concerns about the construction and operation of large dams has been to call for more transparency in data and evaluations, more cross-border consultancy and agreement about management before dams are constructed, and new forms of participation by local people in all phases of policy, planning, operation and monitoring of these projects.

Box 4.1 Dams and biodiversity

Although occupying a smaller area compared to land and oceans, freshwaters are homes to more species per unit area than either land or oceans. Scientists estimate that at least a million species of freshwater animals, plants and microorganisms exist. The most species-rich “hotspots” are found in the Amazon, Congo, Nile and Mekong basins. Already human uses of freshwater threaten the survival of freshwater, brackish, coastal and terrestrial biodiversity. Dams and their reservoirs are a principal threat to freshwater diversity through:

- Blocking movement of migratory species up and down rivers, causing extirpation or extinction of genetically distinct stocks or species.
- Trapping silt in reservoirs, which deprives downstream deltas and estuaries of maintenance materials and nutrients that help make them productive ecosystems.
- Filtering out of woody debris that provides habitat and sustains food chains.
- Changing conditions in rivers flooded by reservoirs: running water becomes still; silt is deposited; deepwater zones, temperature and oxygen conditions are created that are unsuitable for riverine species.
- Providing new habitats for waterfowl in particular for overwintering or in arid regions which may increase their populations.
- Possibly fostering invasions of species that tend to displace indigenous biodiversity.
- Reservoirs may be colonized by species that are vectors of human and animal diseases.
- Flood plains provide vital habitat to diverse river biotas during high-water periods in many river basins. Dam management that diminishes or stops normal river flooding of these plains will impact diversity and fisheries.
- Changing the normal seasonal estuarine discharge, which can impact food chains that sustain fisheries in inland and estuarine deltas.
- Modifying water quality and flow patterns downstream.
- Cumulatively augmenting effects when a series of dams have overlapping footprints along waterways.
- Supporting human activities, including agriculture, forestry, urbanization and fishing that imperil freshwater species and ecosystems.

Source: McAllister et al. (2001: iv).

Box 4.2 Benefits and impacts of dams

Consider: on this blue planet, less than 2.5% of our water is fresh, less than 33% of fresh water is fluid, less than 1.7% of fluid water runs in streams. And we have been stopping even these. We dammed half our world's rivers at unprecedented rates of one per hour, and at unprecedented scales of over 45,000 dams more than four storeys high.

Kader Asmal, Chair, World Commission on Dams (WCD 2000: 1)

During the twentieth century, large dams emerged as one of the most significant and visible tools for the management of water resources for food production, energy generation, flood control and domestic use. Current estimates suggest that some 30–40 per cent of irrigated land worldwide now relies on dams and that dams generate 19 per cent of world electricity. Other benefits have included food security considerations, local employment and skills development, rural electrification and the expansion of physical and social infrastructure such as roads and schools. However, as better information on the consequences of dams became available, the full cost of large dams began to emerge as a serious public concern:

- Impacts of large dams on rivers, watersheds and aquatic ecosystems are more negative than positive and, in many cases, have led to irreversible loss of species and ecosystems. Dams and diversions have affected 60 per cent of the world's rivers.
- Efforts to date to counter the ecosystem impacts of large dams have met with limited success owing, in part, to the difficulty of coping with all impacts.
- The failure to account for the consequences of large dams for downstream livelihoods has led to the impoverishment and suffering of millions of people. Dams have displaced some 40–80 million people.
- The environmental and social costs of large dams have been poorly accounted for in economic terms; thus their true value and profitability remains elusive. A “balance-sheet” approach to assessing their costs and benefits is also unacceptable, given commitments to human rights and sustainable development, as dams fundamentally alter rivers and reallocate benefits from local users to new groups at a regional or national level.
- Lack of equity in the distribution of benefits has called into question the value of many dams in meeting water and energy development needs when compared with the alternatives.

Source: World Commission on Dams (2000: xxiv).

Privatization of water system control and management

As a proposed panacea for failures of governments to manage dams, from the 1990s a new era of dam building and operation began when major lenders such as the World Bank and Asian Development Bank switched from funding water infrastructure and services as public utilities to financing them for private ownership and/or management (Bird 2005; Briscoe and Malik 2006).⁵ The results, however, have been mixed. While improvements have been made in some areas this neoliberal turn in public policy has led to widespread protest and opposition where monopolistic pricing has made water too expensive for the poorer segments of society to purchase in adequate amounts. Issues of conflict of interest between government officials and privatized water systems and their corporations are also widely reported (Shiva 2002).

A general defence of privatization, in addition to efficiency arguments, is that water should not be free or heavily subsidized because this encourages wasteful use and does not capture the true costs of water scarcities (Gunatilake and Carangal-San Jose 2008). Comparative assessments do not readily support the efficiency argument, possibly due, in part, to reported corruption in awarding natural monopolies to unqualified providers (FOEI 2008; UN 2006). The question of paying the full cost of water is also much broader if ecological impacts are taken into account. Further, local systems of use are known to be more water conserving than are large-scale dams. In addition, the upstream-downstream and local distributional effects and possible regressive nature of pricing systems cloud issues of privatization of public and common water regimes (Hall et al. 2004; RPWN 2007; PSI 2008). Despite these reservations, over half of all the funding for large dams in Asia comes from the World Bank and Asian Development Bank (WCD 2000), and both institutions have made privatization of water services a requirement for receiving financing. In 2002, 80 per cent of World Bank loans to the water sector were linked to privatization (CPIA 2008).

The issue of privatization is complex. Some argue that the issue is not privatization as such but rather the selection of transnational corporations over local, usually smaller-scale, operators that are much more knowledgeable about local markets and historically much more capable of serving lower-income households (FSMI 2005). Still others show that not-for-profit community-based water distribution initiatives, which are common throughout Asia, can work well, at least at a very local level (Spencer 2007). If a mix of public, private and community provisioning of water is to be considered, governance would have to include voices from each of these stakeholders. In the push for privatization, the voices that have generally been missing are those of the small-scale private and com-

munity-based providers. Whether they could play a role in cross-border water governance is an open question.

Global warming and climate change

Current and projected impacts of global climate change are manifold. Coastal areas such as the Mekong Delta of Vietnam, and Bangladesh, are particularly at risk. UN projections show that over this century sea levels could rise by 1 metre (UNEP 2006), and more recent assessments of the rapidity of polar glacier melt suggest it could be as much as 3 to 5 m by 2100. By 2050 the entire Mekong Delta could be severely inundated even with a sea rise of only 1–2 m (Carew-Reid 2008). More than 1 million people would be directly affected in Vietnam by severe coastal erosion and land loss. If the oceans were to rise 3–5 m, most of southern Vietnam, including Ho Chi Minh City, and southeastern Cambodia would be inundated, as would most of Bangladesh.

Extreme events and severe climate anomalies including increased occurrence of extreme rains causing flash floods are also expected. The World Bank states that for Vietnam the consequences of sea level rise are potentially “catastrophic”, affecting more than 10 million people, with a rise of 3 m affecting at least a quarter of the national population in the Mekong and Red River deltas (World Bank 2006a).

An even more widely impacting outcome of global warming is the predicted permanent loss of the Himalayan-Tibetan glaciers (Table 4.1). For a few decades, the increased rate of glacier melt will be manifested in more frequent flooding, but when the glaciers are severely reduced, chronic droughts will follow. Warming of the Earth’s surface is also changing patterns of crops that are dependent on riparian systems. This in turn impacts food production and security, livelihoods and the environment. As summarized by the UN Environment Programme (UNEP 2006: 1), temperature rises will influence crop yields by:

- shifting optimal crop growing zones;
- changing patterns of precipitation (quantity and variability) and potential evapotranspiration;
- reducing winter storage of moisture in snow and glacier areas;
- shifting the habitats of crop pests and diseases;
- affecting crop yields through the effects of carbon dioxide and temperature; and
- reducing cropland through sea level rise and vulnerability to flooding and drought.

At the same time, diversion of water by large dams and deforestation compounds climate change by substantially adding to downstream water scarcities, droughts and flooding.

Table 4.1 Dependence of major river basins on Himalaya-Tibet Plateau ice melt

River	Basin km ² (thousands)	Total population (millions)	% Cropland	% Forest	% of basin protected	Hydrological significance of glaciers and snow for rivers
Tarim	1,152	8.1	2	<1.0	21.0	Very high
Syr Darya	763	20.6	22	2.4	1.0	Very high
Amu Darya	535	20.9	22	0.1	0.7	Very high
Indus	1,082	178.5	30	0.4	4.4	Very high
Ganges	1,016	407.5	72	4.2	5.6	High
Brahmaputra	651	118.5	29	19.0	3.7	High
Yangtze	1,722	368.5	48	6.3	1.7	High
Huang He (Yellow R.)	945	147.4	30	1.5	1.3	High
Salween	272	6.0	6	43.0	2.2	Moderate
Mekong	806	57.2	38	42.0	5.4	Moderate
Total	8,595	1,345.2				

Source: UNEP (2007), table 1.

Climatic changes that result in changing levels and flows of water can also have serious impacts on health. Concern is raised that slowing movements of water would, for example, increase the potential for epidemics of malaria, dengue and other vector-borne diseases in river basin regions (Martens et al. 1999). Increased incidence of diarrhea and malnutrition are already attributed to climate change which has led to more-severe droughts and flooding in Bangladesh, Bhutan, India, Myanmar and Nepal. Illness and death occur from increased amounts of cholera bacteria prevalent in coastal areas.

In sum, many of the impacts of global climate change on human life and the environment will be mediated through changes in water systems. Whether upstream or downstream, these impacts are potentially irreversibly catastrophic in a majority of cases. They will, however, be played out differentially over geographical space in their manifestations and degrees of severity. The uncertainties of very long-term climate forecasting, especially at the local level, suggest that responses must be both tailored to specific localities within river systems and also flexible enough to respond to unforeseen multiple impacts of changes.

Water conflict and water wars

The impacts of the major trends described above on water resources and their uses are also reported to be heightening conflict among nations and communities that share cross-border rivers, lakes and aquifers. The UN Environment Agency warns that for the world as a whole almost 3 billion people will be severely short of water within 50 years, and some observers predict that in this century water wars will become a significant form of hostility involving at least 50 countries (GPF 2009). Most likely to be affected are the areas of severe drought and water shortages, such as those in Central Asia (Leahy 2007). Global climate change is also cited as a potentially major contributor to future conflict over water and riparian systems.

Research by the United Nations (UN-Water 2008) identifies several proximate sources of cross-border conflict: water scarcity, dam construction, water abstraction, chronic and accidental water pollution by industry, and non-compliance with existing treaty provisions. NGOs, both local and international, tend to focus attention on ecological impacts, social justice, marginalization and displacement of indigenous and other local residents, and collusion and corruption between government officials and private sector interests (Ashayagachat 2008; Carmichael 2007; CICP 2002; GPF 2008; Gunn and McCartan 2008; ICEM 2007). But as previously discussed, conflicts are also being worsened by more distant macro-processes,

such as urbanization and economic development requiring more water for agricultural, municipal and industrial uses.

Placing regional water systems into the hands of private monopolies has, in several instances, seen the poorest households excluded from service extension (Postel and Wolf 2001; UN 2006). The resulting search for water and displacement of people can create cross-border effects as well, especially among people who do not traditionally recognize borders as their territorial limits in obtaining water or moving to water sources. Cross-border conflict over access to water can also be exacerbated by nationalism (Allouche 2007). Even disputes over data and lack of transparency in data analysis have taken on nation-versus-nation dynamics (Chellaney 2007).

In sum, findings by the UN (2006) show that factors outside the water domain are usually decisive in exacerbating tensions over water. So far conflicts are, in the majority of cases, non-violent though protests and confrontations are occurring (Leahy 2007; Dinar et al. 2008; GPF 2009). Violence associated with water conflict is also still substantially contained within nation-states (Allan 1998). But in reflecting recent trends leading to more complex and chronic crises, conflict and possibly violence can be expected to spread across borders, especially, but not only, between upstream and downstream states.

Findings by Postel and Wolf (2001: 67) summarize key points about water conflict that lead directly to the need for cross-border governance:

The overarching lesson to draw ... is not that worsening scarcity will lead inevitably to water wars. It is rather that unilateral actions to construct a dam or river diversion in the absence of a treaty or institutional mechanism that safeguards the interests of other countries in the basin is highly destabilizing to a region, often spurring decades of hostility before cooperation is pursued.

As a case in point, Postel and Wolf cite India's channelling of water to Calcutta, which seriously diminished the supply flowing to Bangladesh in the 1970s and led to a two-decade period of hostility and instability, including increased migration of distressed Bangladeshis into India. In lieu of taking proactive measures through negotiation and agreements before such diversions, dispute resolutions then become lengthy and difficult to conclude. From the same analysis, some 51 nations are found to be at levels of high tension or conflict over the next decade; in Asia, the six most likely nations are in the Mekong River Basin. Postel and Wolf, along with other analysts, also point to Central Asia as a riparian region that is poised for rising conflict due, in this case, to a general failure to comply with existing cross-border governance institutions and agreements (Allouche 2007; Rahaman and Varis 2008).

Conflict need not always be viewed with pessimism. It can be a driver of change if it provokes successful interventions to mediate solutions. The Australian Mekong Resource Centre (AMRC 2005) identifies three principal means of transforming conflict into collaboration: technical, legal and political. “Technical” covers modelling of water flows and quality, information processing, and access to data and information. “Legal” involves formalizing rights of use, laws and regulations that shift conflicts to courts or other mediating institutions. Politically, collaboration can emerge through the creation of public forums, co-management arrangements, or participation in negotiating resolutions. None is automatic nor guaranteed to work. However, because conflict can provide the opportunity for people to participate and potentially collaborate in policy-making and planning, inclusion of conflict resolution techniques and mechanisms in these processes can have positive outcomes (Miller and Hirsch 2003).

Variations in contexts of cross-border governance

In addition to understanding the underlying sources of cross-border policy issues and conflicts over water, addressing the question of how to approach and assess alternative cross-border governance frameworks requires recognition of the wide variations in river basin contexts, including economies, political systems and sociocultural relations. While at an abstract level the elements for consideration in cross-border governance are likely to be common to most riparian regions, particular issues and instruments can be expected to vary. The examples of three major river basins in Asia – the Mekong, the Indus and Central Asia – help to reveal these variations and underscore the need to go beyond generalized governance models by adapting and innovating governance processes suited to local conditions and opportunities.

The Mekong River Basin and the Mekong River Commission

Running from the Tibetan Plateau through China’s Yunnan Province and on to Burma, Thailand, Laos, Cambodia and Vietnam, the Mekong is the twelfth longest river in the world and the seventh longest in Asia. An estimated 4350 km (2703 miles) in length, it drains an area of 795,000 km². Approximately 60 million people live in the Lower Mekong Basin where the river supplies water for drinking, irrigation for food production, hydropower, transportation and commerce. It serves millions more in China and Myanmar. The river basin accounts for half the arable land in Thailand, replenishes Tonle Sap Lake, one of the world’s largest freshwater

fisheries, in Cambodia, and flows on to the Mekong Delta which supports 20 million Vietnamese and more than half of Vietnam's rice production (UNDP 2006). It is home to almost 100 distinct ethnic groups that are heavily dependent on the river and its natural resources to sustain life and livelihoods. It is also habitat to a variety of species ranging from large mammals such as the Asian elephant to the Mekong giant catfish – the largest freshwater fish in the world – and the last remaining populations of the Irrawaddy dolphin (WWF 2008). All of these features of the region increasingly call for mechanisms for cross-border governance.

The river basin faces a number of critical cross-border issues. A principal source of current debate is the construction of dams, for which various international agencies and governments have long been noted for funding and building over the past half-century, first as a means to supply water for irrigation and more recently to generate hydropower. A new era of major dam construction is now under way in the region (World Bank 2006b; WWF 2008). In its upper reaches China is constructing eight dams in Yunnan Province. The Laotian government plans to construct 30 dams to become the electric “battery” of Southeast Asia, with most of the electricity to be exported to neighbouring countries (International Rivers 2008, 2009). Myanmar, Vietnam and Cambodia are also building many new dams on the Mekong and its tributaries.

In addition, the region is destined for a thorough transformation through the Asian Development Bank's Greater Mekong Sub-region (GMS) plan. The plan, initiated in 1992, promotes economic cooperation through infrastructure projects to spur economic growth and the free flow of goods and services across borders and internationally. Expansion of existing roads, hydropower dams for energy transmission, rail and port construction, and mining and agricultural products for export are the main components (ADB 2008).⁶ ADB states that these projects will greatly enhance the economy and prosperity of people in the region by substantially reducing physical limitations on mobilizing water and other natural resources for greater participation in the global economy. The WWF (2008) cautions that, should they transect priority conservation areas, planned roads will degrade biodiversity and impair the integrity of the watershed ecosystem as well as increase access for the illegal timber and wildlife trades.⁷

Together with many other changes under way, the construction of many new dams is part of a substantial transformation of the entire basin. Concerns include impacts on ethnic minorities that depend upon highland ecologies for their ways of life, increasing pollution of the river system, impacts on livelihoods, flooding and drought increases, infectious diseases and irreparable ecological damage. In some parts of the river, pollution

from fertilizers and pesticides have already made water no longer suitable for human consumption. Sedimentation and riverbank erosion due to slowing water flows from dams is the cause of streams and rivers becoming shallow and disappearing. At the same time, while flooding is important because rainfall alone is insufficient for rice production in the Lower Mekong, floods are becoming more serious, with record levels experienced in 2008 in Laos, Thailand, Cambodia and Vietnam (MRC 2008).

The merits and undesirable outcomes of these projects are already the subject of research, international meetings and renewed efforts to create agreements and mechanisms for reducing unwanted impacts and conflict spilling across national boundaries. These deliberations and dramatic changes in the Mekong that they disclose give notice that the need for effective cross-border governance structures is greater than ever.

The region is already among the most well known in the world for its many cross-border water governance agreements. In 1957 the establishment of the Mekong Committee was the first ever involvement by the United Nations (UNECAF, now UNESCAP) in cross-border river basin planning; its purpose was to embark on a large-scale irrigation and five-dam hydropower project, the Development of Water Resources in the Lower Mekong Basin (Jacobs 2002). Only one dam, the Nam Ngum, was the outcome of intergovernmental cooperation, however, as the four riparian countries (Thailand, Laos, Cambodia and Vietnam) did not give their consent to other projects involving cross-border agreements. In 1975 attempts to rejuvenate cross-border efforts took the form of a Joint Declaration of Principles for Utilization of the Waters of the Mekong Basin that prohibited the “unilateral appropriation” of water without “prior approval” and “extra-basin diversion” without unanimous consent. However, conflict and regime changes in the region prevented activation of cross-border efforts.

By the 1990s international conflict in the region had been greatly reduced, economic reforms toward open market economies were under way in Vietnam and China, and democratic institutions were developing in Thailand and Cambodia, setting the stage for a revitalization of cross-border governance initiatives in the region. This came to fruition in 1995 with the establishment of the Mekong River Commission (MRC), an achievement hailed as the beginning of a new era of cooperation in the region. It includes provisions for cooperative natural resource planning, environmental and social cost management, databases and information systems, and organizational management and cooperation. UNDP funds maintain the Mekong Secretariat. In 1996 China and Myanmar became Dialogue Partners of the MRC as a mechanism to create a further reach to cross-border cooperation.

After the establishment of MRC a number of agreements were subsequently concluded, such as the Water Utilization Programme (WUP) in 1999 which committed members to cooperatively implement several projects by 2005. The MRC was restructured in 2000 with a view to making it less hierarchical in structure through, for example, more open data-sharing protocols, which is one of the principal issues in all cross-border water relations. The ensuing 2001 Work Programme has been credited with instituting a shift from large-scale project planning toward a focus on better management and conservation of water resources. It also represented an important change toward creating region-wide rather than discrete project perspectives on the Mekong River Basin, and it included the idea of the MRC as a “learning organization” that was to engage people in the region, particularly with regard to livelihoods, in finding “bottom-up” solutions to river basin planning issues. This posture of MRC brought it into the realm of advocacy of more participatory approaches to cross-border riparian issues, including involvement of civil society organizations.

Progress continues in several areas of cross-border governance. MRC has stepped up research and dissemination of technical reports on major trends and issues in the region. The understanding is now clear among all members that mechanisms to increase civil society voices are needed, and more consultative meetings are being held, with the participation of NGOs and other citizen organizations (MRC 2009). Requiring large-scale projects to produce environmental impact statements (EIS) before, during and after construction is also an agreed principle. MRC has also launched a number of disaster management and amelioration projects.

These advances notwithstanding, a number of limitations prevail. The 2009 Regional Multi-Stakeholder Consultation on the MRC Hydropower Programme (MRC 2009) stressed the need for cross-border early warning systems, which would require each government to provide frequent updates of water levels in dams and rivers to all downstream countries. MRC continues to be largely donor/lender driven, and applying the processed data proactively before projects begin lags behind agreements (Hirsch and Jensen 2006). Such a system would require transparency in information-gathering, willingness to share what might be used to criticize projects, and voluntary budgetary expenditures for sophisticated modelling and data processing. With governments having their own perceived national interests at stake, their commitments to such cooperative agreements tend to lack political will to carry them through. Among the more important trends in this regard is the rise of local and international NGOs that are independently carrying out research and using popular media to pressure governments, and especially the MRC, to give greater consideration to impacts on local people and ecological concerns.

The Indus River Basin

The Indus River is the third longest river in the world and runs 3100 km from Tibet through Kashmir in India and the Punjab plains of Pakistan to the Indian Ocean. It crosses into five countries: Afghanistan, China, India, Nepal and Pakistan with its river basin covering 860,000 km². The upper Indus in the Himalayas is fed by glacier meltwater and monsoon rains. From the Punjab southward the river traverses desert and semidesert land, including the Thal and Thar deserts. West of Bahawalpur its main tributary, the Panjnad, which is formed by the junction of the Chenab and Sutlej rivers, joins the Indus.

Civilizations have risen in the Indus Valley from as early as 2300 BC, and today its rivers provide water for one of the largest irrigated areas in the world in an otherwise uninhabitable region. Conflict between Pakistan and India over distribution of the water arose with the creation of Pakistan in 1947. The dispute was settled in 1960 by a treaty between India and Pakistan that allocated the waters of the Indus, Jhelum and Chenab to Pakistan and the waters of the Sutlej, Beas and Ravi to India. It is the only cross-border treaty in the world to have divided rights to riparian systems between countries (Dinar et al. 2007). The treaty also established the Permanent Indus Commission composed of one Commissioner of Indus Waters from each country, who are to meet annually to establish and promote cooperative arrangements for the treaty implementation and the development of the waters of the Indus system. They are also charged with examining and resolving questions concerning interpretation or implementation of the treaty. Annual reports are to be submitted to the two governments.

The Indus River Basin is beset by a number of critical issues. The Indus River now supplies much less water per person than the minimum recommended by the United Nations. WWF identifies it as one of the world's 10 rivers most at risk of dying because of global climate change. At current trends, the river is projected to lose 27 per cent of its flow by 2050. Glaciers provide 80 per cent of the water of the Indus River (Gartner 2009). The permanent loss of Himalayan glaciers that is now being predicted with a high degree of certainty will substantially lower its water levels. Rare indigenous species such as the Indus River dolphin will be imperilled if the water flow from glacier melt is greatly reduced. Hydropower dams are also reportedly substantially decreasing in capacity even as new ones are being planned (Thakkar 2005).

The heightening stress on the river system is adding to cross-border governance issues. Among the most recent, in August 2008 Pakistan registered a complaint that India was diverting significant amounts of water from the river Chenab to its Baglihar Dam, which was delaying irrigation

for Pakistani farmers. The World Bank, which has acted as principal mediator since the first treaty was signed between India and Pakistan in 1954, states that a major contributor to issues of water use is the crumbling water infrastructure that has seen people turn to pumping groundwater, which now supplies 70 per cent of the region's water use (World Bank 2005).

In terms of governance, the 1960 Indus Waters Treaty is viewed as one of the few successful cases in settling trans-boundary water basin conflicts (Babel and Wahid 2009). However, cross-border governance relations have not advanced much further than the settlement made through this treaty. Many of its provisions are rarely used, if at all. For example, no projects have been submitted under either the provisions for future cooperation or for water quality, but have instead been addressed through bilateral negotiations outside of the treaty arrangements (Dinar et al. 2007). Nor does the treaty address such key issues as trans-boundary pollution of water resources, which is increasingly a serious problem.

Also, the agreement is only between India and Pakistan, and does not include other countries, Afghanistan in particular, which has a large tributary of the Indus (Favre and Kamal 2004). Border disputes between Afghanistan and Pakistan forestall cross-border water governance possibilities. The government of Afghanistan is planning to reinforce irrigation, fishing and hydropower generation along the Kabul River. Unless an agreement is reached, however, further developments could trigger tensions between the two countries. Although the Permanent Indus Commission is given the duty to implement and monitor activities of the Indus Waters Treaty, it is weak in research capacities needed for evidence-based responses to water resources issues (Babel and Wahid 2009). In this situation, international lending institutions such as the World Bank continue to play a key role in promoting cooperation along with policy agenda toward more private sector participation and management of water. The 2004 construction of the Baglihar Hydropower Project on the Chenab River in Jammu and Kashmir was just such a case, with the World Bank appointing a neutral expert to arbitrate the issues arising with Pakistan, which continues to launch protests over water diversion by India (Dinar et al. 2007).

Central Asia

Central Asia is a semi-arid region highly dependent on its two main rivers, the Amu Darya and the Syr Darya, both of which are replenished by ice melt and rain, largely from the Himalayas.⁸ Both river basins have an extended network of dams, reservoirs and irrigation canals, resulting in one of the most complex water systems in the world. The Amu Darya

is 1415 km long and flows from the Tien Shan mountains down along the borders of and across Tajikistan, Afghanistan, Turkmenistan and Uzbekistan, crossing in and out of the last two states several times. Although Tajikistan is in an upstream position on the Amu Darya and Kyrgyzstan controls the flow of the Syr Darya, half of the Aral Sea Basin's population lives in Uzbekistan.

While the Soviet Union existed, borders in Central Asia were local administrative ones, not national boundaries, and Moscow controlled and monitored what are now cross-border infrastructure facilities, including canals and reservoirs. In an attempt to maintain the vast irrigation system and minimize conflict after the break-up of the Soviet Union in 1991, within a few months after independence the five newly created Central Asian countries – Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan – signed an agreement of Cooperation in the Field of Joint Water Resources Management and Conservation of Interstate Sources, which recognized “the community and unity of the region's water resources”.⁹ Many additional regional water agreements were signed, one of the most important of which is the 1993 agreement leading to the creation of an executive organ, the International Fund for Saving the Aral Sea (IFAS) as the region's supreme policy organization on water resource management.

However, these agreements have not resulted in actions to mutually govern the region's waters. Unresolved cross-border disputes and tensions over water are numerous, and regional governance is yet to have substantive commitments, leaving bilateral talks between presidents as the principal method of addressing conflicts. Nationalism, ethnic tensions, territorial disputes and religious contestations are highly intermixed with cross-border water governance issues. International development agencies also lack any coordinating efforts among them. As a result, despite very thorough water cooperation agreements among Central Asian governments, the cross-border governance system “has more or less come to a standstill” (Allouche 2007: 48).

In this situation, the potential for conflict over water-related issues is increasing in the region. Huge irrigation systems constructed during the Soviet era have overdrawn water to the extent that the Aral Sea is mostly depleted of its water and is classified as one of the greatest human-made ecological disasters of the twentieth century (Libert 2008). Related salinity and water pollution have human impacts such as a high morbidity in the Aral Sea region (Krähenbühl, Gely and Herren 2004). Central Asia is also “littered with environmental hot spots” that include abandoned Soviet-era pesticide dumps. Uranium tailings pose some of the region's most dangerous threats, especially in the upper areas of the Syr Darya basin (Udovički 2008: 1). The frequent landslides, flooding and earthquakes

pose a high risk of radioactive uranium wastes finding their way into rivers that provide water for drinking and irrigation for millions of people and livelihoods.

Now the region faces new sources of threat to its riparian system. Climate change presents the most serious challenge. The glacier area in the Tien Shan mountains decreased by 25–35 per cent during the twentieth century, with rates of melt increasing significantly since the 1970s. Predicted declines in available water volumes present the spectre of permanent drought. Drought conditions are already the main cause of declining wheat harvests by as much as 25 per cent (2008–2009) in Tajikistan and Turkmenistan, and water levels in hydropower dam reservoirs across the Aral Sea Basin are unprecedentedly low, leading to electricity shortages (Udovički 2008). Resulting energy and human security concerns are rising, particularly in Kyrgyzstan and Tajikistan.

In addition, the UN Food and Agriculture Organization (FAO) reports that the fishing economy in Central Asia is collapsing, with fish production in the region plummeting by as much as 98 per cent in Kyrgyzstan since 1991 (*New Agriculturalist* 2009). Overfishing and pollution are identified as principal causes, along with poor maintenance of fleets and hatcheries. Privatization, rapidly pursued through international lender encouragement since the late 1980s, is found to be exacerbating environmental degradation while also pushing land prices beyond commercial viability for local producers (Krähenbühl et al. 2004).

More than any other major riparian region in Asia, cross-border water relations in Central Asia will need to focus on water conserving technologies and livelihoods (Varis and Rahaman 2008). The river system is very likely to continue to shrink in volume of water and may even experience catastrophic declines in water supplies from the Himalayas. The expected decline in high mountain water supplies also suggests that large-scale dams will be seen as being less efficient and having less favourable cost:benefit ratios. Central Asia has more than 100 major dams and other water control facilities, mostly on rivers shared by different countries. The dams are ageing and in some cases not adequately maintained. Meanwhile, the number of people living downstream from these dams is growing. The Fergana Valley, shared by Kyrgyzstan, Tajikistan and Uzbekistan, has 9 million inhabitants (Libert 2008: 41). As Varis and Rahaman (2008) underscore, the time for governance to focus on water conservation, reduction in amounts used (e.g. for agriculture), and repair and maintenance of existing infrastructure rather than construction of new large dams is at hand. Though progress in cross-border governance has not been significant in terms of actions taken, international assistance working with national governments has been ramping up in the region,

with a new understanding of both the increasing urgency for action and the need to include local people as stakeholders in policy, planning, implementation and monitoring (Rahaman and Varis 2008).

Current regional and cross-border policies and legal frameworks

The three experiences summarized above serve to show that, while the issues of cross-border governance have many of the same causes, the histories and complexities of each context reveal variations in governance approaches and possibilities. In the case of the Mekong River Basin, it was not until the 1990s that internal and international conflict in the region had subsided to a point at which a joint commission (MRC) could be realistically formed to further a more authentic form of governance than in the past. With democratization and more open politics on the rise in the MRC member countries, a new element came to the fore over the past 10–15 years, namely, the rise of civil society organizations locally and internationally to challenge the top-down, big infrastructure orientation that had dominated national and cross-border riparian development. For the Mekong River Basin, the stage has now been set to engage a great many more stakeholders in the process than in the past.

The Indus River Basin tells a somewhat different story. Instead of seeking joint management of water, the only major treaty for the region divided the water in the system between Pakistan and India. Other countries in the river basin are not part of the treaty. Further, since the treaty, the modus of governance has principally been for one side or the other to launch a large river project such as a hydropower dam and the other side to launch a grievance to international mediators such as the World Bank. On a positive note, the 1960 treaty still serves as the basis for dispute resolution, and as such, it points to the considerable importance of treaties, memoranda of understanding and other agreements in lowering tensions and encouraging peaceful step-by-step consultation, facilitation and conflict resolution. Without the 1960 treaty, and given current tensions in the region from other political and religious sources, the possibilities of violent conflict over water would undoubtedly be much higher.

In contrast, the Central Asia river basins show that treaties and agreements are not powerful tools in conflict resolution if the political will, trust and capacities to take advantage of them are not in place. This region of newly formed nation-states that mostly retain strong-arm governments continues to be subject to high levels of conflict and tension. The

major means of resolving cross-border issues is through personal relationships among leaders, and donors' use of funding to move projects forward. In such situations, other tactics such as information-sharing toward building trust and enabling more routine institutional mechanisms to strengthen cross-border collaboration are, at least in the shorter term, more likely to be effective in diffusing potential conflict.

Even with the major differences in cross-border governance modes and capabilities, similarities are also prominent, particularly with regard to the key roles played by international agencies, notably the United Nations, World Bank and Asian Development Bank. Together these agencies have led policy agenda, marshalled funding and provided technical support to harness riparian systems for national economic growth, focusing almost exclusively on the construction of large dams for irrigation and hydropower. In the case of Central Asia, it was the Soviet Union (Moscow) that initially pursued the same approach.

While the agenda did not significantly change, in the 1990s the mode took a neoliberal turn toward private sector delivery and management of projects. This mode continues to be advocated by major donors, but it is becoming much more modulated and open to newly recognized stakeholders concerned with ecological impacts, dislocation of local people, often minorities in the respective countries, and other undesirable localized social, cultural and economic outcomes that, in changing who benefits and who loses, challenge the use of social cost-benefit analysis to defend large-scale projects. The MRC region, in particular, has been able to become open to many more voices in research and at international forums discussing policies and project outcomes.

In addition to accepting the need for a more open governance process, another realization has come to the fore, namely, that water issues are inseparable from other rural and urban projects and programmes. This has led to proposals for "integrated water resource management" (IWRM), which is now supported by many international donor/lender institutions, including the Asian Development Bank (GWP 2003; Abdullayev et al. 2008; Biswas 2008). This concept, in all its variations, rests on the premise that mitigating the deterioration of water systems can be best achieved by, for example, more water-efficient farming techniques or changes to less water-intensive crops and non-farm economic activities.

Before discussing the challenges facing such ideas as IWRM and the call for more participatory forms of governance, Table 4.2 identifies the major elements that have been most commonly advanced as being crucial to effective cross-border governance to reduce and resolve conflict as well as to address questions of local ecological, social and economic impacts of riparian projects. The list of experiences is representative but is

Table 4.2 Major types of cross-border water governance initiatives

Governance dimension	Intention
1. Information-gathering, processing and dissemination	To promote common understanding of conditions, monitor changes, share expertise
2. Bilateral or multilateral agreements and compacts	To create political agreements among countries on various aspects of water governance
3. Civil society participation	To include local knowledge, issues, skills; address unanticipated impacts; build on local institutional capacities
4. Supra-national governance authority	To transfer forms of authority over water governance to entities above and autonomous from the nation-state

not intended to be exhaustive. Rather, the table identifies major categories of approaches that are most commonly advanced for cross-border water governance.

Information gathering, processing and dissemination

Even before cross-border governance institutions have been established, countless meetings have called for routine gathering and sharing of data as an initial and crucial component of water governance. Information processing and dissemination not only contributes important knowledge about water systems; it can also assist in defusing potential conflicts and mediating those under way. Of all the mechanisms included in water governance, this is the most prevalent and also remains among the most difficult to carry out.

Among the bottlenecks encountered at this basic level of governance are technical ones involving inadequately trained personnel, underfunded operations, poor methods and lack of dissemination channels. Others, however, are political and often appear when the government of one country, usually an upstream country, embarks on river-related projects that are likely to have significant downstream impacts in other countries. Water diversion, dam construction and waste disposal in water are examples of types of activities that are in need of assessment but, when cross-border relations are involved, are not shared, either by lack of concern about cross-border impacts or unwillingness to be open to potentially critical assessments from outside the country.

Information gathering and processing invites the question of whose information should be gathered and privileged. A major criticism of

prevailing practices is the privileging of expert knowledge of engineers and other technically trained professionals while disregarding local, experiential knowledge. Similarly, information is not only about projects and their impacts, but also about decision-making, especially with regard to behind-closed-doors agreements that can entail corruption. At an international level, at the Rio Declaration of the UN Conference on Sustainable Development in 1992, the World Commission on Water and World Commission on Dams put pressure on governments to make decision-making processes more transparent. International norms in environmental governance include trans-boundary cooperation by enhancing public access to environmental information and decision-making.

The Mekong River Commission (MRC) has also encouraged agreements among its member governments to have stricter requirements for environmental impact assessments (EIA) and to share information related to environmental programmes and projects, including those concerning water. Despite this progress, however, across the region the integration of environmental considerations into broader decision-making processes remains ad hoc and piecemeal.

Recently, political reform in several countries has allowed independent NGOs to carry out research into such questions as downstream impacts of dams. Mirumachi and Nakayama (2007), among others (Wyatt and Baird 2007), conducted independent research on a new dam on the Mekong River to show that commonly used forms of EIS project analysis fail to predict many adverse cross-border impacts, including social and economic impacts. To correct this, they set forth a TIA (trans-boundary impact assessment) methodology. These types of initiatives have the potential to advance knowledge about human as well as environmental impacts of riparian infrastructure expansion. Of highest importance in information gathering and dissemination is the need to allow multiple forms of data to be assessed from different angles as a means to ensure both open dialogue and greater trust among cross-border stakeholders. When only one party has data, typically the initiators of a project in one country, suspicions can arise in another, and mutual learning and accommodation becomes difficult to achieve. In the spirit of the new understandings about cross-border governance, efforts to ensure that agreements and regulatory frameworks include EIA and TIA processes can benefit from public involvement in many forms of assessments.

Treaties, commissions and agreements

Giving legitimacy to cross-border governance initiatives is crucial for long-term cooperation and conflict management. These can take many forms: treaties, compacts, memoranda of understanding, protocols and

others, including personal relations of trust among national governments and their leaders. Many countries around the world have used treaties as instruments for cross-border water governance. The United Nations (UNEP 2002) estimates that worldwide over the last half-century there have been nearly 2000 reported interactions over water conflicts, with 200 resolutions taking the form of treaties and 1228 having signed cooperative events. Among the most well known in Asia are the 1960 treaty between Pakistan and India discussed above, and, in 1996, the Nepal and India Mahakali Treaty and the India and Bangladesh Ganges Water Sharing Treaty as separate bilateral agreements to create mutual trust over the Ganges and other rivers in the region.

In the case of the Mekong River Basin (Table 4.3), the principal mechanism has been setting up a committee and later the Mekong River Commission as a consultative body. The MRC is mandated to carry out research and assist in negotiating further agreements among the four principal members – Laos, Cambodia, Vietnam and Thailand – and the two dialogue partners, China and Myanmar. Its restructuring in 2000 was intended to broaden access for many stakeholders and to engage in policy planning as an iterative learning process.

In the Central Asia experience, many agreements have been signed on reporting, rights to information, and upstream-downstream relations. The World Bank has been a key source of facilitating these agreements. While progress has been made in creating many types of formal cross-border institutional mechanisms and instruments to further cooperation in riparian systems management, there is yet a very long way to go in every case. In general, cooperation continues to be bilateral rather than multilateral, and while it might be promoted in the spirit of existing cross-border agreements, with few exceptions cooperation is typically sought after rather than before projects are initiated. The majority remains donor driven as well. Most agreements have limited binding authority, and their implementation, as reported in Central Asia (Table 4.4), can lack sustained commitment. However, they do serve as benchmarks for continuing dialogue, and, as UNEP (2002) reports and the India-Pakistan Treaty for the Indus River shows, they can serve to diffuse conflict by providing events for deliberating about differences and finding ways to adjudicate them.

Civil society participation

The most consistent agreement concerning riparian regions and (cross-border) governance in recent years has been on the need to increase civil society participation in policy deliberations, research and analysis, project design, implementation and monitoring. In many Asian countries where

Table 4.3 Cross-border riparian agreements, Mekong River Basin

Name	Principal issue area	Year	Signatories	Non-water linkages
Statute of the Committee for Co-ordination of Investigations of the Lower Mekong Basin established by the governments of Cambodia, Laos, Thailand and the Republic of Viet-Nam in response to the decisions taken by the UNESCAP (multilateral)	Technical cooperation/ assistance	1957	Cambodia, Laos, Thailand and Vietnam	None
Convention between Laos and Thailand for the supply of power (bilateral) (NgumNam Pong Basin)	Hydro-power/ hydro-electricity	1965	Laos and Thailand	Capital
Joint declaration of principles for utilization of the waters of the lower Mekong Basin, signed by the representatives of the governments of Cambodia, Laos, Thailand, and Vietnam to the Committee for Coordination of Investigations of the Lower Mekong Basin (multilateral)	Economic development	1975	Khmer Republic, Laos, Thailand and Vietnam	None
Declaration concerning the Interim Committee for Coordination of Investigation of the Lower Mekong Basin (multilateral)	Economic development	1978	Laos, Vietnam and Thailand	None
Agreement on the cooperation for the sustainable development of the Mekong River Basin (multilateral)	Water quantity	1995	Cambodia, Laos, Thailand and Vietnam	None
Decision No. 144/1999/QD-TTg, Ratifying the plan on the control and use of flood water in Mekong River Delta Area for the period from now to the year 2010 (multilateral)	Flood control/ relief	1999	Laos, Thailand, Vietnam and Cambodia	None
Decision No. 78/2004/QD-TTg of May 7, 2004 adjusting and supplementing a number of mechanisms and policies in order to speed up the construction progress of population clusters and lines as well as dwelling houses in frequently flooded provinces in Mekong (multilateral)	Flood control/ relief	2004	Laos, Thailand, Vietnam and Cambodia	None

Source: Institute for Water and Watersheds (2009).

Table 4.4 Cross-border riparian agreements, Central Asia

Name	Principal issue	Treaty Basin	Year	Signatories	Non-water linkages
Agreement on joint activities in addressing the Aral Sea and the zone around the Sea crisis, improving the environment, and ensuring the social and economic development of the Aral Sea region	Water quality	Aral Sea Amu Darya, Syr Darya	1993	Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan	Other
Resolution of the heads of states of Central Asia on work of the EC of ICAS on implementation of action plan on improvement of ecological situation in the Aral Sea Basin for the 3–5 years to come with consideration for development	Water quality	Aral Sea Amu Darya, Syr Darya	1995	Kazakhstan, Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan	None
Agreement between the governments of the Republic of Kazakhstan, the Kyrgyz Republic and the Republic of Uzbekistan on joint and complex use water and energy resources of the Naryn Syr Darya cascade reservoirs	Irrigation	Syr Darya	1998	Kazakhstan, Kyrgyz Republic and Uzbekistan	Other
Agreement between the government of the Republic of Kazakhstan, the government of the Kyrgyz Republic and the government of the Republic of Uzbekistan on cooperation in the area of environment and rational nature use	Water quality	Not specified	1998	Kazakhstan, Kyrgyz Republic and Uzbekistan	None

Table 4.4 (cont.)

Name	Principal issue	Treaty Basin	Year	Signatories	Non-water linkages
Agreement between the government of the Republic of Kazakhstan, the government of the Kyrgyz Republic and the government of the Republic of Uzbekistan on the use of water and energy resources of the Syr Darya Basin	Joint management	Syr Darya	1998	Kazakhstan, Kyrgyz Republic and Uzbekistan	Capital, other
Protocol on inserting amendments and addenda in the agreement between the governments of the Republic of Kazakhstan, the Kyrgyz Republic, and the Republic of Uzbekistan on the use of water and energy resources of the Syr Darya Basin	Hydro-power/ hydro-electricity	Syr Darya	1999	Kazakhstan, Kyrgyz Republic, Tajikistan and Uzbekistan	Other

Source: Institute for Water and Watersheds (2009).

non-elected governments or one-party states are in place and where government is highly centralized, heeding this call has faced serious challenges. Advances are being made, however, especially through the increased activity of national and international NGOs and donors who bring independent, autonomous voices and research to forums for river management deliberations. Where cross-border governance structures have been institutionalized, as in the case of the Mekong River Commission, openings for civil society engagement are becoming routine (Box 4.3). Power structures can nonetheless remain resistant to such changes, and participation still tends to be reactive. This can have the effect of increasing conflict if mechanisms are not put in place to give civil society an active voice in planning and implementation.

Another set of reasons for more participatory riparian planning focuses on the need to go beyond water system infrastructure and toward the social and economic uses of water that are wasteful or could be made adaptive to the major changes now taking place in riparian regions. Many studies show how local collaboration can find adaptive solutions to changes in water systems rather than continue to try to transform these systems at the expense of local communities and environmental sustainability.¹⁰ These entail what Allan (1998) calls various levels – household, community, region (and nation and above) – of collaboration around “problem sheds”. As Moench (2006) explains, even very small-scale infrastructure can have far-reaching positive results:

Seemingly minor factors had a large influence on the degree to which extreme events affected local populations. In the case of drought, for example, households owning rooftop rainwater harvesting systems were much less vulnerable to water scarcity than those without. This wasn't, however, primarily due to the amount of rain actually captured. While rain did supplement household supplies, the size and accessibility of the cistern was a critical factor influencing whether or not families were able to buy water in bulk from the tanker markets that sprang up in response to scarcity. In such informal markets, bulk purchases of 10–12 m³ cost far less per unit volume than purchases of smaller volumes. In addition, the ability to store water at the household level substantially mitigated the unreliability of supplies.

Moench further observes that special authorities set up to manage water systems typically have little power to regulate activities beyond the body of water itself, such as agricultural practices. The absence of real movement toward integrated water management at a policy level also reflects local resistance (Moench 2006: 6):

In most arid sections of India, local populations are well aware that current agricultural economies are unsustainable as groundwater quality and quantity

Box 4.3 The Regional Environmental Forum

The Regional Environmental Forum (REF) for mainland Southeast Asia was held in Phnom Penh in 2002 and was sponsored by the Cambodian Institute for Cooperation and Peace (CICP), Thailand Environment Institute (TEI) and World Resources Institute (WRI). Its purpose was to bring together independent environmentalists from research institutes, universities and non-governmental organizations in the region to provide a platform for discussing conditions and trends for the natural environment and people's livelihoods. It was intended to generate constructive recommendations for national governments, regional institutions and other groups on how to improve environmental governance in mainland Southeast Asia. The meeting provided an opportunity for independent analysts from the six Mekong countries to create and strengthen professional relationships and identify common agendas. The Forum was also organized to promote the creation of a regional network to monitor environmental governance on a regular basis.

The convening of the Forum reflects a broader, growing concern among the people of mainland Southeast Asia about degradation of their environment, and costly environmental trade-offs of large-scale development activities. The governments of the Mekong countries have committed to significant shared infrastructure schemes under the Asian Development Bank's Greater Mekong Sub-region Programme. These include a regional power grid (powered by large hydropower dams) and a system of development corridors. The REF gave emphasis to two main principles:

- 1. Trans-boundary cooperation** – Sustainable regional development must recognize the trans-boundary impacts of environmental management decisions. In particular, decision-makers must be aware of both the environmental and social nature of these impacts. In the Mekong region, planning for communications and energy infrastructure development holds a central position within national and regional economic development strategies. The current and potential trans-boundary impacts of such developments underscore the importance of cooperative approaches.
- 2. Public access to information and decision-making** – Basic legal and policy frameworks should provide the public with access to information and decision-making concerning the environmental degradation that affects their lives, and with equitable access to judicial recourse in the event of damages. There are some promising developments in the Mekong region, such as the 1997 Thai Constitution's provision for public access to information and the development of

Box 4.3 (cont.)

the Asian Development Bank's Internet-based tools for facilitating information provision. Nonetheless, basic access of the general public to information and meaningful roles in decision-making are by no means secured.

Source: Regional Environmental Forum (2002).

decline. This does not, however, translate into political support for management. Attempts to remove electricity price subsidies for farmers, for example, have led to riots that threaten the stability of state governments. As a result, even where power price reforms have occurred, they are insufficient to create major incentives for efficiency or reductions in demand.

Other, higher-order infrastructure not directly related to water was also found to be crucial in adapting to changes in water availability. Communication and transport systems expand access to information, goods, finances and people to better enable access to water in more efficient ways to meet the needs to sustain local livelihoods.

Such observations are also reflected in the renewed interest in integrated water resources management, which has become one of the most widely promoted ideas for riparian regional planning in recent years, especially among international agencies (Box 4.4). As Biswas (2008) points out, such calls for comprehensive planning have a long history. A unique feature here is that whereas in the past such strategies as “integrated rural development” (IRD) were wholly national or sub-national attempts, now the proposition is to include cross-border collaboration in multi-sector planning covering entire river basins. Recalling that IRD was abandoned after a few years due to severe problems in coordinating government planning bureaus and of ultimately fixating on discrete projects without much integration, calling for cross-border integration of planning faces great challenges. This is especially so if it is seen as usurping sovereign power and vested interests of national governments (Varis, Rahman and Stucki 2008).

With these caveats in mind, the intentions to move toward more integrative river basin development frameworks should be welcomed. The potential contribution of such frameworks is to promote the reality that water issues need broad, cross-cutting policies with integrating visions to assemble policies at the water and development interface. Even water is not a “sector” but is instead a very diverse set of elements and actors.

In reaching toward such comprehensive strategies, the question of who are the actors, or stakeholders, again appears. As summarized above, if

Box 4.4 Integrated water resources management

Integrated water resources management (IWRM) is defined by the Global Water Partnership as coordination of development and management of water, land and other resources for maximizing of economic results and social welfare with no compromise on environment (GWP 2003). The central principles of IWRM are participation and integration of the resources, institutions and stakeholders for sustainable water resources. In the understandings of IWRM principles and how they are to be implemented globally there are many remaining ambiguities in need of further clarification and agreement. The IWRM national plans are focused to integrate water use sectors along the single coordinating basin-wide organization. However, multiple actors at the different levels and arenas are interacting and making water management a sociopolitical process that is not readily amenable to one level of integrated planning. The principal usefulness of the concept at the present is to recognize and begin to take into account in riparian regional planning the interdependencies between uses of water and all other human activities in riparian regions.

Source: Abdullayev et al. (2008: 89).

civil society is to be involved, the tasks are not simply the technical ones of finding funds, coordinating ministries across borders and giving contracts to consultants. It is, more importantly, one of civil society engagement in the production of knowledge, mobilization of local people and their skills, and giving voice to alternative opinions about what should be integrated into planning. This reorientation of river basin planning is also about poverty reduction and environmental justice for people who have been the most likely to be dislocated by river basin development projects.

Supra-national governance authority

No supra-national powers have been given to a river basin governance institution in Asia. However, there are several forms of partial or de facto supra-national mechanisms in place. Treaties, for example, are internationally recognized and can be used as instruments to engage third parties as facilitators and arbitrators of disputes, as has been successfully done through the Indus Waters Treaty between India and Pakistan.

A second form of supra-national power has been played out for years

in Asia. This is the power of international funders and financial institutions to push agenda, projects, development ideologies, research and information dissemination on river basin development. Both the World Bank and the Asian Development Bank have been prominent in playing these roles. In the past the attention was on the construction of dams. More recently this has broadened into “integrated water resource management” as a loose framework for linking riparian projects with others in the region such as transportation and agriculture, with privatization as a major vehicle in moving funding to implementation.

The Mekong River Commission represents another form of efforts toward creating a supra-national authority. To date, it is the only regional organization mandated from the highest political level to deal with resources management in the basin in a cross-cutting manner involving many issues and sectors. Under the 1995 Agreement, the MRC’s role is to coordinate and promote “cooperation in all fields of sustainable development, utilization, management and conservation of water and related resources”. Three permanent bodies administer the MRC. The Council deals with policy and decision-making; the Joint Committee is responsible for the implementation of Council policies and decisions; and the Secretariat is charged with providing technical and administrative services to the Council and Joint Committee.

The authority of the MRC is, however, highly circumscribed and mostly focuses on making recommendations, reporting to member countries and acting as a forum for information generation, public discussions and facilitation of dispute resolution. It has not tried to enter into the area of regulatory controls, the principal reason being that member countries are not prepared to yield this kind of authority to a supra-national entity (Hirsch and Jensen 2006). Moreover, the 1995 Agreement establishing the MRC is not yet significantly reflected in its members’ water laws (Backer 2007).

At the current moment in political relations and realignments in Asia, the explicit creation of any supra-national riparian governance entity seems very unlikely. Even a region-wide commission such as the MRC is rare. As with new forms of popular participation, treaties and other cross-border governance mechanisms discussed in this chapter, the most likely and probably useful way forward is through using instruments for reflexive governance that focuses on procedures and processes for rapid response to events, planned and unplanned, that affect member countries and riparian regions. In this milieu of governance mechanisms, the more prominent ones for reflexive planning are in the realm of transparency, information sharing, open fora for discussions and, particularly among powerful international funders, continued openness to “bottom up”

planning from within the regions at very local levels. In all of these cross-border initiatives, the use of treaties and other formal agreements among governments to collaboratively gather, assess and share data, and to turn to peaceful modes of conflict resolution, will continue to be of high importance in seeing Asia into a future of increasing stress on riparian regions.

Conclusions

In a majority of the cross-border water basins of Asia, the current situation is one of converging crises in both water system quality and performance of governance mechanisms. As crises become more complex and dramatic, and the time between their most severe manifestations becomes shorter, a race-against-time becomes the metaphor for the need to rapidly and substantially improve cross-border governance institutions and tools. From the assessment in the sections above, the following points summarize the current governance outlook:

- River basin governance continues to be substantially donor driven and dependent on donor funding. Without such assistance, some would be unlikely to continue. As such, policy decisions and projects also tend to follow donor preferences, including privatization.
- No river basin has a governance structure with implementable legal authority over its cross-border region.
- Although multilateral in spirit, cross-border governance continues to be mostly bilateral and reactive rather than proactive.
- When honoured by all parties, treaties and other forms of agreements have been found to be effective in establishing political routines for reaching peaceful resolution of water conflicts. International organizations can be expected to continue to play important roles as third-party mediators in implementing these cross-border water management arrangements.
- Upstream-downstream relations tend to dominate the politics and the types of projects adopted by national governments (Backer 2007). These relations underlie reactive patterns of conflict as downstream countries are confronted with projects under way that have potentially severe impacts but are outside their political jurisdiction to manage.
- Enhancing information gathering, analysis, sharing and transparency are fundamental to improving cross-border water relations and management capacities. Though still very uneven among riparian regions, positive strides have been most visible in this aspect of cross-border water governance in recent years. Of particular importance is to create

mechanisms for rapid processing and sharing of information from upstream to downstream countries.

- Recent openings to grassroots involvement and participation in river basin planning have begun to lay new groundwork for more cogent attention to questions of equity, disaster management and poverty amelioration in riparian regions. Ensuring that such participation becomes part of governance institutions linking dialogue at international forums to action on the ground is one of the most important directions in need of support in the coming years of increasing stress and turbulence over cross-border water issues.

The importance of international cooperation for Asia's many cross-border river basins can only be expected to increase in the coming years. As Babel (2009) rightly concludes, however, a search for generic solutions to the heightening vulnerability of Asia's cross-border river basins is not viable. Each context requires its own mix of strategic interventions, programmes and projects. Promoting a locally centred process of decision-making and action calls for tapping people's knowledge and enthusiasm to participate in river basin management. Higher levels of governance at regional, national and international scales then take on a more facilitative role in conflict resolution and cooperative engagement across borders. Public sector funding and prioritization of water management will also be essential if the impending crises are to be met and ameliorated.

Opportunities for cross-border collaboration exist in all of Asia's trans-boundary riparian regions. Even the most contested cross-border relationships show efforts to forge agreements to routinize shared water governance issues. Conflict, if addressed in transparent ways that include sharing information and carrying out research on key issues and impacts, has also been shown to be amenable to cooperative solutions. Violence or war has not yet been a common outcome of conflict over water. However, the many new forms of stress coming to river basins suggest that tensions are certain to rise in the coming years as global climate change, urbanization, intensification of water demand for agricultural production for global economic engagement, and a host of other relatively new and powerful forces intermix to transform riparian systems. Who will experience declining life chances and who will be the beneficiaries of water management policies is a central concern of governance. Because river basins are the most vital element for sustaining life and livelihoods for entire countries, the search for effective forms of cooperative and collaborative governance among riparian countries ultimately concerns the future of human habitation of the world as a whole.

Appendix

Table 4A.1 Cross-border river basins of Asia

Basin	Total area of basin (km ²)	Country	Area of country in basin (km ²)	Percent area of country in basin (%)
Amur	2,085,900	Russia	1,006,100	48
		China	889,100	
Aral Sea	1,231,400	Mongolia	190,600	43
		Korea, DPR	100	
		Kazakhstan	424,400	
		Uzbekistan	382,600	
		Tajikistan	135,700	
		Kyrgyzstan	111,700	
Bahu Kalat/Rudkhanehye	18,000	Afghanistan	104,900	9
		Turkmenistan	70,000	
		China	1,900	
		Pakistan	200	
Bangau	60	Iran	18,000	0
		Pakistan	30	
		Brunei	30	
Bei Jiang/Hsi	417,800	Malaysia	30	34
		China	407,900	
		Vietnam	9,800	
Beilun	900	China	800	31
		Vietnam	100	
Ca/Song Koi	31,000	Vietnam	20,100	11
		Laos, PDR	10,900	

Dasht	33,400	Pakistan Iran	26,200 7,200	9
Fenney	2,800	India Bangladesh	1,800 1,000	9
Fly	64,600	Papua New Guinea Indonesia	60,400 4,300	6
Ganges-Brahmaputra- Meghna	1,634,900	India China Nepal Bangladesh India, claimed by China Bhutan India control, claimed by China Myanmar	948,400 321,300 147,400 107,100 67,100 39,900 1,200 80	0
Golok	1,800	Thailand Malaysia	1,000 800	0
Han	35,300	Korea, Republic of (South) Korea, DPR	25,100 10,100	100
Har Us Nur	185,300	Mongolia Russia China	179,300 5,600 300	0
Helmand	353,500	Afghanistan Iran Pakistan	288,200 54,900 10,400	46
Ili/Kunes He	161,200	Kazakhstan China Kyrgyzstan	97,100 55,300 8,800	49
Indus	1,138,800	Pakistan India China	597,700 381,600 76,200	98

Table 4A.1 (cont.)

Basin	Total area of basin (km ²)	Country	Area of country in basin (km ²)	Percent area of country in basin (%)
Irrawaddy	404,200	Afghanistan	072,100	
		Chinese control, claimed by India	9,600	
		Indian control, claimed by China	1,600	
		Nepal	10	
		Myanmar (Burma)	368,600	2
Jenisej/Yenisey	2,557,800	China	18,500	
		India	14,100	
		India, claimed by China	1,200	
		Russia	2,229,800	85
		Mongolia	327,900	
Kaladan	30,500	Myanmar (Burma)	22,900	15
		India	7,300	
Karnaphuli	12,500	Bangladesh	7,400	65
		India	5,100	
		Myanmar (Burma)	10	
Lake Ubsa-Nur	62,800	Mongolia	47,600	35
		Russia	15,200	
Ma	30,300	Vietnam	17,100	78
		Laos, PDR	13,200	
Mekong	787,800	Laos, PDR	198,000	22
		Thailand	193,900	
		China	171,700	
		Cambodia	158,400	
		Vietnam	38,200	
		Myanmar	27,600	

Ob	2,950,800	Russia Kazakhstan China Mongolia	2,192,700 743,800 13,900 200	66
Oral/Ural	311,000	Kazakhstan Russia	175,500 135,500	34
Pakchan	3,900	Myanmar (Burma) Thailand	1,900 1,800	93
Pandaruan	400	Brunei Malaysia	200 100	7
Pu Lun T'o	89,000	China Mongolia Russia Kazakhstan	77,800 11,100 80 30	58
Red/Song Hong	157,100	China Vietnam Laos, PDR	84,500 71,500 1,200	20
Saigon	25,100	Vietnam Cambodia (Kampuchea)	24,800 200	9
Salween	244,000	China Myanmar (Burma) Thailand	127,900 107,000 9,100	7
Sembakung	15,300	Indonesia Malaysia	8,100 7,200	4
Sepik	73,400	Papua New Guinea Indonesia	71,000 2,300	2
Song Vam Co Dong	15,300	Vietnam Cambodia (Kampuchea)	7,800 7,500	0

Table 4A.1 (cont.)

Basin	Total area of basin (km ²)	Country	Area of country in basin (km ²)	Percent area of country in basin (%)
Sujfun	18,300	China Russia	11,800 6,500	0
Tami	89,900	Indonesia Papua New Guinea	87,700 2,200	57
Tarim	1,051,600	China Chinese control, claimed by India	1,000,300 21,500	43
		Kyrgyzstan Tajikistan Pakistan Afghanistan	21,100 6,600 2,000 60	
Tjeroaka-Wanggoe	6,600	Indonesia Papua New Guinea	4,000 2,500	71
Tumen	29,100	China Korea, DPR Russia	20,300 8,300 500	29
Yalu	50,900	China Korea, DPR	26,800 23,800	3
Total	16,414,860		16,409,060	

Source: Transboundary Waters, Oregon State University (2002), *International River Basins of the World – Asia: International River Basin Register*; available at <http://www.transboundarywaters.orst.edu/publications/register/tables/IRB_table_4.html> (accessed 28 September 2010).

Notes

1. The terms river basin and watershed are used interchangeably in this chapter.
2. Singapore, for example, is a small city-state but one of Asia's largest economies, and though it depends on Malaysia for a significant amount of its water supply, it is not part of a river basin as such, and is thus not listed as a cross-border riparian country.
3. By 2008 three dams had been built in China across the upper Mekong with a total of over 3 billion cubic metres of reservoir, enough to significantly influence water flows on the upper Mekong. Chinese officials state, however, that the dams will not have an effect on the volume of water flowing downstream (Gunn and McCartan 2008: 1). Data is not made available to estimate either claim. In 2004 the Mekong River Commission asserted that droughts in the region were also being exacerbated by dams in China.
4. Recent studies show that most large dams are significantly underperforming in power-generating ability due to reduced holding capacities because of silting (Bauer and Rudolph 2001; WCD 2000).
5. ADB funded approximately 65 dam and dam-related projects between 1970 and mid-2005 (Bird 2005).
6. ADB's (2008) most recent business plan for the Greater Mekong Sub-region has "four strategic pillars: (i) strengthening connectivity and facilitating cross-border movement and tourism; (ii) integrating national markets to promote economic efficiency and private sector development; (iii) addressing health and other social, economic, and capacity-building issues associated with subregional links; and (iv) managing the environment and shared natural resources to help ensure sustainable development and conservation of natural resources".
7. Almost 70 per cent of the forest cover of the Greater Mekong has already been lost (WWF 2008).
8. In its fullest definition, Central Asia consists of the five former Soviet republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, plus Afghanistan and northeastern Iran, as well as western parts of the People's Republic of China such as Xinjiang, Mongolia, northern Pakistan, northwestern India, southwestern and middle China such as Tibet, Qinghai, Gansu and Inner Mongolia, and southern parts of Siberia may also be included in Central Asia. Here the treatment is limited to the five former Soviet republics and Afghanistan. China and Kazakhstan share some 20 rivers.
9. The agreement states that each Central Asian state "is obliged to prevent actions on its territory which can infringe on the interests of the other Parties and cause damage to them, lead to deviation from agreed values of water discharges and pollution of water sources". The governments also agreed to continue with the distribution quotas set during the Soviet era.
10. Adaptive responses by households to floods and droughts tended to take two main forms: (i) shelter, communication and other physical infrastructure; and (ii) livelihood strategies that either de-linked income from water resource conditions or moderated the impact of resource scarcity and climatic variability on income streams.

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5

Trade promotion in Asia: Issues and emerging trends

Taeho Bark

Introduction

The US-European financial meltdown and resultant global recession of 2008–2009 have many implications for global trade as worldwide production and flows of goods have slumped in both developed and developing countries. When confronted by such conditions, it is relatively easy to forget that trade promotion has been essential to the successful advancement of many developing economies in recent decades. As protectionist pressures mount and people begin losing faith in globalization (Stevenson 2009), policymakers should remember those benchmarking cases and sound theories that have supported the opening of global trade thus far.

There is little doubt that Asian economies have achieved substantial economic growth through trade, particularly since the early 1990s. Despite the impressive trade performance in the region, there are still large income inequalities between newly industrialized and low-income economies. To reduce poverty in Asia, renewed efforts are necessary to further promote trade in the region. For Asia to focus on trade promotion, it must understand what changes are taking place in the regional as well as world trading environment. Asian economies should adapt not only their own individual trade policies but also the regional efforts to these changes.

As is often stated in the United Nations Development Programme's (UNDP) *Asia-Pacific Human Development Report*, trade is not an end in itself, but a means of furthering broader development goals. Moreover, the

task of establishing and administering an optimal “human-development oriented trade regime” is specific to each country’s individual needs and preferences. This chapter, unlike more policy-oriented works such as the UNDP *Human Development Report* (UNDP 2006), does not deal directly with policies that trigger human capital development in specific contexts, but demonstrates how human development is consistent with the promotion and adjustment of global trade. This final point is illustrated in the context of recent experiences of developing and newly developed economies in Asia and the Indochinese peninsula.

This chapter attempts to understand the current trading environment surrounding East Asia, Southeast Asia and India, as well as to evaluate trade policy developments and explore options available for regional action. The second section identifies key issues in trade promotion. In the next part, regional mechanisms and institutional arrangements are reviewed. Next we cover roles of civil society and the media in trade promotion using the case study of Korea.¹ Policy recommendations are in the final section.

Key issues in trade promotion in Asia

Trade liberalization

International trade has long been a driving force behind growth and development in Asia. The achievements of newly industrialized economies such as Korea, as well as the progress experienced by middle-income economies such as Malaysia and China, are widely acknowledged to be consequences of liberalized trade. Moreover, while large economies have accounted for the bulk of Asia’s growing intraregional trade, recent entrants to global markets include smaller, low-income economies such as Cambodia and Vietnam. These trends show no signs of ending as integration has been led by both competitive and demand-related pressures, as well as increased diversification of goods trade among emerging Asian economies and a combination of unilateral reforms, fulfilment of multilateral commitments, “flying-geese” relocation of production processes, and regional economic integration through Free Trade Agreements (FTAs). The resultant growth in demand and improved competitiveness of regional markets is reflected by an ever increasing share of world trade (Figs 5.1 and 5.2).

Aside from increasing integration of regional markets, the product composition of intraregional trade has also become progressively more concentrated. In 2001, the top 30 exports accounted for 51 per cent of trade, with 25 per cent in just five product categories: electronic micro-

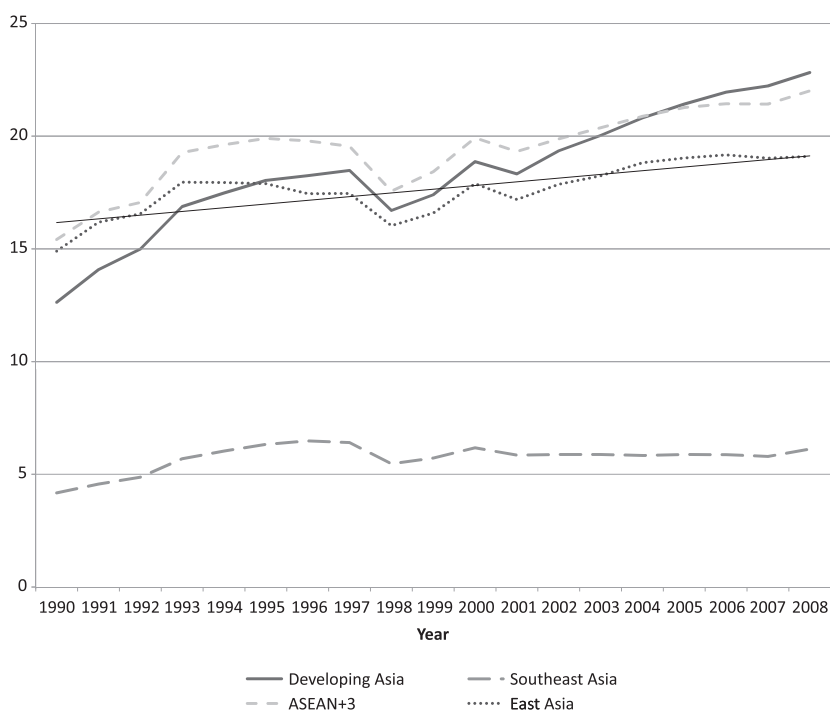


Figure 5.1 Trade share (percentage of world trade).

Source: IMF Direction of Trade, data reported from exporter country accounts; available at <http://www.imfstatistics.org/DOT/> (accessed 20 October 2009).

Note: Developing Asia is defined as Asia minus Japan, New Zealand and Australia.

circuits, parts of office machinery, parts of telecommunications equipment, radiotelegraphic and telephonic equipment, and digital central storage units (Fig. 5.3). One major impetus to such consolidation has been an increase in international production sharing, as seen in the burgeoning trade of intermediary components or partly assembled goods (Fig. 5.4).

While Japan remains a major centre of production-sharing operations in Asia and accounts for one-third of all regional exports of assembly components, China is becoming a central player in production networks by discovering niche markets. Chinese export of parts and components grew by approximately US\$20 billion between 1996 and 2001. Meanwhile, China has also become a facilitator for nearby economies as various Asian countries have found their own niches inside China's markets. However, fully liberalized regional trade remains elusive as non-tariff measures (NTMs) are prevalent. There are approximately 2000 technical

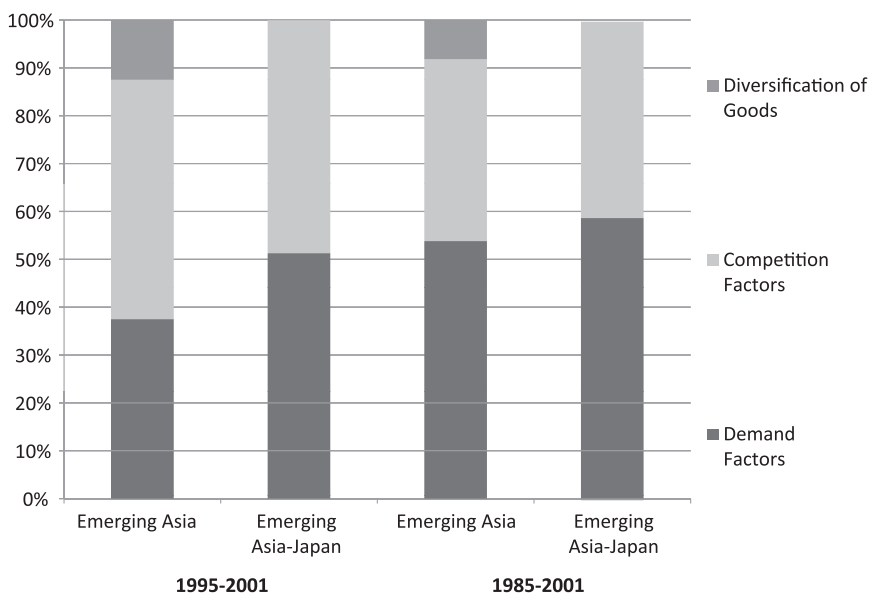


Figure 5.2 Intraregional trade: Percentage of intraregional export change accounted for by competition, demand change and diversification of products.
Source: Ng and Yeats (2003). For details on methodology and definitions, please refer to Ng and Yeats (2003).

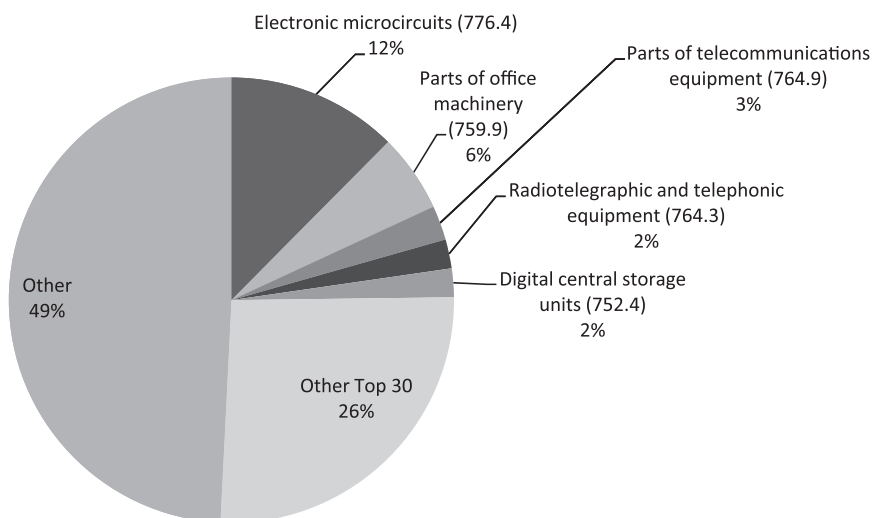


Figure 5.3 Share of 2001 intraregional trade accounted for by the top 5 and top 30 largest 4-digit SITC exports.
Source: Ng and Yeats (2003).

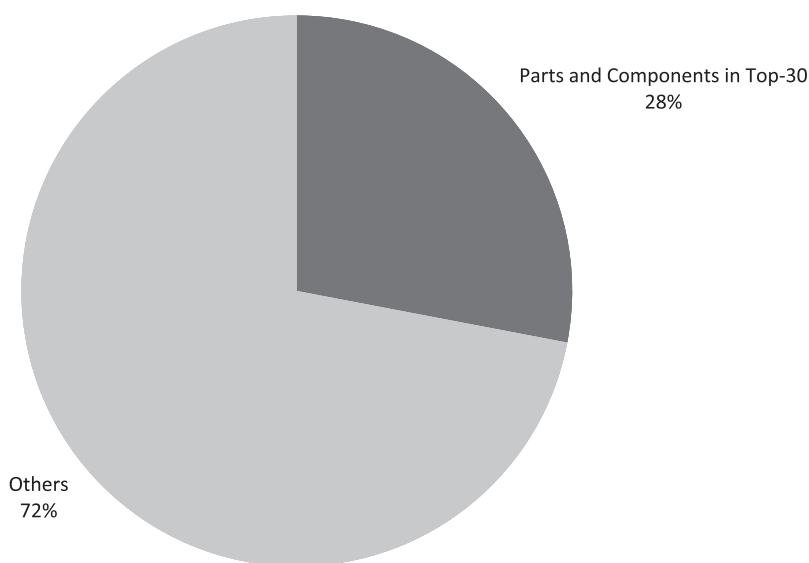


Figure 5.4 Share of 5-digit SITC parts and components in top 30 exports.
Source: Ng and Yeats (2003).

measures and 1500 quantity restrictions amongst ASEAN countries, which altogether comprise 90 per cent of all NTMs in ASEAN, and comparatively, price control, finance, automatic licensing and monopolistic measures appear less important (World Bank 2008).

Since countries institute more technical regulations as incomes increase, standards are set and infrastructure is established, Thailand, Indonesia, Malaysia and the Philippines are imposing more regulations than Cambodia, Laos, Myanmar and Vietnam. Likewise, quality control measures are also sizeable for these nations, with Malaysia and Vietnam relying predominantly on non-automatic licences and the Philippines issuing numerous explicit prohibitions. From a sectoral perspective, a majority of NTMs in ASEAN are linked to the agriculture and foods sectors due to the Sanitary and Phytosanitary Standards (SPS) regulations. As Asia becomes an essential export destination for various countries, the NTMs mentioned above will become vital issues for exporters to the region.

Aside from NTMs, less developed countries such as the ASEAN member countries have relatively high binding tariff rates. However, as indicated in Table 5.1, high rates are not exclusive to less developed economies. Korea, despite being reasonably developed and an OECD member, maintains high tariff rates and requires drawbacks to ensure that tariffs levied on intermediate inputs do not feed through as taxes on its exports, thereby adding to the complexity of border taxation.

Table 5.1 Tariffs: Binding rates, MFN applied rates and binding coverage for Asian countries

WTO, HS 6 digit			All products			Non-agricultural			Agricultural		
Area	Country	Year	Binding coverage (%)	Simple average		Binding coverage (%)	Simple average		Binding coverage (%)	Simple average	
				Binding	MFN applied		Binding	MFN applied		Binding	MFN applied
NE Asia	Japan	2007	99.6	5.1	5.1	99.6	2.4	2.6	22.7	21.8	
	Korea	2007	94.6	17.0	12.2	93.9	10.2	6.6	59.3	49.0	
	China	2007	100.0	10.0	9.9	100.0	9.1	9.0	15.8	15.8	
	Taiwan	2007	100.0	6.6	6.3	100.0	4.8	4.6	18.4	17.5	
	Hong Kong	2007	45.8	0.0	0.0	37.5	0.0	0.0	0.0	0.0	
ASEAN	Malaysia	2007	83.7	24.5	8.4	81.3	14.9	7.9	76.0	11.7	
	Indonesia	2007	96.6	37.1	6.9	96.1	35.6	6.7	47.0	8.6	
	Thailand	2006	74.7	28.1	10.0	70.9	25.5	8.2	40.2	22.0	
	Singapore	2007	69.2	12.1	0.0	64.5	6.3	0.0	36.5	0.1	
	Philippines	2007	66.8	25.6	6.3	61.8	23.4	5.8	34.6	9.6	
	Brunei	2007	95.3	25.3	3.6	95.0	24.5	3.0	30.7	7.9	
	Vietnam	2007	100.0	11.4	16.8	100.0	10.4	15.7	24.2	8.8	
	Cambodia	2007	100.0	19.0	14.2	100.0	17.7	13.6	28.1	18.1	
	Myanmar	2007	17.4	83.0	5.6	4.7	21.1	5.1	102.2	8.7	
	Laos	2007	—	—	9.7	—	—	8.2	—	19.5	

Source: World Trade Organization, *World Tariff Profiles 2008* (WTO 2008a).

In general, MFN applied rates are lower than binding rates and the disparity between the two rates is higher for agricultural goods. In Malaysia's case, this gap is considerable (11.7 per cent vs 76.0 per cent). This mismatch between applied and binding rates is causing uncertainty in trade relations because importing countries can raise tariffs beyond applied rates to discourage imports as long as they are below binding rates.

As renewed focus has been placed on strengthening international links, not only among immediate neighbours but also within the broader Asian context, Asian countries have actively pursued regional trading arrangements (RTAs). The expansion and deepening of preferential treatment and regional integration are among the most notable developments from 2003 to 2009. Beyond the basic removal of tariffs and non-tariff barriers, regional agreements now under consideration encompass an extensive range of issues including trade facilitation measures, conformity of standards and trade in services. The New Age Partnership between Singapore and Japan announced in January 2002 is one such example of a comprehensive trade pact.

Nevertheless, based on an analysis utilizing standard models for trade liberalization, Asian nations stand to reap additional economic benefits by expanding regional integration and removing border barriers across sectors (Table 5.2). These gains will additionally help alleviate the widening income disparity between Asian nations as returns for less-developed ASEAN members are superior to those for other countries. Considering that low- and middle-income economies of ASEAN are expected to

Table 5.2 Regional trade arrangements: Net welfare effect on economic welfare of countries (percentage of GDP; percent of GDP if excluding agricultural liberalization)

Proposal	ASEAN	China	Korea	Japan	USA
China + Korea + Japan	+26 ; -16	+1 ; -2	+1.0 ; +.6	+1 ; +.2	0 ; 0
ASEAN + China	+9 ; +.5	0 ; +.1	-.1 ; -.1	0 ; 0	0 ; 0
ASEAN + Japan	+1.1 ; +.2	-.1 ; -.1	-.2 ; -.1	0 ; +.1	0 ; 0
ASEAN+3	+1.5 ; +.6	+1 ; -.2	+1.1 ; +.8	+2 ; +.2	-.1 ; 0
ASEAN+3 + CER	+1.3 ; +.6	0 ; -.1	+1.1 ; +.9	+2 ; +.2	-.1 ; 0
APEC liberalization (MFN)	+.7	+.5	+.7	+.4	0
APEC preferential liberalization	+.8	+.6	+.9	+.4	0

Source: Schollay and Gilbert (2002) for FTA proposals; Schollay and Gilbert (2001) for APEC proposals.

Note: Calculations for ASEAN include only Indonesia, Malaysia, the Philippines, Singapore, Thailand and Vietnam, and CER includes Australia and New Zealand.

benefit less than newly industrialized ones from China's World Trade Organization (WTO) accession, enhanced regional harmonization could offset such a bias and effectively spread gains.

While FTAs have increasingly proliferated across Asia, a majority of regional arrangements contain provisions excluding "sensitive"² sectors. Such lack of progress in politically or economically sensitive sectors is a source of future contention, as welfare gains increase markedly when such segments are liberalized. Thus far, the ASEAN Free Trade Agreement (AFTA) has exhibited a disappointing incapacity in removing barriers for such industries, and the exclusion of agricultural products roughly halves the possible gains for ASEAN nations from prospective ASEAN + China or ASEAN+3 proposals.

There are several challenges in trade promotion for human development in Asia. In particular, the imbalance in countries' negotiating capacity and benefits from trade liberalization has become a major concern for human development in Asia. FTAs often provide more favourable terms to larger economies and the negotiation processes for these agreements are not often disclosed to some governance institutions, civil society organizations (CSOs) and the private sector. Other concerns regarding trade for human development are the many protectionist measures still in place, particularly in the area of agricultural products.

Trade facilitation

As multilateral, regional and bilateral efforts in trade liberalization progress forward, the integration of markets and augmentation of trade flows are increasingly dependent on facilitating the flow of goods and services. Therefore, renewed focus has been placed on reducing "non-traditional" sources of trading costs such as customs formalities, product and technical standards, administrative procedures, transparency measures, payment systems, transport logistics and so on. Moreover, the popularity of outsourcing, e-commerce and mass customization, as well as the decentralized nature of modern production chains, ensures that trade facilitation will continue to occupy a critical portion of international discourse.

A convenient way of organizing trade in Asia is by placing economies on a graph of trade openness and accessibility (Fig. 5.5). Those nations lying above the horizontal axis score high on conventional measures of openness such as applicable tariff rates. Economies situated to the right of the vertical axis, meanwhile, are accessible to world markets in terms of possessing superior logistics and low transport costs.

Based on current status of trade, as well as marginal benefit to future improvements in openness and services, economies with fewer economic

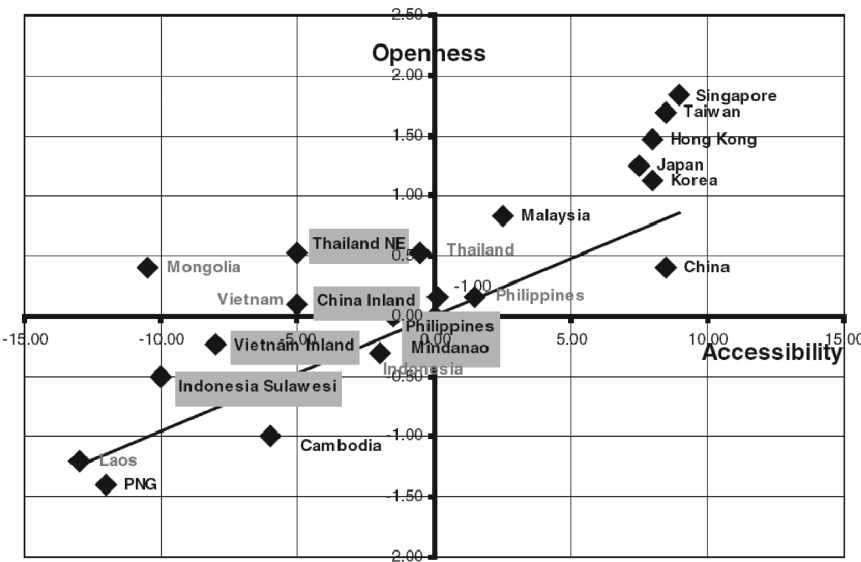


Figure 5.5 Trade openness and accessibility of Asian countries.
Source: Carruthers and Bajpai (2002).

and political barriers can enjoy increased returns to logistics investments versus nations with tariff structures that prevent growth irrespective of world-class infrastructure. Likewise, increased openness and WTO accession may be of limited value if logistics services are incapable of attracting more trade.

Analysis of Asian economies also suggests two additional correlates: per capita incomes and the commodity structure of trade. As economies enjoy higher levels of openness and accessibility, per capita incomes are higher and exports consist of high-technology manufactures rather than resource-based commodities. However, causality probably runs both ways in a synergistic manner. Not only has prosperity encouraged accessibility, but successful economies such as Singapore and Hong Kong have become prosperous because past investments in services and logistics have facilitated trade (Fig. 5.6).

Though conventional barriers to market access still play a role, as traditional impediments decline, trade facilitation measures become ever more critical. Conformity with health and safety standards can be one such measure. While standards often represent legitimate consumer interests, increasing use of technical regulations to advance national policy in global, regional and bilateral trade is observable. These redundant or complex specifications imposed by different governments pose an unnecessary cost for exporters.

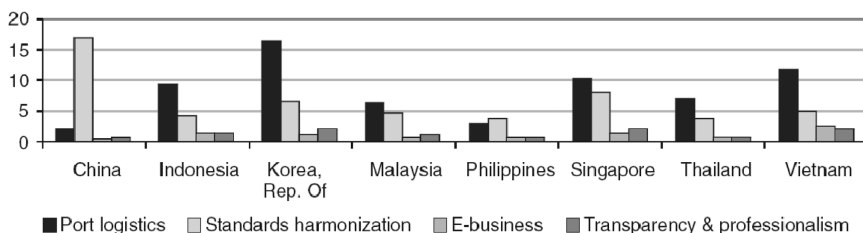


Figure 5.6 Trade facilitation: Export expansion to APEC countries from trade facilitation improvements (percentage change in manufactured, agricultural and raw materials exports from base country).
Source: Wilson et al. (2002).

Multilateral cooperation has made headway on simplifying standards. The WTO aims at ensuring that technical regulations, voluntary standards and testing and certification of products do not constitute superfluous barriers to trade. Therefore, under the SPS Agreement, WTO members are urged to adopt internationally recognized standards, although constituents are free to apply stricter ones and may implement differing importation measures as long as proper scientific justification and risk assessment is provided.

Nevertheless, Asian countries can further benefit by harmonizing standards in a regional context. As nations gradually realize international standards are as effective as domestic standards in achieving social and consumer protection, discussions regarding standards are becoming commonplace in regional arrangements. The recent proliferation of mutual recognition agreements (MRAs) is one indication of increased collaboration, and while MRAs are more widespread between developed nations, ASEAN has currently signed two MRAs, with plans to complete arrangements on an additional 20 products. The immediate effect of such cooperation will be additional reductions in trade costs by avoiding duplicate testing and conformity assessment.

Aside from unifying standards, development of infrastructure is also an imperative subject for trade. As the commodity mix in Asia is being upgraded from resource-based commodities to technology-intensive goods, improvements essential for timely, reliable transport will have very high payoffs. Moreover, as production processes are spread globally and Asian economies progress to higher-level value chains, satisfying sophisticated demand in high-value agriculture (flowers, fruits, seafood), manufacturing (electronics) and various differentiated products will more and more depend on efficient logistics and handling.

In many Asian countries, key logistical bottlenecks are principally related to internal land transport and port logistics. These fields are in sharp

contrast to external transport costs. As trans-Pacific shipping costs have drastically declined over the last decade, Asian producers can now reach North American shores more cheaply than inland areas or neighbouring countries. The cost of moving goods from remote regions of China en route to external markets can equal 10 times the inland transport costs at the other end.

Port logistics has been acknowledged as a high-priority issue as even modest enhancements could result in over \$50 billion in additional exports from emerging Asian economies to member economies of the Asia-Pacific Economic Cooperation (APEC), accompanied by an even larger impact on efficiency of imports (Krumm and Kharas 2003). Meanwhile, inland transport and logistics are of special concern for poor, remote and landlocked nations. In Laos, poor inland infrastructure contributes to a 25 per cent differential in paddy prices for farmers (Krumm and Kharas 2003). In Mongolia, insufficient links between Ulaanbaatar and central regions contributes to a 40 to 85 per cent price difference for flour (Krumm and Kharas 2003). Since inland constraints impede timely shipment of commodities from surplus to deficit regions, deficient internal logistics not only causes product deterioration, cargo loss, high costs and smaller export-import volumes, but additionally worsens food security.

Aside from building infrastructure, improving logistics requires a multitude of complementary policies such as streamlined clearance procedures, removal of tiered pricing for commodities, urban planning, support for e-commerce and promotion of multimodal coordination for seamless freight movement. Korea's container terminals and development of inter-modal exchanges, for example, were critical to facilitating the movement of shipments to inland cities. Furthermore, addressing these trade facilitation issues will demand coordination internationally among governments and domestically between public and private sectors. While resolving corruption in customs will likely be a government responsibility, certain logistical needs in ports, freight forwarding, third-party logistics, warehousing, trucking and busing are better managed through private sector initiatives. Thus, foreign entry may play an important role by increasing competition and introducing incentives to improve the status quo.

Labour mobility

International labour flows have paralleled the accelerated flows of goods, services and capital. There are two forms of international labour mobility (ILM): unskilled or semi-skilled workers on short-term contracts, such as overseas foreign workers, and transfers of skilled professionals or executives on longer-term contracts. Developed nations facing declining fertility rates, ageing populations and shortages in certain occupations require

labour inflows, yet retain strict controls over the quantity, skills composition and labour sources for fear of raising unemployment rates among citizens, suppressing wages, overburdening public services, or endangering social cohesion. Conversely, while developing countries generally desire liberalized flows of unskilled or semi-skilled workers, labour-exporting nations prefer restraints on movements of professionals and executives for fear of “brain drain”.

As political and social conditions in labour-exporting and labour-importing countries do not allow for freer flows of foreign labour, while flows of goods, services and investments have been significantly liberalized, progress has been absent in labour flows and “movement of natural persons”. Nevertheless, as Asian nations have developed economically and socially, international labour mobility has become a very visible phenomenon (Table 5.3). Tsai and Tsai (2004) posited the following sequence in a nation’s development, foreign direct investment (FDI) and international labour mobility:

Stage 1: The net labour exporter, net capital importer, or both may expect to rise in early stages of development. Examples include Indonesia and the Philippines.

Stage 2: Economic developments, alongside endogenous interactions between FDI and ILM, work to reduce net labour exports and increase net inward FDI. Examples include Malaysia and Thailand.

Stage 3: Net FDI and net ILM positions reverse. Depending on the speed of adjustment of FDI and ILM, a country will likely become a net labour importer and net outward investor.

Table 5.3 Labour mobility: Estimated stocks of migrant workers in Asian countries (stocks reported in thousands of labourers)

Source country	Year	Stock	Main destinations (from source country)
China	2004	530	Middle East, Asia Pacific, Africa
Japan	2003	61	Hong Kong
South Korea	2002	632	Japan
Cambodia	1999	200	Malaysia, Thailand
Indonesia	2001	2000	Middle East, Malaysia, Taiwan, Singapore, South Korea
Laos	2004	173	Thailand
Malaysia	1995	250	Japan, Taiwan
Myanmar	2001	1100	Thailand
Philippines	2005	4750	Middle East, Malaysia, Thailand, South Korea, Hong Kong, Taiwan
Thailand	2002	340	Middle East, Taiwan, Myanmar, Singapore, Brunei, Malaysia
Vietnam	2004	340	South Korea, Japan, Malaysia, Taiwan

Source: Hugo (2005).

In reality, FDI and ILM flows are constrained by a complex interaction of economic, institutional and policy variables, which explains the diverse array of FDI and ILM trajectories observed in countries. Nonetheless, advanced economies gravitate towards net outward FDI and inward ILM, and less developed economies commonly experience net inward FDI and outward ILM.

Notwithstanding labour mobility concessions designed for business people and professionals, flows of unskilled and semi-skilled foreign labour remain largely prohibited and a noteworthy concern for Asian countries. In such an environment, future regional cooperation should focus on developing orderly, regularized labour flows, transparent procedures for minimizing labour transaction costs and exploitation, and controls on illegal or undocumented workers. Only through such collaborative efforts can economic progress be attained while maintaining workers' rights and proper labour standards.

Trade adjustment assistance

Poverty has been markedly reduced in recent years (Fig. 5.7). Based on a poverty benchmark of \$2 per day, two-thirds of Asia's population was

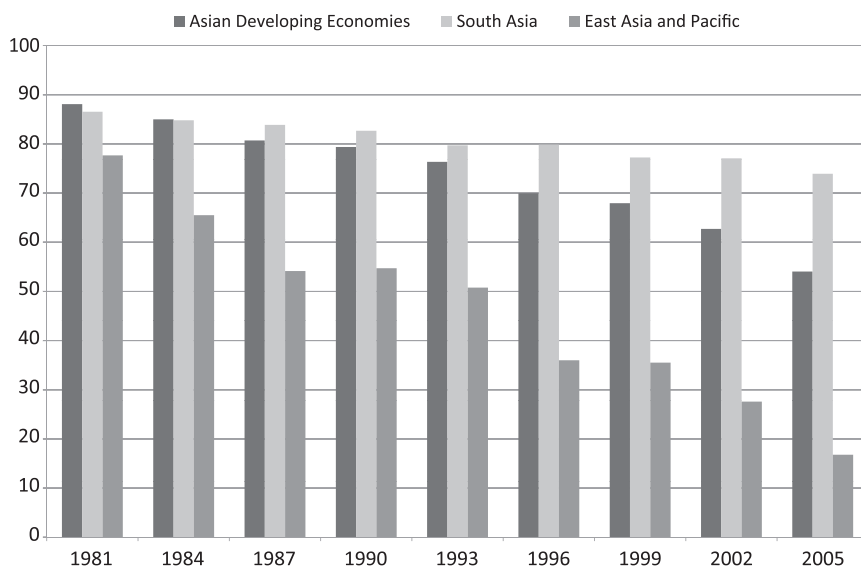


Figure 5.7 Poverty: Headcount index by region and year (percentage of population under US\$2 per day poverty line).

Source: World Bank PovcalNet database; available at <<http://iresearch.worldbank.org/PolcalNet/jsp>> (accessed 20 October 2009).

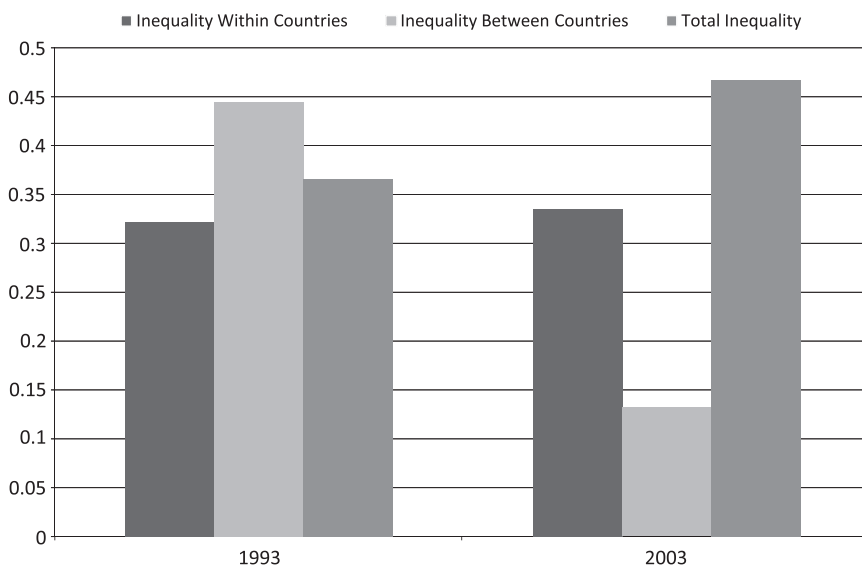


Figure 5.8 Inequality: Theil coefficient for interpersonal income equality in emerging Asia (Theil index estimate).

Source: Asian Development Bank (2008a).

Note: “country” is defined such that China and Indonesia have been divided into rural and urban parts.

poor in 1990. This figure has declined to less than 20 per cent. Even so, regional disparities have remained substantial. The proportion of people living in poverty ranges from virtually zero in Korea to over 70 per cent in many South Asian countries.

Income inequality is also a cause for concern. A recent Gini coefficient estimate for interpersonal inequality in emerging Asia is 46, which is higher than high-income countries (average 40) and lower than Latin America (average 58). More alarming, however, is the rise in regional income disparity. This trend, though mitigated by a decline in inter-country gaps, has been driven upwards by inequality within countries (Fig. 5.8). Addressing Asia’s growing problem, therefore, will depend on establishing stable policies and institutions that integrate high- and low-income countries and regions. The introduction of social safety nets is especially essential in this respect, as these features develop an institutional capacity for nations to further embrace trade liberalization. Korea, for example, recently adopted a trade adjustment assistance (TAA) programme similar to the current US TAA system, though Korea’s TAA contains stronger industrial policy elements.

Trade remedy system

Trade remedy measures have been widely utilized to affect trade as conventional barriers between nations have decreased. Asian countries' export markets have been major targets of such remedies. For example, China, Korea, the United States, Taiwan, Japan, Indonesia, Thailand and India were most frequently targeted by anti-dumping investigations between 1995 and 2008 (see Appendix, Table 5A.2), and these economies have also been accused of providing subsidies to their export industries. The most frequently targeted nation in countervailing investigations has been India, followed by China, Korea, Indonesia and Thailand (see Table 5A.4).

Meanwhile, Asian countries have also become more active in employing trade remedy measures to address injuries in their import-related industries. The most frequent complainant in anti-dumping investigations has been India, although China, Korea, Indonesia, Malaysia and Thailand have also relied heavily on such measures (see Appendix, Table 5A.3). The Philippines and India, furthermore, are also frequent users of safeguard measures (Table 5A.5).

In theory, the use of trade remedies can be rationalized under domestic "political economy" considerations or as a "second-best" option when markets are performing imperfectly. Moreover, for practical purposes, trade remedies also function as "contingency clauses" that permit governments to manage circumstances that cannot be anticipated prior to signing an international commitment. Agreements that allow for such flexibility without disproportionately weakening contractual commitments are more likely to remain legitimate than contracts that result in frequent non-compliance.

However, despite the institution of transparency measures and peer review mechanisms by the WTO, trade remedies have also allowed parties to undertake costly unilateral measures that can undermine the multilateral trading system. During periods of economic difficulty there is a danger of an increase in such cases. In 2008, for instance, the WTO Secretariat reported a 28 per cent increase in anti-dumping investigations compared to the previous year, and a significant portion of this increase seems motivated by protectionist pressures against foreign competition. Furthermore, the current global recession has also indicated a coordination dilemma when one nation's use of contingency measures fails to ease the recovery of domestic industries due to separate measures applied by other countries. The task of identifying and neutralizing these types of problems will likely pose a considerable challenge to all nations as it will require pinpointing trade-restrictive measures and subsidies embedded in the financial rescue and fiscal stimulus packages of trading partners.

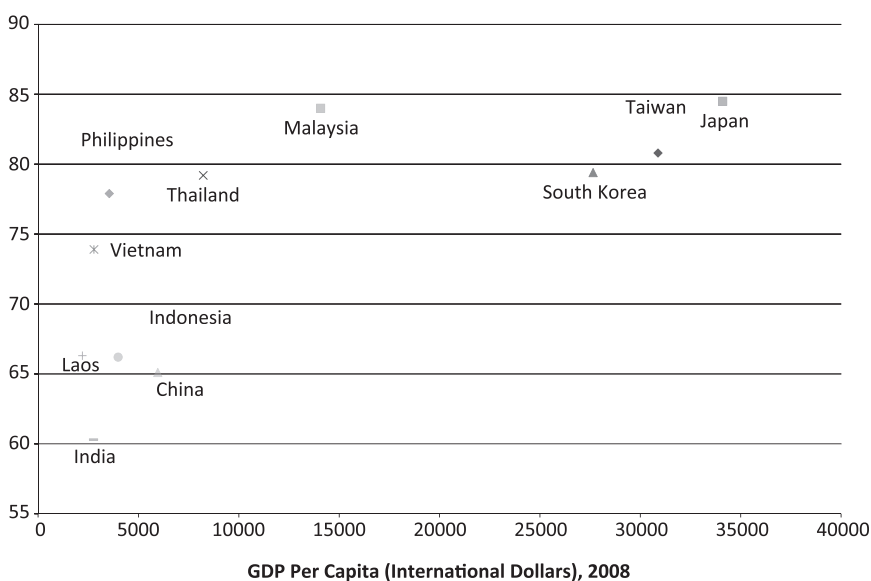


Figure 5.9 Environmental sustainability index.
 Source: World Bank (2009a).

Sustainable development

In general, environmental standards and workers' rights have historically been weaker in Asia compared to other regions of similar income levels. Moreover, on indices of environmental sustainability and labour standards, individual Asian countries have exhibited varying levels of performance (Figs 5.9 and 5.10). While outside observers often assume that weak standards have played a major role in enhancing Asia's export competitiveness and ability to attract foreign investments, many Asians see international efforts to introduce higher global standards as backdoor tactics used by developed nations to withhold development opportunities from developing economies.

Disdain and suspicion aside, sustainable development has become an important issue for economic development in Asian countries. The Kyoto Protocol has established a foundation for environment-related trade and industry development. As of May 2008, 181 countries and one regional economic community have ratified the agreement. The binding target is a reduction in greenhouse gas (GHG) emissions to 5.2 per cent below 1990's levels, and 38 Annex I countries have met the reduction obligation. However, although a majority of ASEAN+3 nations have officially ratified Kyoto, only Japan has met the reduction obligation (Table 5.4).

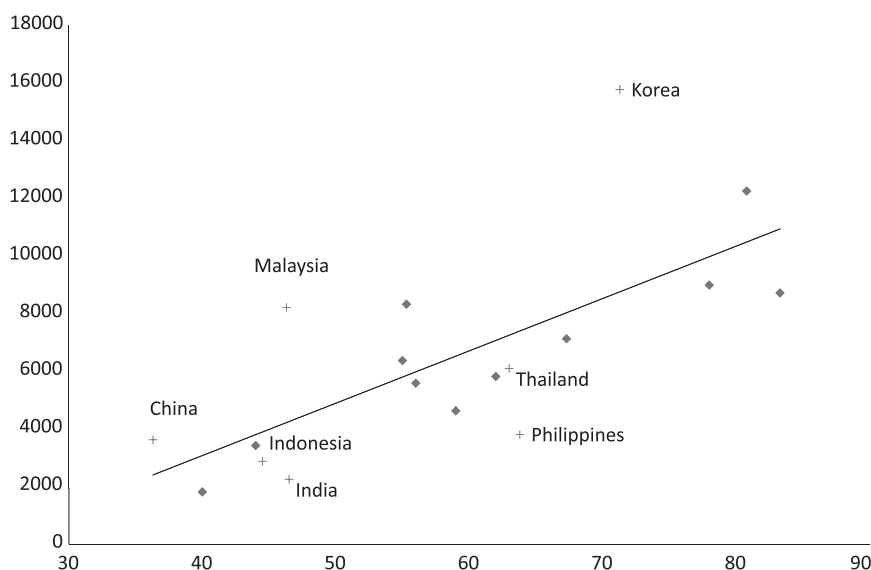


Figure 5.10 Labour standards (VERLS labour standards index, late 1990s).

Source: Based on statistics from Verite (2002) and World Bank (2001).

Table 5.4 Asian countries: Signature, ratification, accession and completion of Kyoto Treaty obligations

Country	Date of signature, ratification or accession	Obligation met?
Brunei	None	No
Cambodia	22 August 2002	No
Indonesia	3 December 2004	No
Laos PDR	6 February 2003	No
Malaysia	4 September 2002	No
Myanmar	13 August 2003	No
Philippines	20 November 2003	No
Singapore	12 April 2006	No
Thailand	28 August 2002	No
Vietnam	25 September 2002	No
China	30 August 2002	No
Japan	4 June 2002	Yes
Korea	8 November 2002	No

Source: UNFCCC, www.unfccc.int (accessed 20 October 2009).

Even if Asia does not fully subscribe to the Kyoto obligations, the Kyoto Protocol has serious implications for trade. For instance, as part of an effort to confront climate change, the European Union inaugurated its Auto-Oil Programme in 1992 to strengthen environmental regulations on

motor vehicles. Ever since, Europe has extended similar regulations to a variety of home appliances and electronic devices such as cellphones and personal computers. These products are major exporting items for Asian countries including Japan, Korea and China.

Though the first commitment period of the Kyoto Protocol will expire in 2012, environmental concerns will remain vital in international deliberations. In this regard, the Climate Conference held in Copenhagen in 2009 brought about somewhat disappointing outcomes. Yet regional and individual country-level initiatives to address environmental problems have continued to deepen. Non-Annex I countries with economic clout have shown a positive attitude in willingness to share more responsibilities in reducing GHG emissions and establishing a lasting framework for emissions reductions.

Regional mechanisms and institutional arrangement in Asia

Trade liberalization

The global and regional economic landscape has changed significantly since the 1990s. Improved physical connectivity, growth of emerging market economies such as China and India and the spread of vertically integrated production networks have increased the share of total trade in Asia which is intraregional from 40 per cent in the 1990s to approximately 55 per cent in 2003 (Dieter 2007). These emerging trends, alongside the increased proliferation of FTAs, indicate deepening economic integration in Asia.

This economic integration, moreover, is now accelerating as many Asian countries are driving towards regionalism. Apathy towards RTAs is long gone as a network of regional and cross-regional trade arrangements is being established. However, notwithstanding several instances of sub-regional groupings and collective negotiations involving ASEAN, the vast bulk of FTAs are being negotiated on a bilateral basis. The resulting interwoven web of overlapping memberships and complex intraregional trade relations could benefit from consolidation efforts.

To some extent, consolidation has occurred through the rationalization of bilateral relations into region-wide integration schemes. For instance, the ASEAN+3 (China, Korea and Japan) process was institutionalized in 1999 in hopes of strengthening cooperation and establishing a comprehensive regional FTA. Thus far, ASEAN has concluded FTAs with China and Korea, and is presently negotiating an agreement with Japan, while Japan has additionally proposed a Comprehensive Economic Partnership for East Asia (CEPEA) which adds India, Australia and New Zealand to

the ASEAN+3 grouping. Also, a similar proposal has been made by India for a Pan-Asia Free Trade Area.

The Asian Development Bank (ADB) views itself as a catalyst for co-operation and integration. The Office of Regional Economic Integration (OREI), established in April 2005, has served as ADB's primary agent in such efforts. These cooperation and integration initiatives, moreover, have occupied a growing share of the ADB's resources and total operations in recent years (Asian Development Bank 2008b). In July 2006, as a means of reducing poverty through regional collaboration, ADB adopted a four-pillar strategy involving economic cooperation programmes on cross-border infrastructure, trade and investment cooperation, monetary and financial cooperation, and cooperation on regional public goods such as disease prevention and environmental protection (Asian Development Bank 2006).

Successes in cooperation and integration, however, have so far originated from multiple fronts as Asian countries have independently established regional links at varying speeds. Therefore, while ADB's vision of a fully unified, poverty-free Asia-Pacific is a viable one, the dream will likely be realized via an assortment of bottom-up, multi-track efforts rather than a top-down, "one-size-fits-all" programme under ADB auspices.

A second major advocate for regional trade liberalization has been the APEC forum. As a response to growing interdependence between Asian and Pacific nations, APEC was conceived in 1989 in hopes of facilitating mutual growth, technical cooperation and a sense of kinship among economic partners. Consequently, as a reflection of APEC's community-friendly ethos, all decisions are reached by consensus, while compliance is based on shared understanding and mutual support. No binding commitments are declared.

Even so, APEC has played a meaningful role in promoting regional cooperation. Efforts in trade liberalization have led to sizeable reductions in tariffs as member economies' average tariffs have declined from 16.9 per cent in 1989 to 5.5 per cent in 2004 (Asia-Pacific Economic Cooperation 2009). Meanwhile, APEC has also promoted regional economic integration by developing model measures for RTAs and FTAs, and by examining options for a Free Trade Area in the Asia-Pacific.

For many Asian economies, regional and bilateral initiatives in liberalization have gained a self-sustaining momentum as engaging in ever-broadening trade arrangements has become an obligatory means of sustaining competitive advantage versus competing nations. Korea's pursuit of FTAs, for instance, was not a matter of choice, but a necessary response to rapidly expanding regionalism in the world. As the world's twelfth largest trading nation, relying on international trade to sustain

over 70 per cent of its economy, Korea could not allow regional trade liberalization to isolate Korean products from global markets while providing preferential treatment for Korea's competitors in FTA signatory countries. Consequently, Korea has concluded five FTAs with various entities (Chile, Singapore, EFTA, ASEAN and the United States) and is now negotiating or preparing an additional 13 FTAs (see Appendix, Table 5A.1).

The Korea-Chile FTA (KCFTA) was Korea's first completed agreement and played a constructive role in structuring subsequent negotiations. Signed on February 2003 after six rounds of discussions, the KCFTA's 21 chapters cover an extensive range of issues such as commodity trade (market access, preferential rules of origin and customs procedures), investment and services, trade regulations (anti-dumping, safeguards, competition policy and dispute settlement), intellectual property rights, government procurement, SPS measures and technical barriers. Since becoming effective in 2004, the KCFTA has helped Korea-Chilean bilateral trade volume to triple in 3 years. Furthermore, despite exemptions on apples, pears and rice from Korea as well as various sensitive items from Chile, the KCFTA is presently expected to completely eliminate import tariffs on approximately 96 per cent of traded goods by 2014.

Meanwhile, the Korea-US FTA (KORUS FTA) signed on April 2007 became the most commercially significant FTA that the United States has had in 15 years as Korea, with its trillion-dollar economy, is America's seventh largest trading partner and accounted for \$32.5 billion of US exports in 2006. Furthermore, considering America is Korea's third largest market and US FDI in Korea totalled \$18.8 billion in 2005, the mutual benefits resulting from the KORUS FTA will be significant.

In terms of scope, the KORUS FTA is quite comprehensive as all major services sectors, including financial, professional, audiovisual and telecommunications, will be affected. Even in agriculture, where Korea has been widely criticized for imposing high, protective trade barriers, tariffs will be phased out and quotas will be gradually expanded with only rice exempt from some degree of liberalization. The intellectual property rights measures and agreements to resolve non-tariff barriers (such as SPS regulations) included in the KORUS FTA, meanwhile, have laid the groundwork for future bilateral efforts.

Though bilateral trade between Korea and the United States has been robust, the KORUS FTA will further promote growth. Once it comes into effect, as tariffs and non-tariff barriers are removed on schedule, nearly 95 per cent of bilateral trade in consumer and industrial products will become duty-free within 3 years. This opening of opportunities for trade and investment, moreover, is quite significant for both economies

as the KORUS FTA is expected to expand the two nations' \$78 billion annual trade by 20 per cent (Heiber 2007). From Korea's perspective, according to forecasts presented by 11 separate government think-tanks, such trade gains will equal an increase in economic growth of 0.6 per cent annually over 10 years and the creation of 340,000 additional jobs (*Chosun Ilbo* 2007).

Trade facilitation

In regard to Asia, a regional approach to trade facilitation seems appropriate for two reasons. First, while trade facilitation typically requires enhancements to the general trading environment that cannot be achieved through unilateral efforts, the complexities and informational costs of negotiating such improvements in a multilateral setting can be daunting. Regionalism, therefore, represents a practical compromise between these two extremes. Second, the attention paid to trade facilitation issues in a regional context is especially warranted given the potential gains to be accrued by Asian nations. Wilson and colleagues have estimated that improved trade facilitation along four dimensions could augment trade among Asian APEC members by approximately 10 per cent (Wilson et al. 2002). Furthermore, current research indicates that benefits are skewed towards developing nations (Walkenhorst and Yasui 2003), which has the additional advantage of alleviating regional economic disparities.

Though a single, free-flowing scheme for standards, customs, processing and information transfer remains a vision, progress has been made through multilateral channels. The WTO framework has several multilateral rules for reducing redundant trade costs including Articles V (freedom of transit), VII (valuation for customs purposes), VIII (fees and formalities connected to import and export) and X (publication and administration of trade regulations). Moreover, further progress has been made in harmonizing standards and customs procedures via the Agreement on Implementation of Article VII of the GATT 1994 (Customs Valuation Agreement), the Agreement on Rules of Origin, the Agreement on Application of Sanitary and Phytosanitary Measures (SPS Agreement), the Agreement on Technical Barriers to Trade (TBT Agreement), the Agreement on Import Licensing Procedures, the Agreement on Pre-Shipment Inspection and the General Agreement on Trade in Services (GATS Agreement).

Reflecting the global importance of trade facilitation, the WTO Doha Round has aimed to both clarify and expand upon conditions originally stipulated in GATT Articles V, VIII and X. Specifically, in regard to Article V, new binding rules concerning non-discrimination between modes of transport, carriers, routes and types of consignment, as well as limits

on inspections and minimization of transit formalities, were all proposed. Meanwhile, a single-window solution for pre-arrival clearance and post-clearance audits is under consideration for Article VIII while improved systematic feedback mechanisms have been advocated for Article X.

The slow development of Doha negotiations, however, does not bode well for quick management of new WTO measures. Therefore, a variety of organizations have spearheaded individual efforts at fostering international accord and developing trade facilitation instruments. The World Customs Organization (WCO) has established numerous international conventions and tools for standardizing global operations such as the Harmonized Commodity Description and Coding System (HS Convention), Unique Consignment Reference (UCR) Customs Data Model, Immediate Release Guidelines, Time Release Study and SAFE Framework of Standards. The World Bank, meanwhile, has arranged numerous facilitation programmes for developing and least-developed countries, as well as the Global Facilitation Partnership, which is a web-based information-sharing platform dedicated to trade and transport facilitation. Finally, a web of United Nations agencies including the United Nations Conference on Trade and Development (UNCTAD) and United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) have promoted standardized customs and e-commerce tools such as the Automated System for Customs Data (ASYCUDA), Advanced Cargo Information System (ACIS) and Trade Facilitation Framework.

At a regional level, ASEAN has identified trade facilitation as a fundamental move towards realizing a fully integrated ASEAN economic community by 2020. In terms of standards, customs, transport and conformance, the unification of benchmark measures for 20 priority products and 81 safety-related regulations, as well as adoption of the ASEAN Harmonized Tariff Nomenclature, Customs Declaration Document, Cargo Processing Model, Framework Agreement on Multimodal Transport and Single Window Agreement, has shown continued commitment to lowering obstacles to trade. Partly due to such developments, the overall cost of importing and exporting in ASEAN is comparatively low compared with world averages (Figs 5.11 and 5.12).

Unfortunately, considerable cross-country heterogeneity exists in the policies, processing times and trade costs of Asian countries (Figs 5.13 and 5.14). Sea cargo in Singapore takes an average of 15 minutes for clearance of trade documents and 2 to 3 days for customs clearance. Meanwhile, clearance can take from 5 to 35 days in places such as Manila, Jakarta and China (Krumm and Kharas 2003). Once such non-tariff barriers (NTB) are included, such as elevated agricultural protections and high document processing costs, ASEAN nations appear less open to international flows (Shepherd and Wilson 2008).

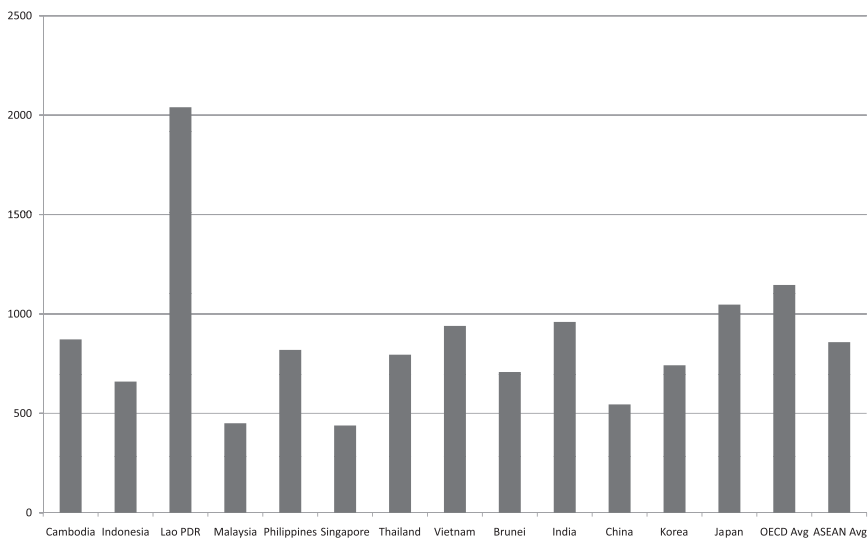


Figure 5.11 Average estimated importation costs, 2009 (US\$ per container).
Source: World Bank (2009b).

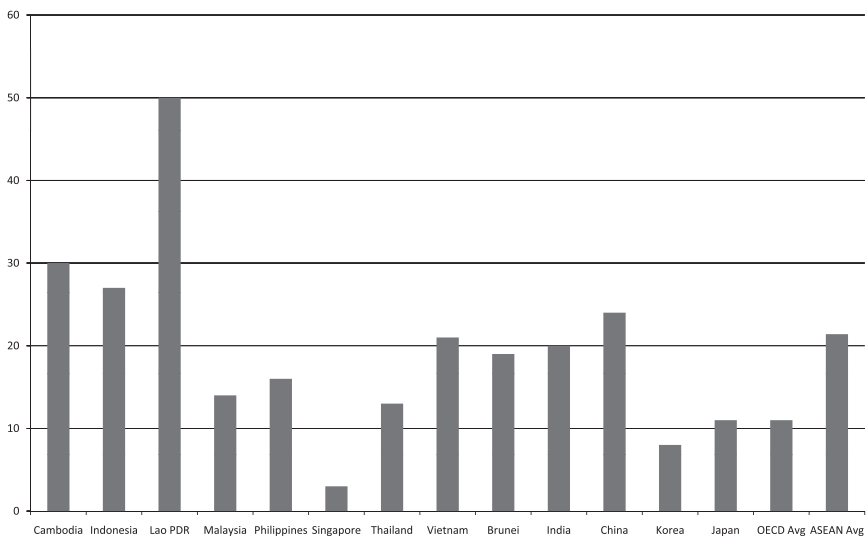


Figure 5.12 Average estimated exportation costs 2009 (US\$ per container).
Source: World Bank (2009b).

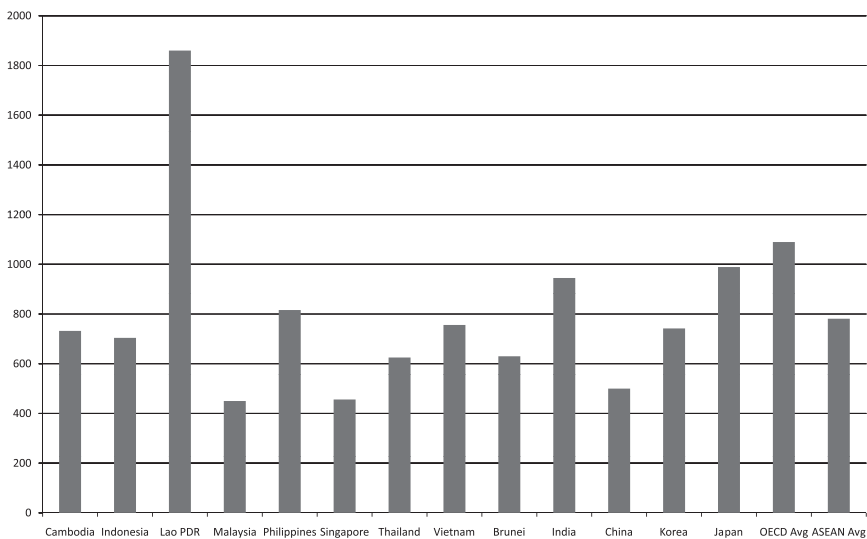


Figure 5.13 Estimated importation times (days), 2009.
Source: World Bank (2009b).

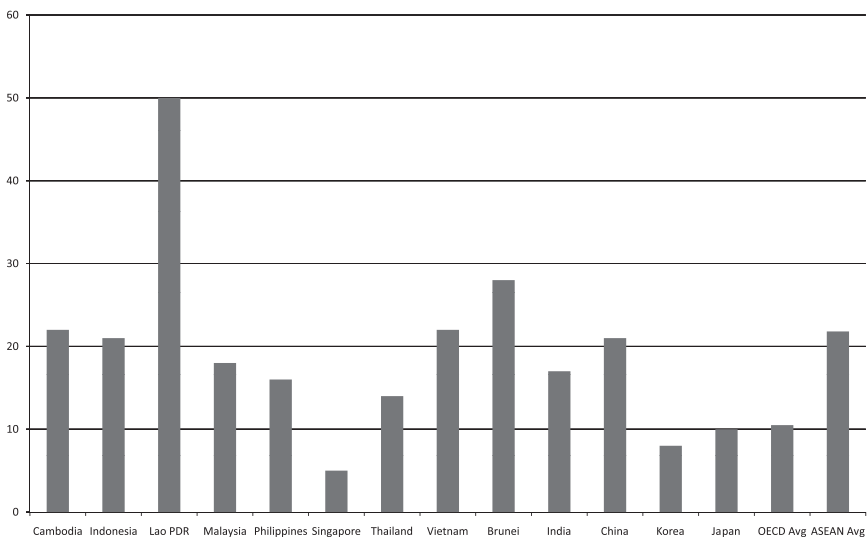


Figure 5.14 Estimated exportation times (days), 2009.
Source: World Bank (2009b).

Future ASEAN policies will need to build upon past accomplishments by expanding and deepening programmes. Paralleling the MRA for Electrical and Electronic Equipment and ASEAN Harmonized Cosmetic Regulatory Scheme, harmonized standards, legal metrology and MRAs are being prepared for a variety of sectors including pharmaceuticals and prepared foodstuffs. Moreover, in the broader context of ASEAN+3 processes, cooperative partnerships are being matured among dialogue partners. Following the Beijing Declaration of 2005, for instance, subsequent pacts outline cooperative schemes for information-sharing, infrastructure development and sanitary and phytosanitary regulation. Japan-ASEAN relations, meanwhile, have progressed to the adoption of an Agreement on Comprehensive Economic Partnership and the ASEAN-Japan transport partnership.

Aside from ASEAN, APEC has also assumed a progressive stance on reducing trade barriers. Though APEC's approach to trade facilitation is decidedly lenient, as member economies self-commit to common objectives and independently formulate Action Plans to achieve said goals, a 5 per cent decrease in trade transactions costs was achieved between 2002 and 2006 (Helble, Shepherd and Wilson 2007). In accordance with Trade Facilitation Action Plan I (TFAP-I), achieving such reductions included implementing a work programme to reduce paper documentation, adopting MRAs such as the APEC Tel MRA, developing the APEC E-Commerce Data Privacy Framework, aligning national standards to international benchmarks, broadening information services and introducing electronic customs processing.

Compliance with APEC proposals is largely accomplished on a voluntary basis, and therefore considerable variance exists. For instance, Korea has streamlined and modernized customs procedures through the Korea Customs Service by operating a web-based clearance system since 2005 and a single window system covering requirement confirmation processes. Average import clearance times from entry to release, therefore, have declined from 9.6 days in 2003 to 3.54 days in 2007, while an "on-dock" immediate clearance system handles 60 per cent of inward cargo (WTO 2008c).

Adoption and completion of all projects outlined in TFAP-I have not been achieved, particularly in regards to implementation of E-Commerce measures. Helble et al. (2007) note that document preparation continues to be a significant cost factor and considerable heterogeneity can be observed in members' compliance with APEC targets. Yet, APEC economies largely outperform the world average in non-tariff barriers and overall trade restrictiveness.

Bolstered by the initial 5 per cent reduction in trade costs, APEC leaders called for an additional 5 per cent drop by 2010 and subsequently

adopted TFAP-II, a revised menu of trade facilitation measures. In 2008, key performance indicators for the various initiatives were decided by APEC's Committee on Trade and Investment (CTI). These gauges include effective e-commerce authentication, electronic procurement systems and participation in multilateral MRAs.

Labour mobility

While international labour mobility is a complex issue determined by a myriad of economic, institutional and policy variables, certain broad trends can be predicted for the foreseeable future. Demographic change will continue to be a major determinant of labour flows. The surge in fertility rates in the early 1990s, alongside modern developments in global communications and higher overall education levels, has resulted in an influx of knowledgeable adolescents and young adults desiring emigration opportunities (see Appendix, Table 5A.6). This "Asian youth bulge" will likely be welcomed by more developed nations as the workers-to-dependants ratio in these mature economies deteriorates and labour market segmentation produces jobs that are deemed undesirable by local people.

The previously noted trends reveal that incentives exist for expanding labour mobility. Whether such opportunity will be successfully harnessed, however, is a separate issue since labour policies depend on how various actors perceive the potential costs and benefits of migration. Seeing immigration or emigration as being positive or negative for either receiving or sending nations is a mistake. The important point is that liberalization of international labour flows can be positive for all parties involved.

For sending nations, the net loss of skilled persons and consequent diminution of development in home nations is a significant source of concern. This notion of "brain drain" is not unfounded as emigration rates in low-income APEC economies are indeed higher for skilled labourers and entrepreneurs (Dumont and Lemaitre 2005). Such outflows, furthermore, are currently exacerbated by immigration policies of receiving nations that favour skilled labour and the escalating competition among multinational firms to attract international talent (Table 5.5).

The permanent loss of human capital, however, is not inevitable as a number of countries have adopted "reverse brain drain" policies to encourage the return of expatriates. The development of the Hsinchu Science-Based Industrial Park (HSIP) in Taiwan, as well as travel subsidies and salary packages offered by China to former migrants, are examples of such policies and have resulted in an increased "reverse tide" of nationals since the mid 1990s (Zweig 2006). This policy intervention to encourage return migration is particularly appealing when one considers

Table 5.5 Summary of government policies towards labour migration

Country	Outflows		Inflows of skilled workers		Inflows of unskilled/semi-skilled workers	
	Passive policy	Active intervention	Passive policy	Active intervention	Passive policy	Active intervention
Indonesia		X	X		X	
Malaysia	X			X		X
Philippines		X	X		X	
Singapore	X			X		
Thailand	X					X
Vietnam		X	X			X
Canada	X		X			X
USA	X			X		X
Mexico		X	X	X	X	
Colombia		X	X		X	
Peru		X	X		X	
Chile	X		X		X	
China		X	X		X	
Myanmar	X					
Japan	X			X		X
Taiwan		X		X		X
Hong Kong	X			X		X
Brunei	X			X		X
Australia	X			X		X
New Guinea	X		X		X	
Korea	X			X		X

Source: Hugo (2005).

the potential dividends to home development from the overseas experience and knowledge gained by returnees.

Regarding fiscal losses from exiting labourers, such costs are appreciably mitigated by workers' remittances as these flows remain a significant source of foreign income for source countries. South Asia, for instance, has received remittances of nearly 2.5 per cent of GDP (World Bank 2004). Meanwhile, diaspora populations ensuing from emigration can become a direct source of FDI, effective middlemen for channelling foreign investments towards home economies, and bridgeheads for expansion of home firms to overseas markets. Korean Americans served such roles for Korean automobile, electronics and white goods manufacturers in the United States and Canada (Hugo 2008).

The effective management of labour migration can and should be linked to broader development goals. While broad consensus on the net

effect of trade on labour is non-existent, academic sources agree that unskilled labour, in lacking the necessary human capital to enhance the export competitiveness of trade-related sectors, is normally a victim of trade. The WTO has suggested that if developed nations raise inflows of workers from developing countries to 3 per cent of their labour force, an overall annual gain of \$150 billion would be shared equally among both parties. Moreover, since benefits would be maximized through movements of lower-skilled labourers (World Bank 2004), facilitating temporary movements of unskilled workers could prove critical to easing intraregional disparities while smoothing restructuring efforts in the domestic labour market. Labour immigration policies of Asian governments, however, have generally been restrictive and centred around regulatory compliance or border controls.

The lack of proactive liberalization in individual policies leads to comparatively few developments in multilateral labour agreements. The WTO does allow for temporary flows of service suppliers (Mode 4 of the GATS: Movement of Natural Persons). However, such labour transfers are subject to economic needs tests, and tend to restrict unskilled or semi-skilled labourers as WTO members are reluctant to import foreigners under non-discriminatory MFN principles. To date, Mode 4 service suppliers account for less than 2 per cent of WTO services trade (World Bank 2004).

Regional developments concerning international labour mobility have been similarly constrained in scope. APEC has programmes specifically designed for mobility of business people such as the APEC business travel card scheme, which streamlines cardholders' documentation procedures while speeding up application for visas and permits. Additionally, APEC has instituted advanced passenger information (API) systems, which enable passengers to be processed for clearance before arrival. However, aside from streamlining cross-border travel and processing for skilled people seeking temporary residence, progress in facilitating the movement of less skilled workers has been minimal (Hur 2008).

RTAs have been similarly limited as the majority exclude permanent migration of workers or free access to labour markets. Some slight exceptions include extension of WTO treatment to non-WTO members (AFTA) and allowing of temporary labour movements relating to investments (Japan-Singapore Economic Partnership Agreement). Also, some small concessions have been achieved in negotiations of bilateral FTAs, such as the employment of Filipino certified care workers and Thai spa therapists in Japan. Actual numbers of entrants allowed, however, were minute (Hur 2008).

ASEAN, meanwhile, has proclaimed the free movement of skilled labour as an economic goal by 2020, yet realization of a fully free-flowing ASEAN labour market is unlikely as regional cooperation is limited on

core migration issues such as migrant worker recruitment, rights protection for migrants and compensation for loss of skilled workers. The ASEAN Plan of Action on immigration matters, however, has improved visa issuance processes and senior labour officials had agreed to gradually open certain sectors to fellow ASEAN economies in 2003.

In many ways, Korea's experience with labour mobility over three decades of development reflects the opportunities and challenges faced by Asia today. The 1970s and early 1980s were a period of labour exportation as millions of construction workers were employed by Korean contractors and dispatched abroad. However, rapid growth in the 1980s and 1990s, in conjunction with the widening income gap between developing and less-developed Asian nations, led Korea to become an appealing destination for foreign workers. The numbers of undocumented foreign workers grew from 4200 in 1987 to approximately 65,000 within 5 years (Park 2004).

Meanwhile, as Korea's economic growth caused double-digit increases in wages, and unfilled positions for difficult and dangerous occupations, pressure mounted from businesses for a formal, guest worker programme. The government responded by introducing the Industrial and Technical Training Programme (ITTP) in 1991 and expanding the scheme two years later into the Industrial Trainee System (ITS) (Abella 2007). Finally, while ITTP and ITS were officially "industrial trainee schemes" designed to educate foreigners employed by overseas Korean firms, the Employment Permit System (EPS) of 2003 was a fully fledged guest-worker scheme allowing for work periods of 3 years which can be renewed and extended for a further period, collective bargaining, guaranteed minimum wages and labour protections under the Labour Standard Act (Park 2004).

Korea's EPS, unlike Japan's special Nikkei scheme to reinstate descendants of Japanese emigrants, is a legitimate guest-worker programme similar to Taiwan's system. Source countries are determined through bilateral agreements, and once the Committee for Foreign Workers sets quotas, partly based on a maximum ratio of foreign to local employees, workers are selected and allocated to specific sectors. Moreover, by extending basic rights, providing pre-departure education on legal remedies in case of violations, and entrusting recruitment processes to public agencies, the EPS has lessened some of the exploitation and abuses seen under ITTP and ITS (Abella 2007).

Despite these advances, however, certain issues continue to hamper effective labour flows. While equality in respect of national minimum wages is mandated under EPS, imposing equal pay has been challenging as transactions between foreigners and employers have largely escaped the attention of government regulations. Moreover, while visas may be

renewed by employers' request, the EPS was designed for short-term stays by restricting foreigners' job-market mobility and prohibiting the entry of family members. Thus, despite border controls, deportation policies and the imposition of hefty penalties on businesses found guilty of using illegal labour, migrants have frequently "overstayed" their work permits. Of 333,000 migrant workers in 2005, only 167,000 were legally employed, and although the liberalization of labour flows will be a benefit to Korea's ageing population, the EPS will need to improve upon controlling these flows (Abella 2007).

Trade adjustment assistance

As mentioned earlier, trade liberalization and institutional reforms have significantly reduced poverty levels in emerging Asian economies. For example, through unilateral trade, structural reforms and services sector liberalization, India has consistently grown by over 7 per cent annually between 2001 and 2007 while showing improvements on a variety of social indicators such as poverty ratio and infant mortality. However, despite improved standards of living in developing nations, free-flowing trade and growth has also resulted in widening income inequality and inter-country differences.

As income distribution problems have become a serious barrier to further integration, more Asian countries have introduced government programmes to help individuals or industries disadvantaged by the liberalization process. These social safety nets, however, have proven difficult for governments to sustain due to financial burdens. Meanwhile, although re-education and proper compensation for victimized workers and sectors are largely acknowledged by all parties as a critical issue, no regional mechanism currently exists for discussing means to deal with injured industries, firms and labourers.

The way in which trade adjustment is structured, meanwhile, is as imperative as the net amount of assistance being offered. The Korean government introduced a trade adjustment assistance programme in 2007 to provide assistance to the parties adversely affected by trade liberalization. Specifically, loans, investments and job placement support for labour can be requested by manufacturers when sales or production fall by over 25 per cent due to competition from imports. In 2008, 32 billion won was budgeted for TAA compensation (WTO 2008c).

However, the Korean TAA is more focused on supporting firms facing reconstruction. Less emphasis is placed on providing social protection and assuaging losers within the liberalized trading order. This dissimilarity in objectives is manifest in the distribution of TAA funds, as 90 per cent of America's \$1 billion annual allotment is received by employees.

Only 9 per cent is allocated to farmers and 1 per cent is extended to firms. Meanwhile, according to a 10-year government plan issued in 2007 by the Korean government, 92 per cent of Korea's 2845 billion won TAA pot will go to firms, while employees will be given less than 8 per cent (Cha 2007). This disproportionate spreading of funds is troubling as Korea's TAA programme will neither supply the human capital needed to relocate disadvantaged workers nor properly address the income distribution issue that hampers society's capacity to embrace future liberalization efforts.

Trade remedy system

An inspection of Asia's principal users of trade remedies shows a mixed record of encouraging developments and lingering impediments, and while anti-dumping provisions, safeguards and countervailing measures have become increasingly imperative in recent years, developments have typically occurred through national trade policies or FTAs.

Though India has traditionally been a major initiator of anti-dumping measures against chemicals, plastics, rubber products, textiles and clothing industries in China, the European Community, Taiwan and Korea, numbers of investigations have declined in recent years while issues concerning safeguards and countervailing measures have been minimal. Such progress is evinced in India's Trade Policy Review report, which notes that national trade remedy standards are drawing closer to international norms (WTO 2007).

India's governing bodies, however, have been an impediment to such reform. While the Department of Commerce and Industry is primarily responsible for formulating and implementing trade policies, the Constitution has given a specified level of economic authority to individual state governments. Therefore, central and state government interactions in remedy cases and restructuring efforts have delayed improvements in various trade-related areas (WTO 2007).

Like India, China has also been a frequent complainant in anti-dumping investigations, especially in cases concerning chemical products from Japan, Taiwan, the European Community, Korea, Singapore and the United States. Moreover, based on laws, regulations and rules published by the Ministry of Commerce, as well as actions undertaken by various agencies such as the National Development and Reform Commission and the Ministry of Finance, few changes have been made recently to China's institutional framework on countervailing and safeguard measures (WTO 2008b).

China's Protocol of Accession to the WTO, however, is an encouraging sign of reform as China increasingly adopts transitional product-specific

measures and follows international norms. Since 2005, five provisional safeguard measures and one final measure concerning textiles, clothing, ceramic tiles, float glass and polyvinyl chloride products have been adopted.

Between 1995 and June 2008, Korea initiated 107 anti-dumping investigations mainly involving chemicals, paper and paperboard, wood articles and machinery, mostly from China, Japan, the European Union and the United States (WTO 2008c). However, since 2000, Korea has initiated no countervailing and very few safeguard measures. It is also noteworthy that Korea has begun to adopt modified trade remedy systems in its FTAs with other countries. For example, Korea's FTA with Singapore, which has been in force since 1 March 2006, includes special rules on anti-dumping such as mandating a lesser duty rule and prohibition of zeroing (Ahn 2008).

In Korea, the Korea Trade Commission (KTC) administers trade remedy related cases. It investigates issues concerning anti-dumping duties, safeguards, countervailing duties and unfair trade practices. It also examines and consults with various government agencies on international trade matters.

Apart from changes in national policies, an increasing number of Asian nations, such as Singapore, have begun modifying trade remedy clauses in bilateral FTAs. The Singapore-New Zealand FTA, for instance, increased the *de minimis* WTO dumping margin from 2 per cent to 5 per cent. Meanwhile, under the Singapore-Australia FTA, a "lesser duty rule" was mandated to require parties to impose a lower rate than the official dumping margin if a lesser duty could adequately remedy the injury sustained by the domestic industry (Ahn 2008).

Despite such modifications issued through FTAs, however, currently no cooperative and settled regional mechanism specifically exists to contend with trade remedy problems. Developing an effective international mechanism to resolve such conflicts will pose a major challenge for future integration efforts as concerns regarding transparency and negative effects of trade remedies are rising among developing Asian economies.

Sustainable development

As a collaborative effort to stabilize GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, the Kyoto Treaty was negotiated on December 1997, opened for signatures on 16 March 1998 and implemented on 16 February 2005. The binding target for diminishing gas

emissions was established at 5.2 per cent below 1990 levels, and of 180 signatories, 38 Annex I countries have met the obligation. However, among ASEAN+3 nations, only Japan has successfully achieved the national target reduction rate (Table 5.5).

Meanwhile, Asian countries have independently undertaken unilateral and regional initiatives to address climate change and environmental concerns. APEC, for instance, launched the Energy Working Group (EWG) to promote clean and efficient energy production and usage among members. Furthermore, in regard to trade and future technology development, APEC has provided energy performance standards and started a regularly updated list of environmentally friendly goods to be used as reference.

Collaborative carbon reduction efforts are expected to have positive as well as negative implications. While most academics acknowledge that higher standards can lead to development opportunities and environmental degradation is no longer an issue that countries can bypass, climate change policies could modify conditions and rules of trade by adding tariff or non-tariff barriers. Such costs would be particularly heavy for Asia's emerging and less-developed economies.

Even so, notwithstanding Kyoto's 2012 expiration date and Asia's reluctance to meet emissions rates, environmentally conscious policies have become a necessity for continued growth and trade. The European Union's adoption of regulations on a variety of consumer products, for instance, has forced Asia's economies to pay attention to cleaner production methods and technologies. Such international pressure is not a fleeting whim and will likely grow as time passes and environmental issues are more and more in the international limelight.

Certain Asian economies, meanwhile, are exhibiting a willingness to take a constructive role in promoting sustainable development through domestic policy. Korea has hosted numerous international forums on climate change including the 30th International Organization for Standardization Plenary meeting in May 2008, the Fourth Major Economies Meeting on Energy Security and Climate Change in June 2008, and the UN Global Compact-UNEP Finance Initiative Coalition conference in July 2008. Meanwhile, following the government's increasingly active position on environmental issues, Korea's National Energy Committee outlined a plan to cut energy consumption by 42 million tonnes of oil equivalent (TOE). In February 2009, major industry associations in Korea such as the Korea Chamber of Commerce declared that they would join the government initiative with a voluntary reduction of GHG levels to 4 per cent below 2005 levels by 2020. These "green stimulus" measures, as well as the recently instituted 4-year, \$200 million East Asian Climate Partnership to promote green growth in less-developed economies,

show that the promotion of environmentally conscious industries is fully coherent with regional human development.

To provide a legal framework for environmental efforts, the Korean government has prepared a Climate Change Response Act similar to the measures being implemented in Annex I countries such as the United States, United Kingdom and Japan. Since the Kyoto Protocol is a non-binding resolution and Korea is not classified as an Annex I nation, immediate introduction of an obligatory GHG reduction scheme has been challenging. However, in preparation for a post-Kyoto system where Korea would assume a more active role on environmental issues, the government has devised a plan to introduce more effective regulation in three stages:

- Step 1: Strengthen the sustainability of voluntary agreements and negotiated regulations.
- Step 2: Introduce a carbon tax linked with voluntary agreements and negotiated regulations.
- Step 3: Promote participation of agreed parties in a carbon emission rights trading market.

Based on these steps, Korea announced the Fourth Comprehensive Measures for Climate Change. This inclusive 5-year plan, which outlines government objectives in energy management, carbon dioxide emissions reduction, promotion of renewable energies, sustainable agricultural development and emission trading, has spurred efforts in framing a durable regulatory framework for sustainable growth (see Appendix, Table 5A.7).

Roles of civil society and the media in trade promotion in Korea

Korea has made significant strides in trade liberalization in recent decades. While liberalization during the early and mid 1980s occurred largely on a unilateral basis, bilateral pressure from the United States, as well as multilateral trade negotiations, has since encouraged policymakers to open up import flows. However, despite such visible signs of progress, suspicions relating to globalization and import competition have not subsided within Korea's civil society. Unless addressed in a timely manner, these qualms will pose a mounting problem for future FTAs and multilateral trade negotiations in Korea.

To an extent, all liberalization schemes encounter a certain level of resistance as the opening up of economies stands to disadvantage sensitive sectors and industries. Korea's domestic actors, however, are particularly proficient in defying and derailing such efforts. Since 1987 when Presi-

dent Chun Doo-Hwan's authoritarian regime conceded to public outcries and restored presidential elections, democratization processes have dramatically changed Korea's political composition. An increasingly vocal generation of "progressive" elites, comprising former student activists and anti-government dissidents, has espoused programmes that counteract the more conservative "pro-American" economic policies of mainstream officials (Lee 2004). These individuals in their 30s and 40s, furthermore, have also amassed considerable civic clout under the previous "progressive" governments and, by occupying influential positions in the media and major non-governmental organizations (NGOs), are currently waging an effective grassroots campaign against the Korea-US partnership (Lee 2004).

Meanwhile, while NGOs contesting the KORUS FTA have generally been politically "progressive", rightist criticism also exists. These voices, representing traditional adversaries of liberalization such as farmers and trade unions, have not only engaged in violent anti-globalization demonstrations but have also joined anti-American rallies in opposing the KORUS FTA. The protests during the WTO Ministerial Meeting held in Hong Kong in 2005, suicidal acts outside the Cancun WTO Ministerial Meeting in 2003, and strong resistance to ratification of the Korea-Chile FTA in 2003 are all examples of such opposition to Korean economic openness (Cooper and Manyin 2007).

In the adolescent phase of Korean democratization and civic development, a variety of specialized NGOs have arisen and propagated to extremes. The *NGO Times* reported the total number of Korean NGOs as 10,000 in 1996, 20,000 in 1999, and 25,000 in 2002 (Lee 2004). This mass dissemination has led to a shortage of available funding and Korea's NGOs have adopted increasingly divisive positions on public policy issues in hopes of garnering contributions from political parties. These stances, in conjunction with the increasingly spectacular methods to advocate them, have not only failed to champion the underprivileged segments of Korea's populace in an unbiased manner, but have fractured civil society and hindered prospective development on major trade-related agreements.

The radicalization and politicization of NGOs have been reflected in Korea's media outlets. By censoring anti-government rhetoric, prohibiting anti-American sentiments and banning open debate on security issues, past authoritarian leadership used the media as a tool for inculcating pro-American or anti-Communist principles among Korean citizens (Lee 2004). Once such constraints were removed, however, the media began serving as an open forum where previously objectionable ideas could flourish and disseminate to a national audience.

Ironically, while criticism of government policy or expression of anti-American views were once considered as positive indications of democratization and a burgeoning civil society, the media now contributes to a deepening political division within society. Like NGOs, Korean television and press are politically linked and, by holding ulterior motives on a variety of issues, fail to inform the public in an impartial manner. The three leading newspapers controlling approximately 70 to 80 per cent of the print media maintain a decidedly conservative perspective on current events and have been ardent adversaries of recent “progressive” presidencies. Meanwhile, Korea’s major broadcasting channels are state-controlled, and under the guidance of younger, “progressive” leaders, have endorsed programmes supporting more leftist viewpoints (Lee 2004). The recent barrage of negative coverage concerning US beef imports and the KORUS FTA are prominent examples of everyday partiality in the media.

Like many developing countries, Korea’s civil society and political institutions are in a state of flux, where old institutions have been discredited as undemocratic, yet new institutions are not robust enough to effectively consolidate conflicting interests into unified, practicable policies. Therefore, parties realign according to regional or personal loyalties, and the moderate rule of law is occasionally superseded by interest groups, political retribution or nepotism. In such an uncertain social climate, the media and civic organizations need to harmonize and moderate social discourse through independent, objective treatment of information. The political alignment of Korea’s NGOs, press and broadcast channels, however, is unsettling as these institutions will only radicalize views and make peaceable compromise on policies less probable.

Policy recommendations

For several decades, Asia has experienced substantial economic development and income growth through trade. However, renewed efforts are necessary in a variety of areas. While Asian governments have taken part in promoting regionalism, as evinced by the number of countries racing to conclude FTAs, regional trade agreements have generally excluded key agricultural products and other, similarly sensitive, commodities. The tariffs and non-tariff barriers placed on these products, and the resulting persistent gaps between internationally committed and applied tariff rates, constitute a considerable impediment to the free flow of trade. Therefore, future trade negotiations should not only centre on the inclu-

sion of additional nations, but also concentrate on raising the quality of Asian FTAs by both deepening and accelerating liberalization in these sectors.

Beside the inclusion of all goods and services, the simplification of trade relations is also necessary. There are presently more than 30 FTAs concluded in Asia, and as this number is expected to increase in subsequent years, economies risk being swamped by an unnervingly complex web of trade agreements. Therefore, to ensure the benefits to liberalization are not diminished by rising negotiation and maintenance costs, nations will need to devise a scheme to integrate Asia's various, interlocking FTAs into a larger regional system. In this context, governments would do better to seek cooperative opportunities in a regional or sub-regional context. These are oftentimes quicker to negotiate than multilateral pacts while simultaneously posing less risk than bilateral agreements. Potential avenues for such deliberations include the Korea-China-Japan FTA, ASEAN+3³ or ASEAN+6⁴ FTA and APFTA.

There should also be development concerns in bilateral as well as regional FTAs. Public health concerns, for instance, should be addressed with trade liberalization. The extremely strict intellectual property provisions may impose high economic costs and limit developing countries' capacity to produce low-cost generic versions of key pharmaceutical products. In regard to environmental protections, while a majority of Asian nations have not implemented effective countermeasures against climate change, regional efforts for sustainable development will become increasingly imperative. Until recently, such actions were considered a responsibility for developed nations; however, although there is much stronger political leadership on this matter under the US Obama administration, there has not been significant improvement in terms of international commitment. Nevertheless, as the environment directly affects the welfare of all firms and citizens, irresponsible or unprepared nations will not only face decreased competitiveness in domestic industries, but also suffer repercussions from domestic constituents. Common regional efforts and collaboration among Asian economies, as well as voluntary unilateral measures from individual nations, are consequently required. To encourage the active participation of less developed countries in environmental protection measures, it is necessary that advanced countries provide substantial financial and technological assistance to developing countries.

Beyond regional needs, additional momentum is also called for in the multilateral trading system. This is especially true for completion of the WTO Doha Development Agenda (DDA) negotiations. While DDA negotiations have made little progress in recent years, a collective force of

Asian governments could press the issue forward on the international stage. For instance, China, India, Japan, Korea and the ASEAN nations strongly supported the DDA agenda for the G20 summit meeting in Canada, and are expected to continue their emphasis on this agenda at the G20 summit meeting in Seoul in November 2010.

Alongside the formal liberalization of trade, trade facilitation will also be a key topic for future discussions as various countries have named areas such as product standards, customs procedures, standards harmonization, MRAs and the establishment of transport infrastructure as targets for improvement. Such efforts will require the cooperation of various nations including both parties of various FTAs and regional institutions such as ASEAN, ASEAN+3 and APEC.

Additionally, following developments made in the liberalization of goods, liberalization in services has made significant progress in recent years. Among important issues in services liberalization, international flows of labour are becoming increasingly vital, not just in determining the development paths of developing countries providing workers to labour-intensive sectors, but also for decreasing the income gaps between developing and developed Asian economies. Labour migration is a sensitive issue, and a systematic and regional effort has been absent thus far. Recently, there are a few bilateral FTA cases in which labour mobility has been allowed in certain service sectors. For example, in the Comprehensive Economic Partnership Agreement concluded between Korea and India in 2009, both countries allow labour mobility in various professional services areas such as computer-related services, business consulting, English teaching, advertising and so on. Bilateral as well as regional arrangements to ensure that labour mobility occurs in a transparent, regulated and safe manner that does not cause societal harm, therefore, should be more actively developed.

As trade liberalization expands and deepens, the number of injured domestic firms, industries and workers will also inevitably increase. The continued assistance to these parties, therefore, will be a necessary addendum to future liberalization efforts. The United States adopted a trade adjustment scheme early on to aid these injured parties, and Korea has also recently introduced a similar system. Korea's trade adjustment assistance system is considered a social safety net that offers unemployment allowances and help to businesses undergoing adjustments due to the expanded market liberalization from FTAs. However, trade adjustment assistance schemes risk giving excessive attention to restoring uncompetitive or non-crucial firms and industries at a cost of disadvantaging the overall economy. These programmes should instead focus on the re-education and re-training of injured labourers, as the accumulation of hu-

man capital by such parties is critical to moving into the new healthy sectors.

Recently, trade remedies have been widely employed to protect domestic industries and companies. While measures such as anti-dumping and countervailing duties have been undertaken under the guise of genuine trade correction, when applied for reasons of convenience, they have merely decreased the benefits of free trade. Recent bilateral FTA negotiations have included articles on trade remedy policy so the possibility of such abuse may be minimized. However, both regional efforts and multilateral efforts through the WTO DDA negotiations will be necessary to keep the system fair.

Lastly, the success of future efforts in trade liberalization and environmental policy hinges on the accurate relaying of information between the government and the public. The politicization of press, broadcast companies and NGOs is not conducive to such a goal, and as we can see from Korea's case, a nation's media and social institutions could become further radicalized with democratization. Thus, when domestic institutions fail to moderate society, regional organizations as well as governments should provide a forum for an unbiased exchange of ideas and information regarding the costs and benefits of trade liberalization.

Appendix

Table 5A.1 Summary of Free Trade Agreements for selected Asian countries

	Korea	Japan	China	Hong Kong	Taiwan	ASEAN
Completed	Chile Singapore ASEAN EFTA USA	Singapore Philippines Mexico Malaysia Indonesia Chile Thailand Brunei Switzerland Vietnam	Hong Kong Macau ASEAN Chile Pakistan New Zealand Singapore	China	Panama Guatemala Nicaragua	China Korea
Negotiation	EU India Japan Mexico Canada GCC*	ASEAN India Korea GCC Australia	Norway Australia GCC Iceland		Dominica	Japan India New Zealand Australia
Preparation	China MERCOSUR Australia Peru Turkey Russia New Zealand	Taiwan Canada	India Korea Thailand		ASEAN Japan USA	EFTA USA Taiwan EU

Source: Fiorentino et al. (2007) and WTO website (accessed 25 January 2009).
 Note: *GCC, Gulf Cooperation Council.

Table 5A.2 Targets of anti-dumping investigations, 1 January 1995 to 30 June 2008

Exporting country	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
China, P.R.	20	43	33	28	42	44	54	51	52	49	55	71	61	37	640
Korea, Rep. of	14	11	15	24	34	22	23	23	17	24	12	11	13	4	247
Taiwan	4	9	16	11	22	15	19	16	13	21	13	13	6	4	182
Indonesia	7	7	9	5	20	13	18	12	8	8	14	9	5	5	140
Thailand	8	9	5	2	19	12	16	12	7	9	13	8	9	7	136
India	3	11	8	12	13	10	12	16	14	8	14	6	4	2	133
Malaysia	2	3	5	4	7	9	6	4	8	6	14	6	7	4	85
Singapore	2	0	4	0	5	0	12	9	1	1	1	7	2	0	44
Hong Kong	1	3	2	3	2	1	3	3	0	0	2	1	3	0	24
Vietnam	0	0	1	0	1	1	0	3	0	7	3	2	2	3	23
Philippines	2	0	0	0	0	1	1	1	1	2	0	2	0	0	10
Asia total	63	96	98	89	165	128	164	150	121	135	141	136	112	66	1664
WTO total	157	225	243	257	356	292	366	312	232	214	200	202	164	85	3305

Source: Statistics from WTO website (accessed 25 January 2009).

Table 5A.3 Users of anti-dumping investigations, 1 January 1995 to 30 June 2008

Reporting member	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
India	6	21	13	28	64	41	79	81	46	21	28	34	47	11	520
China, P.R.	0	0	0	0	0	6	14	30	22	27	24	11	5	2	141
Korea, Rep. of	4	13	15	3	6	2	4	9	18	3	4	7	15	4	107
Indonesia	0	11	5	8	8	3	4	4	12	5	0	5	1	1	67
Malaysia	3	2	8	1	2	0	1	5	6	3	4	8	0	0	43
Thailand	0	1	3	0	0	0	3	21	3	3	0	3	2	0	39
Philippines	1	1	2	3	6	2	0	1	1	0	0	0	0	0	17
Taiwan	0	0	0	0	0	3	3	0	2	0	0	5	0	0	13
Asia total	14	49	46	43	86	57	108	151	110	62	60	73	70	18	947
WTO total	157	225	243	257	356	292	366	312	232	214	200	202	164	85	3305

Source: Statistics from WTO website (accessed 25 January 2009).

Table 5A.4 Countervailing initiations by exporting country, 1 January 1995 to 30 June 2008

Exporting country	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
India	1	0	3	6	5	7	8	2	8	1	1	1	1	1	45
China, P.R.	0	0	0	0	0	0	0	0	0	3	0	2	8	6	19
Korea, Rep. of	0	0	0	5	4	1	1	2	0	1	1	1	0	0	16
Indonesia	0	0	0	1	5	1	2	0	0	0	1	1	0	0	11
Thailand	1	0	0	0	5	1	0	0	0	1	1	0	0	0	9
Taiwan	0	0	1	0	5	0	0	0	0	1	0	0	0	0	7
Malaysia	0	0	0	0	2	0	0	0	0	0	1	0	0	0	3
Singapore	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Philippines	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1
Asia total	2	0	4	12	28	10	11	4	8	7	5	5	9	7	112
WTO total	10	7	16	25	41	18	27	9	15	8	6	8	11	8	209

Source: Statistics from WTO website (accessed 25 January 2009).

Table 5A.5 Safeguard initiations, 1 January 1995 to 30 June 2008

Exporting country	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Total
India	0	0	1	5	3	2	0	2	1	1	0	0	0	0	15
Philippines	0	0	0	0	0	0	3	0	3	0	0	1	0	1	8
Indonesia	0	0	0	0	0	0	0	0	0	1	1	1	0	1	4
Korea, Rep. of	1	2	0	0	1	0	0	0	0	0	0	0	0	0	4
China, P.R.	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Asia total	1	2	1	5	4	2	3	3	4	2	1	2	0	2	32
WTO total	2	5	3	10	15	25	12	34	15	14	7	13	8	5	168

Source: Statistics from WTO website (accessed 25 January 2009).

Table 5A.6 Projected percentage change in population aged 15–34 in APEC economies between 2005 and 2030

	2005–2010		2010–2020		2020–2030	
	Economy	% change	Economy	% change	Economy	% change
Decline	Japan	–2.45	Russia	–2.49	Taiwan	–2.19
	Russia	–1.23	Taiwan	–1.85	Singapore	–2.07
	Korea	–1.18	Korea	–1.58	Korea	–2.03
	China	–.95	Japan	–1.49	Russia	–1.42
	Hong Kong	–.57	Hong Kong	–1.03	China	–.95
	Taiwan	–.49	China	–.79	Chile	–.81
			Thailand	–.48	Vietnam	–.78
			Vietnam	–.13	Mexico	–.61
			Indonesia	–.06	Japan	–.55
			Canada	–.03	New Zealand	–.54
Growth: 0–.99% annual					Thailand	–.51
					Canada	–.49
					Hong Kong	–.42
					Indonesia	–.11
					Australia	–.11
					Peru	.20
	Thailand	.05	Chile	.14	Philippines	.20
	Indonesia	.32	Mexico	.15	United States	.24
	Mexico	.39	Australia	.22	Malaysia	.27
	Australia	.72	Singapore	.41	Brunei	.56
	New Zealand	.75	New Zealand	.46	New Guinea	.73
	Canada	.82	United States	.60		
	Chile	.93	Peru	.72		

Table 5A.6 (cont.)

	2005–2010		2010–2020		2020–2030	
	Economy	% change	Economy	% change	Economy	% change
Growth: 1–1.99% annual	United States Singapore Vietnam Peru Philippines Brunei	1.06 1.33 1.35 1.36 1.84 1.91	Philippines Malaysia Brunei	1.09 1.10 1.10		
Growth: 2–2.99% annual	Malaysia New Guinea	2.00 2.56	New Guinea	2.14		

Source: Hugo (2008); statistics from United Nations and US Census Bureau, International Data Base (accessed 20 October 2009).

Table 5A.7 The Fourth Comprehensive Measures for Climate Change (2008–2013)

Vision		Low carbon emissions and environment-friendly growth Contribute to global efforts to combat climate change and achieve low-carbon society
Goal		Develop “green” industries as a new economic driving force Improve upon quality of life and the environment Increased contribution to global efforts
Area of focus	Reduction	Reform the energy supply system Increase the use of nuclear energy Increase the carbon absorption source Vitalize the tradable carbon emission rights market
	Adaptation	Strengthen the capacity for climate change adaptation across society Implement networks of regional bodies Conduct public campaigns Implement actions for key response areas
	R&D	Secure key technologies for combating climate change Develop original technologies Reinforce strategic investment on research development
	Infrastructure	Implement public–private joint promotion system Enact the “Climate Change Response Act” Find financial support for combating climate change Implement the National Inventory System
	International cooperation	Establish a strategy for post-Kyoto negotiations Active international collaboration and support for developing countries

Source: Information from Ministry of Environment, Republic of Korea; available at <<http://www.pmo.go.kr>> (accessed 20 October 2009).

Notes

1. In this chapter, the Republic of Korea (South Korea) is referred to simply as Korea.
2. Agricultural sectors or financial as well as telecommunications services sectors were routinely designated as “sensitive” or “protected” sectors and excluded from the coverage of FTAs.
3. ASEAN + China, Japan and Korea.
4. ASEAN+3 + Australia, India and New Zealand.

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6

Human trafficking and human rights in Asia: Trends, issues and challenges

Mely Caballero-Anthony

Introduction

Human trafficking is one of the most pernicious crimes in modern history and poses one of the gravest threats to human security. In a highly interconnected environment, human trafficking has become pervasive and widespread across the globe. A recent study from the UN Human Rights Council noted that there are 2.5 million victims of human trafficking at any given time (AFP 2009). Despite this alarming figure, statistics on human trafficking at any level, at best, represent only estimates, given the clandestine nature of this crime. Furthermore, the lack of agreement on the methodology used to calculate numbers has made data-gathering difficult since figures quoted often contradict each other.

The difficulties encountered in data collection reflect an inherent problem in the fight against human trafficking – that is, the varying definitions of what constitutes human trafficking itself. Until the mid 1990s, trafficking had been regarded as a form of human smuggling and a type of illegal migration. It was only in December 2000 with the signing of the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children that a more distinct global definition emerged. The UN document, also referred to as the Trafficking Protocol, therefore provides the first internationally accepted definition of the term “trafficking in persons” and remains the primary international legal instrument which addresses human trafficking as a crime. Despite this breakthrough, efforts at combating human trafficking have been

hampered by a host of challenges. These include the conflation of criminal acts – smuggling with trafficking, the absence of a legal framework for the protection of victims, the massive violation of human rights, plus the elusiveness of tracking amorphous groups that perpetuate such exploitation and abuse that are more often than not outside state control. As one study noted, “trafficking represents a new form of authoritarianism in which individuals are subject to coercion and control outside the state” (Shelley 2008: 13). This phenomenon has been made worse by the lack of capacity or willingness of states to protect their citizens and defend the rights of those who have been trafficked to their state. The political consequences of such state neglect threaten and undermine human security in all societies.

Against this background, the main objectives of this study are two-fold: first, is to provide a general review of the current trends of human trafficking in Asia; second, is to examine the existing institutional responses to addressing the complex problems of human trafficking. Central to the inquiry on institutional responses is the analysis of the nature of regional mechanisms available or absent in the Asia-Pacific region dedicated to provide a more comprehensive approach to the problems of human trafficking, as well as the efficacy of these mechanisms found either at the state or inter-state level. This chapter therefore proceeds as follows: the first part of the chapter will provide a brief discussion on the definitional issues pertaining to the act of trafficking, differentiating the “predators” from the “prey” – victims of human trafficking, and examining the scope and magnitude of the problem. The chapter will go on to provide an overview of the trends in human trafficking, while the next part will discuss the different forms of human trafficking found in the region. The kinds of regional mechanisms and institutional arrangements that have evolved in Asia to address the problem of human trafficking will then be discussed. This is followed by an assessment of the key challenges to effective policy responses and action. The chapter will then move beyond institutional responses to examine the role of non-state actors in addressing human trafficking and analyse the different kinds of interventions that they have used to help victims of human trafficking. Finally, the chapter ends with some reflections on the ongoing fight against human trafficking alongside the overarching goal of promoting human rights and human security in Asia.

Human trafficking: Finding definitional clarity in conflating trends

For a long time, the notion of human trafficking was often regarded as synonymous with human smuggling. It was not until the 1990s that some

attempts were made to differentiate the two, with trafficking seen to be a form of human smuggling. The attempt to differentiate the two was led by scholars of international migration, who had viewed both smuggling and trafficking as a type of “illegal” migration. In publications by Juhaz, Okolski, Salt and Skeldon, trafficking is made distinct from smuggling by the fact that while both acts involve the transportation of people from one place to another, the former is carried out for exploitative purposes through coercion, deception or other forms of illicit influence.¹ Despite efforts to distinguish the two, some analysts have argued that creating a workable definition is extremely difficult, given that “smuggled” migrants are also exposed to abuse and exploitation either while being transported or on arrival – thus “confounding attempts to paint neat lines between smuggling and trafficking” (Laczko 2002).

Following long efforts to draw conceptual clarity, the United Nations came up with its own definition of human trafficking, expressed in the Trafficking Protocol, according to which,

“trafficking in persons” shall mean “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution, of others or of other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.” (United Nations 2000: Ch. 1, Art. 3, 2)

The Protocol further notes that anyone subjected to the kinds of coercion and manipulation laid out in the definition cannot “consent” to being exploited. The specific provision effectively eliminates legal loopholes for traffickers who might claim in their defence that they had willing victims.

The UN definition is now used widely by most international agencies including the International Labor Organization (ILO), the United Nations Office for Drug and Crime (UNODC), the International Office for Migration (IOM) as well as regional organizations and individual countries.

Despite this progress, however, the UN definition is still considered to be limited as it tends to be widely misunderstood by many nations that might overlook internal trafficking or other forms of labour trafficking, hence failing to distinguish trafficking from illegal migration (US Department of State 2005).² For example, involuntary servitude, which is a form of trafficking, does not necessarily require movement across borders, and is most often left out of the national legal framework. As such, various countries have adopted their own working definitions while still recognizing the UN definition. The United States, for example, uses its own

definition as laid down in the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 (Section 103(8) (Definitions). Before the adoption of TVPA, no comprehensive federal law existed to protect victims and prosecute traffickers.

The TVPA defines “severe forms of trafficking” as:

(a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Moreover, the US definition does not require a trafficking victim to be physically transported from one location to another, which often is the case with the UN definition. Under US federal human trafficking laws, trafficking victims are treated as refugees, rather than illegal immigrants to be deported.

Further, it was observed that even within the United Nations, different agencies use their own operational definitions. Thus, in the absence of a commonly accepted working definition, harmonization of policies and approaches becomes difficult at all levels, global, regional and national. Nonetheless, in the Asia-Pacific region, the UN definition based on the Trafficking Protocol is often used as the basis for defining human trafficking. This is reflected in the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004) which affirms the spirit and the protocols of the UN Convention Against Transnational Organized Crime, and with particular reference to the Trafficking Protocol that defines trafficking in persons to mean:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. . .

Issues and trends of human trafficking in Asia

In a report issued in February 2009 by the United Nations Office on Drugs and Crime (UNODC), entitled *Global Report on Trafficking in Persons*, it is roughly estimated that 2 million people are trafficked daily. Asia is reported to be home to the largest number of trafficked victims. Despite this alarming figure, systematic collection of trafficking data has been extremely problematic. As mentioned earlier, the lack of agreement

on the methodology used to calculate numbers has made this task most difficult.

According to the UNODC's 2008 report, *Human Trafficking: An Overview* (UN.GIFT/UNODC 2008a), there are only four organizations at the global level that compile databases on trafficking in persons (TIP). Yet, figures quoted often contradict each other since data gathered vary in classification of people based on the nature of trafficking. The US government and the ILO provide estimates on the global number of victims. The IOM collects data on assisted victims, while data from UNODC traces the major international routes of victims.

Nevertheless, the UNODC's 2009 Report offers the first global assessment of the scope of human trafficking and what is being done to fight it. It includes: an overview of trafficking patterns; legal steps taken in response; and country-specific information on reported cases of trafficking in persons, victims and prosecutions. Based on this report, some key trends can be discerned on the state of global trafficking. These are briefly highlighted below in relation to trends found in Asia as well.

Most common forms of human trafficking: Sexual exploitation and forced labour

The Report cites sexual exploitation as the most common form of human trafficking, amounting to 79 per cent of all cases. The victims of sexual exploitation are predominantly women and girls. The findings in Table 6.1 are fairly consistent with other published estimates on the common victims of human trafficking. For example:

- The US Department of State estimates that between 800,000 and 900,000 persons are trafficked across international borders per year, of whom 80 per cent are female and 50 per cent are children. The majority of these victims are forced into the commercial sex trade (US Department of State 2004). Moreover, the largest number of people trafficked into the United States come from East Asia and the Pacific (5000 to 7000 victims per year).

Table 6.1 Most common forms of human trafficking

Nature	Percentage
Victims of trafficking for sexual exploitation	79%
Victims of forced labour	18%
Female victims	65–75%
Child victims	15–25%
Male victims	15%

Source: UNODC (2009: 57).

- According to an estimate by the United Nations Development Fund for Women (UNIFEM) the numbers of women and children trafficked in Southeast Asia could be about 225,000 out of a global figure of more than 800,000 annually.
- ILO (2005) estimated that the sexual exploitation of women and children as a result of trafficking earns around US\$28 billion annually.

The second most common form of human trafficking is forced labour (18 per cent), although this may be a misrepresentation because forced labour is less frequently detected and reported than trafficking for sexual exploitation. For the purpose of estimating the magnitude of forced labour, the ILO has created a simple typology with three broad forms of forced labour (Belser 2005: 3):

- Forced labour imposed by the state or by armed forces – which includes three main sub-categories, namely forced labour exacted by the military or by rebel groups, compulsory participation in public works and forced prison labour.
- Forced commercial sexual exploitation (CSE), which includes women, men and children who have been forced by private agents into prostitution or into other forms of commercial sexual activities.
- Forced labour for economic exploitation (EE), which comprises all forced labour imposed by private agents and enterprises³ in sectors other than the sex industry. It includes forced labour in agriculture, industry and services, as well as in some illegal activities.

In 2005, it was estimated that at least 12.3 million people around the world are trapped in forced labour, bonded labour, forced child labour and sexual servitude at any given time. Other estimates range from 4 million to 27 million. Recent ILO statistics also reveal that out of 12.3 million forced labour victims worldwide, around 2.3 million were trafficked (see Table 6.2). The figures, however, present a conservative estimate of actual victims at any given point in time, estimated over a period of 10 years. And of that figure, 9.5 million people are victims in the Asia-Pacific region, representing more than three-quarters of the global total (ILO 2008: 3).

In the region, the majority of forced labourers – almost two-thirds or 6 million people – are coerced to work by private individuals for the purpose of economic exploitation in agriculture and other economic sectors. The annual profit generated by trafficked forced labour in the Asia-Pacific region is estimated at \$9.7 billion.

Other forms of exploitation of human trafficking

Besides sexual exploitation and forced labour, there are also other forms of exploitation of human trafficking found in the region. According to the

Table 6.2 Estimate by various agencies of the number of trafficked victims

Agency	Number of victims	Year of estimate	Description
US Department of State	800,000 (approx.)	2006	“Annually . . . approximately 800,000 people are trafficked across national borders”
International Labour Organization (ILO)	12.3 million of which: 2.5 million are forced to work by the state, the army or rebel military groups; 9.8 million are exploited by private agents and enterprises out of which 1.4 million are in forced commercial sexual exploitation (CSE) and 7.8 million are in forced economic exploitation (EE); and more than half a million victims could not be assigned unambiguously to one or the other categories of both CSE and EE	2005	“Out of 12.3 million forced labour victims worldwide, around 2.4 million were trafficked”

Source: US Department of State (2008: 7) and ILO (2008: 3).

United Nations Global Initiative to Fight Human Trafficking (UN.GIFT) and the UNODC, different forms of exploitation include: removal of organs and of body parts, criminal activities, begging, forced marriage, illicit adoption, exploitation in the army and armed conflicts (UN.GIFT/UNODC 2008a: 13). The identifiable forms of human trafficking are summarized in Tables 6.3 and 6.4.

Against these statistics, one should note however that the data may still be incomplete, given that other forms of forced labour are less frequently detected and reported than trafficking for exploitation. As can be observed, trafficking for sexual exploitation has high visibility compared to other forms of forced labour and, for this reason, sexual exploitation has become the most documented type of trafficking. Also, there is a common assumption that people are mainly trafficked for the purpose

Table 6.3 Forms of human trafficking

Forms of human trafficking	Estimates by various agencies	
	UNODC	ILO
Commercial sexual exploitation	79%	43%
Forced economic exploitation	18%	32%
Others (mixed or undetermined)	3%	25%

Source: UNODC (2009: 50) and ILO (2008: 3).

Table 6.4 Total trafficking-related forced labour

Region	Forced commercial sexual exploitation	Forced economic exploitation	Mixed or undetermined	Total
Industrialized economies	63%	17%	20%	270,000
Transition economies	45%	4%	50%	200,000
Asia & Pacific	54%	14%	32%	1,360,000
Latin America & Caribbean	12%	87%	1%	250,000
Sub-Saharan Africa	6%	84%	7%	130,000
Middle East & North Africa	10%	89%	1%	230,000
World	1,060,000	780,000	600,000	2,440,000

Source: Belser (2005: 6) and ILO (2008: 3).

of commercial sexual exploitation. But as the ILO estimates indicated (Table 6.3), 32 per cent of all victims were trafficked into labour exploitation. The lack of attention to this issue has led to a growing criticism of the focus on trafficking for sexual exploitation at the expense of tackling other forms of trafficking.

Human trafficking as a highly lucrative and profitable business

To date, global efforts to combat trafficking in persons have focused on the criminalization of trafficking, along with measures to protect and assist victims. By comparison, relatively little attention has been given to the business of human trafficking – a worldwide criminal industry that generates billions of dollars of yearly profits for its “entrepreneurs”. By some estimates, this “industry” is not only thriving, but expanding as a result of its profitability.

Table 6.5 Annual profits from all forced labour

Region	Total profits in forced commercial sexual exploitation (US\$ million)	Total profits in economic exploitation (US\$ million)	Global profits (US\$ million)
Industrialized economies	15,388	3,407	18,796
Transition economies	3,513	145	3,658
Asia & Pacific	11,190	2,547	13,736
Latin America & Caribbean	2,120	3,554	5,674
Sub-Saharan Africa	565	194	758
Middle East & North Africa	1,125	536	1,661
World	33,902	10,382	44,284

Source: Belser (2005: 17).

Profits from all forced labour

The ILO estimated in 2005 that the global profits made by private agents and enterprises from the world's 9.8 million forced labourers amount to \$44.3 billion per year (Belser 2005: 16–18) (see Table 6.5). This represents roughly \$4500 per victim per year. The largest profits are made in industrial countries (\$18.8 billion), followed by Asia (\$13.7 billion), Latin America (\$5.7 billion) and transition countries (\$3.6 billion). The two regions where profits are lowest are the Middle East and North Africa (\$1.6 billion) and sub-Saharan Africa (\$0.7 billion).

Profits from all trafficked forced labour

The ILO estimated that the global profits made from the world's 2.5 million forced labourers who have been trafficked amount to \$31.6 billion per year (see Table 6.6). This takes into account both the sale of individuals and the value of their exploited labour or services. This represents an average of \$13,000 per victim per year. Thus, profits are higher with trafficked victims than with non-trafficked victims. Profits are by far the highest in industrial countries (\$15.5 billion), followed by Asia (\$9.7 billion), transition countries (\$3.4 billion) and Middle East and North Africa (\$1.5 billion). The two regions where profits are lowest are Latin America (\$1.3 billion) and sub-Saharan Africa (\$0.1 billion).

From the data in Table 6.6, one should note that the ILO still considers the figures represented above as conservative. The ILO had in fact argued for much work to be done to understand fully the economics of forced labour. Nonetheless, there is a general consensus that despite the difficulty in estimating the total profits generated by human trafficking, it is indeed a highly profitable and lucrative business.

Table 6.6 Annual profits from all trafficked forced labour

Region	Total profits in forced commercial sexual exploitation (US\$ million)	Total profits in economic exploitation (US\$ million)	Global profits (US\$ million)
Industrialized economies	13,277	2,235	15,513
Transition economies	3,283	139	3,422
Asia & Pacific	9,536	168	9,705
Latin America & Caribbean	572	776	1,348
Sub-Saharan Africa	118	40	158
Middle East & North Africa	1,033	475	1,508
World	27,820	3,834	31,654

Source: Belser (2005: 17).

Table 6.7 Profile of victims of trafficking

	UNODC	ILO	US Department of State
Female (women and girls)	13% (Girls) 66% (Women)	56% (forced commercial exploitation) 98% (commercial sexual exploitation)	80%
Children and minors		40–50%	50%
Male (men and boys)	Men (12%) Boys (9%)	44% (forced commercial exploitation)	

Source: UNODC (2009: 11), ILO (2005: 15) and US Department of State (2008: 7).

“Feminization” of migration and human trafficking?

The increasing trend of trafficking in women and children as shown in Table 6.7 is closely related to the global trends of migration. Any analysis of this category must take this factor into account and should not divorce the two, that is, human trafficking and migration.

According to the United Nations Population Division, as of the year 2000, there were an estimated 150 million international migrants. This is double the figure of 75 million that accompanied that definition four decades ago (IOM 2000: 5). Furthermore, one of the most significant trends has been the *feminization of migration* streams that were at one time pri-

marily male. Significantly, many of the new female migrants relocate as principal wage earners rather than as accompanying family members. This trend is most clearly found in Asia. By the mid 1990s, about 1.5 million Asian women were working abroad, and in many migratory movements they outnumber men. For example, more than 60 per cent of migrants from Sri Lanka are women, employed primarily in domestic service (IOM 2000: 7–8).

According to the IOM report, *World Migration 2008: Managing Mobility in the Evolving Global Economy*, more women are now migrating on their own as the primary breadwinner for their families. In the labour market, women migrants are generally concentrated at opposite ends of the skills spectrum and often occupy jobs in which women generally predominate. Accordingly, many migrant women are skilled workers in the health and education sectors, while the majority of women migrants find work in low-skilled sectors such as domestic service, manufacturing and entertainment (IOM 2008: 32). It is the latter category where women are most susceptible to becoming victims of human trafficking.

The growing feminization of migration has profound implications for the safety and well-being of millions of women in Asia who are caught in the “push and pull” factors that feed illegal migration and trafficking. Among these are poverty, low levels of education, and even cultural issues related to women’s role in the family such as the tradition of early marriage, gender-biased laws and sometimes precedents of bonded labour.⁴ To be sure, these various interrelated factors only increase the vulnerability of women to trafficking. Severely hampered by these factors, trafficked women often are left with no recourse against the various human rights abuses that they face. Not only are they stigmatized but they are also marginalized – often defined as “illegal migrants”, “prostitutes” and so on. Against these trends, the human rights consequences of human trafficking in Asia and the rest of the world are diverse and far-reaching.

Regional responses to human trafficking and human rights in Asia

The growing global attention to the problem of human trafficking has had a positive effect in raising this security concern at the regional level in the Asia-Pacific. However, unlike the European Union and the United States, the region has no overarching regional institution to fight human trafficking. Instead, a proliferation of regional mechanisms from informal tools to formal conventions has been considered, with the latter still under discussion.

In what follows, a multitude of regional mechanisms both formal and informal are discussed and analysed.

Institutional arrangements (informal, no protocol)

In Southeast Asia, regional efforts to respond to human trafficking can be traced back to the Second ASEAN Informal Summit held in December 1997. A key item at the Summit was to address a host of security challenges that faced the region after the Asian financial crisis earlier the same year. The meeting therefore prompted member states to turn their attention to developing agreed rules of behaviour and cooperative measures to tackle regional problems, including human trafficking (Renshaw 2008). This initial effort led to the adoption of the 1997 ASEAN Declaration on the Prevention and Control of Transnational Crime. The significance of this declaration can be seen in its establishment of an institutional framework for member countries to meet regularly to coordinate regional actions to fight transnational crime. In particular, it led to the setting up of the ASEAN Ministerial Meetings on Transnational Crime (AMMTC) (Ganapathy and Broadhurst 2008: 2–3), represented by home ministers of member countries and supported by meetings of relevant senior officials (SOMTC). Key activities stemming from this declaration include the drafting of five-year plans to combat transnational crime, and coordination with other ASEAN officials, including heads of immigration and ASEANAPOL (Chiefs of National Police). This framework also led to the setting up of working groups that would later tackle human trafficking, but did not directly address human trafficking as a separate problem from drug trafficking.

A notable development under the AMMTC was the ASEAN Plan of Action on Immigration Matters (December 1999) (Cameron and Mitchell 2007: 186). Its objectives are: to develop a network among ASEAN immigration authorities to facilitate economic cooperation and combat transnational crime, especially trafficking in persons; to foster regional cooperation to modernize immigration systems, operations, facilities and human resource development; to strengthen regional capabilities and capacities to facilitate intra-ASEAN economic cooperation, especially for tourism and travel; and to foster cooperation among member countries in the movement of skilled and unskilled labour. While the Plan of Action outlined valuable objectives, it makes no mention of actions to facilitate the legal movement of unskilled labour. As observed in one study, the plan was also ambiguous as to whether it will facilitate or restrict the movement of unskilled labour (Cameron and Mitchell 2007: 187).

There are also other informal mechanisms focused on capacity-building in fighting transnational crime. The 2003 Asia Regional Cooperation to

Prevent People Trafficking (ARCPPT) Project is one such mechanism, oriented specifically at improving the operational capacity of police forces (Australian Federal Police 2003). Funded by an Australian initiative, the framework brings together Thailand, Cambodia, Laos and Myanmar and aims to strengthen the broader criminal justice system response and to build relationships between the criminal justice system and victim support agencies. The elements under the framework include the development of a criminal justice process for combating trafficking; strengthening specialist trafficking response institutions; collaboration and support services; and project management. While the ARCPPT is a concrete capacity-building project, its approach is limited in scope, and still tackles human trafficking from the law enforcement perspective. It is also narrow in its project area, as only certain nations in ASEAN are included.

Perhaps the informal regional mechanism most cited in ASEAN is the ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children (2004). Provisions of this declaration include:

1. Networking. (a) Establishing a regional focal network to combat trafficking in persons; (b) initiating regular exchanges of views; (c) sharing information on migratory flows, trends and patterns; (d) cooperating with each member's law enforcement authorities and immigration authorities.
2. Logistics. (a) Strengthening border control and monitoring mechanisms; (b) protecting the integrity of official travel and identity documents from fraud; (c) identifying the nationalities of victims.
3. Treatment of victims. (a) Ensuring that victims are distinguished from perpetrators of trafficking; (b) ensuring that victims are treated humanely and provided with essential medical care and other forms of assistance deemed appropriate by the receiving country, including prompt repatriation to their respective countries of origin.
4. Legal. Undertaking coercive actions against individuals or organizations engaged in trafficking.

The declaration further outlines the following measures in combating trafficking. These are:

- To establish a regional focal network to prevent and combat trafficking in persons, particularly women and children, in the ASEAN region;
- To adopt measures to protect the integrity of their respective passports, official travel documents, identity and other official travel documents from fraud;
- To undertake regular exchange of views, information-sharing on relevant migratory flows, trends and patterns, the strengthening of border controls and monitoring mechanisms, and the enactment of applicable and necessary legislation;

- To intensify cooperation among respective immigration and other law enforcement authorities;
- To distinguish victims of trafficking from the perpetrators, and identify the countries of origin and nationalities of such victims and thereafter ensure that such victims are treated humanely and provided with such essential medical and other forms of assistance deemed appropriate by the respective recipient country, including prompt repatriation to their respective countries of origin;
- To undertake actions to respect and safeguard the dignity and human rights of genuine victims of trafficking in persons;
- To undertake coercive actions/measures against individuals and/or syndicates engaged in trafficking in persons and offer one another the widest possible assistance to punish such activities; and
- To take measures to strengthen regional and international cooperation to prevent and combat trafficking in persons.

The ASEAN Declaration is most notable for beginning the process of articulating a distinct platform for collaboration on human trafficking. One notes however that the declaration is less specific and weaker than the UN Trafficking Protocol, and does not mention anything about the rights of trafficked women to stay in host countries (ASEAN Secretariat 2004). The declaration remains a state-centric instrument, which puts sovereignty ahead of human rights. In essence, ASEAN's Declaration echoes the UN Trafficking Protocol, but is weaker because it does not offer optional provisions for states to undertake to protect migrants. The declaration does more to enhance border control than to protect trafficking victims' rights.

Moreover, the declaration could have been stronger if there were provisions that required commitment at the regional level to address the factors of migration (social, economic, etc.). One can argue that the provision specifying the entitlement of genuine victims of trafficking to respect and dignity is unnecessary, because the implementation of proper immigration and policing procedures should ensure that only actual victims of trafficking will be given attention (Cameron and Mitchell 2007: 188).

It should also be noted that the ASEAN tradition of non-interference in domestic sovereignty and the absence of any regional commitment and consensus to provide for the protection of the human rights of the victims weakens the declaration. It also gives undue emphasis to repatriation, without considering whether repatriation could be dangerous for the trafficking victim.

To add to the host of regional declarations is the 2007–2009 Work Plan to Implement the ASEAN Declaration against Trafficking in Persons, Particularly Women and Children. This particular plan is part of the 2002

Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime and part of the evolving set of declarations and statements condemning human trafficking, and providing a set of standard obligations and procedures for ASEAN member states in terms of crime control.

Essentially, the plan sets requirements for information exchange between member countries and establishes a number of multilateral or bilateral legal arrangements to facilitate apprehension, investigation, prosecution and extradition of traffickers, exchange of witnesses, sharing of evidence, inquiry, and seizure and forfeiture of the proceeds of a crime, in order to enhance mutual legal and administrative assistance among ASEAN member countries. The key goals outlined include:

- Establish a regional focal network to coordinate and advance ASEAN responses to trafficking;
- Strengthen the legal and policy frameworks around trafficking to enhance national responses and regional and international cooperation in the areas of investigation, prosecution of traffickers and protection of victims;
- Improve the gathering of information within ASEAN on the trends and flows of trafficking from, through and to the region. Data should also include the modus operandi or common practices of traffickers;
- Strengthen law enforcement capabilities, as well as strengthen bilateral and regional cooperation between law enforcement agencies;
- Strengthen ASEAN member capabilities to successfully prosecute and adjudicate human trafficking cases; and
- Strengthen ASEAN capacities to identify, protect and support victims.

It has been observed that the plan is at best a major step forward because it focuses on developing common standards and strengthening criminal justice responses. The establishment of a permanent Trafficking in Persons Working Group in June 2007 may develop into a focal point for cooperation on trafficking. While concretely setting goals for ASEAN in terms of capacity-building and information-sharing, the specific rights of trafficking victims are, however, not covered in the declaration. The interpretation of the rights of these victims is left up to member states (Cameron and Mitchell 2007: 188).

Perhaps the only informal mechanism that can be considered to pay more attention to the human rights of victims of trafficking is the informal Asia Pacific Forum of National Human Rights Institutions (1996). This forum began as an informal working group but later evolved into a concrete institutional mechanism that entrenched anti-trafficking laws in certain countries in the region and was comprised of representatives of human rights commissions from countries such as Australia, Indonesia, Malaysia, the Philippines, New Zealand and Thailand.

The national human rights institutions are bodies created by the state, but are accountable to both civil society and the government, as well as to regional and international organizations concerned with human rights. They review prospective government legislation to ensure compliance with international human rights obligations. This has helped governments in Thailand, Malaysia and the Philippines to pass comprehensive anti-trafficking laws.

In 2004, representatives of the national human rights commissions of Indonesia, Malaysia, the Philippines and Thailand (the “ASEAN Four”) began to hold regular consultation meetings to develop feasible plans for protecting human rights at the regional level. This was followed by the 2007 programme where they agreed to carry out activities to protect human rights, including fighting human trafficking. While some commentators have reflected that this approach is indicative of ASEAN’s aversion to binding mechanisms, one analyst suggests that the informal approach is an organic development of international humanitarian law that allows for the building of domestic and regional capacity, and will eventually lead to formal institutions. National human rights institutions advise governments about obligations and responsibilities with respect to human rights and they function to hold governments accountable for the failure to protect human rights (Renshaw 2008).

Formal mechanisms (institutionalized)

Following the institutionalization of the AMMTC are other interesting developments that signal a deepening of institutionalized arrangements among government security agencies within and beyond ASEAN that are involved in the fight against human trafficking. These include:

The Asian Regional Initiative Against Trafficking (ARIAT) in Women and Children meeting, Manila, March 2000

Participants included Australia, Brunei Darussalam, Canada, Hong Kong SAR, Japan, Kingdom of Cambodia, Kingdom of Thailand, Macau SAR, Malaysia, Mongolia, New Zealand, Papua New Guinea, People’s Republic of China, Republic of Indonesia, Republic of Korea, Republic of the Philippines, Russian Federation, Singapore, Socialist Republic of Vietnam and the United States of America, and the European Union, Asian Development Bank, ASEAN Secretariat, ASEANPOL, Asia Foundation, Ford Foundation, INSTRAW, INTERPOL, IOM, SEAMEO-INNOTECH, UNCICP, UN Committee on Economic, Social and Cultural Rights, UNESCO, UNFPA, UNICEF, UNICRI, UNIFEM and the World Bank.

The Action Plan for the ARIAT includes (Humantrafficking.org 2000):

1. Cooperation among governments, international organizations, non-governmental organizations (NGOs), the private sector, civil society and media. Focus on providing comprehensive and immediate assistance for trafficked persons.
2. Prevention. (a) Development of a data bank to record incidences of trafficking, trafficking patterns in countries of origin, transit and destination; (b) promotion of compulsory education and scholarships for children and young women; (c) promotion of livelihood programmes and job training for women and children.
3. Protection. (a) Improve bilateral and regional agreements against trafficking including mutual legal assistance and cross-border cooperation; (b) victim safety and assistance – provide appropriate housing, economic, medical and psychological assistance to the victims.
4. Prosecution. (a) Rule of law – adopt laws and measures to criminalize the traffickers and ensure that these measures impose penalties on all aspects of trafficking including seizure and confiscation of gains obtained by criminal organizations, to defray the cost of providing assistance to victims. (b) Reintegration – facilitate and accept without delay the safe, orderly and dignified return of a national who is a trafficking victim. Reintegration efforts such as programmes to help them gain employment and access to health and legal services should also be in place to assist the victims.

The ARIAT has a broad support base, given its large number of members, and its setting of clear goals to address human trafficking. However, these goals still represent a “wish list” with no provisions for enforcement mechanisms. In addition, repatriation of trafficking victims was highlighted within the document, ignoring the possibility that trafficking victims may refuse to return to their home countries out of fear of retribution from their traffickers.

Bali Process: Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (27–28 February 2002; 28–30 April 2003)

The Bali Process concerned regional and international cooperation on policy issues and law enforcement (IOM 2004).

The framework goals of the Bali Process are:

1. To develop and strengthen regional smuggling, trafficking and related legislation;
2. To improve regional cooperation in law enforcement, information and intelligence exchange;
3. To strengthen national capacities to reduce smuggling and trafficking and related transnational crimes;

4. To develop more effective information- and intelligence-sharing arrangements within the region to obtain a more complete picture of smuggling and trafficking activities and other forms of illegal migration;
5. To improve the cooperation of law enforcement agencies to enhance deterrence and to fight against illegal immigration networks;
6. To enhance cooperation on border and visa systems to improve the detection and prevention of illegal movement;
7. To increase public awareness of the facts of smuggling and trafficking operations to discourage those considering illegal movement and to warn those susceptible to trafficking, including women and children.

After 2003, a series of concrete activities were pursued, including the establishment by IOM of a Bali Process website (www.baliprocess.net). Used initially to provide basic information, the website is now being developed as a capacity-building tool, incorporating model agreements and operational information. It also helped to organize a workshop among law enforcement agencies, developed by the Australian Federal Police, focusing on cooperation in identifying and targeting key smugglers and traffickers in the region (Governments of Japan, New Zealand and Australia 2008). The Process also created concrete activities to train law enforcement officials in the region on means for enforcing immigration control, arresting and prosecuting traffickers, processing asylum seekers, setting procedures for returning trafficking victims, and gender sensitivity. Like the ARIAT, the Bali Process is also largely focused on law enforcement, and does not set standards for the protection of trafficking victims' rights.

Other activities undertaken after 2003 (Governments of Japan, New Zealand and Australia 2008) include:

1. The holding of two legislation workshops in Malaysia for regional immigration, police and justice officials. These resulted in the development by Australia (Attorney-General's Department) and China of model legislation to criminalize people smuggling and trafficking (to enable police investigations, prosecutions and extraditions) which has subsequently been used by many regional countries in the development of their own legislation;
2. A law enforcement and travel document fraud workshop in China, including training by the Bangkok-based Immigration Control Experts (ICE) team, represented by Australia and the United States;
3. Two workshops run primarily by the UN refugee agency (UNHCR) in Thailand and Fiji, respectively, on best practice procedures for determining the status of asylum seekers and on balancing a country's right to determine who enters its territory with the right of victims

of persecution or violence to seek and receive protection in other countries;

4. A people trafficking/public awareness workshop in the Republic of Korea run jointly by the Korean Justice and Gender Equality ministries;
5. A workshop developed by the Department of Immigration and Multicultural and Indigenous Affairs (Australia) (DIMIA) on identity management and document fraud in Thailand, resulting in the development of best practice guidelines for the initial establishment of identity, mechanisms for coordinating regional training, and support for a regional approach to information-sharing on documentation, lost and stolen passports and persons of concern;
6. A bilateral returns workshop in Perth, developed by DIMIA and run jointly with the regional Budapest process, resulting in an agreement to contribute draft paragraphs for governments to draw on in developing bilateral return agreements, and the development of a checklist of issues to be addressed in the return of illegal migrants; and
7. A workshop among law enforcement agencies, developed by the Australian Federal Police, focusing on cooperation in identifying and targeting key people smugglers and traffickers in the region.

Coordinated Mekong Ministerial Initiative against Trafficking

The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT; UNIAP 2007) is a collaborative effort between governments and non-government actors in the Mekong region aimed at achieving a comprehensive approach to human trafficking. COMMIT zeroes in on the rights of victims, as central to all elements of counter-trafficking, including law enforcement and criminal justice. It recognizes the need for increased efforts in enforcing labour laws and the monitoring of labour recruitment companies and mechanisms. By addressing the key elements of the trafficking response – prevention, prosecution, protection and policy – this sub-regional initiative strives to set measurable policy and programmatic targets that meet international standards.

An evaluation of the first COMMIT Sub-regional Plan of Action (2005–2007) highlighted the following selected achievements (UNIAP 2007):

1. A comprehensive training course on human counter-trafficking for government and non-government officials, providing state-of-the-art information delivered by recognized experts in the field; the course has also been translated into the six languages of the Greater Mekong Sub-region (GMS) and localized for maximum relevance;

2. The development and strengthening of National Plans of Action and bilateral cooperation mechanisms in and between many of the six GMS countries, with sound monitoring and evaluation frameworks;
3. Regional guiding principles on victim protection and labour recruitment, setting an international standard for all GMS national and cross-border mechanisms handling trafficked persons and migrants; and
4. Observable improvements of national legal frameworks and the criminal justice response to human trafficking, as it is practised on the ground to protect trafficked persons and bring offenders to justice.

Members of COMMIT, such as China, have reported that the regional workshop among the COMMIT countries triggered their recognition of the need to develop their first National Plan of Action on Human Trafficking (Humantrafficking.org 2006). It is also interesting to note that Myanmar recently passed a new national law on trafficking in persons, which incorporates victim protection at its core. Meanwhile, Laos and Thailand reported on an innovative, new bilateral arrangement between the two countries to use information from the community to trace actual missing persons in Thailand and use existing repatriation mechanisms to return them home safely. Moreover, Cambodia has been leading the way in promoting child-safe tourism and reported on their strengthened law enforcement response. Similarly, Vietnam has been moving forward on implementing its national plan of action on human trafficking, while also recognizing the need to strengthen its capacity in the area of repatriation and reintegration (HumanTrafficking.org 2006).

COMMIT is certainly comprehensive in terms of the scope of actors involved in addressing trafficking. Aside from national officials, local officials, law enforcement officials and non-government organizations are also involved in fighting trafficking.

The sharing of national plans and the provision for evaluation of these plans provides a better feedback loop to ensure that policies are working. However, according to Neth Naro (2009), the key weakness in this framework is the lack of long-term support for returning trafficking victims. As many of these victims sought to work abroad to earn a better livelihood, the continuing lack of opportunities at home drive many to try to migrate illegally again.

Latest proposed framework: ASEAN Convention on Trafficking in Persons

This idea was proposed in 2007 in a joint communiqué of the Sixth AMMTC at Bandar Seri Begawan, 6 November 2007. Thus far, the SOMTC and the Working Group on Trafficking in Persons have been tasked to study the possibility and usefulness of a convention on traffick-

ing. However, a concrete plan has yet to emerge for the ASEAN TIP Convention (Renshaw 2009). There is also no telling how binding the Convention will be on ASEAN member countries.

Beyond ASEAN

Inter-regional frameworks

While not strictly classified as legal frameworks, these agreements and the activities subsumed within them also contribute to fighting human trafficking in the Asia-Pacific region.

The ASEAN Regional Forum (ARF) and the Asia-Europe Meeting (ASEM) have allowed representatives from Asia and Europe to meet and consult one another on solutions to regional and global problems (Emmers, Greener-Barcham and Thomas 2006: 502). With regard to human trafficking, the 2001 ARF Experts Group Meeting declared that undocumented migration was a security concern in the region, and encouraged ASEAN members to sign the UN Convention against Transnational Organized Crime and its related protocols (the Trafficking Protocol and the Protocol against the Smuggling of Migrants by Land, Sea and Air). A 2002 ASEM Seminar on Promoting Gender Equality to fight human trafficking set recommendations on policy coordination, law enforcement and protection of trafficking victims. A further meeting in 2003 illustrated that awareness of trafficking had reached the leadership level of both the ARF and ASEM. However, human trafficking was discussed as just one problem among many, including transnational crime and the negative effects of globalization.

ASEAN has also pursued partnerships with Northeast Asia, though most of these agreements remain informal and consist mostly of agreements on principles rather than any direct policies. ASEAN + China initiatives include the Sixth ASEAN-China Summit (2002) that resulted in a joint declaration on non-traditional security issues. It also established a commitment to undertake information exchanges, joint research and practical initiatives. This was bolstered by a Memorandum of Understanding between ASEAN and China which included cooperation on law enforcement practices and operations. ASEAN + Japan cooperation has no formal or informal working groups that deal specifically with trafficking, though the ASEAN-Japan Joint Declaration for Cooperation on Human Trafficking strengthens immigration controls and has a commitment to address socioeconomic disparities between developed and underdeveloped areas. ASEAN + South Korea cooperation is limited to the ASEAN+3 Ministerial Meeting on Transnational Crime. There is little that ASEAN and the +3 meetings do that directly addresses human

trafficking. This is linked to the fact that ASEAN is an umbrella institution with few enforcement mechanisms. Most of these declarations simply state common goals (Emmers et al. 2006: 503).

The South Pacific has few regional mechanisms for dealing with human trafficking, due to its geographical circumstances and because the political fragmentation of the region has impeded regional cooperation (Emmers et al. 2006: 500). Among the informal arrangements, those that remain active include: the Pacific Islands Forum (PIF), which serves as an “issues and awareness group” that advances proposals for change and identifies best practices; the Informal Working Group on Border Management Issues; and the Pacific Islands Chiefs of Police, which has started to develop advance passenger information systems within and across the Pacific. Cooperation among the Pacific nations has been hampered by the lack of infrastructure for immigration controls, and the fact that some countries do not require visas for entry. Forged passports are also a problem in the region. The Pacific Transnational Crime Coordination Centre is one concrete initiative to address the lack of infrastructure and institutional capacity to manage migration and human trafficking. It is an Australian Federal Police-led initiative that facilitates information and intelligence sharing, and assists transnational crime units that train border control specialists. Pacific countries, while still developing formal regional institutions to fight human trafficking, are pursuing more targeted policies. However, there is little sustained dialogue between the PIF and other regional bodies, despite cooperation between individual nation-states.

Conclusion

The Asia-Pacific region differs from Europe or North America in that it is not dominated by a single hegemony or regional organization to facilitate transnational and supra-national coordination. However, the existence of both formal and informal legal frameworks for managing trafficking indicates that the region is beginning to develop more permanent institutions to deal with serious problems such as human trafficking. While these regional frameworks are still in their infancy, it is hoped that they will increase awareness of the severity of this transnational problem. To be sure, these frameworks need to be matched by more specific and mandatory agreements to ensure that common standards of prosecution and protection are eventually established. But while efforts associated with the current array of frameworks may focus more on the former, the protection of the rights of human trafficking victims should not be forgotten, as state-focused measures fail to adequately address the human security needs of these individuals.

Civil society and media responses to human trafficking

Human trafficking represents one of the gravest violations of human rights. It is a violent assault on human security and is shockingly widespread. International law is now remarkably complete in proscribing human trafficking. The UN Trafficking Protocol came into force in 2003. Regional treaties in Africa, Asia, Europe and the Americas have begun to fill out the international legal regime. As in other elements of the human security agenda, the challenge now is to enforce recognized law and accepted norms against human trafficking. Accomplishing these necessary reforms means addressing the roots of human insecurity: poverty and marginalization, social and cultural disadvantage (especially the disadvantages borne by girls and women), legal inequities (including barriers to protection and redress in local justice systems) and the risks of violent political unrest.

The very complex nature and manifold dimensions of human trafficking require a concerted and synergic response by various actors. What is appropriate is an integrated and holistic response by a host of international and national agencies including law enforcement officials, agencies concerned with justice delivery, social welfare and development, as well as civil society organizations (CSOs), the media, academics and so on.

What efforts are made by non-governmental organizations in combating human trafficking?

Anti-trafficking programmes undertaken by the full range of stakeholders and activists is built around the framework as presented in Fig. 6.1. Anti-trafficking programmes can be roughly categorized into three areas: prevention, interception/rescue and reintegration.

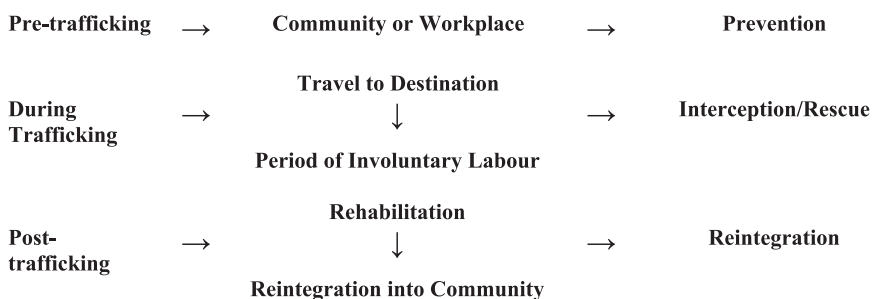


Figure 6.1 Trafficking programming framework.

Source: Adapted from Naro (2009).

Prevention programmes

Raising awareness about trafficking in persons and sensitization of the issue has been one of the central concerns of NGOs. The assumption behind disseminating information to prevent trafficking is that people who are trafficked are under-informed about the risks involved in migration or the potential risks involved in accepting informal offers of employment away from home.

Therefore, community-based poverty reduction programmes play an important role in trafficking prevention, particularly if those already identified as at risk are included. Increasing the livelihood options for those with few resources (particularly women) is vital to ensure that the most vulnerable are able to withstand shocks such as natural disasters, forced resettlement and so on.

Interception/rescue programmes

This is by far the most important mission of NGOs. NGOs play an active role in rescuing victims from forced labour and brothels. If victims are rescued before they have been exploited too severely, their chances of being accepted back into their communities is much higher, if that is the choice of the victim. This tactic also means the traffickers can be identified and cases pursued immediately.

Recovery programmes for trafficked persons include providing safe shelter, medical treatment, psychological counselling support, formal and non-formal education, and recreational and vocational training in various trades.

Reintegration

NGOs have declared various reintegration policies to help trafficked victims start a new life. A primary requirement for long-term rehabilitation, and to prevent trafficking, is to have an alternative source of income along with the acquisition of skills and basic capacity-building through education.

As financial institutions and other organizations providing micro-finance and other livelihood support initiatives do not usually target trafficking survivors, information and frameworks to assist this type of targeting need to be developed and passed on to these institutions so they may facilitate more effective reintegration, for example, by providing seed money to initiate enterprises for survivors of trafficking.

Civil societies and NGOs involved in the fight against trafficking can be broadly grouped into two categories: national/local NGOs and regional/international NGOs. See Appendix (Table 6A.1) for some examples of CSOs and NGOs that have been actively involved in this fight,

specifically in the Asia-Pacific region. Table 6A.2 provides a list of some of the important CSOs and NGOs working at regional and international levels to prevent human trafficking, protect its victims and prosecute the traffickers.

Generally speaking, it is difficult to strictly classify NGOs according to the type of activity that they carry out (i.e. prevention-oriented, interception/rescue-oriented or reintegration-oriented). Very often NGOs' responsibilities cut across all three areas. Further, very few NGOs claim to work strictly within one focus area.

Nonetheless, upon closer inspection, one can observe the following trends. International NGOs are more likely adopt prevention-oriented responsibilities. For example, Amnesty International is oriented towards the rights of people. It acts as a pressure group, seeking to influence governments and other institutions to adopt a certain course of action in order to prevent or end grave abuses of human rights. The same trend is also observed in other NGOs such as Anti-Slavery International, the Coalition Against Trafficking in Women-International, and the Global Alliance Against Traffic in Women. Local NGOs, on the other hand, are much more likely to focus on interception/rescue-oriented responsibilities.

The media

The news has the power to set public agendas, direct attention to particular issues, and, ultimately, influence how we think about those issues ... In short, [the news] is an important link between citizens and their government.

Franklin D. Gilliam, Jr⁵

The media sets the public agenda, which, in turn, sets the policy agenda. By structuring public discourse, the media determines our social priorities. The media has been characterized as the "fourth pillar" of democracy, alongside the legislature, the executive and the judiciary, and performs a watchdog role over the branches of government, with a powerful ability to control what is produced, distributed and therefore seen.

What role does the media play?

The media plays an indispensable role in education concerning the many manifestations of global human trafficking, presenting the problem in human terms and in all its painful detail. Yet media coverage is weak in many parts of the world. Some news media outlets are not yet aware of the trafficking phenomenon, or confuse it with other issues such as illegal migration and alien smuggling.

The media's role is most effective when it:

Illuminates the problem: By writing an article or airing a segment focusing on trafficking in persons, the media not only educates the public but also shines a light on an issue typically shrouded in darkness. We know of many cases, particularly in corrupt systems, in which scrutiny by international media has made the difference between a trafficker's release or imprisonment.

Provides a helpline: When the media prints or airs an item on trafficking, it is beneficial to include a local anti-trafficking helpline number and other assistance sources, for potential victims and community members who may want to get involved.

Shames the perpetrators: The media should identify traffickers and protect victims. Press accounts tend to focus on the victims. It is ethical and respectful for the media to protect victims by altering details of their identity and personal story. However, the media should identify and photograph traffickers; they deserve the limelight.

US Department of State (2005)

Trends in media reporting of human trafficking

Sensationalism, stereotypes and assumptions about the profile of victims of human trafficking and the circumstances of their exploitation often prevail over in-depth investigative journalism. In many instances, journalists and editors cannot tell the difference between illegal migration, prostitution and trafficking in women, and often are not sufficiently concerned about or aware of accurate definitions. This may not entirely be the journalists' fault. It is related more to the lack of consensual definition on human trafficking victims. The linkages between issues such as globalization, migration policies, marginalization and discrimination, as well as economic inequality and exploitation, are rarely explored.

The role of the media is weak in many parts of the world because the media is highly dependent on other factors such as the level of freedom within a particular country, free speech, and so on. Many countries do not have these enablers due to internal conflict or economic crisis. So in effect many cases of trafficking in many countries have gone unreported or undocumented.

All these factors have made the role of the media less successful than it could have been. However, the usefulness of the media is still not lost and it is believed that, given the proper policy, the media can play its rightful role and contribute to the fight against human trafficking in an important way.

The Internet

In recent years the Internet has emerged as a powerful tool for launching awareness campaigns.

Human rights organizations and NGOs are increasingly interested in employing video and other online tools to advance and strengthen their advocacy efforts.

Example: Witness

One such group is called Witness. Founded in 1992, Witness is an independent non-profit organization with its office in Brooklyn, New York, and human rights partners based around the world. It fights for the rights of indigenous people, for an end to systemic gender violence and the use of children as soldiers, and for environmental protection where human communities are at stake.

Witness uses video and online technologies to bring awareness to the world of human rights violations. Its videos have been used:

- to promote grassroots education and mobilization;
- to corroborate allegations of human rights violations;
- as a resource for news broadcasts;
- to catalyse human rights advocacy via the worldwide web;
- as evidence in court and quasi-judicial hearings;
- to complement official written reports of human rights abuses as a deterrent; and
- to prevent further abuse.

The reach of this campaigning tool is extensive. For example, Witness partner footage has appeared on major television networks around the world, including CNN, ABC, CBS and PBS, and the BBC. It is carried by satellite networks and film distribution companies and has been featured at international film festivals. Witness also organizes like-minded coalitions to create powerful, wide-reaching campaigns.

Witness works with human rights groups through two initiatives: Core Partnerships, which are intensive 2- to 3-year collaborations built around specific issues, and the broader Seeding Video Advocacy, which consists of shorter-term training initiatives conducted worldwide.

The Seeding Video Advocacy initiative is Witness's response to the overwhelming demand for training in the use of video for human rights and social justice advocacy. Video advocacy is an innovative concept, using video as a change-oriented tool for human rights advocacy. Witness provides short training sessions to organizations and networks and aims to stimulate wider and more effective use of video in advocacy efforts worldwide, alongside other advocacy tools such as litigation, research, organizing and monitoring.

While these techniques are essential to secure government accountability, video can serve as a powerful complement to more traditional methods, and Witness's experience proves that it substantially magnifies the impact of its

partners' advocacy. Moreover, powerful images and stories have an unrivalled candid authority that can help prompt awareness, concern and action. (www.witness.org)

Example: humantrafficking.org

The organization humantrafficking.org has a website of resources for combating human trafficking, arguably one of the best online sources of information on this subject.

The website came out of the Asian Regional Initiative Against Trafficking (ARIAT) meeting in 2000, and other international initiatives, whose participants proposed to promote cooperation and partnership among their governments, NGOs, international organizations, the private sector and CSOs on the prevention, protection, reintegration and prosecution aspects of trafficking in persons. It was further suggested that countries should build regional cooperation networks, including cooperation through the Internet, to combat the issue of human trafficking.

This led to support for the website from the US Department of State between 2001 and 2008. Its purpose is to bring together governments and NGOs in East Asia and the Pacific in a cooperative effort to learn from each other's experiences in combating human trafficking.

The website contains country-specific information such as national laws and action plans and contact information for relevant governmental agencies. It also has a description of NGO activities in different countries and their contact information. The coverage spans mostly the Asia-Pacific but is not limited to this region.

Online documentation centres

Most organizations host their own online documentation centres to promote their campaign and to reach out to a wider audience. For example, the Coalition Against Trafficking in Women (CATW) has created its own online documentation centre. Through this centre, it hopes to achieve the following:

- To disseminate the philosophy and mission of CATW, its publications, statements, speeches, factsheets, testimony to governmental committees, services for survivors of prostitution, campaigns, policies and organizations linked to CATW;
- To distribute information on sex trafficking and prostitution from different parts of the world, including country-specific information;
- To provide various resources in different languages to make the website more accessible to those outside English-speaking countries; and
- To make available groundbreaking articles, reports and videos on prostitution, trafficking and the global sex industry.

Table 6.8 Press freedom in Southeast Asia, 2007

Global rank	Country
85	Cambodia
94	Timor-Leste
100	Indonesia
124	Malaysia
128	Philippines
135	Thailand
141	Singapore
161	Laos
162	Vietnam
164	Myanmar

Source: Reporters Without Borders (RSF) (2007).

Note: The survey covers 169 countries. Brunei is not ranked due to lack of data.

Challenges to the media: Impact on the fight against human trafficking

Lack of freedom

At least in the context of Southeast Asia, the media is not completely secure and is still the target of accusations whenever there are situations of political, economic and social turmoil. The threats to media freedom in Southeast Asia are not only physical threats. They also take the form of advertising pressure, closure of newspapers, control through ownership, and the corruption of journalists. Table 6.8 is a ranking of Southeast Asian nations according to their degree of press freedom.

In early 2009, the Thai cabinet approved draft legislation for several media laws, including a “cyber-crime” bill, a film and video bill, and a radio and television broadcasting bill. In addition, proposals call for the integration of the two largest telecommunication authorities: the National Telecommunication Commission and the National Broadcasting Commission. Media scholars and activists oppose this integration, fearing that it would allow a single governmental body to control the country’s entire telecommunications and media industry.

The media in Southeast Asia are owned by companies linked to political parties. This restricts media freedom as governments exercise control over them through ownership. Any reports critical of governments and their policies are effectively clamped down upon, as has happened in Malaysia and Thailand, for example. Uncovering human trafficking issues might not be good for the government and this can affect media coverage of those issues.

Commercialization of the media

For all practical purposes, media production is a business and must make a profit. Even the so-called “public” media – public television and public radio – have to raise money to survive. This impinges on content, techniques and distribution of news. The drive to secure high ratings has led many media agencies to shift their focus away from human trafficking unless, of course, the story is sensational.

New recommendations for the media

The media is a powerful tool in influencing public opinion and raising awareness. With that power comes the responsibility of providing accurate information to the public.

The Vienna Forum Report of the UN Global Initiative to Fight Human Trafficking (UN.GIFT 2008b)⁶ made a number of important recommendations to help ensure that the media becomes a positive and powerful ally in fighting human trafficking:

1. Authorities and civil society engaged in fighting trafficking in persons need to maintain regular contact with the media in order to improve coverage of the issues and increase reporting from fresh angles. Emphasis was also placed on the usefulness of NGOs as partners in ensuring fair and balanced reporting.
2. Training and awareness-raising among journalists, in particular in countries where the media are still at a nascent stage of development, are important in generating deeper understanding of the issue and in ensuring that victims are not further harmed as a result of inappropriate reporting.
3. A broader awareness of existing guidelines for journalists when dealing with human trafficking is necessary. Panellists suggested that a comprehensive international code of conduct could be useful.
4. Monitoring of the media could help identify gaps in comprehensive coverage and help devise strategies to fill those gaps.
5. Follow-up stories are important to provide a full picture of human trafficking.
6. UN.GIFT should continue to promote dialogue and foster cooperation among stakeholders in order to ensure that the media report on the issue comprehensively and fairly, while at the same time safeguarding victims and those who provide assistance to victims.

Conclusion

This section discussed the key roles that non-state actors – CSOs and the media – have and should continue to play in the joint effort to address

the scourge of human trafficking. As discussed in the previous section, since most of the efforts in combating human trafficking are undertaken at the state level, and may often have limited impact in addressing the human rights and human security issues of the victims of human trafficking, it is important that there is increased recognition of the vital role played by these non-state actors in combating trafficking.

As noted above, CSOs and NGOs are not only involved in delivering services to many trafficked persons, but are also able to bring alternative voices to the table, for example those of trafficked persons. Governments should consider them as equal partners and the levels of consultation should be increased. In the case of Southeast Asia, NGO direct involvement in any task force or committee set up to implement regional trafficking conventions is vital.

Freedom of the media should therefore be encouraged. NGOs and the media should commit to greater collaboration. They are mutually dependent. The media cannot possibly operate freely in the absence of a healthy civil society, while a healthy civil society without a free media is unimaginable. This underpins the importance of transparency and the underlying factor of a healthy democratic system. Democracy and greater public participation will pave the way for the healthy participation of civil society and the media.

Summary and conclusion

Human trafficking is a transnational crime that undermines the human security of all societies. But while there is indeed increasing awareness of the severity of the problem, much of the responses to combating human trafficking have been state-centric, and are focused more on criminalizing the act rather than seeking more protection for the victims of human trafficking. The privileging of state security over human security in the fight against human trafficking is increasingly being criticized as more actors – especially CSOs and NGOs – become involved in providing a more comprehensive and human security approach to the problem.

In Asia, unofficial transnational (“track-two”) networks that work closely with governments, such as the Council for Security and Cooperation in the Asia-Pacific (CSCAP), are examples of those actors who provide much-needed policy inputs to state officials by attempting to fill the gap between state and human security. In this regard, the 2007 CSCAP Memorandum on Human Trafficking merits special mention, if only to highlight how non-state actors can play a critical role in this complex problem. The CSCAP report identifies the main obstacles to implementing effective responses to human trafficking. These include, among others:

the lack of understanding about trafficking within and between countries; contradictory attitudes surrounding migrant labour and the sex industry; public sector involvement and complicity in trafficking; low capacity for cooperation across national borders as well as between different national agencies; and a failure to recognize the importance of victim support (CSCAP 2007).

Against these obstacles, most of the key CSCAP recommendations notably provide a much more balanced perspective. While clearly highlighting the importance of regional cooperation in fighting this transnational crime and underscoring the need for effective legislation, CSCAP (2007) also recommended that:

- Governments establish standard operating procedures that give special assistance, support and protection to the victims of human trafficking;
- A regional campaign be initiated by the ASEAN Regional Forum with regional NGOs to promote public awareness, including in destination communities;
- Educational modules for schools be developed by governments and NGOs; and
- Governments further develop links with NGOs and civil society.

Such recommendations are indicative of the push to move away from the so-called securitization and/or criminalization approach to human trafficking to a much broader human security discourse that integrates human rights protection. It is argued that, unless the problem of human trafficking is framed within this broader framework of threats to human security, national and global responses to human trafficking will remain inadequate. The complexity of the challenge of human trafficking makes it difficult for the problem to be tackled by any one actor (the state), or by focusing only on one particular aspect of the issue – sexual exploitation or forced labour. The human security approach compels those engaged in combating trafficking to delve deeper into the political, social and economic context within which the problem occurs and will hopefully allow a better understanding and addressing of the root causes of trafficking. Hence, human security provides the framework enabling integration of the so-called “3 Ps” of human trafficking: prevention, protection and prosecution. This kind of approach requires no less than the active participation of both state and non-state actors.

Appendix

Table 6A.1 Selected list of CSOs and NGOs in the Asia-Pacific that have been actively involved in addressing human trafficking

Location	Organization	Aims and objectives	Anti-trafficking programme
Thailand	<p>Child Workers in Asia Foundation (CWA), established in 1985, is an association of over 78 NGOs working on child labour in 11 countries. It facilitates sharing of expertise and experiences between NGOs and strengthens their collaboration to jointly respond to the exploitation of working children in the Asia region</p> <p>The Global Alliance Against Traffic in Women (GAATW) is an alliance of more than 100 NGOs from across the world. The GAATW International Secretariat is based in Bangkok, Thailand, and coordinates the activities of the Alliance, collects and disseminates information, and advocates on behalf of the Alliance at regional and international level</p>	<p><i>Mission and Vision Statement</i> To strengthen the roles of NGOs and generate the voice of working children</p> <p>GAATW conceptualized the phenomenon of human trafficking in the context of labour migration. Therefore, it:</p> <ul style="list-style-type: none"> • promotes and defends the human rights of all migrants and their families against the threat of an increasingly globalized labour market; • calls for safety standards for migrant workers in the process of migration and in the formal and informal work sectors – garment and food processing, agriculture and farming, domestic work, sex work – where slavery-like conditions and practices exist; 	<p><i>Core Programme: Prevention</i> Priorities:</p> <ul style="list-style-type: none"> • Bonded child labour • Child domestic work • Internally migrant and trafficked children • Education and child labour • Children working in agriculture • Children in armed conflict with focus on children as zone of peace • Mainstreaming children's participation • Research, documentation and information dissemination (RDID) <p><i>Core Programme: Prevention (advocacy)</i> The main role of the GAATW-IS is advocating for a human rights-based approach to trafficking and supporting Alliance members in their work. As such, its activities focus on:</p> <ul style="list-style-type: none"> • gathering, analysing and disseminating information among members; • coordinating collaborative projects among members, carrying out relevant research and analysis on trafficking and migration trends; and • advocating regionally and internationally for the protection of the rights of trafficked and migrant persons

Table 6A.1 (cont.)

Location	Organization	Aims and objectives	Anti-trafficking programme
		<ul style="list-style-type: none"> • is committed to effecting change at the local level through its members and allies, and internationally through the work of the International Secretariat and GAATW's special consultative status to the Economic and Social Council (ECOSOC) of the United Nations 	
	FACE (Fight Against Child Exploitation) was founded in 1990. It works at the national, regional, and international level	<ul style="list-style-type: none"> • Advocacy for policy and legislative change • Monitor Thailand's legal and justice mechanisms • Obtain justice regarding sexual crime matters, and in some cases obtain compensation for victims from their abusers 	<p><i>Core Programme: Reintegration (justice seeking)</i></p> <p>Monitoring, lobbying and campaigning</p>
	ECPAT International (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) is a network of organizations and individuals working together to eliminate the commercial sexual exploitation of children	<p>ECPAT seeks to encourage the world community to ensure that children everywhere enjoy their fundamental rights free from all forms of commercial sexual exploitation</p>	<p><i>Core Programme: Prevention</i></p> <p>Care and protection; child and youth participation; combating child sex tourism; combating child trafficking; preventing exploitation of children through the Internet and ICTs; and promoting legal reforms</p>

Mekong Regional Law Centre (MRLC), established in June 1994, is a non-profit association of the legal communities of Cambodia, Lao P.D.R., Thailand and Vietnam to promote the rule of law, encourage sustainable socioeconomic development and facilitate the process of legal development within the countries of the region

Australia

Child Wise is Australia's leading child protection charity working in Australia and the Asia-Pacific region to prevent child abuse. Formed in 1993 as ECPAT Australia, it remains as the Australian representative of ECPAT International

The goals of MRLC are: promote public consciousness of legal rights and responsibilities and to encourage respect at all levels of society for the rule of law; foster prosperity and economic growth within the region and attract investment into the region; and assist and contribute to the process of legal development within the countries of the region

To protect children from sexual abuse and exploitation in Australia and overseas by providing direct assistance and support; raising awareness and educating the community; building the capacity of communities to protect children; responding to new risks to children; and reducing the impact of child sexual abuse and exploitation

Project Respect is a non-profit community-based organization that aims to empower and support women in the sex industry including women trafficked to Australia. Established in 1998, it began as a direct service conducting outreach and offering support to women in the sex industry across Victoria

Core Programme: Prevention (legal)
The MRLC is a member of the Thai Subcommittee on Combating Transnational Trafficking in Children and Women, and is a member of the UN Working Group on Trafficking in Women and Children in the Mekong Sub-region. This working group helps provide technical support and advice in the management of the UN Inter-Agency

Core Programme: Prevention and reintegration

Prevention: Direct assistance and support; awareness raising and education; building community capacity; and respond to new risks

Reintegration: Reduce the impact of abuse

Core Programme: Reintegration

- Outreach to brothels in Victoria, holistic support and individual counselling
- Referrals and information regarding services for health, housing, the law, child custody, domestic violence, drug and alcohol, and other issues
- Emergency accommodation and ongoing support for women who have been trafficked

Table 6A.1 (cont.)

Location	Organization	Aims and objectives	Anti-trafficking programme
Philippines	<p>Childhope was founded in 1986. In 1995, it officially became Childhope Asia-Philippines</p>	<p>The principal purpose is to advocate for the cause of street children throughout the world. It works toward the liberation of the child from the suffering caused by working and living on the street. Its functions are research, advocacy, training, and to develop network, develop databank, and provide technical & financial assistance</p>	<ul style="list-style-type: none"> • Support for education and alternative employment pathways • Community development activities, including weekends away and advocacy training • Raising awareness within the community to help people understand the issues facing women in the sex industry • Specialized training to community organizations such as health centres, government agencies including the police • Advocacy to all levels of government – federal, state and local <p><i>Core Programme: Reintegration</i> Community Mobilization against Child Prostitution (Pasay and Caloocan Project): This project started in September 1994. It was initiated to reduce the incidence of child prostitution in Pasay and, more recently, in Caloocan City. The following are the project components: advocacy, prevention, protection, capability-building, and care and rehabilitation</p>

Japan

Japan Network Against Trafficking in Persons

(JNATIP) was born out of discussions at the International Symposium on “Trafficking of Women to Japan”, held in Tokyo in January 2003

JNAATIP is a network of NGOs, lawyers and academics, which is aiming to formulate effective laws concerning the prevention of trafficking in persons, victim relief and the punishment of perpetrators. As of April 2005, JNATIP has 27 associated groups and more than 100 individual members. Its goals are: to formulate effective laws concerning the prevention of trafficking in persons; victim relief and the punishment of perpetrators; and to promote an effective legislation that is capable of fulfilling the above objectives

Core Programme: Prevention (lobbying)
The three main activities of JNATIP are: investigative research on trafficking victims in Japan; lobbying for the proposal and establishment of laws, including the support and protection of victims; and campaigning to raise public awareness of the problem of human trafficking

Cambodia

Coalition to Address Sexual Exploitation of Children in Cambodia (COSECAM),

established in 2001, began with three members but has since grown to include 22 member organizations.

It is a local NGO coalition in Cambodia advocating and working to assist children in need, particularly those who are abused, exploited or maltreated

Core Programme: Reintegration

- Advocacy Programme: Child Victim Empowerment (CVE) or Girls Speak Out (GSO) Project; The Coordinated Case Management of Victims of Exploitation (CCM) Project; and Child Protection Regulation (CPR) Project.
- Research Programme: Identifies, conducts and publishes useful research reports covering child trafficking and exploitation issues in Cambodia.

Table 6A.1 (cont.)

Location	Organization	Aims and objectives	Anti-trafficking programme
United States	Asian Women's Shelter (AWS) Established in 1988, AWS provides immediate crisis services and connects domestic-violence survivors and children to legal, medical and long-term services		<ul style="list-style-type: none">• Institutional and Human Resource Development Programme (IHRD): psycho-social training; management training; and integrated child issue programming (ICP).• Rehabilitation and Reintegration Programme (R&R): Victims of Trafficking Vocational Training Fund (VTF) Project; and Economic Development Support to Vulnerable and Trafficked Persons (EDVP) Project.• Creating a Legal and Sustainable Environment for Trafficked Human Beings From & In Cambodia (CETHCam) Project: strengthening of the institutional framework; capacity building and empowerment; and protection, recovery, rehabilitation & reintegration.
			<p><i>Core Programme: Reintegration</i></p> <p>The services offered at Asian Women's Shelter are: direct services shelter; community building through outreach programmes; volunteer and intern training; and resources and referrals to other agencies and organizations for ongoing support</p>

Table 6A.2 Regional and international CSOs and NGOs working on human trafficking

Area	Organization	Aims and objectives	Programme areas/activities
Regional	<p>Coalition Against Trafficking in Women (CATW)-Asia Pacific is an international network of feminist groups, organizations and individuals. The Coalition Against Trafficking in Women – Asia Pacific is part of CATW International</p>	<p>CATW-Asia Pacific aims to fight the sexual exploitation of women globally, bringing to international attention trafficking in women and girls, prostitution, pornography, sex tourism, and bride selling</p>	<p><i>The focus of CATW-Asia Pacific's activities is:</i></p> <p>To promote awareness on women's human rights and initiate action against global sexual exploitation and violence against women, particularly prostitution and trafficking;</p> <p>To lobby against sexual exploitation in all its forms in appropriate UN bodies and other international forums, and at regional levels;</p> <p>To promote research on the causes, patterns and impact of prostitution and trafficking in women;</p> <p>To help promote international solidarity and cooperation to combat sexual exploitation;</p> <p>To support survivors of trafficking, prostitution and other forms of sexual exploitation</p> <p><i>CATW's key focus areas are:</i> trade and labour, formal and informal economy, rights in conflicts and suppression, and migration and labour</p>
	<p>Committee for Asian Women (CAW) is a regional network, first established more than 30 years ago and now comprising 43 women workers member groups across 14 Asian countries.</p>	<p>CAW's mission is to support the self-empowerment of Asian women workers and the formation of movements to protect, advocate and advance their rights</p>	

Table 6A.2 (cont.)

Area	Organization	Aims and objectives	Programme areas/activities
	Childhope Asia-Philippines , established in 1989 with headquarters in Manila	Childhope is an international, non-profit, non-political, non- sectarian organization whose principal purpose is to advocate for the cause of street children throughout the world. It works toward the liberation of the child from the suffering caused by working and living on the street	<i>Childhope's priorities are:</i> Research: Facilitating and/or conducting research, for example situation analysis/ case studies and evaluation on street children Advocacy: Advocacy concerning the plight of street children who work and live on city streets Training: Conducting regional and country level workshops, training seminars and field study visits amongst staff and volunteers of street children programmes Network: Establishing a global network to provide the opportunity for programs which work with street children to communicate among themselves and gain access to information, technical assistance and other resources Database: Developing a databank of information on street children Technical and financial assistance: Coordinating and facilitating technical and financial assistance to projects working with street children or on preventive initiatives with their families and community

International

Save the Children is a leading international organization helping children in need around the world. First established in the United Kingdom in 1919, separate national organizations have been set up in more than 28 countries. Today, the 28 national Save the Children organizations participate in the International Save the Children Alliance, a global network of non-profit organizations working in over 120 countries around the world. Founded in Geneva in 1977, the Alliance relocated to London in 1997

Save the Children aims to improve the lives of children through education, health care and economic opportunities, as well as emergency aid in cases of natural disasters, war and conflict

Save the Children's programmes are in the following areas:

Economic: Helping families in developing countries attain economic security in order to provide a brighter future for their children

Education: Imparting quality education to the most vulnerable children – girls, ethnic minorities, and children affected by HIV/AIDS, wars and other catastrophes – in some 30 countries around the globe – from sub-Saharan Africa to the Middle East, to Eurasia, South and Central Asia, and Latin America

Emergencies: Protecting children in emergencies around the world by delivering quick assistance, often with local staff in advance of a disaster

Protection: Protection staff operate in a variety of emergency, conflict and crisis settings, working with governments and NGO partners to create policy and programmatic changes to enhance the protection of vulnerable children

Its technical resources cover a range of sectors, including: conflict, post-conflict and reconstruction settings; transitional settings; children in chronic crisis and acute emergency settings; child exploitation and exploitative child labour; and trafficking

Specifically, key target areas for protection programming include: exploited children, children affected by fighting forces (CAFF) and other vulnerable children

Table 6A.2 (cont.)

Area	Organization	Aims and objectives	Programme areas/activities
			<p>Key interventions include psychosocial well-being, community networks for protection, education programmes in emergencies, creating safe spaces, anti-trafficking programmes, developing national protection policies and child welfare reform, community mobilization and child-to-child interventions</p> <p>Health: Supporting health programmes in nearly 40 countries around the world through global networks of country offices and health professionals and in partnership with Ministries of Health, local and international NGOs. Priority programme areas include newborn and child health and survival, reproductive health (including family planning, safe motherhood, and adolescent health), HIV/AIDS, and school health and nutrition.</p> <p>Hunger and malnutrition: Mobilizing communities and partner organizations to address the root causes of food insecurity, targeting the most vulnerable, usually young children and their mothers. Working with children and their communities to develop their capacity to respond to and solve their most pressing food security problems</p>

The Global Alliance Against

Traffic in Women (GAATW) is an Alliance of more than 90 NGOs from all regions of the world. The GAATW International Secretariat (GAATW-IS) is based in Bangkok, Thailand, and coordinates the activities of the Alliance, collects and disseminates information, and advocates on behalf of the Alliance at the regional and international level

Founded in London in 1961,

Amnesty International is a Nobel Prize-winning grassroots activist organization with over 1.8 million members worldwide

The main role of the GAATW-IS is advocating for a human rights based approach to trafficking and supporting the Alliance members in their work

GAATW's activities focus on: gathering, analysing and disseminating information among members, coordinating collaborative projects among members, carrying out relevant research and analysis on trafficking and migration trends, and advocating regionally and internationally for the protection of the rights of trafficked and migrant persons

Amnesty International is focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, in the context of its goal of promoting all human rights

Amnesty International is focused on five areas: women's rights; children's rights; ending torture and execution; rights of refugees; and rights of prisoners of conscience. It undertakes research and investigates and exposes abuses as part of its aim of educating and mobilizing the public

CATW promotes women's human rights by working internationally to combat sexual exploitation in all its forms. CATW was the first international NGO to focus on human trafficking, especially sex trafficking of women and girls

CATW supports campaigns, programmes and projects in the following areas:
Measures to combat trafficking in human beings; Addressing gaps in current anti-trafficking programmes and policies by focusing on gender equality, the demand and the links between traffickers and prostitution

The Coalition Against Trafficking in Women-International

(CATW) is an NGO, founded in 1988. CATW obtained Category II Consultative Status with the United Nations Economic and Social Council in 1989

Table 6A.2 (cont.)

Area	Organization	Aims and objectives	Programme areas/activities
			<p>The prevention project: A multi-tiered project to prevent sex trafficking and sexual exploitation by developing best practices in several areas of the world</p> <p>Prostitution law reforms: To challenge acceptance of the sex industry, normalization of prostitution work, and to de-romanticize legalization initiatives in various countries</p> <p>Human rights advocacy: International presentations, trial testimony, congressional and parliamentary hearings, UN forums and international visitors' programmes</p> <p>Project to curb demand for prostitution: To combat sex trafficking and prostitution by discouraging the demand</p> <p>Human rights documentation projects: To conduct training sessions to inform and educate women's organizations on feminist research methodologies, counselling and para-legal skills, and the development of profiles on trafficking and prostitution in Asian countries</p> <p>Online documentation centre: To distribute information on sex trafficking and prostitution from different parts of the world, including country-specific information</p>

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Notes

1. See, for example, J. Juhasz, "Migrant Trafficking and Human Smuggling in Hungary", in International Organization for Migration, Frank Laczko and David Thompson (eds) *Migrant Trafficking and Human Smuggling in Europe* (Geneva: IOM, 2000); M. Okolski (2000), "Illegality of International Population Movements in Poland", *International Migration* 34(3); J. Salt (2000), "Trafficking and Human Smuggling: A European Perspective from Asia", *International Migration* 38(3); R. Skeldon (2000), "Trafficking: A Perspective from Asia", *International Migration* 38(3); all cited in J.K. Chin, "Human Smuggling in the Taiwan Strait", in Melissa Curley and Wong Siu-lun (eds), *Security and Migration in Asia* (London and New York: Routledge, 2008), pp. 100–120.
2. The United States had reservations which prevented it accepting the UN definition of human trafficking. Instead, the US has formulated its own definition.
3. Enterprises are broadly defined as institutional units, such as persons or groups of persons or other entities, in their capacity as economic production units.
4. See, for example, Rossy Verona, "Conquering Human Trafficking in ASEAN, RI", *Jakarta Post*, 25 February 2008.
5. Dr Gilliam is Dean of the UCLA School of Public Affairs and Professor of Public Policy and Political Science. He was the Founding Director of the Center for Communications and Community at the University of California, Los Angeles. He has consulted on a wide range of projects for national foundations (e.g. Kellogg, Gates, the California Endowment, Annie E. Casey, Rockefeller, the Suzuki Foundation) and organizations (e.g. Prevent Child Abuse America; National Scientific Council on the Developing Child, National Governors Association), makes frequent public appearances on national and international news programmes (e.g. CNN, NBC Nightly News, BBC) and has been quoted widely in the print press (e.g. *New York Times*, *Washington Post*, *Los Angeles Times*, *Newsweek*, *Black Enterprise*).
6. UN.GIFT's report, *The Vienna Forum Report: A Way Forward to Combat Human Trafficking*, describes the discussions, activities and accomplishments of the Vienna Forum to Fight Human Trafficking, held in Vienna, 13–15 February 2008. Twenty-eight panels, workshops, special sessions and side events were held as part of the Forum with a view to exploring the themes of vulnerability, impact and action and to offer an opportunity for dialogue on preventing and combating trafficking in persons.

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7

Synopsis: Cross-border governance and the challenges of globalization

Christopher A. McNally

Globalization in our changing world

The contributions in this volume highlight that issues in cross-border governance are generated and constantly reshaped by the forces of globalization. These dynamics are of relatively recent historical origin, but are certainly not new. Both globalization and the nation-state system that defines modern borders emerged in the sixteenth and seventeenth centuries in Europe. To the present day the Westphalian concept of sovereignty based on territoriality and the exclusion of external actors from domestic authority structures shapes the nature of inter-state relations. Modern-era globalization, in the sense that it goes beyond trading and caravan routes such as the Silk Road, is also about 400 years old. It began to emerge around 1602 when the Dutch East India Company became the first multinational joint-stock corporation in history.

Globalization and the nation-state system have of course evolved considerably over past centuries. The dynamics of capitalist political economies – relentless capital accumulation, marketization, commodification, pluralization and institutionalization – have reconstituted how states, corporations, markets and social interests interact. The origins of our present era of globalization can perhaps best be traced back to the 1970s, when a combination of low economic growth and high inflation ushered in a major transition: the active role of the state in the economy was first questioned and then decried. Neoliberal free market ideology ascended.

Especially in Anglo-American capitalism, deregulation and privatization started to dominate state economic policy.

Globalization intensified further with the fall of communism in Eastern Europe and the Soviet Union after 1989, the opening of China to world trade and the execution of market-friendly reforms in Latin America, South Asia and Southeast Asia. As a result, a new global division of labour emerged, integrating distant locals in ever denser webs of production and distribution. World trade expanded rapidly as did international capital flows, the most significant facet of contemporary globalization (Simmons 1999). A global capitalist system shaped by free market ideology – the so-called “Washington Consensus” – began to reach more people and places than ever before.

Although contemporary globalization is being driven by the extension of capitalist dynamics into the present era, its patterns have taken on a number of novel characteristics. To begin with, modern globalization patterns have seen quantitative change as flows of goods, services, finance, people and information expanded rapidly. Even more significantly, they have “displayed unparalleled qualitative differences – that is, in terms of how globalization is organized and reproduced” (Held et al. 1999: 425). Contemporary patterns of globalization when compared with earlier periods exhibit growing webs of institutional ties, social networks and supra-national bodies, all attempting to harness and manage the consequences of globalization.

The qualitative differences of modern globalization suggest that growing interdependence among nation-states could lead to the “unbundling” of national boundaries (Ruggie 1993) or even erode Westphalian notions of sovereignty (Camilleri and Falk 1992). However, processes of contemporary globalization are more complex than the “death of the nation-state”. As the contributions to this volume illustrate, nation-states and their governments remain at the centre of cross-border governance. The basic challenge is not so much to end the inter-state system as we know it, but rather to change government bureaucracies and notions of sovereignty to better face globalization’s problems.

Our present era has therefore generated a somewhat paradoxical corollary. As Kriesi et al. (2008) argue, the nation-state under globalization is being challenged both from above and from below. From above, new forms of international organization and supra-national cooperation are creating centres of policy-making and implementation that compete with those of established national governments. From below, a host of critical actors have emerged which contest the nation-state’s prerogative of managing cross-border relations. John Gillespie and Randall Peerenboom (2009) in analysing regulation in Asia find that local governments, courts and civil society groups are all having considerable influence on how na-

tional regulatory systems evolve. In addition, economic competition across borders and increasing cultural diversity has created new winners and losers. Zygmunt Baumann (1998) points out that under intensified globalization mobility becomes the most powerful factor of social stratification. Globalization has tended to increase the life chances of those with education, cultural adaptability and portable resources, such as high-tech skills. In turn, these new vectors of stratification have created new social cleavages and identities that often challenge established political actors and systems at the national level.

Increases in economic competition, cultural diversity and political competition between nation-states and supra-national or international organizations are all challenging the norms of the sovereign state. Nonetheless, political reactions to globalization are primarily focused on changing policies at the national level. Kriesi et al. (2008: 9) propose that “paradoxically, the lowering and unbundling of national boundaries render them more salient. As they are weakened and reassessed, their political importance grows.” There is thus a political paradox of globalization in that nation-states lose some of their problem-solving capacity with regard to cross-border economic and social policy arenas yet are faced with greater political demands from their citizenry to address the disparities, dilemmas and competitive dislocations generated by globalization.

Seen from a slightly different vantage point, the quantitative and qualitative changes brought on by globalization are raising fundamental questions about the nation-state system of human governance based on territorial borders. In this volume, Mike Douglass captures this aspect with regard to the mounting challenges arising from super-dams that are built without regard for downstream countries. In these cases, he argues, “the nation-state system of governance over extensive water basins becomes a serious threat to the integrity of riparian systems, not only in terms of human uses of water, but possibly even more to the downstream ecologies that depend on and support the integrity of rivers, lakes and aquifers”. Consequently, the boundaries of nation-states and their institutional demarcations are increasingly being questioned in terms of how they complicate problem-solving to ensure human development and ecological sustainability. Nevertheless, the vested interests of national governments often remain unwilling to cede sovereignty, while the arena within which the problems of globalization, social equity and ecological sustainability are politically addressed remains the nation-state.

Though not always explicitly stated, the political paradox of globalization is evident in several contributions to this volume. Indeed, cross-border governance provides an excellent analytical lens through which to explore the contemporary challenges of globalization. Following G. Shabbir Cheema’s definition in the introduction, cross-border governance

issues are here viewed as those governance issues “which cannot be resolved successfully by isolated policy action at the national or sub-national levels”.

Over the past two decades the concept of governance has evolved from a focus on public administration to a much broader notion. Governance is now seen as distinct from government and is based on the “ability to promote collective action and deliver collective decisions” (Dodgson, Lee and Drager 2000: 6). Accordingly, governance can be executed by a host of actors, including government bureaucracies, individuals, private companies and non-governmental organizations (NGOs). As the chapters in this volume attest, present-day cross-border governance expresses how the quantitative and qualitative changes brought on by rapid globalization have made issues which were previously defined as being chiefly of a domestic nature “cross-border”. Each nation-state now has to coordinate many of its actions with others and involve in governance stakeholders and actors that were hitherto excluded.

To analyse a broad spectrum of cross-border governance issues this volume takes a decidedly multi-sectoral perspective, focusing on five key areas: trade; water management; infectious disease surveillance and response; migration; and human trafficking. Since all five chapters analyse these sectoral areas in great depth, I do not attempt to render precise summaries of their findings. Rather, I attempt to delineate certain common threads or themes upon which each chapter touches. I begin by selecting several macro-dynamics that reflect major trends and currents of cross-border governance in Asia. I then explore the debates and challenges that surround cross-border governance in the region. Finally, I end with a summary of possible implications for policy. Hopefully, these suggestions can inform debates on how to better address the mounting challenges facing cross-border governance in our era of globalization.

Major trends and currents of cross-border governance in Asia

The expansion of global capitalist accumulation in our time has unleashed a number of economic, cultural, political and demographic trends that are unlikely to change in the short term. Contemporary globalization must therefore be seen as a long-term structural transformation that will mould each of the globe’s political economies. Asia, in particular, stands at the centre of this global transformation, as the political economies of this region are making rapid transitions from agrarian to industrial and even post-industrial societies.

First and foremost, Asia has grown more rapidly than any other region in the world over the past 30 years. As both a cause and consequence of this growth, Asia has seen a massive increase in cross-border flows of goods, capital and services. This has made the economies of the region much more interdependent and increased other cross-border flows, including flows of ideas, information, culture, people, resources and crime. Problems and challenges facing one nation now often have a rippling effect throughout the region. Whatever measure one government takes to address a cross-border issue has indirect effects on other nations, heightening the urgency and importance of creating shared and coordinated responses.

Rapid economic growth in Asia has further accelerated urban transitions, leading to very high urban-industrial growth rates that are far ahead of global growth rates. In turn, this has caused rapid demographic transitions and intensified use of resources, especially in the mega-urban regions that are fast becoming the region's centres of economic and political activity. Many areas in Asia therefore face some of the most striking environmental challenges in the world, while differing population growth rates and age structures have increased pressures for both inward and outward migration.

Evidently, the Asian region presents one of the most fascinating sites on the globe to study globalization and its effects on cross-border issues. However, as several authors note in this volume, analysing cross-border governance in Asia also poses challenges. Asia is one of the most diverse regions in the world. It incorporates some of the smallest countries, such as Brunei and Singapore, and some of the largest, such as China and Russia. It also encompasses extremely poor (e.g. East Timor) and very rich (e.g. Japan) political economies. Inevitably, this generates a wide range of cross-border governance challenges within very different contexts. One caveat is therefore that Asia's vast scope and cultural, ethnic, economic, religious and political diversity complicate any generalizations about cross-border governance issues.

Besides context, the nature and logic of governance challenges differ considerably within the region. Some problems are intrinsically defined by geography, such as issues of water management. Others have historical origins, including certain trading as well as migration and settlement patterns. Yet others are of a purely modern origin, defined by the modern nation-state system and globalization's spreading reach. Most, however, combine elements of all the above. Infectious disease surveillance and response, for instance, incorporates factors of geography, history, trade, migration, urbanization, the media, changes in animal husbandry methods and more.

I am therefore fairly cautious in elaborating generalizations regarding the nature of cross-border governance issues in Asia. Nonetheless, I attempt to delineate major trends and currents – common macro-dynamics – that are evident in each of the sectoral case studies. These dynamics are not subsumed under conventional headings, but rather characterized by intensification, contextualization and two types of increasing complexity. By employing these headings I try to capture the emergent properties that are shaping and resolving cross-border governance issues in Asia, including the changing nature of institutions, legal frameworks and stakeholders.

Intensification

The first and most obvious trend is the intensification of cross-border issues in terms of their scale, significance and impact. Intensification is most obvious in the enormous increases experienced by regional trade flows described in Taeho Bark's chapter. The intensification of cross-border flows, though, recurs as a theme in all chapters. Cross-border water management, for instance, has been shaped by what Mike Douglass terms "new mega-trends". These include globalization, more dams and infrastructure influencing water resources and flows, rapid urbanization, increased privatization of water management, and global warming and climate change. All of these trends are intensifying and interacting to change the shape of Asia's water systems. This is especially the case since Asia has on a per capita basis the lowest amount of water available of any continent in the world and is facing a rapid increase in water usage due to mounting industrialization and urbanization pressures. The result: mega-trends are intensifying conflicts over water. Intensifying conflicts that cross national, regional and ethnic lines, in turn, highlight the need for a cross-border approach that encompasses "mega-regions", such as the Mekong River Basin or most of Central Asia.

Similarly, the intensification of the scale, significance and impact of migration across the Asian region is stressed by Graeme Hugo. According to him, one of the most striking transformations in Asia over the last half-century has been the increase in population mobility. International mobility of one kind or another has now entered the choice set of a much larger proportion of Asian residents than several decades back. Rapid increases in population mobility are further reflected in Taeho Bark's analysis of international labour flows. In his view, demographic change will continue to be a major determinant of these flows. In particular, the "Asian youth bulge" is creating a cohort of knowledgeable adolescents and young adults desiring emigration opportunities. When combined with

modern developments in global communications, this will create ever greater pressures for skilled labour flows, especially from developing to developed economies.

As with migration, so have problems of human trafficking intensified. Mely Caballero-Anthony argues in this respect that globalization is creating a highly interconnected environment in which human trafficking has become pervasive and widespread. A recent study by the UN Human Rights Council notes that there are 2.5 million victims of human trafficking at any given time (*Sydney Morning Herald* 2009). In fact, Asia is reported to be home to the largest number of trafficking victims in the world. Intensification is also apparent in a facet of human trafficking that has received comparatively little attention: the rapid growth of a worldwide criminal industry that profits from trafficking and exploiting people.

Recent events concerning the spread of new disease vectors, especially “swine flu” and “avian flu”, have highlighted the potential for intensified disease transmissions around the world. As William Long notes, transmissions of both old and new infectious diseases are becoming more prominent due to dramatic increases in the global movement of people, animals and goods; growing population densities; and uneven public health systems. Put together, these create heightened vulnerabilities, which present grave security and humanitarian threats. Clearly, accelerating international flows of pathogens could seriously impact global economic and political stability. A state’s capacity, especially in weak states, could be overwhelmed and break down, impacting stability in its neighbourhood or globally.

Increasing disease transmissions are naturally a quintessential feature of the intensification of modern-day globalization and express both its pitfalls and benefits. Diseases ignore the political boundaries of the state and are by their very nature cross-border. Therefore, no government can successfully arrest the spread of an epidemic if it acts alone. Effective disease surveillance and response must incorporate cooperative responses that cross borders. This feature of controlling the spread of diseases, according to Long, crystallizes a positive feature of globalization. Threats of epidemics are quite effective in rallying cross-border support and often form starting points for inter-state cooperation. A positive side of globalization appears, since common perceptions of threats can create common responses, such as the quick mobilization of health professionals and medicines aided by new technological developments and the shared language of science and technology. In fact, the threat of epidemics has sometimes spurred traditional enemies to seek cooperative mechanisms that can reduce tensions over time.

Contextualization

A second macro-dynamic in cross-border governance issues elaborated here is that successful cross-border governance mechanisms all have incorporated some aspect of adaptability to their specific environment. Three chapters in this volume provide especially pertinent examples of how cross-border governance issues and their management are contextualized, that is, part of their context and adapted to their context.

In her chapter on human trafficking, Mely Caballero-Anthony asserts that the Asian region differs from Europe and North America since it is not dominated by one powerful country (the United States) or regional organization (the European Union) that can facilitate transnational and supra-national coordination. Asia's geopolitical structure therefore complicates coordination on cross-border issues to some extent. Nonetheless, both informal and formal legal frameworks for managing human trafficking have emerged in Asia. While still in their infancy, these frameworks indicate that the region is beginning to develop more permanent agreements and institutions. Adapting institutional and legal solutions from other world regions, though, will need to be carefully circumscribed. The norms and values of interaction differ in Asia, especially in terms of the principle of non-interference espoused by both the Association of Southeast Asian Nations (ASEAN) and China. Consequently, Asia faces a dual challenge: on the one hand, emergent frameworks must be strengthened by more specific and mandatory agreements to ensure that common standards of prosecution and protection are eventually established for human trafficking. On the other hand, these efforts need to be contextualized to the specific needs of human trafficking victims in the region. In particular, purely state-driven measures tend to insufficiently address the human security needs of individuals. Ideally, a combination of both top-down and bottom-up efforts can create effective context-driven solutions.

One example of such a contextualized solution is the Mekong Basin Disease Surveillance (MBDS) Network. Disease prevention requires a focus on preparedness and monitoring, including the rapid identification, sharing of information and coordinating of responses. The MBDS has to some extent been able to achieve success on these counts since it was not developed by fiat, but rather by working cooperatively in identifying and responding to difficult and sensitive problems. According to William Long, the MBDS evolved from the ground up, not from the top down. All members involved had leeway to define and act on problems identified and were not beholden to outside donors or remote bureaucracies. As a result of this bottom-up contextualized process, MBDS was able to develop over time certain norms that were drawn from regular communications and interactions, especially the collaborative practice of disease

prevention. Emergent norms include a shared sense of trust, even friendship, among members, consensual decision-making and, in general, equality among members. These norms have allowed MBDS to develop a sense of efficacy even though the MBDS Network's institutional structure has become more extensive over time. The MBDS is now involved in the creation of internationally accepted rules and protocols, and in providing financial and material support for emergency interventions within the greater Mekong region.

William Long argues that the MBDS works because of a good fit between the MBDS's norms and structure and its function of infectious disease control. Contextualization is fundamental. In a related vein, Mike Douglass holds that effective water management must fit the circumstances, with each riparian system possessing its own dynamics and challenges. Possible cross-border governance frameworks must therefore be tailored to the wide variations in river basin contexts. The Mekong River Basin is again a case in point. As the Mekong flows downstream it encounters widely differing geographical circumstances, disparate economic, political and socio-historical conditions, and therefore widely varying governance capacities and local water management practices. As Mike Douglass ventures, "How to account for all these forces in the governance of water systems is the principal question being asked about their sustainability." The Mekong River Commission (MRC), which is tasked with fostering cooperation in managing the Mekong's water resources, has experienced a gradual process of evolution to better adapt to its context. Although major limitations persist, the MRC has become less hierarchical in structure and begun consultative meetings with the participation of NGOs and other citizen organizations. It also requires that large-scale projects must undertake environmental impact statements.

In sum, governance processes must be contextualized to be effective. There is thus a strong need to explore alternative cross-border governance frameworks that take differing geographical, historical, political, economic, social and cultural contexts into account. The design of governance processes must also consider all major stakeholders in a given context, a topic to which I turn next.

Increasing complexity I: Multiple actors

Compared to earlier periods, when much of cross-border governance was driven by government-to-government relations, the present era of globalization has produced a qualitative change: a plethora of new actors and potential stakeholders have emerged that need to be incorporated in the design and execution of governance processes. These actors include

new industrial and commercial interests, growing webs of social networks, knowledge and practice communities, NGOs and civil society groups, the media, local governments and courts, and a proliferation of supra-national bodies at the regional and global levels.

Graeme Hugo in his chapter on migration notes how international movement in Asia has become much more diverse both in terms of its modalities and in terms of who actually moves. The process of labour market segmentation has created a wide array of occupational categories into which migrants fall. As a result, any analysis of migration must draw clear distinctions among the skill levels that enable migrants to move. The modalities have multiplied as well, with increases in both permanent and non-permanent migration, the feminization of migration, and larger groups of young students and skilled migrants involved.

In addition, growing migration in Asia has generated a burgeoning international migration industry which now holds a stake in the support and expansion of migration between countries. Finally, social networks have proliferated globally and are now connecting more and more residents of less developed economies to those in more developed ones, promoting and facilitating migration. By now, entire sectors in the economies of both less and more developed nations rely on migrant labour or remittances from migrants. To be effective, governance mechanisms in migration must therefore incorporate both old and new stakeholders. However, many national governments primarily defend their own perceived interests and often lack the political will to initiate or commit to cooperative mechanisms that include new stakeholders.

The emergence of new actors is also visible in water management, especially the increased participation of civil society organizations in policy deliberations, research and analysis, as well as project design, implementation and monitoring. Mike Douglass argues that there is consistent agreement on enhancing the involvement of civil society organizations, but that this remains difficult in many Asian countries characterized by non-elected governments or one-party states. In general, though, various advances are being made to better integrate autonomous views and research into river management and planning. For example, in more institutionalized settings, such as with the MRC, opportunities for civil society engagement have become commonplace.

Civil society organizations' most important roles include not only independent research and technical analysis, but also the promotion of alternative perspectives about what should be incorporated into planning. Indeed, quite a few NGOs in Asia have harnessed the popular media to create awareness and to put pressure on governments and international organizations to give greater consideration to the plight of indigenous peoples and ecological sustainability. Ultimately, according to Douglass,

planning for water and river management must go beyond infrastructure to emphasize how social and economic uses of water can be made less wasteful and more adaptive to change. Given the variety of stakeholders and actors involved, flexible collaborations to manage changes in water systems at various levels, including the household, community, national and regional levels, must be fostered.

In a similar fashion, a multitude of new actors and dynamics have emerged in global infectious disease surveillance. As William Long puts it, this arena of cross-border governance is “messy”, since the fight against infectious diseases has brought together international governmental organizations, states, NGOs and private actors in a plethora of new governance structures. These structures also operate at several levels, including the global, regional, national, sub-national and highly localized level. As a result, there has been a shift in power “from vertically organized governments and international agencies to horizontally linked coalitions or networks that also include private actors such as non-governmental organizations, businesses and philanthropies”. A process of institutional pluralism has taken place, including new public–private partnerships. The MBDS Network stands testament to this dynamic, since it stands at a critical “mezzanine” level, providing in William Long’s view an example “of an effective direct-action transnational problem-solving network” that operates between national health authorities and regional and global health governance institutions.

Naturally, the large multiplicity of actors and institutions in the fight against infectious diseases does not come without a downside. The proliferation of actors has created problems of coordination and efficiency, with multiple initiatives occurring on different levels. As one analyst told William Long, “there is a need for better knowledge management”.

A somewhat similar picture of pros and cons emerges in Mely Cabalero-Anthony’s analysis of the various actors involved in fighting human trafficking. According to her, non-state actors can play a vital role in raising awareness and bridging the interests of state security versus human security. For instance, a multitude of NGOs with different functions and responsibilities have raised awareness of human trafficking, aided its victims and pushed for government action. The media’s role is more mixed. Indispensable in educating the public about the problems of human trafficking, media coverage remains in many parts of the world confusing and driven by sensationalism. Few examples exist of in-depth investigative journalism that explores the linkages between globalization, inequality, migration policies, and the marginalization of and discrimination against certain groups as they affect human trafficking. Indeed, the media suffers with regard to the issue of human trafficking from many confusions, stereotypes and wrong assumptions. In this regard, the media adds to the

already serious conceptual clouds surrounding the definition of human trafficking and who its victims are.

Increasing complexity II: Conceptual clouds

The growing intensity of cross-border flows, the contextualization of cross-border mechanisms and the multiplication of actors involved in cross-border governance all express the quantitative and qualitative changes associated with globalization. A final macro-dynamic is the growing realization that the very formulation of the problem at hand is crucial. Conceptual clouds denote a lack of clear understanding of the various dimensions of cross-border issues, both in how they are analytically interpreted and in how policy responses are designed. The conceptual clouds enveloping what human trafficking is and who its victims are express this macro-dynamic pertinently.

As Mely Caballero-Anthony notes repeatedly, a major obstacle to tackling human trafficking is that states and the international community are in disagreement over a commonly accepted working definition of human trafficking. Human trafficking is often conceptually misunderstood as consisting mainly of people trafficked for sexual exploitation, while in reality trafficking for labour exploitation is just as common. As a result, the systematic collection of data on human trafficking is extremely weak, complicating the harmonization of policies and approaches at all levels of international governance.

Conceptual clouds increase because of the complexity and interrelationships of a variety of issue areas in cross-border governance. Addressing human trafficking, for example, necessitates a broader conceptual prism that takes into account the roots of human insecurity, such as poverty, social and cultural marginalization, inadequacy of legal protections and state violence. Only if these elements of the human security agenda are incorporated can effective mechanisms for addressing human trafficking materialize. The issue area of migration is very similar in this respect.

Migration has in a classic sense been driven by both the quantitative and qualitative changes associated with globalization, including increased levels of education, improved transport systems and the internationalization of labour markets. However, as Graeme Hugo emphasizes, underlying much international migration are the push and pull factors created by massive international differentials in development, demography and democracy. As these differentials are likely to continue to widen, international migration will continue to increase in the future, becoming a long-term structural challenge to cross-border management. So far, though, there is little recognition among those managing the economy

that migration is a permanent structural element here to stay. Only when conceptual clouds lift and migration is seen as a long-term feature can more enlightened policy frameworks and mechanisms be created. As Graeme Hugo notes, official and community recognition of the long-term benefits of migration must be forthcoming to create a greater degree of cooperation between sending and receiving countries. In particular, the maintenance of national sovereignty and border control must be balanced with the regularization of immigration that recognizes both the rights of migrants and their economic contributions.

Conceptual advances have naturally occurred in many issue areas to date. In infectious diseases control, for example, technological optimism up until the 1980s meant that activities directed at the core functions of disease control, such as surveillance of outbreaks, emergency containment responses and trans-boundary cooperation to stop or slow propagation, were negligible. However, the worldwide spread of new and old infectious diseases fundamentally changed this way of thinking. Various conceptual breakthroughs occurred, leading in 2005 to a revision of the International Health Regulations by the World Health Organization (WHO), that set a new international standard for infectious disease surveillance and response.

Nonetheless, the framing of many challenges in cross-border governance continues to occur in a piecemeal fashion with little regard to broader development and governance goals. Often an array of integrated problems is viewed separately. Water management, for instance, must incorporate aspects of energy policy, biodiversity loss, poverty alleviation, climate change, food production, cultural preservation and other factors to be comprehensive and effective. Human trafficking, migration and the other facets of cross-border governance dealt with in this volume similarly require that they are perceived as highly complex problems with manifold dimensions. Consequently, any governance problem necessitates a concerted and synergistic response involving various actors and stakeholders.

Cross-border dynamics are further clouded conceptually by the fact that each issue area tends to have its own advocates, with their own constituency and agenda. These prominent champions of a cause, be they officials, professionals or entrepreneurs, all attempt to further their own ideas or interests by resorting to communicating their view of the issue. And paradoxically, although borders have become more attenuated and the powers of the nation-state more circumscribed, it is national governments that ultimately are accountable to their citizens and in charge of aggregating and implementing cross-border governance policies and mechanisms. It is to these challenges and debates that I turn next.

Challenges and debates reflected by cross-border governance issues in Asia

Trade

About 100 years ago negotiating a trade agreement was primarily a matter among governments. Often cunning, trickery and force entered the picture when dominant imperial powers pried open the markets of the non-Western world. The unequal treaties signed by several East Asian states, including the Qing dynasty in China, illustrate the often lopsided nature of trade agreements during the nineteenth and early twentieth centuries. If other interests entered the picture, these tended to be the commercial and industrial interests located within the dominant imperial political economies.

Fast forward 100 years, and the situation exhibits numerous changes. The vast majority of the developing world has gained national sovereignty – applying military force in trade negotiations is taboo. In addition, trade negotiations, while chiefly still among governments, now involve a variety of actors and stakeholders with differing viewpoints and influences. The failed 1999 World Trade Organization (WTO) ministerial meeting in Seattle stands testament to this new era of trade negotiations. The meeting drew enormous public protests and crystallized the many differences in perspectives on free trade. Ultimately, the very conceptual basis of what trade agreements consist of and what they should attempt to achieve has undergone a sea change, setting off numerous debates and challenges.

Taeho Bark's chapter on trade promotion in East Asia reflects several of these challenges and debates. In his view, international trade has long been a driving force behind successful growth and development in Asia. The achievements of newly industrialized economies such as South Korea, Taiwan, Hong Kong, Singapore, Malaysia and China are in great measure a consequence of liberalized trade. Improved physical connectivity, rapid economic development and the growth of vertically integrated production networks have further generated benefits by intensifying intraregional trade and economic integration in Asia. This integration has chiefly been market-led and has improved the competitiveness of regional economies.

Asia therefore benefited enormously from trade, accelerating economic development and deepening regional economic integration. Yet, while few doubt the substantial benefits of trade for Asia, conceptual debates and challenges loom. Three are especially significant. First, the capacity to negotiate and benefit from trade liberalization differs noticeably within Asia. There is great cross-country heterogeneity concerning trade poli-

cies, processing times and the sophistication of trading infrastructures. This often puts poorer countries at a disadvantage, since without adequate soft and hard infrastructures their trading costs are higher. Many protectionist measures also remain in place, particularly in the areas of agriculture and unskilled labour mobility. Some countries that rely on agriculture and labour exports have actually seen little benefit from strategies of rapid trade liberalization. In the end, the lopsided nature of international trade, in which trade in goods and services is quite open, but labour mobility is not, disadvantages many poorer developing countries. This problem, though, will be difficult to resolve, since international mobility of unskilled labour remains a highly sensitive issue among governments.

Second, while trade is posited as a very powerful tool for poverty alleviation, Asia remains home to immense poverty and other economic challenges. Increasingly, the whole process of trade negotiations is seen as lacking a human face for growth and development, especially since regional disparities continue to grow. International openness to trade creates winners and losers. Addressing these new cleavages will depend on the introduction of social safety nets that cushion adjustment costs for poorer segments of the population disadvantaged by the liberalization process. Trade and social welfare policies must thus be linked, yet many poorer nations in Asia have experienced difficulty in sustaining the financial burdens of social welfare systems. Perhaps in poorer economies priority should be given to building the institutional capacity for safety nets before embracing further trade liberalization.

Finally, the negotiation process for Free Trade Agreements remains closed to most other governance institutions, civil society and parts of the private sector. As a result, many interests have increasingly perceived trade as having a potentially deleterious effect on human development. Naturally, trade can be a powerful tool for poverty reduction, but it is profit-driven in nature and might not necessarily lead to decreases in income inequalities as well as improved environmental standards and workers' rights. In addition, climate change policies will directly impinge on the trading system, potentially adding new barriers for emerging and less developed economies. Trade has therefore left its narrow conceptual confines based on neoclassical economics. There are now debates on how to balance mere profit maximization with human development, and how to balance commercial interests with nature's need for sustainable development. The gamut of issues that impinge on trade and are influenced by trade has swelled to create a much more complex and multifaceted arena of debates.

Reflections of this are evident in South Korea. Taeho Bark notes that suspicion of globalization and free trade runs strong within Korea's civil

society and media. In his view, democratization processes have dramatically changed Korea's political landscape, allowing a new generation of "progressive" groups to espouse ideas that reject "American-led" globalization and free trade. These groups have amassed considerable civic clout by occupying influential positions in media and major NGOs, and by waging effective grassroots campaigns. In fact, after democratization and civic development, Korea has developed a large NGO sector within which some NGOs have become radicalized. The result has been a proliferation of voices, many of which view Free Trade Agreements and multi-lateral trade negotiations with scorn.

Taeho Bark argues that South Korea's civil society and political institutions are in a state of flux. Old institutions have been mostly discredited, but new institutions are not strong enough to consolidate differing viewpoints and new social cleavages. Political parties, in his view, do not contribute much, since they are fickle and change their platforms according to regional or personal loyalties.

South Korea's changing political landscape exemplifies the political paradox of globalization. The virulent opposition to importing United States beef into Korea indicates how many politicians, NGOs and media outlets tend to politicize even rather technical issues. New social cleavages brought on by globalization have created new political alliances such as those between conservative farmers, teenage girls and liberal activist groups that have opposed US beef imports. The result is new and complex fissures within society that often prove difficult to reconcile, complicating the process of negotiating trade agreements. Korean interest groups and media therefore still look to the government to shape trade policy, but governments are finding it increasingly difficult to reach political consensus and deliver on electoral promises. This is even more so because cross-border issues are dependent on coordination across borders with other national governments and supra-national organizations, thus undermining national autonomy and creating internal political counter-reactions.

Trade at first glance appears as a governance area that is purely "economic" and quite straightforward. Neoclassical economic theory, in effect, spells out how trade creates win-win situations for all involved. Recent conceptual developments and a multiplication of actors and voices, however, have created unprecedented challenges in harmonizing the viewpoints of different interest groups. Faced with new social cleavages and political realignments brought on by globalization, party systems and governments have had increasing difficulties in reaching politically feasible decisions on cross-border governance mechanisms. These challenges and debates are further reflected in the other sectoral governance areas discussed in this volume.

Water

In cross-border water management the construction of large dams in upstream countries has become one of the most controversial issues. Unilateral actions to construct a dam or divert a river can easily increase conflict among communities that share basin-wide water systems. Large-scale infrastructure projects such as mega-dams are especially conflict-prone since, according to Mike Douglass, their planning and implementation tends to take place in a top-down fashion. Often only national governments, international development agencies (e.g. World Bank, Asian Development Bank) and expert consultants are involved. Little regard is given to local communities and downstream countries.

Conflict also emerges from the fact that neoliberal policies of privatization have created a host of disputes between government officials and the corporate managers of privatized water systems, while also making water too expensive for poorer segments of society. Global warming and climate change will further amplify such conflicts with potentially severe impacts on water systems. Crises in water system quality and management are thus prevalent in much of Asia. So far, these challenges have less to do with the worsening scarcity of water than with the uncoordinated bureaucratic approaches adopted, especially unilateral actions to build mega-projects.

The challenge is therefore to resolve conflicts over water in an equitable and participatory manner that involves all stakeholders. As Douglass notes, if a dam or river diversion is constructed under a treaty or institutional mechanism that safeguards the interests of other countries in the riparian system, it is much less destabilizing. In addition, prevailing forms of water governance have to be made much more transparent and inclusive, while incorporating institutional mechanisms to coordinate and integrate the development of water resources. As G. Shabbir Cheema notes in the introduction, up until now the institutional framework for water management in Asia continues to be characterized by separate agencies in charge of specific sub-sectors, such as water supply, irrigation, energy generation, and so on. Moreover, special authorities established to manage water systems typically have little power to regulate activities beyond the body of water itself, such as agricultural practices.

Infectious diseases

The recognition that rapid urbanization, greater mobility and increasing population densities create more opportunities for human-to-human or animal-to-human transmission of infectious diseases has triggered a paradigm shift in cross-border health governance since the 1980s. Collaborative

efforts have moved from “control at the border” to “control at the source”. Mechanisms have also broadened in their purview and are now focused on all possible threats by using measures that are adaptable to specific contexts and disease vectors.

Naturally, as William Long argues, infectious disease surveillance and response tends to receive considerable international and cross-border cooperation since any outbreak is viewed by policymakers and publics as a “lose–lose” situation. Diseases do not stay in your neighbour’s backyard; they hop across borders and transmit widely. Despite this advantage, infectious disease surveillance and response is still challenged and debated on many fronts. One of the key issues concerns the sovereignty of nation-states to declare health emergencies. The WHO has been criticized as “the outbreak police” with authority to sanction countries with infectious disease outbreaks by virtue of its recommendation power. Fears about the heavy economic costs that a WHO recommendation can carry might actually drive countries to conceal local disease outbreaks. The cover-up of severe acute respiratory syndrome (SARS) by Guangdong provincial authorities in early 2003 was motivated by exactly such economic reasoning.

The WHO also remains suspicious since its more powerful and wealthy members supply most of its emergency funds. The organization might thus tend to represent the interests of its biggest donors more than those of smaller and poorer nations. And as with all global-level organizations, the WHO remains unwieldy. In a field requiring rapid and localized reactions, the WHO’s global reach and uneven regional structure can make it an awkward and oversized bureaucracy. The MBDS Network is in this sense better suited to its tasks of disease surveillance and response since it represents a “mezzanine-level” organization that can coordinate, adjust and react judiciously. But even the MBDS faces growing challenges as its scope expands, necessitating greater intra-organizational coordination.

Migration

As Graeme Hugo states, debates on how migration affects development are polarized around two schools of thought. One school sees migration’s impact on origin areas as being negative, since it causes a “brain drain” that siphons away the most highly skilled residents. The resulting diminution of human capital then acts as a constraint on local development. The second school points to how the outflow of migrants can increase inflows of finance, information and ways of doing things. These inflows can have positive consequences, such as providing financial capital via remittances. Moreover, if former migrants return to or keep close ties with their places of origin, they can enhance growth and development there.

Both of these perspectives are relevant to today's patterns of migration in Asia. Since most Asian countries still stress national homogeneity, international migration systems have for the most part been opposed to the permanent settlement of foreigners. As in other regions, fears exist that large waves of migrants will put undue burdens on existing infrastructures, negatively influencing public services and cultural harmony. Barriers to increased mobility have thus remained high and sometimes have increased, even as the permanent structural pressures for increased migration have been rising. Especially for low-skilled migrants, legal conduits do not reflect market needs. Excessive controls simply force migration underground and into the hands of illegal and criminal groups.

In the end, politics and sovereignty issues mean that states continue to determine migration channels and options. However, most migration management systems are run unilaterally and lack the necessary capacity and infrastructure. The emphasis rests on controlling migration rather than on managing the movement of people that incorporates sending and receiving jurisdictions. Accordingly, there is no comprehensive regulatory network in Asia, only unilateral systems. As Hugo asserts, migration's benefits are being diluted by poor governance.

This brings us back to the political paradox of globalization. To achieve viable migration reform, nation-states need to surrender a degree of sovereignty and coordinate their policies and mechanisms with other nation-states and supra-national bodies. New domestic social cleavages (pro- and anti-migration forces), though, polarize political debates on the national level. Paradoxically, therefore, new political divisions created by globalization hamper governmental decision-making to tackle the very challenges of globalization. Moreover, the voices of international agencies and local NGOs advocating sensible migration reform seldom receive a hearing among the cacophony of competing interests. In this context, effective migration reform becomes difficult to achieve and the positive possibilities generated by increased cross-border cooperation and synchronized migration flows go unrealized.

Human trafficking

As with all other governance issues discussed in this volume, human trafficking remains debated and often misunderstood. Mely Caballero-Anthony observes that the phenomenon of human trafficking has been made worse by the unwillingness of states to protect their citizens' rights, especially if they have fallen victim to trafficking. This is partially due to misunderstandings about the nature of human trafficking as well as contradictory attitudes toward migrants in general and sex industry workers in particular. State neglect also is due to public sector involvement and

complicity in trafficking; low capacity to cooperate across national borders as well as between different national agencies; and failure to recognize the importance of victim support.

One of the root causes of the limited effectiveness of combating human trafficking has been the state-centric nature of problem-solving. States tend to focus on criminalizing the act rather than seeking more protections for the victims of human trafficking. Trafficking interventions also tend not to focus on those who benefit most from this crime – the worldwide criminal industry of human trafficking. Effective measures to fight human trafficking will thus necessitate some basic rethinking. So far, most states still take a security first or criminalization approach to what is a much broader human security issue.

Overall, the problem of human trafficking must first and foremost be framed by moving away from a privileging of state security over human security. Human rights perspectives, including the role that gender biases play, must be integrated with the recognition that no one state can tackle this issue effectively on its own. More actors, especially civil society groups and NGOs, have now become involved. These groups are critical of efforts so far to fight human trafficking, arguing that the human security approach necessitates an analysis that takes into account the complexities of the political, social and economic contexts within which the problem occurs.

Policy implications

As G. Shabbir Cheema outlines in the introduction, the concept of governance has undergone considerable evolution over the past three decades. At first, governance was conceived of narrowly. Efforts focused on improving public sector capacity, often emphasizing increased efficiency in public administration and a market orientation.

A second generation of governance projects moved beyond the purview of governments to see governance as incorporating participatory and transparent policy-making and implementation processes. New stakeholders and groups were perceived as having contributing roles to play, while the concept of human development gained increasing currency. Finally, the third generation of governance projects evolved in a natural progression to incorporate the challenges arising from contemporary globalization's quantitative and qualitative changes. Cross-border governance issues were recognized as requiring additional consideration, since any nation-state and its society must at this time coordinate policies with outside actors to be able to successfully address domestic governance challenges.

This volume represents a concerted effort to identify existing gaps in the analysis and study of cross-border governance issues. The quality of governance has now been recognized as a key factor in promoting economic and social development. Therefore, the purpose of this volume is to contribute knowledge on how collaboration among relevant stakeholders can be enhanced in a balanced, equitable and sustainable manner. The following paragraphs attempt to provide several policy suggestions that can, hopefully, contribute to this goal.

Comprehensive and holistic conceptualizations

This first point is perhaps the most crucial, yet seldom elaborated: the world has simply become much more complex. Cross-border flows have intensified and the actors and stakeholders involved multiplied. Each cross-border issue is also layered across a range of other issue areas, creating a pressing need to contextualize and situate each governance challenge correctly. It is therefore essential to take a decidedly more holistic approach to analysing governance issues, so that the broad cross-influences of each issue area can be incorporated into designing governance policies and mechanisms.

This is easier said than done. At present, most technological and scientific knowledge has become highly specialized. Academics and specialists are delving ever deeper into the intricacies of distinct problem sets. While such knowledge generation is required, it raises the danger of “knowing more and more about less and less, until we know everything about nothing”. As issues in cross-border governance reflect, we need to encourage, prepare and fund much more synthesis of existing knowledge. Only in this manner can we scrutinize problems at hand thoroughly enough to crystallize interconnections and possible long-term consequences.

As several of the contributors to this volume contend, there is a need for conceptual change among policymakers and stakeholders in many issue areas. First, essential structural and long-term elements must be spelled out. These include demographic changes, ecological changes, climate changes and changes in urbanization and settlement patterns that are extremely likely to occur in the local, national and regional context. These patterns – the quantitative and qualitative changes associated with globalization – must form a common framework for problem-analysis.

Second, in attempting to forge comprehensive strategies to address cross-border problems, the question of who must be involved in deliberations and decision-making is crucial. In particular, civil society involvement must go beyond simple technical research to focus on generating relevant knowledge, mobilizing local people and their insights, and elevating alternative opinions about how cross-border governance mechanisms

can function. Civil society engagement can in this manner enhance the profile of issues such as poverty reduction and environmental sustainability. At a minimum, greater involvement of civil society organizations can add new voices, thus creating more inclusive and integrated visions that lead to broadly balanced policies.

Third, an awareness among the public and stakeholders must be created that all decisions involve trade-offs. Only in this manner can policy-making processes that balance different interests and gains/losses proceed. For example, both bottom-up and top-down governance mechanisms have advantages, as have centralized and decentralized systems. There is no “one-size-fits-all” approach, only a multitude of context-specific solutions. Clearly, as espoused by this volume, there is a pressing need for better case studies on how various governance problems are being addressed throughout the world. Such contextualized case studies could produce policy suggestions that are more relevant and sensible than those based on grand theories and universal models.

In this respect, the global economic crisis that started in 2007 provides a pertinent lesson. As Paul Krugman (2009) pointedly observes, neo-classical economic theory espoused a “romanticized and sanitized version of the economy” that “led most economists to ignore all the things that could go wrong”. Indeed, economists were in love with “an all-encompassing, intellectually elegant approach” that excluded the messiness of the real world. The result: a failure to incorporate the social, political and psychological factors that shape financial market dynamics, leading to the biggest recession since the Great Depression.

Finally, a lot more attention needs to be paid to designing institutions that can effectively aggregate differing interests while sorting through the multitude of miscommunications, misrepresentations and misleading statements that various actors put forward. In general, most citizens lack the time or inclination to garner sufficient information regarding the tremendously complex and difficult questions of our time. It is especially difficult to sustain an accurate understanding of governance issues when many prominent observers, officials and specialists merely attempt to further their own ideas or interests with half-truths (see Manjoo 2008). The resulting confusion unfortunately contributes to the political stalemates and challenges captured by the political paradox of globalization.

In the final analysis, we are trying to deal with a host of integrated and linked problems in cross-border governance. Everything from climate change, energy supplies and economic development to poverty and global inequalities is connected. However, we tend to approach each separately, a situation only further aggravated by the fact that academic specializations, especially in the social sciences, have become far too

bounded and exclusive. As Glenn Prickett, senior vice president with Conservation International, observed with regard to ecological sustainability: “We need to stop thinking about these issues in isolation – each with its own champion, constituency and agenda – and deal with them in an integrated way, the way they actually occur on the ground” (quoted in Friedman 2009).

The extremely complex nature and manifold dimensions of the cross-border issues discussed in this volume highlight the necessity of adopting an all-encompassing approach. Unfortunately, many stakeholders and actors rail against each other and ignore important findings, making a concerted and synergetic response difficult. Certainly, civil society organizations, the media, academics, knowledge and practice communities, government agencies, international organizations and private sector interests can and must contribute to workable solutions. However, we need institutional arenas in which debates on viable policy solutions can occur in a manner as integrated as our globalized world. We also cannot solve all governance problems in their full dimensions at once, but must be selective and focused in targeting the most significant problems in a pragmatic and step-by-step mode. Only then can unintended consequences and new cross-linkages be addressed.

Quite simply, the generation of integrated knowledge (including in-depth case studies of governance problems) remains a serious lacuna in addressing the challenges of cross-border governance. Funding and resources could first be directed at setting up research groups or institutes that support the comprehensive synthesis of existing knowledge and relate it to pragmatic and applied problem-solving. A second effort should conceivably focus on educating the public, governments and various stakeholders about the complex interlinkages and trade-offs characterizing each cross-border governance issue.

Information gathering, processing and dissemination

A holistic approach to aggregating existing knowledge in service of applied problem-solving is a fundamental concern for cross-border governance. But it can only succeed with sufficient and reliable information. As several of the chapters in this volume express, the codification, accuracy and overall quality of information is a critical factor. For example, there is little usable data on migration and human trafficking. Massive under-reporting in both issue areas complicates optimal analysis. One of the priorities is therefore to improve the collection of both stock and flow data on migration and human trafficking in the region. Indeed, in human

trafficking, commonly accepted working definitions for conducting data assessments still need to be fleshed out.

The importance of gathering, processing and disseminating reliable and usable information is especially pronounced in the area of water management. Better information sharing and management can serve as mechanisms to build trust across borders and assist in defusing potential conflicts. For instance, Mike Douglass notes how the 2009 Regional Multi-Stakeholder Consultation on the Mekong River Commission's Hydropower Programme stressed the need for cross-border early warning systems. Such systems would require each upstream government along the Mekong to provide frequent updates of water levels in dams and rivers to all downstream countries. There are, however, political obstacles, since each country would have to be willing to share information that could be used to criticize projects, and to display considerable transparency. The system would also require financial resources for sophisticated modelling and data processing on water flows and levels.

Apparently, even a task as innocuous as information gathering and processing can be politicized and take on a nation-versus-nation dynamic. As Douglass observes, meetings leading up to the establishment of cross-border water governance institutions tend to first call for the routine gathering and sharing of data. But disputes over the lack of transparency in data gathering and analysis often erupt due to technical and political bottlenecks. This aspect thus remains one of the most difficult on which to reach consensus.

One way to spur action is to rely on open-minded case studies that show how cooperation can create advantageous outcomes. Naturally, lessons from one case cannot be easily transferred to another directly. A relativist comparative case study approach is needed to conduct assessments on what really works and what types of data inputs are required. In particular, devising effective concepts enabling the measurability of problems and the generation of tangible results needs to receive greater resources and attention.

Be it in rescuing the victims of human trafficking, limiting the perils of disease threats, providing social safety nets to returning migrants, or issuing early warnings to downstream communities after the release of water from dams, the accurate relaying of information between governments and affected stakeholders can make the difference between conflict and harmony. And with more and more instances of skewed and politicized information, governments and NGOs should focus on designing forums for the unbiased exchange of ideas and information. As expressed in all chapters, only with an informed assessment of the problem at hand via better information provision and transparency can different viewpoints be harmonized to design effective governance solutions.

Fostering coordination and cooperation

As with the gathering, processing and dissemination of reliable information, reaching solutions to coordination problems is crucial for addressing today's globalization challenges. Due to the quantitative and qualitative changes under globalization, all states must now coordinate their actions with others. In this respect, the major regional organizations in Asia – the South Asian Association for Regional Cooperation (SAARC), ASEAN and the broader ASEAN+ processes – are the most likely to become effective venues for coordinating government actions.

Nonetheless, all of these organizations suffer from certain limitations. ASEAN has been perhaps the most influential in Asia, even creating the notion of a distinct “ASEAN way” that has found adherents in China and other Asian nations. The ASEAN way emphasizes mutual respect for sovereignty, territorial integrity and national identity among its members, non-interference in the internal affairs of one another and the settlement of differences or conflicts by peaceful means. The principle of non-interference, though, has blunted ASEAN efforts at tackling major cross-border problems. Moreover, ASEAN espouses a consensus-based approach that gives every member a de facto veto over decisions. The ASEAN process has, therefore, relied on close interpersonal contacts among its members' top leaders. Still well aware of their recent colonial experiences, these leaders have tended to hold dear the Westphalian concept of sovereignty that emphasizes the exclusion of external actors in domestic authority structures.

As a result of these factors, ASEAN has shown a reluctance to institutionalize and empower cross-border cooperation and coordination structures (Jones and Smith 2007). Perhaps the biggest advances have been made in efforts at trade liberalization, with plans calling for the establishment of an ASEAN Economic Community by 2015. ASEAN also has ratified the ASEAN Charter, which entered into force on 15 December 2008. The charter lays out a roadmap for a more closely knit community. Among the reforms being considered are a shift towards a more rules-based culture and more inclusive decision-making incorporating both private sector and civil society organizations. The ASEAN Charter might therefore provide a clearer legal status and institutional framework for ASEAN and a future ASEAN Community. Nevertheless, the above-noted limitations on ASEAN cross-border coordination continue to influence this regional organization's effectiveness. Certainly, ASEAN remains a long way from constituting a European-style union with its multiple levels of cross-border coordination (see Hooper and Kramsch 2006).

SAARC, like ASEAN, espouses non-interference in the affairs of others. It therefore constitutes a rather loose grouping of eight countries

in Southern Asia, dominated due to size and economic heft by India. The organization aspires to accelerate economic growth and sociocultural development in the region. Its objectives further include the protection of peace and stability in South Asia and the provision of a forum for member countries to discuss differences peacefully. However, progress has been halting, and decisive political issues like the dispute between India and Pakistan over Kashmir have tended to diminish this regional organization's effectiveness in solving cross-border disputes. Even more so than ASEAN, SAARC has shown a reluctance to institutionalize and empower cross-border cooperation and coordination structures.

The feebleness of cross-border coordination by regional institutions in Asia shows that, while growing webs of institutional ties, social networks and supra-national bodies are all attempting to harness and manage the consequences of globalization, actual supra-national coordination remains very difficult. Asian state elites hold the prerogative of state sovereignty dear, especially given their colonial experiences. Moreover, citizens predominantly look to domestic authority structures to resolve cross-border problems. Nation-states and their governments therefore remain at the centre of cross-border governance, expressing the political paradox of globalization: while cross-border issues are increasingly dependent on coordination among national governments and within supra-national organizations, governments are faced with greater political demands from their citizenry to retain national autonomy.

Certainly, the boundaries of nation-states and their institutional demarcations are increasingly being questioned in terms of how they complicate cross-border coordination and cooperation. But neither state elites nor citizens seem willing to cede sovereignty and empower regional organizations to effectively coordinate cross-border issues. Fundamental changes are needed in how national government bureaucracies relate to each other and how notions of sovereignty are conceived.

Coordination is a problem among nation-states not only at the regional and global levels, but also within them. The UN Development Programme, for instance, sees one of its major roles as enhancing cooperation among agencies, ministries and sectors within countries. This includes improving communications and advocating for transparent and mutually beneficial partnerships.

From a policy perspective, enhanced coordination and cooperation must therefore incorporate several critical elements. First, the various stakeholders involved need a common vision of what the problem is and how to address it. Only in this manner can a harmonized approach among various agencies, supra-national organizations, civil society organizations, donors, interest groups and so on be achieved. Naturally, such

visions should build on clear conceptualizations, known best practices and reliable information.

Second, as noted above, the establishment of supra-national governance authorities, including authorities based on existing regional organizations such as ASEAN and SAARC, has proven difficult for most governance issue areas in Asia. Therefore, energies might be better expended on initially establishing processes for managing certain problem areas and responding rapidly to emergencies among existing stakeholders, first and foremost the governments of the region. Such coordinating institutions can take a variety of forms, including institutions to share knowledge and practice, institutions to enhance transparency and information sharing and, as mentioned above, institutions that create open forums for discussion and the balancing of viewpoints. Many of these institutions could also benefit from combinations of top-down planning and bottom-up grassroots initiatives while building on existing regional institutions, especially the ASEAN+ processes. Perhaps in this manner, institutional solutions can be created that are less prone to politicization or the adoption of narrow technical approaches. Ideally, the comprehensive conceptualizations of governance problems advocated above could be embedded in such institutions.

Third, within these coordinating institutions, civil society groups of all stripes should play vital roles. If authoritative, such coordinating institutions could increase the capacity of domestic media and civil society to monitor governance problem areas and generate and disseminate relevant information. They could also provide arenas for independent and autonomous voices to foster joint knowledge creation, dialogue and the mediation of conflicts between stakeholders. Finally, they could challenge existing power structures resistant to change to undertake necessary reforms. One such institution is the Mekong Basin Disease Surveillance Network, which has helped with aggregating information and viewpoints. However, national governments are still required to establish comprehensive cross-border legal frameworks and regulatory structures.

Finally, in designing comprehensive cross-border legal frameworks and regulatory structures, emphasis should rest on building on what already works. It is essential not to “overwhelm” existing government ministries and regional institutions with a barrage of new strategies, action plans and other resource-consuming programmes. For example, in trade more than 30 Free Trade Agreements have been concluded in Asia. This number is expected to increase in future years, creating the risk that government agencies will be swamped by a “spaghetti bowl” of complex trade agreements (Baghwati 2001). Therefore, countries in Asia might better concentrate on integrating existing Free Trade Agreements rather

than on creating ever more complex webs of these. Otherwise, the benefits of trade will be diminished by rising negotiation and maintenance costs.

In this regard, designing comprehensive cross-border legal frameworks and regulatory structures must also pay particular attention to contextualizing institutional solutions to the specific cross-border problems at hand. Comprehensive frameworks must clearly ascertain who the stakeholders are, while involving civil society organizations, the media, local governments and other relevant groups. There is, ultimately, no single formula for best practice in any area of cross-border governance. The design of cross-border legal frameworks and regulatory structures must flexibly adjust to situational and context-driven factors.

Political compromise and commitment

To address contemporary challenges of globalization a series of profound and far-reaching steps must be taken. First, the problems at hand need to be clearly conceptualized. Only if the full extent and depth of the problem is sufficiently surveyed can adequate solutions be found. This also necessitates the provision, processing and dissemination of reliable information and the design of institutions that can aggregate and coordinate interests. Finally, nation-states need to move forward with designing and implementing cross-border legal frameworks and regulatory structures, including strengthening already existing regional institutions such as ASEAN, ASEAN+ and SAARC. However, this last point necessitates the reconstituting of government bureaucracies and notions of sovereignty, something that is politically extremely difficult. The political paradox of globalization illuminates this challenge quite aptly. In the end, it is the politics of cross-border governance that is likely to prove the most difficult to resolve.

The concluding policy implication is therefore that political leaders have to muster the political will to reach viable compromises and make commitments to develop cross-border institutional capacities. Evidently, any cross-border governance issue requires political analysis, including an examination of the balance of political interests/institutions and the trade-offs of any given policy solution in view of its broader socio-economic impact. When negotiating agreements political leaders also must keep in mind the complex regional and global architecture. They must think globally and regionally, while acting locally. Lastly, they must emphasize partnerships that build consensus through full transparency, accountability and stakeholder participation.

Effective policy implementation requires ownership and political will. Even the best-written law is only as good as the paper it is printed on. In

this respect, the coordinating institutions discussed above, be they in the form of regional institutions, civil society gatherings, or “mezzanine” organizations such as the MRC and the MBDS Network, must include mechanisms that encompass concrete implementation monitoring frameworks. In this manner, they can monitor and put pressure on political leaders to follow through on their commitments.

Reaching political compromises and providing political leadership is perhaps the most capricious of my policy suggestions. It is never easy to take on vested interests for effective reform. Moreover, as discussed during the Cross-Border Governance Regional Stakeholders Consultation held in Bangkok during May 2009, many poor countries in Asia lack the state capacity to provide some of the most basic services to their citizens. They are even less able to effectively negotiate complex cross-border governance issues with wealthier nations and supra-national institutions. Differentials in governance capacity must thus be part of a broader understanding of what works, and for poorer countries emphasis should be placed on enhancing domestic capacities to benefit from cross-border arrangements.

Finally, it is never simple to convey to the public reasoned and informed policy choices that involve real costs. Civic education by numerous parties thus must play a vital role in any strategy to address cross-border challenges. Nonetheless, much comes back to the political commitment of leaders at the national level. They must be at the forefront of efforts to build sufficient capacity to solve cross-border problems. Without such efforts, the long-term structural challenges of globalization will just continue to grow, gradually threatening domestic governance capacities and social harmony.

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