

MULTILATERAL MIGRATION COOPERATION IN CENTRAL ASIA THROUGH THE PRISM OF INTERNATIONAL EXTRA-REGIONAL STRUCTURES: BRIEF OVERVIEW

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Abstract. This article examines aspects of multilateral migration cooperation in Central Asia through the prism of international structures with a specific focus on Kazakhstan. International migration has been a global phenomenon for several decades of the 20th century. The intensification of migration in all regions of the world and the increasing influence of the various effects of migration at all levels calls for a more coordinated migration. Modern Central Asia, represented by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan for a third of a century, has already been part of the global migration process, has its own specifics and experiences various influences of mobility both within the region and at the extra-regional level. Within the region, a separate organization or platform has not yet been formed that would cover exclusively migration cooperation. Along with this, there are organizations on the basis of which a solid foundation has been formed for the effective coordination of labor migration processes, the prevention of forced and irregular migration. To clarify the effectiveness and potential of migration coordination, this article will consider the activities in the field of migration of the Commonwealth of Independent States, the Eurasian Economic Union, the Shanghai Cooperation Organization and the Almaty Process.

Keywords: international migration, Kazakhstan, migration cooperation, Central Asia, Almaty process, SCO, EEU

Introduction

Modern migration processes are part of the transformation of international relations and are of a complex, mixed nature. Global and regional mobility today is an indicator of the stability and stability of the system of international relations. This increases the need to strengthen the negotiation processes, promote and improve the effectiveness of multilateral cooperation in existing multilateral forums and platforms, and cooperation within the framework of international regional organizations. The regulation of migration processes at the present stage is one of the key issues on the agenda due to the constant increase in the number of international migrants and the need for such an approach to migration processes that will not leave anyone behind and will meet the interests of all participants. According to the data, there were 281 million international migrants in 2020, representing 3.6% of the population (IOM, 2021). Central Asia (CA) plays an increasingly important role in modern migration processes; in this study, the region is represented by Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan.

The ongoing transformation of the region over the past thirty years has influenced and diversified migration within and outside of Central Asia. The effects of regional migration significantly affect the

development of the entire region and its security. Kazakhstan at the present stage has a diversified migration status and is a country of main, alternative and transit destination in the Central Asia. Labor, educational and transit migrants from Kyrgyzstan, Tajikistan and Uzbekistan arrive in the country, and there is a migration exchange with Turkmenistan. Despite the dynamics of migration processes in the region and outside the region, a single migration agreement or structure for coordinating migration processes has not been formed between the countries.

The key question of this study is to access the potential of existing organizations and platforms functioning both at the regional and interregional level with the participation of the countries themselves. To this end, it seems necessary to consider such organizations and structures as the Commonwealth of Independent States, the Eurasian Economic Union, the Shanghai Cooperation Organization and the Almaty Process. It also seems important to touch on the Global compact for safe, orderly and legal migration (IOM, 2018) which is the relevant global frame on migration.

Methodology

The article is based on desk research and covers the statutory documents of the presented structures.

This is a developing result of a larger and broader IOM study “Contribution of existing bilateral and regional migration agreements to migration cooperation in the Almaty process region”, prepared by the author and presented at the Technical Expert Group Meeting of the Almaty Process held on 05 Sep 2022. The topic of multilateral migration cooperation is seen as even more significant in the context of global and interregional turbulence and instability.

An assessment of the potential of organizations and structures will identify the most significant foundations for further cooperation in the field of migration in the Central Asia region and will subsequently make useful recommendations for Kazakhstan and other countries of the region.

Results & Discussion

International migration by its all trend from economic to forced, plays an important role both within the Central Asia and at the wider space.

Issues of cooperation in the field of migration are primarily addressed at the national level and then at the bilateral level. In this regard, bilateral agreements with countries with which the most intensive migration exchange is carried out, including border countries, are important. Bilateral agreements and agreements on readmission between the countries of Central Asia are today the key mechanism for regulating migration. There is a visa-free regime between all countries of the region, with the exception of Turkmenistan.

In modern conditions, it is very important to develop multilateral migration cooperation, due to the fact that most of the issues go beyond national and bilateral cooperation. In Central Asia today there is not a single association that would set as its goal the settlement of migration issues. Along with this, it is very important to consider the activities of such structures and organizations as the Commonwealth of Independent States (CIS), the Shanghai Cooperation Organization (SCO), the Eurasian Economic Union (EEU) and the Almaty Process (AP).

Kazakhstan is an active participant in all these platforms. All of these organizations have the potential to increase migration interaction, but also many challenges on the way to improving cooperation. And although none of the structures is a migration organization, with the exception of the Almaty process, in each of them the migration component is quite serious both in the economic and political context.

Agreements within the Commonwealth of Independent States (CIS)

The foundations of cooperation at the international and regional levels have been laid within the framework of the CIS activities since the countries of the Central Asian region gained independence. Within the framework of this organization, the following acts relating to the regulation of migration have been developed and are functioning: Agreement on issues related to the restoration of the rights of deported persons, national minorities and peoples of October 9, 1992; Agreement on cooperation of the CIS member states in matters of the return of minors to their states of permanent residence of October 7, 2002; Declaration on the coordinated migration policy of the CIS member states (2007); Agreement on Cooperation between the Member States of the Commonwealth of Independent States in the fight against illegal migration dated August 1, 2003 (CIS internet portal, 2021).

The most pressing issues at the CIS level are the issues of forced migration and regulation of the status of refugees and internally displaced persons. Optimization of the legal regulation of labor migration and combating illegal migration is also considered within the framework of the organization. The current relevant agreement ratified by Kazakhstan is the Agreement on Cooperation in the Field of Employment Promotion of the Population of the States Members of the Commonwealth of Independent States (Ministry of Labour and social protection of Population of Kazakhstan, 2022).

The CIS is important in terms of the geography of the participants, the experience of the countries in developing and regulating migration processes, considering historical, socio-cultural, economic, legal and political aspects. It seems as an international platform in the context of migration cooperation covering CA states and framing key relevant migration aspects at the space.

Experience of the EEU in the field of regulation of labor migration

The beginning of the Eurasian Economic Union (EEU) in January 2015 in accordance with the Agreement of May 29, 2014 (Treaty on the Eurasian Economic Union, 2014) (Belarus, Kazakhstan, Russian Federation, Armenia, Kyrgyzstan) ensured the freedom of movement of goods, services, capital and labor, the conduct of a coordinated, coherent or unified policy in the sectors of the economy. The Union is an international organization for regional economic

integration with international legal personality. According to Section 26 of the agreement (Articles 96-98), favorable conditions have been created within the Union for the labor activity of migrants, the possibility of moving in the common economic space (Treaty on the Eurasian Economic Union, 2014). For example, after Kyrgyzstan joined the EEU, workers received a number of preferences when working in Kazakhstan and Russia, such as: a worker and members of his family can stay without registration for up to 30 days; registration is carried out for the duration of the labor or civil law contract; – it is not required to obtain work permits (patent) and pass the exam; when hiring a worker, an employment or civil law contract is concluded.

The Treaty specifically highlights the rights and obligations of labor migrants. In particular, they are granted the right to engage in professional activities in accordance with the specialty and qualifications specified in the documents on education, documents on awarding an academic degree and (or) conferring an academic title. They are also granted the right to own, use and dispose of their property, to protect property and to freely transfer funds. The social rights of labor migrants are especially emphasized. Migrants and their family members are provided with social insurance, health care, the right to education, to join trade unions and to access information. It is important to note that today the EEU is one of the most progressive platforms in terms of migration in the Eurasian space. The Treaty on the EEU today covers only Kazakhstan, Kyrgyzstan and Russia, but it is important to note that Tajikistan and Uzbekistan are observers and potential members of the Union.

It is important to note several aspects according to the EEU that show the benefits and clear regulation of citizens-members of the EEU in Kazakhstan (Treaty on the Eurasian Economic Union, 2014).

- The procedure for employment of citizens of the EEU countries in Kazakhstan is regulated by the Agreement dated May 29, 2014.

- Attraction of foreign specialists is carried out without taking into account quotas and restrictions on the protection of the local labor market.

- The labor activity of a foreign worker is carried out on the basis of an employment or civil law contract without obtaining a work permit and visas.

- The period of temporary stay of a foreign worker and members of his family is determined by the term of the employment or civil law contract. The host party (employer) must issue a temporary residence permit (TRP) to a foreign worker and members of his family.

- Income of a foreign worker in the Republic of Kazakhstan is taxed on a par with citizens of Kazakhstan.

- Social security (social insurance) of a foreign worker is carried out in accordance with the legislation of the Republic of Kazakhstan.

- The procedure for assigning, paying and exporting pensions in the EAEU countries is regulated by the Agreement dated January 1, 2021.

- Children of a foreign worker have the right to attend pre-school institutions in accordance with the legislation of the Republic of Kazakhstan.

- Emergency medical care (in emergency and urgent form) is provided in the same manner and under the same conditions as for citizens of the Republic of Kazakhstan – free of charge, regardless of the availability of a medical / insurance policy.

- In the event of the death of a foreign worker, a family member is entitled to a pension – the worker's pension savings are transferred to his heirs in accordance with the norms of the Civil Code of the Republic of Kazakhstan.

It should be noted that the Eurasian Economic Union is so far the only platform that contains specific rules and regulations for labor migrants in the region.

SCO experience in the field of irregular migration

Issues of irregular migration are considered within the framework of the Shanghai Cooperation Organization (SCO). The SCO is a permanent regional international organization founded in June 2001. Initially, it included Kazakhstan, China, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan. Currently, four countries – Belarus, Iran, Mongolia and Afghanistan have observer status in the organization, and six – Armenia, Azerbaijan, Cambodia, Nepal, Turkey, Sri Lanka – dialogue partners (Official web site of SCO, 2022.). The tasks of the SCO initially lay in the sphere of mutual intra-regional actions to suppress terrorist acts, separatism and extremism in Central Asia. As a long-term goal, it is envisaged to create a free trade zone in the SCO space, and in the short term – to intensify the process of creating favorable conditions in the field of trade and investment (Voronina, 2017.). Migration issues within the framework of this organization are considered through the prism of the fight against separatism, terrorism, trafficking in arms, drugs and people. In this regard, the SCO has not adopted a separate document regulating migration issues. Migration processes for the SCO are perceived in the

context of economic, social and political security (Charter of the SCO, 2022). The SCO Declaration of 2001, as well as the St. Petersburg (2002), SCO Charter (2002) and Astana (2005) declarations mention migration processes in the context of the fight against terrorism, separatism and extremism. Migration issues are present not only in the context of illegal migration, but also labor (Mirzekhanov, 2013). The main focus of cooperation in the context of migration issues is on the “joint fight against illegal migration and human trafficking” (Dushanbe Declaration, 2021).

The main focus is on addressing issues of human trafficking and illegal migration. This is important in today’s realities, when these challenges have escalated in the post-pandemic period.

Almaty Process

The Almaty Process (AP) on Refugee Protection and International Migration is a regional consultative and advisory body established to protect refugees and migrants in Central Asia at the initiative of the Government of Kazakhstan, the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). AP was conceived in 2010 and launched on 5 June 2013. The members of the platform are Afghanistan¹, Azerbaijan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, Turkmenistan. Observer States – Iran, Pakistan and Uzbekistan is an invited party (UNHCR, 2022).

The Almaty Process aims to address the multifaceted aspects of migration, which are determined by the complex dynamics of mobility in this space, as well as to enhance regional and international cooperation and coordination on migration and refugee issues. The operation, development and sustainability of the Almaty Process is seen as an important component in strengthening and enhancing coordination and cooperation in the management of migration processes. This also highlights the need for capacity building, due to the increased importance of migration in socio-economic and political processes, and its impact on regional stability and security in the context of sustainable development throughout the Almaty Process. An assessment of bilateral and multilateral regional cooperation among the countries of the region and with all AP members will move closer to the main objectives of the Platform through capacity building and contributions to the implementation of the Global Compact on Migration (UN, 2018). The development of this platform is a serious contribu-

tion to the development of international and inter-regional cooperation.

Participation of central asian countries in the Global compact for safe, orderly and legal migration

Kazakhstan and the rest countries of Central Asia have signed the Global Compact for Safe, Orderly and Regular Migration (GCM) (UN, 2018). The countries have also become part of the Global Migration Network, which aims to mobilize all international organizations to address migration issues by organizing their coordinated work. This has been made possible through productive cooperation with the International Organization for Migration.

Almost all of the Central Asian countries have already submitted voluntary reports as part of the implementation of the GCM. This illustrates the intension to cooperate globally and shows a greater responsibility in shaping modern migration policies to achieve sustainable development.

The Global Compact for Safe, Orderly and Regular Migration is the result of a collaborative process to develop a comprehensive framework for inter-state cooperation on migrants and human mobility by establishing a set of principles, commitments, and agreements on international migration in all its dimensions.

The Treaty includes 10 guiding principles, 23 goals (UN, 2018) and enables the international community to set common benchmarks for orderly migration and thereby reduce irregular migration.

Further implementation of the Global Compact requires concerted efforts by all actors at the global, regional, national, and sub-national levels.

The Global Compact for Migration is non-legally binding and is the first negotiated agreement between governments under the auspices of the United Nations to cover all aspects of international migration in a comprehensive manner. Further implementation, follow-up and review of progress in the implementation of the Global Compact require a concerted effort by all actors at the global, regional, national and subnational levels.

Thus, it is to conclude that there is sufficient multilateral dialogue and cooperation in the field of migration with the participation of Kazakhstan and other countries of Central Asia. At the same time, countries need to make efforts to create more sustainable frameworks and solutions for migration.

Conclusion

Multilateral cooperation in the field of migration at the regional level and more broadly is seen as a

key link in the creation of coordinated migration.

Participation of Kazakhstan and other countries of Central Asia in multilateral multilevel cooperation has great potential. This is necessary for more coordinated migration processes to Kazakhstan, from Kazakhstan, along the perimeter of the region and to other regions.

Analyzing the agreements concluded on the basis of the CIS, we can conclude that this is the basis that served to further improve and develop migration legislation in the Central Asia region and wider.

The most advanced structure in the field of labor migration is the EAEU, but not all countries of the region are involved, and the current processes and the crisis in Ukraine are a serious challenge for the organization.

It is important to note the efforts of the SCO in counteracting irregular migration and human trafficking. In the post-pandemic period, this is important for the countries of the entire region that are members of the organization.

The Almaty process has sufficient potential as a platform for building the capacity of the participating countries and can become a platform for inter-

regional cooperation in the future, given the geography and capabilities of the participants.

The commitment of all countries in the region to contribute to the implementation of the Global Compact shows not only an increased responsibility for creating conditions for safer migration, but also of more effective coordination and achieving an approach that leaves no one behind.

Based on the results of a brief review of the activities of regional and extra-regional organizations that are involved to varying degrees in migration issues in Central Asia, it can be concluded that there is sufficient potential for more effective interaction in this area.

Along with this, Kazakhstan and other countries of Central Asia should focus on the development of a separate body or on the common regional agreement on migration. This will enhance the positive effects of migration processes in terms of sustainable development in the region and along its perimeter. Moreover, a common agreement and more integrative approach will reduce the negative consequences of migration in the post-COVID period, which coincided with a period of socio-economic and political turbulence.

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