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REGULATING PRIVATE RECRUITMENT IN THE ASIA–MIDDLE EAST LABOUR MIGRATION CORRIDOR

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Executive Summary

The Middle East remains one of the most sought-after and competitive labour markets in the world. Here, the supply of labour overwhelmingly outweighs demand, making it extremely difficult to control recruitment practices. Migrant workers, many of whom are fully aware of the risks involved, are willing to pay a stiff premium to work in the Middle East. They not only pay onerous sums of money to sometimes unscrupulous recruitment agencies but accept less-than-ideal work and living conditions once at destination. Indeed, the numerous accounts of agencies taking advantage of the migrants they purport to serve (e.g., by charging excessive placement fees and offering expensive pre-departure loans) suggest the need for more government intervention in recruitment operations.

Available policy levers for regulating recruitment practices are many and should aim to achieve the following overarching goals: (1) reduce the number of recruitment agencies to an optimal level to prevent cut-throat competition among them, (2) bring subagents and brokers into the formal sector, (3) regulate transactions among recruiters and between recruiters and employers and (4) harmonize regulations governing recruitment agencies at origin and destination.

Ultimately, however, recruitment practices do not exist in a vacuum. Governments at both origin and destination should also introduce parallel measures (such as provision of equal treatment and basic rights) that empower labour migrants and give them the needed negotiating leverage in an otherwise unequal employment relationship.

I. Asian labour migration to the Middle East: three distinct characteristics

Located in origin, transit and destination countries, recruitment agencies are key actors in Asian temporary labour migration to the Middle East today. They oversee two of the most critical junctures of labour migration channels: the moment of selection where recruitment agents match employers with prospective migrant workers and the phase when the terms and conditions of the employer-employee relationship are negotiated and when power asymmetries between actors can lead either to a mutually beneficial relationship or to exploitation.

The International Labour Organization (ILO) estimated in 1997 that around 80 per cent of temporary labour movement from Asia to the Arab states is brokered by recruitment agencies.[1] Although no comparable and up-to-date estimates exist, recent field studies and available administrative data from major migrant-source countries (such as India, Pakistan, Philippines and Sri Lanka) suggest that private agencies continue to account for the vast majority of contract labour migration flows to the region.[2]

Three distinct features characterize Asian labour migration to the Middle East, making this corridor an extremely difficult migration channel in which to control recruitment practices.

- ***The Middle East region is distinguished by extreme dependence on migrant workers, unparalleled elsewhere in the world.***

  Migrants in 2010 accounted for about 53 per cent of the Arab Gulf's total population, up from just 15 per cent in the 1960s. By contrast, migrants comprise just around 20 per cent of the population in other large migrant-destination countries such as Australia and Canada, and even less in the United States (14%) and United Kingdom (11%).[3]

  An overwhelming majority of migrant workers in the Middle East come from Asia: around 70 per cent of the 10 million estimated contract workers in the Gulf. They dominate the private sector, which remains the main engine of economic growth in the region. In 2007, for example, Asian migrants comprised 87 per cent of private sector workers in the United Arab Emirates (UAE), 80 per cent in Bahrain and 59 per cent in Saudi Arabia.[4] Even traditional migrant-sending Arab countries, such as Lebanon and Jordan, now receive an increasing number of Asian migrant workers, although still on a relatively smaller scale than their Gulf neighbours.

> Migrant workers, many of whom are fully aware of the risks involved, are willing to pay a stiff premium to work in the Middle East.

This extreme and increasing dependence on foreign labour, which developed from the oil boom in the 1970s, has raised serious economic, security and socio-cultural concerns within the Middle East — from distress over nationals losing out on private sector employment opportunities to fears that foreign workers are harming or diluting local norms and traditions and endangering order and security.

- ***Despite their overwhelming numbers in the region, many Asian migrant workers in the Middle East remain extremely vulnerable and face significant rights abuses.***

  Their vulnerability stems in part from their skill levels, the type of work they do and the sectors they work in. A study from the International Organization for Migration (IOM) suggests that half of migrant workers in the Gulf are either illiterate or can just barely read or write, while another quarter have low levels of education. Women migrants also constitute a significant proportion of the labour force in a number of countries: one-third of the foreign labour force in Oman and one-fifth in Bahrain and Kuwait.[5] In high demand, domestic work is the most common occupation among Asian women, and arguably, one of the most unprotected sectors in the region.

- ***The Middle East remains one of the most sought-after and competitive labour markets in the world.***

Notwithstanding local concerns over the attendant economic and social implications stemming from the region's extreme dependence on migrant labour as well as international concerns over the poor treatment and welfare of migrant workers, the supply of labour overwhelmingly outweighs demand.

Migrant workers, many of whom are fully aware of the risks involved, are willing to pay a stiff premium to work in the Middle East. They not only pay sizeable sums of money to often unscrupulous recruitment agencies but accept less-than-ideal work and living conditions once at the destination. High recruitment fees create vulnerabilities throughout the migration process and can distort labour markets, particularly when the business is so lucrative that employers receive workers at a discount or are even paid bribes for hiring foreign workers. The high costs of migration also can result in non-return or overstay as the migrant must continue to work irrespective of legal status or conditions in order to meet financial obligations made all the more onerous by high recruitment fees. This is especially true for unskilled and low-skilled migrant workers who have extremely limited legal opportunities to work elsewhere, since the borders of other rich and developed countries, including those in the West, are essentially sealed except to high-skilled Asian workers.

Asian governments, which have realized the benefits of the remittances that migrant workers repatriate and are unable to provide full employment for their citizens, are competing with each other to create institutions and formulate labour export policies that allow them to capture a larger share of the Middle East's labour market — further feeding an already overextended labour supply.

II. Private recruitment agencies: a necessary evil?

In the fierce competition to capture the coveted Middle East labour market, private recruitment agencies fulfill an important role — that of bridging the gap between employers or sponsors and prospective migrants. They recruit and guide migrants through the shoals of immigration policies and the difficulties of transit, match employers with workers and provide information about living and working conditions in distant locations. However, their services come at a cost. Numerous accounts of agencies taking advantage of the migrants they purport to serve suggest the need for more government intervention in their operations. In general, concerns over the actions of recruitment agencies in the Asia-Middle East corridor fall into five key areas:

A. Excessive and/or unauthorized placement fees

Fees are at the centre of most recruitment irregularities, with recruiters charging excessive prices, collecting fees too early or failing to issue receipts. Though many origin countries have set limits on how much recruitment agencies can charge migrant workers, field studies suggest that these are generally not followed. For instance, the Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE) in Bangladesh has fixed the maximum migration cost for low-skilled male migrants at BDT 84,000 (USD 1,027) and for female workers at BDT 20,000 (USD 245). However, migrants interviewed in a number of studies report paying brokers an average of BDT 200,000 (USD 2,445). This suggests that the cost of the middlemen and the profit of the licensed recruiter are as high as BDT 150,000 (USD 1,833) or almost two-thirds of the total cost to the migrant.[6]

Likewise, according to the ILO study, *Recruitment of Pakistani Workers for Overseas Employment: Mechanisms, Exploitation and Vulnerabilities*, private overseas employment promoters (OEPs) in Pakistan have been seen to overlook the maximum service charge fee of PKR 4,500 (USD 72) which is fixed by the Bureau of Emigration and Overseas Employment, and instead charge migrants closer to PKR 7,150 (USD 114).[7]

Similarly, in Nepal, a study commissioned by the National Planning Commission and IOM found that workers going to Qatar pay recruiters around NPR 90,651 (USD 1,200), even though Qatari law forbids migrant workers from paying a placement fee. A memorandum of understanding between Nepal and Qatar indicates that the employer must pay the travel and all other expenses.[8]

Generally, the amount of fees differs depending on many variables, such as the country of destination, nature of work and prospective salary. In the Asia-Middle East corridor, demand is a key factor that dictates the fees migrants actually pay, and these could be gender-based. For instance, the author's field work in Jordan suggests that female factory workers from Sri Lanka pay a placement fee ranging between LKR 17,500 (USD 156) and LKR 25,000 (USD 225), which is equivalent to a month's expected salary. On the other hand, male factory workers from Sri Lanka pay significantly more — between LKR 60,000 (USD 540) and LKR 80,000 (USD 720). Male factory workers from the Philippines also pay a significant up-front placement fee: between PHP 50,000 (USD 1,142) and PHP 60,000 (USD 1,371). These amounts are equivalent to three to four months of expected salary and nearly three times more than what female counterparts would pay to be placed in exactly the same job with the same monthly salary.[9] This has also been observed among women workers from Bangladesh, who generally pay a quarter of what their male counterparts pay.

B. Expensive pre-departure loans

To pay recruitment and processing fees, migrants either take large loans requiring repayment at extremely high interest rates or agree to a salary deduction scheme in which the first three to five months of salary is held as payment.

For instance, a male Sri Lankan factory worker going to Jordan typically takes loans of around LKR 70,000 (USD 631) to LKR 100,000 (USD 901) at 10 per cent monthly interest. At this interest rate and with a monthly salary of just around LKR 21,000 (USD 189), migrants can afford to pay only the interest for the first year. Filipino male workers are no better off — group interviews conducted with mid-skilled Filipinos working in private companies revealed that some have taken loans at 16 per cent interest a month. At this rate, a loan of PHP 55,000 (USD 1,256) will result in PHP 33,000 (USD 754) interest a year.[10]

C. Salary deduction

To pay recruitment and processing fees, some migrants agree to salary deduction schemes that withhold a sizeable proportion of their pay. Many migrants favour this approach given the high cost of credit at home, especially for the poor — as much as an annual percentage rate of 240 per cent in the case of the Philippines. Deduction arrangements vary; for instance, Filipino migrant workers in the United Arab Emirates expected or paid a deduction of 10 to 30 per cent of their monthly salary for three to six months. Others anticipated getting only half their salary for two months, while the rest did not expect to get paid the first month. Although across skill levels, many admitted they would prefer to pay nothing; they did not perceive the arrangement as exploitative. Instead, they felt it was a better option than taking out high-interest loans or paying up-front.[11] Earlier ILO research suggests, however, that these migrants are often unaware of the payment terms and are charged at levels comparable to those of money lenders.[12]

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Legal but unexpected deductions

Due to a lack of communication, illiteracy or employment contracts prepared in another language, some migrants do not understand their net pay or its real worth and have salary deductions that are legal but not expected. For instance, the author's field work in the United Arab Emirates found that unexpected deductions for airfare and accommodation reduced the net salary of Filipino migrants by as much as half in some cases.[13] For factory workers in Jordan, the main problem pertained to unexpected deductions for food — some factories were deducting more than the amount that had been stated by the local agents before departure. In 2010, ILO and the International Finance Corporation (IFC) assessed 15 garment factories in Jordan predominantly employing migrant workers and found that seven did not give proper information to workers about their wage payments and deductions while six made unauthorized deductions from wages.[14]

D. Under-payment or non-payment of wages

Another related problem facing migrant workers upon arrival is the under-payment or non-payment of wages. Wage-related problems, for instance, topped the list of complaints filed with the Sri Lankan and Philippine embassies in Amman in 2010, according to a study by the Migration Policy Institute (MPI). Although migrants had signed a valid legal contract before departure that clearly indicated their expected wage, there was a concern among various stakeholders that many migrants would not receive the wages for which they had signed up. Domestic workers from Sri Lanka sign a contract before departure stating a monthly wage of USD 200 but get paid much less, typically in the range of USD 125 to USD 150.[15]

An ILO study also highlighted the practice of labour migrants re-signing contracts on arrival in the destination country, on less favorable terms. In the case of Pakistani migrants, the salary specified in the new contract was usually 8 to 10 per cent lower than stated in the original contract shown in Pakistan.[16]

E. Prohibitive deployment costs

There are also cases where migrants in the Middle East must pay back the expenses incurred by the recruitment agency should they wish to back out of their contract. For instance, the author's field work in Jordan revealed that Filipino and Sri Lankan workers must repay their agencies or employers the "deployment costs" if they want to break their contract. Such costs usually ranged from USD 2,000 to USD 3,000 for domestic workers and about USD 1,500 for factory workers. Such costs included round-trip airfare, visa fees and other expenses associated deployment.[17]

Interviews with government officials, recruiters and migrant workers alike revealed that many could not afford to pay the deployment costs (which amounted to almost a year's salary) and were forced to resume work and finish the length of their contracts. The only options for migrants wanting to leave their employers was to seek shelter in their respective embassies or find better employment opportunities in the informal economy.[18] This practice of demanding repayment of deployment costs makes migrants vulnerable to exploitation as — unlike placement fees — deployment costs are not regulated.

III. Policy options

Both origin and destination governments recognize the pivotal role recruitment agencies play in facilitating Asian labour migration to the Middle East; without them, temporary migration to the region at the current scale would be impossible. At the same time, governments understand that, if left unregulated, agencies could abuse (at even higher rates than today) the very workers they are supposed to help and increase the cost of doing business for employers.

However, governments at origin and destination have reached little consensus on how best to manage the operations of these recruitment agencies. International and regional forums, such as the Abu Dhabi Dialogue, attempted to bridge this gap, but with few concrete and enforceable outcomes to date.

Although far from simple, meaningful policy prescriptions exist in four key areas outlined below:

A. Reduce the number of recruitment agencies to an optimal level to prevent cut-throat competition among agencies

Many countries in the Asia-Middle East labour migration corridor already operate a licensing scheme that requires recruitment agencies to meet various requirements by posting bonds and undergoing a criminal record check. In some countries, stricter regulations on bank guarantees, fees and bonds may be warranted as guaranteeing worker protection requires keeping the market from becoming oversaturated.

> ...cumbersome and rigid regulations can easily breed corruption and abuse and force agencies and migrants out of the legal system and into the irregular channels.

One policy route is to adopt more stringent entry barriers to weed out potential violators. By raising the bar in terms of standards and work ethics, regulation can potentially drive inefficient agencies out of business. But in a global employment market where stakes are high, cumbersome and rigid regulations can easily breed corruption and abuse. Also, they can force agencies and migrants out of the legal system and into irregular channels. For instance, the Philippine experience suggests that unprofitable Filipino recruitment agencies rarely close shop but tend to recoup losses by cutting more corners and breaking more rules (that is, by charging exorbitant recruitment fees or colluding with employers). Agencies that cannot meet entry requirements may remain active in the informal market, where they are harder to control. They may also pass on the additional costs associated with meeting more stringent regulations to employers and/or migrants.[19]

The key challenge, then, is to develop a balanced set of regulations that are in tune with on-the-ground realities and that nudge informal recruiters toward legitimate business operations. It is critical for governments to formulate and impose entry barriers that deter violators without driving them underground or passing on extra costs to employers and migrants.

Another route to decongest the recruitment market is to create complementary policies that confer rewards and privileges upon agencies that meet and exceed government standards and on employers and migrants that use their services. Among these are:

- *Ranking.* Agencies can be ranked based on a set of criteria that government regulators consider important, such as deployment figures and the number of prior violations.
- *Rating or labelling.* Governments can also encourage or mandate that recruitment agencies earn international standard certifications. For instance, agencies could use the International Standards Organization's ISO 9000 quality management label, which places emphasis on client satisfaction, in their advertising and marketing campaigns as a guarantee of quality.

While implementing incentives, it is important for regulators to ensure impartiality. The criteria must be set in a transparent manner and in consultation with stakeholders such as civil society members, migrants, employers and recruiters. Agencies must also be evaluated by an independent and respected body.

Besides issues of impartiality, there is a concern about effectiveness. Incentives must be designed in a way that benefits not only agencies but employers and migrants as well. Most of the incentive systems in place accord benefits entirely to the agency — but migrants and employers are the ones who eventually make the choice of which agency to choose, and should have reason to choose the best. For instance, a ranking system could ensure that households and domestic workers dealing with agencies ranked in the highest tier get discounts on residency and work visas and on the fees they pay to origin and destination governments. The discounts must be big enough to offset the lower fees unscrupulous agencies may charge to entice and keep clients.

B. Bring subagents and brokers into the formal sector

Private recruitment agencies rarely work alone; they use a host of mostly informal subagents or brokers to find prospective migrants or employers, creating another layer of recruitment agencies. Most Bangladeshi recruitment agencies work with brokers in destination countries, mostly in Bangladesh, India or Pakistan. These brokers typically work for factories looking for employees from overseas.[20] At the same time, private recruitment agencies also work with local subagents, known colloquially as *dalals*, who find and refer prospective migrants from villages and areas far from city centres. Essentially the subagents or brokers are not formally connected or accountable to the agencies they work with or to the migrants they eventually help to deploy.

Weeding out unqualified recruiters requires formulating effective regulations to control subagents and brokers. Subagents perform a critical role, and there is a concern among regulators that impeding their operations too much would have a negative impact on deployment figures and drive subagents further underground. Also, current thinking suggests the need to bring subagents, who work almost entirely outside the regulated sector, into the formal market — an approach that Sri Lanka has recently taken. It is not clear if this route will work but the approach has been promising.

C. Regulate transactions among recruiters and between recruiters and employers

Another important policy challenge relates to the lack of clear regulations defining legally acceptable transactions among recruiters and between recruiters and employers. The majority of existing recruitment regulations concentrate mainly on framing migrants' relationships with recruiters and employers — by outlining, for example, acceptable placement fees, minimum wage requirements and bonds. It is important, however, for regulators to recognize that how migrants fare in the recruitment marketplace is ultimately determined not just by the nature of their relationship with the agencies that recruit them or the employers that hire them, but also by the nature of the relationship between agencies at destination and origin and between the agencies and employers.

> ...exploitation and abuse among agents at origin and destination increase the cost of recruitment, which is eventually passed on to the weakest chain in the link: the migrant worker.

Findings of the author's field work in Jordan, the United Arab Emirates, the Philippines and Sri Lanka strongly suggest that exploitation and abuse among agents at origin and destination increase the cost of recruitment, which is eventually passed on to the weakest chain in the link: the migrant worker. As W.M. Punyasiri Aponso of the Association of Licensed Foreign Employment Agencies in Sri Lanka notes, agencies are simply charging one another more than they should.[21]

For instance, in the domestic work sector, a Jordanian agent recruiting from the Philippines receives around JD 2,000 (USD 2,820) from the employer. From this amount, the Jordanian agent deducts roughly two to three months' salary as commission, or between JD 300 (USD 424) and JD 500 (USD 770). Agents in Jordan also spend money on medical examinations, work permit applications and other expenses, which adds up to another USD 700. The rest — around USD 1,800 — is remitted to the illegal recruiter in the Philippines, who uses this money to purchase airfare, pay subagents and cover other costs, including bribes to government officials. Agents in Jordan complain that agents in the Philippines not only ask for stiff commissions but also arbitrarily increase the fees with no clear reason. Since it would cost agents in Jordan more money to cancel existing job orders and find another agency in the Philippines, many agree to the new amount and pass the additional cost on to the workers.[22]

Agents also collude with employers at destination, further driving up the cost of recruitment for the migrant. For instance, Sri Lankan agencies find that employers, especially in the garment industry, do not like to employ men due to a perception that men consume alcohol and engage in fights, especially with workers of other nationalities. Sending female migrants is more profitable for Sri Lankan agents because employers generally pay USD 200 per deployed female worker. For the agency, the only way to make money from sending male workers is to ask for a substantial placement fee directly from the workers themselves, which covers expenses the employers refuse to pay (such as airfare) and, more often than not, an allowance for bribing the employers. Since the demand for male factory workers is very low, Kingsley Ranawaka, who chairs the Sri Lankan Bureau of Foreign Employment, notes that some Sri Lankan agents offer up to USD 350–400 in bribes to employers and/or their brokers to accept male workers.[23]

In cases where the demand for jobs is extraordinarily high relative to the supply — such as with male migration to Jordanian factories — the concept of setting fees that reflect recruiters' cost of provision plus what may be considered "normal" or competitive profits may not easily apply in practice. As economist Manolo Abella argues, the "fee is not determined by the financial value of the good procured but by demand itself . . . What the recruiter gets is not a fee for the recruiter's service but a 'bribe' to the job he or she offers."[24]

Migrants tapping into competitive overseas markets are typically willing to pay more. A policy that focuses mainly on banning placement fees charged to

migrants or keeping them within the cost of provision is not enough. The other regulatory challenge is to identify the legitimate ceiling on fees that agents can charge one another and the payments foreign employers must make to their local agents.

> A policy that focuses mainly on banning placement fees charged to migrants or keeping them within the cost of provision is not enough.

D. Harmonize regulations governing recruitment agencies at origin and destination

Finally, innovations that simplify the rules at origin and destination and address inconsistencies in critical areas such as allowable fees, standard employment contracts, minimum wages and level of recruitment agency liability for workers will also have a tremendous and direct impact on migrants' experiences during and beyond the recruitment phase. The policy mismatch between origin and destination countries on these key policy areas has created loopholes that allow unscrupulous actors to game the system. Governments must especially be aware of the danger in adopting policies that may look good on paper but do not translate well on the ground, particularly those that are imposed unilaterally by one government but that ignore the forces of supply and demand.

For instance, to ensure that migrants, particularly those vulnerable to abuse and exploitation, are protected, some origin countries have restricted recruitment agencies from deploying workers to particular destinations and/or occupations. But as Box 1 shows, enforcing a deployment ban is difficult, especially if the destination country does not recognize the ban. Given the cross-border nature of international migration, the regulatory and enforcement efforts of different governments will be fully effective only if host and source countries are equally committed to introducing and enforcing harmonized rules.

Box 1: Closing doors but keeping the windows open: Would a deployment ban work?

Since 2008 the Philippines has imposed a recruitment ban on domestic workers going to Jordan. Despite the ban, licensed recruitment agencies in Jordan continue to recruit Filipino domestic workers through the help of illegal recruiters in the Philippines. Most left the Philippines illegally as tourists but entered Jordan with proper visas. Going through this irregular route makes these Filipino migrants more susceptible to abuse and exploitation from unscrupulous recruiters and employers.

The Philippine embassy in Amman estimated that between 2008 and 2010, over 10,000 migrant workers defied the ban on domestic workers and flew into Jordan. For Ambassador Julius Torres, the "ban is only good for atmospherics." It essentially forced the destination government to come to the negotiating table and enact certain measures, but did not really stop workers from migrating since the wages were attractive and there was a strong demand for labour in Jordan. Torres aptly describes the situation: "When we suspended deployment, we closed the door, but in fact, the windows are quite open."

And many used the open windows to get out. Labour Attaché Virginia Calvez noticed that during the ban, migrants to Jordan were coming from the rural areas — many from Mindanao, an island south of the Philippines, which had not been a traditional source of migrant workers. She found that "recruiters go to the hinterlands to find people, typically with no prior experience of going abroad." According to Calvez, "If you have experience, you won't go to Jordan."

There is agreement among government officials and recruiters that the ban has led to the arrival of more unqualified workers — in large part because they do not undergo the right procedures. Torres expressed concerns that the "image of Filipinas as quality domestic workers is going down because the government is forcing Jordanian recruiters in Jordan to go underground and deal with unscrupulous recruiters in the Philippines."

It is better for everyone concerned — the agents, governments, migrants and employers — to lift the ban, primarily for two reasons: (1) migrants will take up employment in Jordan regardless of the ban and (2) without it, domestic workers will go through normal channels and be afforded some protection by law, such as signing a contract at origin.

Source: Agunias, 2011.

IV. Conclusion: Thinking beyond recruitment policies

Regulating recruitment agencies is not easy because it requires managing a global movement over which the regulator typically does not have complete control. The enforcement of worker protection

rules in multiple legal jurisdictions, and especially where regulatory regimes differ dramatically across jurisdictions, such as in the Asia-Middle East corridor, may not be impossible, but certainly is difficult. For instance, with regards to worker abuse, to what degree should the employer or recruiter be held liable? The Philippines resolved this dilemma by requiring all Filipino recruitment agencies to accept liability for worker abuses. The onus for regulating the employer-employee relationship thus falls to recruitment agencies, which unfortunately are often ill equipped to effectively enforce labour standards.

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This policy conundrum of conflicting interests and jurisdictions is, of course, not unique to migration and has been addressed, with varying degrees of success, in other fields both internationally and within federal states. Two approaches are most common: (1) the granting of final authority to a supranational or national (in the case of federal states) entity, and (2) the establishment of minimum standards through agreements accompanied by the creation of monitoring and enforcement bodies and procedures. Perhaps the best-known example of the latter is the governance system for international trade under the World Trade Organization.

However, labour law is much more of a national prerogative and more deeply enshrined in domestic policy than is trade. As a result, many states are reluctant to grant meaningful regulatory authority to any supranational entity. At the same time, many countries are unwilling to accept (and enforce) binding labour standards for foreign workers as part of a formal agreement. The record of dispute resolution mechanisms created in bilateral or regional agreements is mixed and depends largely on the goodwill and political commitment of the signatories.

It is therefore important to develop a bilateral or multilateral integrity system that addresses the existing jurisdictional issues of today's models. National regulations banning payment of recruitment fees, for instance, would be more effective if there is a means to monitor or enforce the regulation across borders. The jurisdictional gap therefore undermines efforts from well-intended and well-resourced countries.

Partnerships are also likely to be easier between countries that share values regarding individual and labour rights. Indeed, a less-direct, yet crucial, component in controlling the recruitment process is granting migrants, at the very least, equal treatment and basic rights as native workers. It is not a coincidence that many cases of recruitment-related abuse occur in those sectors that afford very limited protection to migrants, such as domestic work.

Of course, the composition of a set of core rights will be a matter of intense debate among sending and receiving governments and other stakeholders. Protecting migrants from abusive recruitment practices requires, at the minimum, a healthy and honest discussion of the basic protection mechanisms that should be accorded at origin, transit and destination.

As this brief attempts to illustrate, recruiters play an important, positive role that rests on their ability to provide migrants with a wider range of choices than they could access without assistance. Typically, in this exchange, migrants' bargaining position is low, which often leads to fraud and abuse. Beyond instituting policies that directly control recruitment practices, governments at both origin and destination should also introduce parallel measures that empower labour migrants and give them the needed negotiating leverage in an otherwise unequal employment relationship. Recruitment practices, after all, do not exist in a vacuum.

In an increasingly globalized world where migration routes — both legal and illegal — are in constant flux and labour migration flows are increasing and diversifying, two things are clear: (1) far from losing their relevance, private recruitment agencies will continue to play an even more important role in the future and (2) no one government should bear the burden of regulating recruitment practices and managing what is essentially a transnational phenomenon. International migration, by definition, transcends borders. The problems that arise from this international movement of people are, in most cases, transnational — as are many of the solutions.

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