

SOCIAL DEVELOPMENT

PROBLEMS RELATED TO REGULATING LABOUR MIGRATION IN THE KYRGYZ REPUBLIC

A.B. Shakirova, Researcher at the Center Economic Strategy under the GKR

Initially, international labour migration appears to be a spontaneous event but gradually the state is regulating it. At the same time, there has been a significant degree of a free market element in international labour migration until very recently.

As the international movement of manpower has developed, state methods for regulating migration flows have been created and perfected.

Migrants' difficult material, social and working conditions have attracted the attention of the International Labour Organization (ILO). At the first session of the ILO General Conference held in 1919 Recommendation #2, On Mutuality in Relation to Foreign Workers, was approved. This required each ILO member to expand its laws and rules regarding the protection of his/her country's workers to cover foreign workers as well (together with their families) who were working in his/her country based upon the regulations that should be coordinated by interested countries.

The issues relating to migrants' protection are reflected in other ILO documents devoted to various labour problems. In particular, in Convention #19 (1925) On Equal Rights for a Country's Citizens and Foreigners to Compensation for Workers in Case of Accidents; Convention #82 (1947), On the Social Policy of Enterprises Outside One's Homeland where there is a special chapter 4, entitled Provisions about Migrant Workers; Convention #110 (1958), On Working Conditions on Plantations where there is a section, Hiring and Recruiting and Migrant Workers; and finally, Convention #118 (1962), On Equal Rights to Social Provision for a Country's Citizens, Foreigners, and Persons Without Citizenship.

Government institutions of the receiving country are involved in resolving issues related to labour migration, as they act on the base of the national legislation and any signed bilateral and multilateral agreements. Usually, at least three government agencies are involved in resolving immigration problems, namely, the Ministry of Foreign Affairs that is responsible for issuing entry visas through its Consular Department, the Ministry of Justice in the person of the Immigration Service or other state border control structures that directly carry out a defined entry mode identified by the law and the Ministry of Labour that supervises the use of foreign manpower.

Having become an independent and sovereign state, the Kyrgyz Republic has encountered both the need to reform the old system for regulating migration and also to have legal regulation of new categories and flows of migrants when conducting a completely new migration policy and working out new methods and forms of regulating it.

Kyrgyzstan had huge labour and intellectual potential till recently; however, after the USSR collapsed we were deprived of a huge number of highly qualified specialists. At present, the state should try not to lose what we have left but increase it and use it reasonably. Earlier the Kyrgyz authorities did not officially create obstacles to the departing non-Kyrgyz population but now the republic's Government is seriously concerned about the drastic reduction in the professional level of the country's citizens. It has been calculated that material losses to Kyrgyzstan that able-bodied people who have left the republic would have been able to produce has amounted to 18 million som or US \$1.2 million in the last five years.

Kyrgyzstan's basic problem is illegal migration when illegal immigrants from China, Afghanistan, Tajikistan, and other countries are in the republic, and this fact, in turn, results in a number of negative consequences, namely, drug and weapons smuggling and a worsening criminal situation. In their turn, citizens of the Kyrgyz Republic also go to work illegally in foreign countries. Under these conditions, Kyrgyzstan should regulate labour migration, work out a mechanism for controlling illegal migration while simultaneously regulating the processes related to attracting and using foreign manpower.

Migrants are only protected as much as they are legally or illegally in a foreign country. If they have followed all the conditions for staying in the country, particularly regarding registration, they automatically become socially protected migrants but if they have not followed them then they can be arrested, detained and imprisoned.

The Government, Kyrgyz Parliament, and the republic's State Committee on Migration and Employment are trying to solve issues concerning illegal migration. One of the most important problems is signing normative documents, contracts, agreements, and treaties with those countries where our migrants go, to improve and facilitate the situation in which they find

themselves. A number of examples prove this point: In the Russian Federation, President Putin and the Gosduma (Russian Parliament) have signed a Treaty on Migration between Kyrgyzstan and Russia, but in Kazakhstan, as a result of the treaty between the countries, our labour migrants can only stay 90 days in the country without registering.

To legalise illegal migration a competitive field for private companies that would be involved in exporting labour resources should be set up.

Currently, one of the main problems for Kyrgyzstan is the high level of unemployment and annu-

ally 20-25 thousand people join the ranks of the unemployed. The State Committee on Migration and Employment of the Kyrgyz Republic has calculated that the number of unemployed citizens in the Kyrgyz Republic is at least 493,000, of whom, 250,000 have moved abroad to work, excluding those who have registered for citizenship of the receiving country. The employment crisis in the Kyrgyz Republic requires measures aimed at enhancing employment and reducing unemployment and improved normative legal statements in the labour migration sector.