

Injecting Moral-laden Discourses into Global Migration Governance: The Case of the Recruitment of Filipino Nurses to Germany

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ABSTRACT

Concerns about health care worker cross-border migration, particularly a global shortage of nurses, have generated a considerable body of research and policy agenda in the fields of health and migration studies for decades. Moral-laden discourses have been advanced within the United Nations framework to solve the asymmetrical distribution of nurses worldwide and a growing need for care services predominantly in rapidly aging countries. Following the recommendation, Germany and the Philippines have entered into a bilateral agreement in terms of recruiting Filipino nurses. The ultimate goal of which is achieving a triple win scenario: wherein the source and destination countries and migrating nurses reap the benefits of the cross-border movement. Grounding on qualitative research, with the help of governmentality studies and situational analyses, the discussion revolves around the case of the partnership between Germany and the Philippines. Moreover, the complexities implicating a range of state and non-state actors in building consensus on the norms, principles, and procedures to be fostered in governing cross-border skilled migration are given emphasis. The partnership conveys the recognition that cross-border migration poses global and moral challenges to the international community and, paradoxically, at the same time provides potential three-fold benefits if managed well. Novel dominant discourses – fair migration, ethical recruitment, and decent work – have transpired through the bilateral mechanism in which interstate cooperation models could be built upon. In this regard, the disposition of a migrant nurse becomes that of someone in need of decent work in a developing country; a subject who will legitimate the construction of a rights-based and normative approach to migration as a manifestation of protection, and indeed, a morally righteous act of struggle against structures of inequity and underdevelopment. The overall analysis aims to contribute to broader debates on global governance or management of cross-border migration, migration-and-development, and brain drain/circulation.

Keywords: triple win migration, health care worker international migration, ethical recruitment, fair migration, decent work, governmentality

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LIST OF ABBREVIATIONS

BA	<i>Bundesagentur für Arbeit</i> (Federal Employment Agency)
BMAS	<i>Bundesministerium für Arbeit und Soziales</i> (Federal Ministry for Labor and Social Affairs)
DBfK	<i>Deutscher Berufsverband für Pflegeberufe</i> (German Organisation of Nursing Professionals)
DoH	(Philippine) Department of Health
DWAB	Decent Work Across Borders
GCIM	Global Commission on International Migration
GFMD	Global Forum on Migration and Development
GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> (German Corporation for International Cooperation)
IAMM	International Agenda for Migration Management
ICPD	International Conference on Population and Development
IEGUS	<i>Institut für Europäische Gesundheits- und Sozialwirtschaft GmbH</i> (Institute of European Health Care Research and Social Economy)
ILO	International Labor Organization
IOM	International Organization for Migration
MDGs	Millennium Development Goals
PDOS	Pre-Departure Orientation Seminar
POEA	Philippine Overseas Employment Administration
PSLink	Public Services Labor Independent Confederation
SA	Situational Analyses
SDGs	Sustainable Development Goals
UN	United Nations
UN HLD	United Nations High-Level Dialogue on International Migration and Development
WCSDG	World Commission on the Social Dimension of Globalization
WHO	World Health Organization
ZAV	<i>Zentrale Auslands- und Fachvermittlung</i> (International Placement Services)

INTRODUCTION

Marya¹, in her early thirties with five years of nursing experience in hospital facilities in the Philippines, is one of the first few Filipino-trained health care professionals who has been recognized as Qualified Nurses (*Gesundheits- und Krankenpflegerin*) after working as an assistant in a tertiary hospital in Germany for a year since late 2013. She was one among thousands of Philippine-registered nurses who became attracted to work in Germany, an aging society currently facing a shortage of skilled workers in the health care sector, particularly the elderly (Triple Win fact sheet 2016: 2).² There are approximately 30,000 unfilled positions in this area which fuels the need for 150,000 additional skilled nursing staff by 2025 (ibid).

Marya took up nursing primarily because of the encouragement of her relative who has been practicing as a licensed nurse in the United States. Sooner or later, experience in the health care system in the Philippines has taught Marya that the pay would not be enough to compensate one's hard work in spite of doubling the amount of workload. Nurses' overtime pay would most of the time be equivalent to a simple 'thank you' from the administration: "you do not necessarily have to worship money but I need it to support my family, my younger sibling, and to save for myself and my future family. Eventually, I would like to have my own family," Marya relates. Working overseas emerged as one of the viable options for her, similar to other young and experienced registered nurses who take advantage of their globally in-demand skills and profession to seek better life chances across borders.

Sometime in 2012, she was pursuing an application for Western and South Asia and relentlessly giving out her CV to an assortment of private recruitment agencies located along the streets of Malate, Manila.³ However, Marya was not inclined to go through the stringent bureaucratic and exam requirements for the US, Canada, New Zealand, or the UK applications. A friend of hers referred an online job application for Germany. She pursued it and enrolled herself in a language school to learn German A1 level from her own savings. She did so because a certain private recruitment agency promised to match her with a suitable hospital employer in Germany who then would

¹ Marya is an interview participant whom I met in Germany in May 2015. The names of all the interviewees have been changed for anonymity; and names of representatives of institutions are not specified.

² ZAV – Projekt Triple Win. "Gewinnung von Pflegekräften aus dem Ausland – unser nachhaltiger Ansatz." https://www.giz.de/en/downloads/TripleWin_Factsheet_2016.pdf (accessed 17 November 2016)

³ The district of Malate in Manila comprises 29% of the private recruitment agencies in Manila alone, catering to any in-demand jobs overseas. The city of Manila hosts 49.7% of all private recruitment agencies located in Metro Manila (Tyner 2000: 68).

reimburse her enrollment fee. Marya reached a B1 level until she learned the grim reality that this recruitment agency was a scam. Together with other deceived nurses, she filed a grievance case to the Philippines Overseas Employment Agency (POEA) which ultimately led to the shutting down of the recruitment agency and the reimbursement of their enrollment fees. POEA is a central governing body for managing emigration of Filipino workers; the primary role of which is to regulate private recruitment agencies and at the same time protect Filipino migrant workers' rights (POEA website).⁴

"We didn't know where to go or what to do because we have gone this far; our language level is already high," Marya recounts. After all the failed applications to other countries and all the hurdles induced by a fraud private recruitment office promising employment in Germany, Marya eventually found herself entrusting her future to the bilateral agreement between Germany and the Philippines, better known by its taglines, "Triple Win Project"⁵ and "500 Nurses for Germany;" the advertisement of which she saw on television. "There were many of us applicants; almost 6,000 nurses. With or without knowledge of German language, one can apply, that's why we were that many. But of course, their priority are the ones who have a language certificate," Marya recalls.

The POEA made the official announcement through their website,⁶ highlighting their significant role in the recruitment process which meant the agreement did not authorize any private recruitment agency to handle nurse applicants' papers.⁷ The agreement, originally signed on 19 March 2013 and expected to last until December 2014,⁸ at that time claims to reap three-fold benefits: the nursing shortage in Germany is offset; the unemployment rate of nurses in the Philippines is trimmed down; and the

⁴ POEA. "About Us." <http://www.poea.gov.ph/programs/programs&services.html> (accessed 26 September 2016)

⁵ The bilateral agreement and Triple Win Project (sometimes 'the Project') are used synonymously throughout the dissertation.

⁶ POEA. "Triple Win Project Update." <http://www.poea.gov.ph/twp/TWP.html> (last accessed 16 September 2017)

⁷ One of the issues being considered by the Triple Win Project coordinators is the recent passage of the German regulation allowing the private sector to recruit health care professionals free of placement fee charges.

POEA. "POEA Governing Board allows licensed agencies to recruit Filipino nurses for Germany free of placement fee charges," 10 February 2016 <http://www.poea.gov.ph/news/2016/02-5.pdf> (accessed 22 February 2016)

Health care professionals are one among the occupations in the Positive List that can gain entry to Germany. This issue is further discussed in Chapter four.

⁸ The initial agreement of 2013-14 has been extended until 2018, as announced on the program website.

remittances to be sent by “Triple Win migrant nurses”⁹ and their transfer of knowledge contribute to the development in the Philippines (program website).¹⁰ Achieving the ambitious claims of the triple win approach goes hand in hand with a highly restrictive and lengthy procedure from the screening of applicants to the integration of Triple Win migrant nurses. Since Marya had earned an adequate German language certificate, it took only six months to process her application. Otherwise, language learning (from A1 to B1) in Manila, overseen by the Triple Win Project coordinators, should take at least six months on top of screening, selection, matching with an employer, and visa issuance, which could take another half a year at least, according to some applicants who have expressed their dismay.

Throughout the placement procedure, Marya’s application process was regulated by Triple Win Project coordinators, namely the *Deutsche Gesellschaft für Internationale Zusammenarbeit* (GIZ or the German Corporation for International Cooperation) and the *Zentrale Auslands- und Fachvermittlung* (ZAV or the International Placement Services) representing the German state and the Philippine Overseas Employment Administration (POEA) acting for the Philippine state (Triple Win *Bewerberinformation* [applicant information] 2013: 1).¹¹ Marya’s cross-border movement is envisaged by the Triple Win Project coordinators working on the assumption that cross-border skilled migration can ultimately lead to development. Underlying this assumption, however, are different ideas as to what is involved in the process of development.

Concerns about nursing skills, particularly health care worker cross-border migration, have generated a considerable body of research and policy agenda in the fields of health and skilled migration. Several studies have investigated the push and pull factors of nurse migration (Dimaya et al. 2012; Troy et al. 2007; Taylor and Gostin 2010), the possibility of *brain drain*¹² in the countries of origin (Skeldon 2008; Kingma 2008; Singh and Krishna 2015; Connell 2010; Mackey and Liang 2012) – which are mostly already resource-poor – and more recently the prospect of ethical recruitment to distribute nurses evenly across the globe and simultaneously avoid brain drain (Buchan

⁹ “Triple Win nurse migrants” is the term I use to refer to those Filipino nurses who have been placed with German employers through the Triple Win Project.

¹⁰ GIZ. “Sustainable recruitment of nurses (Triple Win).” <https://www.giz.de/en/worldwide/41533.html> (last accessed 22 August 2017)

¹¹ Triple Win *Bewerberinformation* [applicant information] <http://www.poea.gov.ph/twp/files/Triple%20Win%20Philipinen.pdf> (accessed 10 September 2013)

¹² I use italics to emphasize terms as socially constructed. Even though such terms appear without quotations in the rest of the dissertation, the reader should continue to think of these terms as under interrogation.

and Dovlo 2004; Martineau and Willetts 2006; Robinson and Clark 2008; Sager 2014). Brain drain refers to the risks involved in the rising emigration of health workers from poorer to wealthier countries. The discourse on ethical recruitment has been widely disseminated by the World Health Organization (WHO) through the creation of the WHO Global Code of Practice on International Recruitment of Health Personnel and was adopted by the World Health Assembly on 21 May 2010. *The World Health Report 2006 - working together for health*¹³ revealed a global shortage of 4.3 million health personnel.

The cross-border emigration of Filipino nurses is one expression of increased international mobility generated by the significant processes of global streamlining characterized by the amplified demands for services in high-income countries along with the transfer of production to developing countries (Choy 2003: 2). In an Organization for Economic Co-operation and Development (OECD) report in 2010, nurses born in the Philippines represent 15% of all immigrant nurses in the OECD countries. Approximately 16,000 physicians and 110,000 Filipino-born nurses are employed in Europe and North America (OECD Observer 2010). In recent years, 75% of Philippine-trained nurses leave the country each year to the Gulf States to undertake short-term contractual employment and return or relocate to another country after the termination of their contracts. There has been no statistics on the return of nurses to the Philippines (Abella 2012: 9).

The story of Marya and the case of the Triple Win Project open up not only the current concerns on the phenomenon of nurse migration but also fueling the *old* debates on guest worker programs. At first glance, the claims of the Triple Win Project seem to anchor on a number of past temporary or circular labor migration and recruitment schemes mainly carried out in agricultural, construction, and industrial sectors. Among the well-examined ones (for several policy-oriented reasons) are the *Bracero Program* a treaty-based scheme which brought at least four million Mexican farm workers into the Southwest of the United States on a temporary basis between 1942 and 1964 (Martin and Miller 1980); and the *Gastarbeiterprogramm* (guest worker program) between the Federal Republic of Germany and a number of countries such as Italy, Spain, Greece, Turkey, Morocco, Portugal, Tunisia and Yugoslavia from 1952 to 1973 (Herbert 1990; OECD 1978). The idea of a labor recruitment scheme might be similar, but the Triple Win Project traverses a new path – *skilled* workers and the health sector – and intersects with an emerging field of a discursive frame and policy

¹³ The report and all related materials can be accessed here <http://www.who.int/whr/2006/en/>

prescription, namely, the concept of migration management. This notion is a shorthand for a broad new array of schemes used by both state and non-state actors to re-establish policies concerning cross-border movements of people (Geiger and Pécoud 2010).

Scholarly observations on migration management have been advanced through a realization of several processes traversing each other (Geiger 2013: 22-23): (a) the emergence of an “age of migration” characterized by heightened flows of people over the past decades, the issue of which has reached intense political prominence (Castles, de Haas, and Miller 2014); (b) the concession to globalization (i.e. open economy) as an overwhelming challenge for unilateral nation-state government wherein traditional control strategies could be counterproductive to economic growth, trade, investment, employment, and social benefits to citizens; (c) the awareness of less legal sovereignty of democratic states to restrict transnational rights of various types of migrants, refugees, and asylum seekers; (d) the knowledge about transnationalism and the materialization of transnational social spaces; (e) the debate on (good) governance as an alternative to a unilateral policy-making approach to migration (Geiger 2013: 22-23); and (f) the perception of the risks involved in unpredictable migration flows can be dealt with a profound restructuring of the configurations and mechanisms governing cross-border human mobility (Pécoud 2013: 1).

The discourse of migration management compels a discussion of an equally controversial debate on the open border scheme (Georgi and Schatral 2012). It is generally exhibited as a “third way between open and closed borders” characterized by a political agenda that recognizes cross-border migration as a normal facet of a globalizing world; an agenda which has turned out to be vastly instrumental in today’s political thinking about migration (Geiger and Pécoud 2012). This suggests migration should not incite fear from receiving societies, on the contrary, it should be thought of as a source of opportunities for conciliation between the multiple and differing interests of states, both within and among governments on issues of recruitment or labor export, development, migrants’ rights, and security (ibid: 11). If adequately managed, cross-border migration could serve the interests of both sending and receiving states, which would necessitate international cooperation among states and non-state actors (international organizations, non-governmental agencies, think tanks, and experts) (Geiger and Pécoud 2012).

The management of migration can be traced back to the 1990s wherein states recognized migration as a major global issue; it took shape within the framework of the 1997 Cairo International Conference on Population and Development (ICPD). However, building blocks of an *international migration regime* were formed in the early 20th century and saw a considerable increase in the aftermath of World War II (Martin 2014). It is in this context that several international organizations such as the International Labor Organization (1919), the UN High Commissioner for Refugees (1950), and the Provisional Intergovernmental Committee for the Movement of Migrants from Europe, now known as the International Organization for Migration (IOM 1951) attempted to elaborate mechanisms for states to manage migration (ibid). More recent initiatives to intensify international cooperation include the 2006 and 2013 UN High Level Dialogue on Migration and Development, the Global Forum on Migration and Development,¹⁴ the Global Migration Group¹⁵ (Martin 2014: 4), and the Berne Initiative, which is a state-led consultative process launched in June 2001 by the Government of Switzerland.

For instance, the IOM has immensely exercised the migration management mantra but later recognized its difficulty: ‘the word “management” has occasionally been criticized as a euphemism for “restriction” or “control” and for giving insufficient attention to human rights’ (2008: 1). The term migration management was considered a “dirty word” and affiliated with a threat to state sovereignty over the issue of migration (Ghosh 2012) and it incites criticism when used by non-native English language policy analysts (Zaiotti 2016). Among the Anglo-Saxon language speakers “migration management” is analogous to “migration politics,” without necessitating the need to deliberate over the connotation of this phrase and over politics, laws, and regulations (ibid). In general, this unease registers in a similar way to the term “global migration governance,” which mainly refers to the mechanisms that would enable states to transcend the mere control of migration by jointly organizing human mobility with other state and non-state actors to better take advantage of its benefits (Pécoud 2015). Through this way, migration management practices have become a fundamental measure of what is recognized as ‘good governance’ (Kunz 2011: 303). This reveals the entrenched New Public Management logic wherein a set of tools used in the private sector is applied to reforms in the public sector’s organizational structures, process, and behavior for capacity improvement and cost-efficiency (Farazmand and Pinkowski 2006).

¹⁴ <https://gfmd.org/>

¹⁵ <http://www.globalmigrationgroup.org/>

Proponents of migration management, such as Ghosh (2000) and Bhagwati (2003), envision a *world migration regime*, which would resemble the World Trade Organization¹⁶ – an intergovernmental system governing international trade. Bimal Ghosh claims that such rule would provide a “sustainable and dynamic harmony” on the current mismatch in the world migration system wherein emigration pressures are rising but opportunities for legal entry are decreasing (2005: 1). Attempting to create this regime shifts the lens from a unilateral immigration control to taking advantage of the opportunities cross-border migration presents (ibid). In addition, instituting a regime of migration management promotes the concept of a triple win approach envisioning a fair, open, (neo-) liberal, and humanitarian attitude towards cross-border flows of people as a pragmatic solution which would ascertain benefits for countries of origin, destination, and migrants (Bhagwati 2003; Ghosh 2000). One of the tasks of a world migration organization would be to form a consensus on best practices or current laws and regulation by states’ sharing knowledge on each of their immigration policies pertaining to all types of migrants and channels (Bhagwati 2003: 104).

In this context, migration is celebrated and being approached through a recurring concern with fully harnessing the dynamics between migration and development, predominantly highlighting the contribution of migrants’ skills/talent/human capital and remittances for economic development of migrants’ home countries (Faist 2011; de Haas 2012; Skeldon 2008); a discourse which has gained political momentum in recent years (Angenendt 2014). Such an approach assumes that migrants carry responsibilities for instance regularly sending remittances and pursuing a voluntary return; both of which are perceived as positively impacting development (Geiger 2013: 28-29).

It is therefore that cross-border skilled migration has been an exceptionally prolific discursive area and has become increasingly coupled with development imperatives. One indication is the inclusion of migration into the 2030 Sustainable Development Agenda Declaration:

We recognize the positive contribution of migrants for inclusive growth and sustainable development. We also recognize that international migration is a multi-dimensional reality of major relevance for the development of countries of origin, transit and destination, which requires coherent and comprehensive responses. We will cooperate internationally to ensure safe, orderly and regular

¹⁶ <https://www.wto.org/>

migration involving full respect for human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons.¹⁷

Sustainable Development Goal (SDG) 8.8 is of particular relevance to the protection of migrant workers and labor migration: “protect labor rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants, and those in precarious employment.” In addition, SDG 10.7 clearly stipulates migration management: “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.” The political salience of cross-border migration has reached new heights and been rendered a tool to achieve sustainable global development.

Specifically, there has been a growing interest in transnational practices of migrants, particularly harnessing migrants’ remittances flowing from North to South, which is constitutive of the knowledge of migrants’ potential as a development actor. Marya, for instance, who possesses highly sought after nursing skills across the globe has been designated as a migrant worker whose human rights (encompassing labor and migrant rights) need to be protected. The Triple Win Project constitutes novel actors like Marya, along with her compatriots, in an attempt to regiment her movements to intensify the chances so that both source and destination countries and she herself can reap benefits from her movement. It is also envisioned that such regulation should minimize the risks associated with the movement, especially from South to North, by taking into consideration the origin countries where nurses have been trained.

Research Questions and Objectives

Both the phenomena of nurse migration and efforts to control cross-border migration are not new. However, the creation of an ideal and new mobility regime today transmutes itself into a complex range of practices, discourses, and actors (see Pécoud 2013: 2; and Geiger and Pécoud 2010). These three intersecting trends comprise migration management in a way that legitimizes each other in their intervention in the field of migration (Geiger and Pécoud 2010: 2). Although linked, such trends form intricate relationships; for instance, international organizations interested in migration issues produce discourses (i.e. capacity-building) to justify their practices, however, their tangible efforts and policy interventions usually stand in

¹⁷ UN. “Transforming our world: the 2030 Agenda for Sustainable Development.” <https://sustainabledevelopment.un.org/post2015/transformingourworld> (accessed 12 August 2017).

contrast to the logic reinforcing them (ibid).¹⁸ Few attempts have been made to research migration management on the ground despite the numerous publications produced by international institutions (i.e. United Nations system) promoting how migration management should be done and how migration is understood.

One of the main objectives of the dissertation is precisely to exhibit this complex web of actors, discourses, and practices and more importantly, the changing socio-economic and political conditions they emerge through focusing on a particular mechanism embodied in the bilateral agreement between Germany and the Philippines. How are cross-border migration and recruitment of nursing skills constituted as governable? What rationalities and practices are subjects – Filipino migrant nurses – governed? The research aims to contribute to the scant literature concerning the materializations of migration management practices, their implications, consequences, and the key actors producing knowledge about such approaches (Geiger and Pécoud 2012). In this context, the research engages in a rather limited discussion on the difficulty of consolidating a wide array of actors, whether state or non-state and from various sectors and levels, in building a consensus on migration policy-making.

For instance, although the necessity to establish a coherent *international migration regime* is more recognized now than before the proliferation of unofficial consultative processes intending to develop trust among states towards significant cooperation, states maintain their aversion towards relinquishing sovereignty over managing flows of people (Martin 2014). However, Martin remains highly skeptical that such a regime, i.e. a top-down approach, will transpire in the immediate future. A “bottom-up approach,” which denotes the institutionalization of the modes of cooperation among states in the management of migration, is being proposed instead (Martin, Martin, and Weil 2006: 237). Through the mechanism of interstate cooperation, states negotiate the “norms, principles, rules, and procedures” to manage the movements of people across borders (Martin 2014). This model also regulates which other non-state actors (NGOs, IOs, experts, and the private sector) are given the legitimacy to participate in the deliberations (ibid).

Drawing on the interstate cooperation standpoint, the dissertation provides a particular perspective on the bilateral agreement mechanism that should be spelled out in relation to the emerging field of migration management, in addition to broader

¹⁸ The edited book offers some empirical analyses of these three fields of migration management; however, they are not analyzed within one case.

political rationalities seeking to regulate the spatial circulation of human subjects across state borders as well as those governing the settlement of foreign subjects inside the state territory. The analysis sheds light on the modes of knowledge production associated with the recent developments in the changing configurations in which cross-border skilled migration is governed today. Empirically, the research examines how cross-border recruitment of nursing skills has been depicted as both a problem and a solution by the Triple Win coordinators and how this arena is managed to generate three-fold wins.

The dissertation intends to reflect on how actors, discourses, and practices are connected, produced, and conveyed through the Triple Win Project. It examines who the involved actors are and their relations to each other, their different responsibilities, and stakes in their participation in the bilateral agreement. The positions of states and non-state actors are juxtaposed with that of (migrant) nurses as regards the intersecting fields of health, labor, and migration. The analysis of discourses entails what rhetoric underlies each actor's participation in the creation and implementation of the Triple Win Project and what new discourses are constructed; how or in what contexts these discourses have emerged and been disparately channeled as regards the bilateral agreement. Lastly, the examination of practices considers which ones are performed in relation to regulating the cross-border skilled migration process; and how each phase of the recruitment process is regulated and negotiated by state and non-state actors. Overall, the dissertation reflects on how a particular pilot scheme (i.e. the Triple Win Project) brings the current (normative) debates on nurse migration and the renewed enthusiasm for the dynamics between migration and development into a single frame of migration management.

Arguments

What I suggest in the dissertation is firstly, that the Triple Win Project could be seen not merely in terms of its (non-)realization or under what circumstances triple win is achieved, but rather I position the Triple Win Project as an instance of a “social event/arena of struggle” (Crehan and Von Oppen 1988)¹⁹ which attempts to both

¹⁹ Crehan and Von Oppen employ the concept “arena of struggle” in their analysis of development as exemplified by an Integrated Rural Development Programma in Zambia, jointly sponsored by the Zambian and West German governments. The authors argue that the development project should be understood as a social event between different groups with different interests and strategies, which have to be rationalized with regard to the larger historical context of the project on local, national, and international levels. Moreover, the authors

channel and contribute to migration management through which the figure of the migrant – or in this case, a migrant nurse – emerges and is made the subject-object of power/knowledge. The Triple Win Project as an arena of struggle constitutes various actors from different fields of health, labor, and migration with diverse interests, stakes, and strategies in influencing the course of action of the Project. Each actor cannot be understood without taking into consideration the complexity of presuppositions underpinning their practices. Constitutively, each actor's practices bring to light how cross-border migrants are "questioned, analyzed, classified, and regulated" (Bacchi 2012: 3).

The concept of governmentality, defined by Foucault as "the conduct of conduct," is conducive to draw attention to the understanding of power-knowledge dialectic and the constitutive production of discourses which then influences the conduct of a target population (i.e. mobile/migrant population). As Foucault opines:

...in any society there are manifold relations of power which permeate, characterize and constitute the social body, and these relations of power cannot themselves be established, consolidated nor implemented without the production, accumulation, circulation and functioning of a discourse. There can be no possible exercise of power without a certain economy of discourses of truth which operates through and on the basis of this association (Foucault 1980: 93).

Governmentality has been instructive in approaching migration management as a particular discourse or a political rationality wherein cross-border migration is perceived as a norm in a globalizing world thereby subjecting migrants to the circulation of their skills (Kalm 2010). The Triple Win Project, for instance, is part of a broader moral landscape that employs normative concepts and universal rights as a mode of governmentality over skilled workers. This governmentality is visible in the practices and discourses that states and non-state actors exercise to shape a certain type of subject. The production of new knowledge about the potentiality of migrant workers to bring about economic development, the emergence of new actors engaged in the discourse, and the practice of migration management are a mutually constitutive process. Triple Win Project coordinators produce knowledge on the potential positive outcomes generated by cross-border skilled migration, thereby positioning nurse migrants as vectors of development. Nurses as subjects are also encouraged to be prepared to move as part of their human capital maximization strategies and to work where the demand is. The coordinators' migration management practices of regulating

emphasize the agency or capabilities of the supposed target group. See Crehan, Kate, and Achim Von Oppen. "Understandings of 'development': an arena of struggle: The story of a development project in Zambia." *Sociologia Ruralis* 28, no. 2-3 (1988): 113-145.

recruitment and skills/human capital circulation comprise of assisting migrants in fulfilling their roles as development agents. This means the coordinators incite nurses to realize that the scheme is good for them and suitable to their needs of earning a better paying job so as to regularly send remittances. The force of coordinators' argument also comes from a basic principle of fairness: migrants, especially from a developing country, deserve decent work. In other words, such practices and discourses delineate the fostering of mobile and flexible subjects, such as nurses, whose strategies are propelled by a fusion of social, economic and political reasons that articulate self-governance and cultural competence to navigate in global settings.

Therefore, in the dissertation, I argue that the case of the Triple Win Project becomes a legitimating mechanism for global governance of cross-border skilled migration through channeling a principle of fairness – one that resonates with discourses promoting 'a strong social dimension' of globalization and cross-border migration being prescribed by some UN agencies. By effecting moral-laden discourses in relation to governing cross-border skilled migration, the Triple Win Project coordinators, together with civil society organizations and human rights activists, attempt to maneuver the tensions between, on the one hand, avoiding harm brought about by brain drain, and on the other hand, pursuing a utilitarian objective to make migration work for development. Moral-laden discourses such as 'fair migration,' 'ethical recruitment,' and 'rights to decent work' become a necessary strategic and utilitarian tool to constitute, first of all, states and non-state actors cooperating and translating global migration governance into practice, and second, self-governing migrants who can be easily scripted as mobile and entrepreneurial yet vulnerable in the context of maximizing economic benefits from migration. The attempt to promote the concept of fairness presumes a model of reclaiming the social – a vision that can only be propelled by those who are professed to "do good" and who reinforce "ethopolitics," a specific kind of politics that "works through the values, beliefs, and sentiments thought to underpin the techniques of responsible self-government and the management of one's obligations to others" (Rose 2000: 1399).

The ethical recruitment scheme between Germany and the Philippines becomes a technique through which liberal forms of governmentality are able to convene otherwise unequal states and civil society in international politics sharing a particular positive vision of migration, thereby changing states' behaviors towards migration management and constructing a category of triple win migrants. I consider such a scheme as 'apparently humble and mundane mechanisms which appear to

make it possible to govern' (Miller and Rose 2008: 32) the process of selection, rights, and responsibilities of nurse migrants with the aim of maximizing the benefits of migration and minimizing fiscal costs and undesirable distributional repercussions. In addition, the Triple Win Project makes clear that rights to decent jobs are provided in a country different from where nurses have been trained and that development and decent work can only be achieved overseas.

Moreover, in evoking the rhetoric of fairness, the Triple Win Project not only strengthens but also contributes to an all too familiar migration-development discourse. This perspective considers what actions will produce benefits and negative consequences to the parties involved and the international community at large; and how human resources/skills/capital should be to a certain degree equally distributed among the members of the international community. The notion of the Project then invokes a focus on global consequences of action, on moral obligations, on the actors who carry what responsibilities, and raises *questions of what is right and wrong*. Employing such a concept in practice would mean cross-border skilled migration has to be regimented through a legally-channeled recruitment to ensure equitable distribution of benefits to all the parties concerned: the immigration and emigration countries and the migrants.

Significance

Governmentality, as a conceptual framework, not only sheds light on how a certain vision of cross-border skilled migration has been given shape, but it also emphasizes knowledge, rationalities, and subjectivities constituted in an agentic approach to governing cross-border skilled circulation and transnationality. I propose such an analytical framework for four main reasons, which also delineate the overall significance of the dissertation.

First, methodologies in migration studies have always been turned towards migrants, their families and networks, without much regard to recruiters and those actively fueling migrant institutions or "migration industry" (Massey, et al 1998: 190; Lindquist 2010). The dissertation adheres to what Lindquist (2010: 118) argues that labor recruitment is a crucial empirical site for theorizing cross-border migration wherein state and market actors work together and capital flows from various levels traverse. The dissertation's focus on recruitment process offers a rich site for exploring questions of power in globalized circuits of trade and thus contributes to

conceptualizing labor migration management. The study of recruitment processes, as a site of governing, flags state and non-state actors' practices, strategies, and rationale in negotiating their differing stakes and in cooperating within a transnational space. Appreciating the banality of recruitment goes hand in hand with bringing into view the ways in which a triple win approach to migration and fairness discourse relates to the changing dynamics of migration and development discourse and modalities of managing migration.

Second, studies of government or governmentality can be instructive in seeking to understand how Philippine and German states and local coordinators frame cross-border migration (governance) and recruitment into both a problem and a solution. Employing governmentality as a framework raises questions about "how problems come to be defined as problems in relation to particular schemes of thought, diagnoses of deficiency and promises of improvement" (Li 2007: 264). As states and non-state actors negotiate, cross-border skilled migration has been rendered a problematic or a source of harm and paradoxically at the same time considered as a potential means of addressing various global and local socio-economic problems. The Triple Win Project is positioned in a way that opens up a number of issues concerning demography, health care provision, skilled migration, labor rights, and economic development.

Specifically, as more and more high-income countries increasingly turn gray and as such create more demands for health care provision, Marya's skilled work on the bodies of others, or termed "body work" (Twigg et al. 2011),²⁰ is highly sought. Nurse migration has become an archetype for the global competition for skilled work/talent/human capital. Such capital refers to "the physical and intellectual capacities embodied in human bodies" (Goodin 2015: 16), or in economic terms, the educational attainment, work experience, language proficiency, and individual talents (van Tubergen 2006: 85). Nevertheless, cross-border movement of nursing skills, particularly the practice of poaching or active recruitment, triggers the old rhetoric of the uneven movement and distribution of health care professionals, the steady growth of the demand of skilled health care workers in middle and high-income countries, and a growing consciousness of the risks of increasing flows from poorer countries. Hence, the win-win-win prospect of cross-border migration has been touted to address the

²⁰ I refer to Twigg et.al's understanding of body work, which encompasses direct work on the bodies of others: evaluating, analyzing, touching, nursing, and observing bodies. Body work is a fundamental component of health and social care. For an overview of current research on body work, see Twigg, Julia, Carol Workowitz, Rachel Lara Cohen, and Sarah Nettleton. "Conceptualising body work in health and social care." *Sociology of Health and Illness* 33, no. 2 (2011): 171-188.

challenges encompassing the risks of migration, especially those flows from resource-poor countries to well-off ones. Such promised benefits for nurse migrants are embedded in the assumption that they would forge transnational ties through sending remittances.

Third, drawing on the case of the recruitment between the Philippine and German states, in a broader sense, offers a critical understanding of the resurgence of the concept of triple win as a viable and convenient framework for governing cross-border movement of health care workers. In policy documents, triple win is often equated with the concept of circular migration which has been regarded as a Northern concept (Skeldon 2016):

It offers destination countries a steady supply of needed workers in both skilled and unskilled occupations, without the requirements of long-term integration. Countries of origin can benefit from the inflow of remittances while migrants are abroad and skills upon return. The migrants are also thought to gain much, as the expansion of circular migration programs increases the opportunities for safer, legal migration from the *developing world* (Agunias and Newland 2007: 1; my emphasis).

The concept has moved up the international policy agenda as the desired management model of the future (Linguist, Xiang, and Yeoh 2012). The swing to circular migration is arguably an expression of a global trend wherein the interest in both regulation and protection of migrant mobility across borders is at the center of attention (ibid).

At the same time, I regard the recruitment process as singular in its expression of governing circulation. For one, migrants do not necessarily have to physically circulate between the source and destination countries to achieve a triple win. Rather, Triple Win migrants are made responsible for the success of the Project through fostering transnational relations, which becomes an imperative to realize three-fold benefits. Another significant element that makes the recruitment between the Philippines and Germany particular is its adherence to recommendations such as the practice of ethical recruitment being advocated by the World Health Organization and the agenda of decent work by International Labor Organization. While the Project is securing Filipino migrant nurses with modern rights and benefits, it is also part of a global arena that utilizes moral-laden discourses as a governmentality approach.

Lastly, highlighting both emigration and immigration contexts adds to the existing literature which focuses mostly on the socio-economic push-pull factors of cross-border migration, the effects on the countries involved, and the perspectives from the host countries, while empirical realities, especially of the sending- and non-EU countries, are little known. The opening of a unique transnational space between the

Philippines and Germany is examined here in a focused manner and reveals that both states have been playing active and important roles in the governmentality of cross-border skilled migration. In contrast to what some proponents of transnational studies imply, namely that states are being replaced by international actors as globalization intensifies (see Glick Schiller, Basch, and Blanc 1995; Sassen 2002), Philippine and German states, alongside local and international actors, re-inscribe their respective roles in key areas of the global economy. States are therefore not necessarily replaced or weakened by increasing global non-state actors, yet instead, constitute a whole gamut of practices in relation to knowledge production and regulating migration and are at the same time constituted in the process.

The contexts of emigration and migrants' skill acquisition and validation during the migration process are consequently considered as well. The way skills are defined, acquired and valorized in the country of origin or even worldwide has an influence on how Triple Win nurse migrants mobilize them in the recruitment process and in the German society and on how their skills are in turn valued in the German workplace.

Dissertation structure

The state of the art contextualizes the debates surrounding global migration governance of skills and how they are discussed in each of the intersecting fields of migration, labor, and health. It is followed by a discussion of governmentality and situational analyses that provide the analytical underpinning of this research. The analysis that proceeds is developed in six chapters.

Chapter one traces the emergence of moral-laden discourses, i.e. fairness, in relation to rendering the governance of cross-border skilled migration as a problem and a solution. The discussion reveals the emergence of such discourses from ideological connections with the UN paradigm development initiatives, such as "fair globalization." Governance is considered to be a moral and a global problem thus necessitates a fair solution in the framework of cooperation between state and non-state actors to regulate skilled migration. Together, these actors share a particular vision of creating 'a strong social dimension' of globalization and cross-border migration.

In Chapter two, the focus turns to the significance of how the three complementing global agenda – ethical recruitment, decent work, and circular migration of nurses – are defined or translated to practice by various state and non-state actors in relation to the bilateral agreement between the Philippines and

Germany. The moral weight the terms evoke, though with varying interpretations, is given a specific form for the purpose of regulating cross-border skilled migration. The chapter explores global instruments such as the World Health Organization (WHO) Global Code of Practice on the International Recruitment of Health Personnel and the International Labor Organization's Decent Work Across Borders (DWAB) project as they promote good governance in employing migrant health care workers.

The succeeding two chapters highlight the emigration and immigration contexts, specifically on the changing roles of German and Philippine states and how their own sovereign interests figure in the development and implementation of the bilateral agreement. Chapter three considers the Philippine state's forty-year labor export mechanism wherein cross-border migration and global market forces have become the gauge for expanding the production and export of nursing skills. The chapter focuses on the price one has to pay in pursuing a nursing profession, which reveals how the health sector has suffered and how nursing skills have become marginalized in the country but highly sought overseas. Nurses trained in the Philippines are expected to be mobile and flexible subjects as they try to both capitalize on and develop their in-demand skills, which are progressively embedded in transnational spaces.

Chapter four discusses the move of the German state to establish the country as an attractive destination place, although only to professionals possessing particular skills. It elucidates how the state has been legitimizing foreign labor recruitment by instrumentalizing bilateral treaties, e.g. past guest worker programs, which has always been one way or another through economic development wherein demography serves as a framing narrative. Migration and development discourse has been a recurring theme wherein the responsibility of achieving development heavily rests on the people moving to another country and their eventual return. What is different today, however, is the emphasis on fair migration, the implementation of various modalities such as the *Willkommenskultur* or "culture of welcome" and the emphasis on an integration model as a point of cross-border skilled migration government. The situation of the German health care sector and recruitment of foreign-trained health care and nursing professionals exemplifies how Germany "solicits" a flow of migrants that is yet to exist (Joppke 2002); migrants who by demarcation are economically "wanted" but to a certain extent (culturally) not welcome (see Zolberg 1987).

Chapter five examines the case of the Triple Win Project, specifically its *Nachhaltig ausgerichtete Gewinnung von Pflegekräften* or *Nachhaltige Fachkräftegewinnung* (sustainable recruitment) business model and the practice of

international cooperation, an effort highly encouraged in the global migration governance initiatives. Practices such as international cooperation and devising bilateral agreements constitute novel ways of enrolling subjects in their migration ambitions. The discussion identifies the array of actors, herein called migration experts or intermediaries, who have come together in governing the recruitment, placement, and integration of Filipino nurses. The analysis reveals that each recruitment phase constitutes a brokerage technique. This technique encompasses the complexity of migration from exit to entry, to transnationality, and integration of migrants. Thus, brokerage, in this case, helps to legitimate a mutually reinforcing process of enabling such actors as responsible experts in the regimented migration of nurses, and at the same time, governing skilled circulation to make migration work for development.

Lastly, chapter six examines the instruments which identify, govern, and determine the limits on the capacities of Filipino nurses to transform themselves into active agents in their self-governance in the process of cross-border skilled migration. Such transformation is constituted as Triple Win candidates go through pre-integration measures such as German language learning, professional preparation course, and pre-departure orientation seminar. The discussion is juxtaposed with analysis of self-governance of Triple Win nurses and shows how integration and recognition of professional foreign qualifications measures are instrumentalized in order to actualize a triple win. I conclude with the goals of the dissertation and some recommendations for further research.

STATE OF THE ART: GOVERNANCE OF CROSS-BORDER MIGRATION

This section aims to unpack the literature to contextualize triple win claims and understand the major debates surrounding global migration governance wherein both emigration and immigration states, and other non-state stakeholders, cooperate for a particular win as a global collective good. Migration management, through a partnership or multilateral approach, has been presented as an adequate orientation towards facing new challenges of cross-border migration; an exemplar of which is the movement of nurses. Universal goals such as development and ethical principles in relation to migration and recruitment of health care professionals cannot be understood without taking into consideration the intricate mesh of rationales being channeled by those involved in the Triple Win Project. The call for this task becomes apparent when we consider the scope to which the discourse on the circular migration of skills exhibits its potentialities for responding to the needs and constraints of participating states and the empowerment of migrants as well. Existing literature focuses mostly on the socio-economic push-pull factors of cross-border migration, the effects on the countries involved and host-country perspectives, while empirical realities, especially of the sending- and non-EU countries, are little known. The task at hand is to review relevant literature from migration studies and health studies and examine how migrating nursing skills and their ways of being regulated are discussed.

First, I look into the literature on governing migrating skills and making migration work for development. The realization that migrants are valuable resources whose remittances can be tapped stimulates the debate on the triple win and/or circular migration schemes; the idea of regimented movements to intensify the chances that both source and destination countries can reap benefits from migration in accordance with their particular predilections (Vertovec 2007; Newland 2009). Such schemes have dominated policy discussions in EU partnerships with third countries. Second, drawing on health and ethics literature, the last section traces the ethical recruitment debate in the health sector and how it has been propounded to address dilemmas brought about by nurse migration, unequal distribution of health workforce, and brain drain. Migration of health care professionals from resource-poor countries to affluent ones fuels the ethical debate on brain drain, which maintains its relevance in health policy circles. The debate turns to global and normative solutions in addressing the *crisis* of human resources for health care. Consulted literature regarding this matter is recently published materials, which somehow allude to the implementation and evaluation of the

World Health Organization (WHO) Global Code of Practice on the International Recruitment of Health Personnel.

Governing migrating skills for development

The coupling of migration and development has been widely studied in the social sciences and has recently been given a great deal of attention in international public policy since its inception on *International Migration* edited by Ninna Nyberg Sørensen, Nicholas Van Hear and Poul Engberg-Pedersen (2002). The policy and discursive areas of cross-border migration and international development are understood as entangled in a set of complex, diverse, and shifting interactions in which the direction of causation is certainly not one way; migration can be understood as both a cause and an outcome of development in the same way as development is both a cause and an outcome of migration (Bakewell 2011). The current discourse on migration-for-development is not new and merely a reprise of earlier debates (Faist 2011; de Haas 2012), swinging like a “pendulum” from a certain enthusiasm in the postwar era, to absolute “brain drain” pessimism from the 1970s, then swinging back again to “brain gain” from the twenty-first century (de Haas 2012: 8). Nevertheless, it is only at this turn of the new millennium that issues about the degree to which migration can aid or impede development have moved to the core of academic and policy agendas and the area of political economy (Bakewell 2011). The outpouring of interest in the issue of migration and development is partly due to a remarkable surge in global remittances (de Haas 2012) as the new “development mantra” (Kapur 2003). Constitutively, migrants have been rendered significant agents of development through their existing transnational ties (Faist 2010). For instance, various governments and international organizations have formulated policies reaching out to migrants, who engage in transnational relations on personal and collective levels, to channel their development potential (Faist 2011).

De Haas (2012) astutely claims that the “neo-optimism” on migration and development today is consistent with neoliberal development ideology, regarded as minimizing the role of states in bringing about development and at the same time accelerating market and individual forces to carry out political-economic change and social transformation. It is based on a neoclassical view of migration theory, which regards migrants as economic resources instead of social beings (Castles and Ozkul 2014). This belief maintains its links with neoclassical economic theory and the functionalist perspective in social theory, which profoundly ignores structural

constraints such as deep-seated socio-economic and power inequalities (de Haas 2012: 20).

Migrating skills

Immigration policy in high-income countries is progressively taking on a dual approach of supporting skilled migration and constraining unskilled migration (Skeldon 2008). Castles (2006), in his review of new approaches to labor migration in the EU, discovers that EU policies, together with that of high-income countries, target the import of highly-skilled. The admission of less-skilled workers is rather limited through temporary and seasonal labor programs, which is similar to the policies of the 1945-1974 period intended to import low-skilled guest workers (Castles 2006). The author's extensive examination of migration policy trends in Germany, Britain, and the EU as a whole exposes the high preference for importing human capital while neglecting to establish mechanisms for legal migration for the less-skilled workers (ibid).

Categorizing people or migrants in terms of skills is highly problematic precisely because as Ruhs and Anderson (2013) cogently show, 'skill,' along with 'shortage,' is a "slippery concept." There is no general agreement among social scientists about the meaning of 'skills' and the term is often used to denote 'ability,' 'competence,' 'talent,' 'human or cultural capital' (Green 2011). In quantitative research, skill is based on the number of years of education and occupation (OECD 2001). Neither there is a universally established description of a labor or skills shortage nor one most favorable policy action (Ruhs and Anderson 2013). When seeking migrants to help fill job posts, employers are guided by an understanding of a shortage that the demand for work surpasses supply at the existing salaries and employment conditions (ibid). Tesón (2008) raises a similar concern that classifying human beings into skilled units of human capital "unduly personifies the state as the owner of human capital just as an investor owns his money, and therefore fails to treat persons as autonomous agents" (p.8). Nevertheless, skills have become one of the most suggestive categories when regulating migrants, whether at points of entry, immigration, or emigration (Raghuram 2008).

On another significant note, Faist (2013) discerns that the discursive comparison of skills categories is a result of sustaining and reproducing social inequalities on national and global scales, in this situation the social mechanism of hierarchization among migrants (p. 1643). The social mechanism of hierarchization contrasts two categories of cross-border people, specifically, on the one hand, *labor*

migrants, whether with regular and irregular legal status and, on the other hand, the *highly-skilled*, those professionals who take their chances overseas (p. 1642). The first group is characterized negatively as “wanted but not welcome” immigrants whose integration poses an issue, while the second group is considered positively as both “wanted and welcome” mobile individuals (ibid).

Another issue when it comes to migrating skills is its recognition or qualification which does not occur automatically across borders and may pose some complications because of migrants’ social positionings (Raghuram 2008) and the inherent differences in the curricula between countries (OECD 2012). Some destination countries lack the mechanisms for assessing and recognizing qualifications acquired overseas, and employers are not accustomed to the problem (ibid). Migrant women, for instance, find themselves incapable of employing their skills due to a number of immigration rulings, such as spousal employment and gender stereotyping both in the labor market and households (Raghuram 2008: 9)

Triple win approach: connections with circular/temporary migration schemes

The European Commission (EC) describes circular migration “as a form of migration that is managed in a way allowing some degree of legal mobility back and forth between two countries” (EC 2007:10). Recent years have seen heightened debates considering circular migration as a form of migration that can be managed, alongside discussions on whether the concept is indeed triple win, silver bullet, dead end or placebo solution (Skeldon 2012; Wickramasekara 2011; European Public Health Alliance 2013). Vertovec (2007) contends that the interest in circular migration has come from “a rather sudden realization that remittances, the transnational flows of money earned by migrants abroad, have become a major global economic resource (p.2).” Both the European Commission and the Global Forum on Migration and Development have been pioneering in enabling a viable circular migration system (Wickramasekara 2011; Vertovec 2007) through proposing specific policy instruments such as transferring of skills to the developing world (EC 2005a: 25), providing long-term multi-entry visas for returning migrants and creating EU database of third country nationals who left the EU at the expiration of their temporary residence or work permit (EC 2005b).

Several authors in migration studies have delved into the resurgence of circular migration, in particular, with reference to its temporal dimension. “It is a contradiction in terms to speak of managing circular migration, as the very fact of managing the process will turn circular migration into temporary programs of migration” (Skeldon 2012: 53). Cassarino (2013) identifies this as “securitized temporariness,” the logic that seems to dominate policymaking both at EU and at member state level (Triandafyllidou 2013):

Circular migration programs do not only build upon past practices designed to regulate the movement of international migrants; they also react against such inherited practices in a subtle manner by linking the adoption of temporary and circular migration programs with new security-driven safeguards (Cassarino 2013: 23).

While Cassarino offers an institutional perspective, Triandafyllidou (2013) argues that circular migration on the ground fits the Post-Fordist paradigm of production. Through several case studies “at the periphery of Europe” and comparative analysis, Triandafyllidou shows that although circularity takes various patterns, it is predominantly agent-driven. Circular migration realities are a fitting match to flexicurity approaches to the labor market as circular migrants entrepreneurialize their human and social capital to create employment for themselves (ibid). Inherent gaps of circulation migration such as welfare gap in the source country and the challenges to democracy need to be addressed to allow for a definite triple win situation, as Triandafyllidou (2013) proposes.

Castles and Ozkul (2014) present a comprehensive overview of temporary and circular migration schemes from all over the globe (with special emphasis on Germany, Spain, Canada, Australia and Republic of Korea) spanning from the end of the Cold War to 2000s with varying degrees of regulation and categories of skill. In the same manner, Vertovec (2007) offers a review of recent reports and documents published by policy-centered organizations promoting the projected benefits of such migration systems. The Global Commission on International Migration (GCIM) established by UN Secretary General Kofi Annan, the International Organization for Migration (IOM), the World Bank’s Europe and Central Asia Region, the European Commission and the House of Commons International Development Committee envision circular migration policies as positively addressing diverse issues and challenges concerning economic development, labor shortages, public opinion against migration, and illegal migration. Sending states benefit by advancing human capital circulation and guaranteeing course of remittances for development. Receiving states win by filling in sectoral labor shortages, guaranteeing that temporary migrants leave and reducing irregular

migration. Lastly, employers also profit by recruiting from a recognized and reliable pool of workers, retaining trained and experienced workers, and maintaining wages low (ibid: 5).

Because of such positive view on migrant remittances combined with the understanding of the advantages which could be reaped from transnational linkages of migrants with their origin countries, the idea that migration institutes a triple win has recently come to saturate the migration and development discourse (Hermele 2015); a discourse which has gained political momentum in the recent years (Angenendt 2014). The concept of triple win is claimed to be a reflection of intense global transformations in migration patterns, with long-established South-North movements becoming more complex and with temporary and circular migration superseding unidirectional and permanent movements (ibid). There is a growing consensus among UN-member states that cross-border migration remarkably lowers poverty level and is one of the most powerful facilitators of development albeit movement has to be well-managed and systematically included in national, bilateral, and international development policies (ibid).

Contemporary circular migration programs engender individual migrants as latent entrepreneurs in a global society, according to Feldman (2012). He explains that the migrant worker is now acknowledged as a mover of capital to be nurtured and compensated with additional experience, competencies, and earnings. Moreover, the entrepreneur subsists on its own capital, income, production, and contentment. Feldman opines that commodification does not only happen with workers but also with their several skills wherein individuals are demoted to a skill ready to be marketed on the labor market. However, Castles and Ozkul (2014) claim that a standpoint based solely on economic gains does not take into account the universal human rights of migrants; a lens cogently taken and developed by Likić-Brborić and Schierup (2015) who argue for the support of a rights-based approach to migration and the value of labor rights in the context of an emerging global governance of migration. The promotion would aim for an alternative development model, which would call for “accountability” of big global actors and national administrations to institutionalize global social justice (ibid).

Lastly, Wickramasekara (2011) presents a number of rationales – beyond that of particular interest in harnessing remittances – behind this upswing of interest in circular migration. First, circular migration poses an alternative to the less rewarding traditional guest worker programs when a percentage of temporary migrants remained

in destination countries, hence exposing the motive and preference of destination countries to acquire “labor but not people” (ibid: 1). Second, it signals the inclination towards flexible labor markets, which suggests that when labor demand in the destination country dies down, migration can be impeded and migrant workers can be persuaded to leave. Third, circular migration corresponds to security-oriented approaches to mobility propelled by the necessity to deal with irregular migration, besides shifting of responsibility to sending countries. Fourth, as a convenient tool, circular migration coincides with the current enthusiasm about the potential of migration and development linkages by means of win-win formulas (Wickramasekara 2011: 1-2).

EU partnerships with third countries

Collaboration with third countries in the sphere of migration has been given recognition in official EU policy documents and as subjects of research (Buracec 2012). Feldman (2012) observes that the idea of circular migration is behind EU's attempts at creating regularized migration policies through partnerships with third countries (non-EU Member States). The concept offers a solution to several problems faced by the region such as the greying workforce because it employs labor; brain drain out of source countries because migrants return; and politically, the disagreement between neoliberals or economic conservatives who envision labor migrants to circulate into the EU and neo-nationalists or nationalist conservatives who prevent migrants from staying in the country/region (ibid).

Other than putting into force the concept of circular migration, EU labor immigration control policies are also designed with the goal of presenting attractive conditions for particular categories of third-country nationals, as scrutinized by Carrera et al. (2014). The EU must lure new talent in the context of a growing global competition; a policy paradigm established in “An Open and Secure Europe – Making it Happen” of the European Commission May 2014 Communication (ibid).

Even though it is labeled as a global approach to migration for development, a document analysis of EU Mobility Partnerships with third countries uncovers the security orientation of this approach in support of the EU Member States (Farner 2012). Huysmans' (2006) empirical analysis of EU policy solutions forms the argument that migration to EU is evoked as a threat to an imagined unity and identity of a people. Thus, migrants have been portrayed as objects of control (Farner 2012).

However, the literature has little to say about the perspective of third countries in light of the debate on mobility partnerships (Buracec 2012). De Haas and Vezzoli (2011) state that in migration scholarship, the effects of such partnerships on non-EU states are largely ignored in virtue of strong host-country bias.

Governing migrating nursing skills

Nurses have always moved from and to whatever the scale of the place may be to gain some experience in different hospital settings, however, nurse migration has become a global mass phenomenon today, with its far-reaching scale and directional changes (Kingma 2006). Health worker cross-border migration is “one of the most pressing issues of our times” (Chatterjee 2011: 456). The international movement of nurses was mainly driven by individual inspiration and connections, while recently, it is impelled by the intense ‘pull’ factors of large scale deliberate international recruitment practices of high-income countries (Troy et al. 2007) and ‘push’ factors of meager wages, inferior working conditions and suffering public health systems (Taylor and Gostin 2010), wherein both dynamic forces sequentially could aggravate shortages in the origin countries endangering health systems around the globe (Kingma 2006). Colonialism and its interdependencies of care have played a major role in the transnational production and movement of health care workers (Raghuram 2009: 30). The migration of US-trained Filipino nurses to American hospitals gives a clear illustration of the historical legacy of colonialism by establishing public health nursing in the islands which could have enabled the formation of an expedient cheap workforce to services the needs of an imperial power (Brush 1995).

Some of the reasons the demand for skilled health workers intensified in developed economies are related to shortages, aging populations, high attrition rates particularly for nurses, greater specialization, increasing demand for health care marked by the spread of medical tourism, greater ability to pay (Connell and Walton-Roberts 2016; Mackey and Liang 2012), and ever-increasing efforts to acquire new supplies of flexible and cheap nurses (Wrede 2010). In addition, welfare provision has been increasingly privatized and been subjected to the demands of neoliberal economic restructuring (Dyer, McDowell, and Batnitzky 2008). The increasing demand for and decreasing supply of health services in the case of OECD countries, such as the UK, US, France, and Germany, can be attributed to elderly population and growing income, on the one hand, and the aging and feminization of the health workforce linked with an expanding desire for spare time, on the other (Pond and McPake 2006). On

another study, the merging of demographic and epidemiological considerations (aging and non-communicable diseases) indicates a looming emphasis on the global need for skilled health workers (Connell and Walton-Roberts 2016).

To complicate the issue even further, the convergence of the demand in developed economies and the low investment and insufficient health system planning in resource-poor countries has resulted to less health care specialists who are locally trained and retained to work in developing countries (Mackey and Liang 2012). In relation to this, as Yeates (2010) phrases it, “nurse migration embodies a coalescence of several kinds of ‘care crisis’ – of public health, of the ‘care commons’, of social reproduction and of social development” (p.437). Crisis of public health, defined by precariousness to current nursing positions, recruitment restrictions and terminations, together with inadequacies on training capacity and on the figures of nurses being trained, is brought about by policy decisions to confine health-care costs (Yeates 2010: 428). Because the majority of nurses are women and that performing care work is considered a public good, nurse emigration negatively impacts the “social solidarities” and the “emotional commons” or “care commons” that nurses as family and community members would have otherwise maintained in their countries where they have been trained (ibid). The global crisis of social reproduction is characterized by aggravated existing nursing shortages mainly generated by the schemes exploited by richer countries to solve their own nursing care crises which in turn reproduce those very crises to resource-poor countries (ibid). These different dynamics of nurse migration then boil down to a problem of regulating the movement based on the concerns of public health, welfare, care, and global social development worldwide (Yeates 2010).

The dynamics of nurse migration features that of a globalized labor market and current international migration pattern may call to question *ethical* issues. First of all, the feminization of international (health worker) migration engenders significant concerns of structural injustices, mainly the increasing of “global health inequities in source countries and injustices against migrant care workers” (Eckenwiler 2014: 213). Structural injustice ensues “in the way [social and economic norms and processes] constrain and enable, and how they expand or contract ... opportunities” for individuals’ capacities, actions, and prospects (Young 2006: 14 in Eckenwiler 2009: 176). For instance, the Philippines, being the largest source of registered nurses for work overseas, has its own health care system depleted (Eckenwiler 2014: 215). Also, Filipino-trained nurses face limited amount of decent choices of action and life course

by being subjected to nationalist and neoliberal discourse of conducting themselves in favor of capital and economic growth (Eckenwiler 2014: 216).

The second ethical concern pertains to the practice of destination countries of using recruitment agencies to take on significant numbers of health professionals from developing countries (Stilwell et al. 2004; Buchan, Parkin, and Sochalski 2003). The system of actively recruiting workers from vulnerable regions may infringe upon negative rights to not cause harm when it conceivably impedes with states' ability to guarantee the basic rights of its population; in this case, recruiters exercise asymmetrical power to elicit and maintain harmful migration flows which can be morally problematic (Sager 2010). Another issue that stimulates the ethical debate is the instantaneous profit a destination country earns from such sought-after skills without having to invest in training those skills. Nevertheless, it may not be ethical to curb the individual free will of health workers who are contemplating on emigrating from resource-poor countries due to opportunities of better working conditions, safety, income and infrastructure on top of experiencing political freedom and independence in high-income countries (Mackey and Liang 2012).

Simultaneously, in the event of global scrambling for such portable skill, nurses may realize that emigrating is the only means to achieve career growth (Kingma 2006). Paradoxically, and as Connell and Walton-Roberts (2016) observe, health labor or health human resources have been neglected in the framework of geographies of health and medicine in the present era of health transformation, globalization, and the privatization of health sector. Employing feminist and labor/economic geographies in their analysis of the circulation, regulation, and distribution of international skilled health workers, the authors conclude that the escalating global organization of health care requires greater focus on the geographies of the health care workforce to effectively and equitably deliver health care (ibid).

Challenge: from South to North

The debate on brain drain and brain gain exhibit a greater sense of importance in the context of globalization, aging societies, and the movement of health professionals from low-income countries (Skeldon 2008). However, brain drain is only relevant as a concept if connected with permanent emigration (Kingma 2008). In this regard, Skeldon considers that health workers are perceived as vital to attaining basic welfare targets in any country, thus their movement is seen as a loss and may pose

danger to countries of origin; a loss of public educational investment, human capital and financial investment (Yeates 2010). On the other hand, migrants, in general, are glorified as development actors through their remittances and skills or human capital, which can bring about development in their home countries (Skeldon 2008). The brain drain criterion postulates that skilled labor force is a human capital, a fixed asset that could possibly be controlled depending on economic and social conditions and is an indispensable factor for the development of native economy (Singh and Krishna 2015). It is considered a loss of human talent if there is a heavy outflow of expertise from developing economies (ibid).

Brain drain was first identified in the 1960s pertaining to the movement of scientists, doctors and other highly qualified people within relatively developed countries (Gish 1969a, 1969b in Connell 2010). As early as 1966, the Philippine Department of Labor wrote a *Report on the Problem of the Brain Drain in the Philippines* in which to a certain extent highlights the nurses' contribution to the question (Connell 2010). The concept seemed to resonate with other health contexts from Latin America to India and has gained some ground since then (ibid).

Mackey and Liang (2012) have in their study showed that brain drain gives rise to health personnel shortages, diminishing health system, and economic deficit and waste, which put at risk the welfare of already vulnerable populations and the value of global public health interventions. This is predominantly manifested in resource-poor countries with a high global burden of disease (i.e. HIV/AIDS, malaria, tuberculosis) demanding a huge amount of expenditure. Furthermore, health worker shortages have caused alarm to World Health Organization to identify fifty-seven poorest countries with a "critical shortage" of health workers. Brain drain may also lead to brain waste characterized by skilled health workers giving up or being excluded from health care (Connell and Walton-Roberts 2016: 164). Brain waste occurs when a skilled individual is unable to harvest the supposed benefits incurred from human capital acquisition such as education and training (Pires 2015). For instance, a significant number of foreign-trained international medical graduates in Ontario succumb to a system where there is low international transferability of skills which results in their skills being either underutilized or not utilized at all (Lofters et.al 2014). However, brain drain may also lead to brain circulation when nurses return to the source country or move to where the demand is (Connell and Walton-Roberts 2016: 164), which may be due to obstacles confronted in host countries obstructing successful nursing practice (Moyce, Lash, and Siantz 2016).

Global and normative solutions

The migration of health workers, or the crisis of human resources for health (Bond and McPake 2006; Martineau and Willetts 2006; Delucas 2014), has transpired into a critical global health challenge, hence encompassing structural, political, societal, and economic aspects of society and governance (Mackey and Liang 2012). Kingma (2010) raises some pertinent questions surrounding the debate around governing migration of nursing skills and its implications for the society at large:

How can migration be controlled or managed without infringing upon individuals' freedom of movement and exposing the recruitment process to even greater corruption and double standards? How can we maintain the delicate balance between the human and labor rights of the individual and a collective concern for the health of a nation's population? Who is negotiating the framework for the global movement of nurses? What are the vested interests behind nurse migration? Where is the financial and social gain? (p.7)

Most of the recommendations addressing the crisis turn to a normative standpoint. For instance, Pond and McPake (2006) argue that state policies should aim to safeguard local stability in health labor markets so that shortages of personnel do not turn to the international brain drain for a solution. Mackey and Liang (2012) claim that the problem of brain drain requires global solutions of "responsible global health governance" which should aim for sustainable ways of equitable resource sharing. It can be achieved by implementation of "health exchange programs" in combination with "global public health service corps" (ibid). Health exchange programs, Mackey and Liang (2012) argue, help establish a structure for an obligatory set of legislation to institute equitable health personnel transfer; determine governance measures to guarantee conformity; remove barriers for re-entry into source country; possibly improve WHO Code compliance; and foster commitment to capacity building. Some implemented examples include those of Africa and Thailand wherein diaspora networks of health workers take part in temporary and development projects in their source countries; a "Joint Learning Initiative" by Rockefeller Foundation-WHO World Bank supporting resource-poor regions; USA Fogarty International Center training scholarships; and the UK and South Africa agreements for health care worker exchanges in addition to imparting best practices between hospitals across the regions; and Norway and the Netherlands programs to support the training and sharing of health care workers in resource-poor countries (ibid: 71-72). On the other hand, the enactment of global public health service corps should aim to develop a longer term

capacity building to be able to export health care services and expertise to resource-poor nations (Mackey and Liang 2012). These two mechanisms should uphold global health and equity and more importantly, make developed states bear the cost and harm brought about by health care brain drain (ibid).

Bilateral and regional agreements, such as the UK-South Africa Memorandum of Understanding (MOU) and the Pacific Code and the Caribbean Community (CARICOM) respectively, are perceived to have taken a potent and amenable approach to laying out principles and recommended components of responsible method concerning health worker migration and the factors driving such labor flows (Robinson and Clark 2008). CARICOM with the United States, in particular, manages migration through the use of intergovernmental contracts establishing the conditions for a short-term employment of one to three years and ensuring the return of the migrant nurses to their home country (Kingma 2006: 217).

Yeates (2010) shares a similar language of sustainability and fairness, therefore, offers some strategies in line with such values. Yeates describes sustainability in this context as a stage of cross-border migration wherein every country is secured with sufficient nursing workforce, whereas equity means that benefits and harms caused by nurse migration are allocated more fairly among the nurse, the destination country, and the origin country. "There is a synergy between sustainability and equity in so far as both are directed at ensuring that one country's public health and social development are not prioritized over those of another (Yeates 2010: 429). The author recommends three main policy methods that might contribute to the fulfilment of such goals: first, instruments should take into account the betterment of earnings, working conditions, training, career growth possibilities, personal security, and the overall status of nursing in native countries in order to curtail the need to emigrate and would lessen the reliance on recruiting internationally; second, measures should manage nurse migration by enhancing international cooperation which could conciliate nurses' right to freedom of movement and the right to health services; and third, policy approaches which should address the allocation of both benefits of and profits from nurse migration, for example, facilitating the flow of remittances and harnessing them in the general public interest (ibid).

Some research has particularly addressed the ethical dilemmas implicated in the "global risk" (Delucas 2014) posed by international recruitment of nurses from resource-poor countries to developed countries. Such action highlights, on the one hand, the individuals' rights to capitalize on their capacity and professional growth, and

on the other hand, the responsibilities of the industrialized countries, as a member of a global community, to the people in the source countries left behind (Blake 2010). Accepting such a responsibility would entail recruiting from the developing countries and also compensating for the human resources which secure their health system (ibid).

One model is ethical recruitment which attempts to curtail the potentially detrimental consequences of brain drain by discouraging active recruitment from vulnerable regions and by forming partnerships with source countries in the developing world to alleviate impairments and build capacity, according to Buchan and Dovlo (2004). Certain national level and international codes of practice or comparable mechanisms have been instituted to embolden ethical recruitment with the purpose of protecting the health systems in the poorest part of the world. A study of the impending impacts of eight of such instruments²¹ reveals that while the adequate distribution of the instruments is largely present, there has not been much emphasis placed on protecting developing country health systems from aggressive recruitment of their health professionals (Martineau and Willetts 2006). In addition, the authors point to other issues which need to be sufficiently addressed for the instruments to be valuable in creating the necessary behavior change in international recruitment: the process of executing the instruments should be reinforced using a systems-based audit approach, and pressure from both source and destination countries needs to be intensified to make sure the codes and instruments indeed bring about ethical recruitment and aid in protecting resource-poor country health systems. The authors opine that without such considerations, "it would probably be better not to introduce such instruments at all" (ibid: 366). In general, Robinson and Clark (2008) tend to be on the same page by arguing that because of the voluntary nature of the codes, some of the key challenges to be dealt with include the need to establish incentives and implementation mechanisms, to involve the private sector in the endeavor, and to audit and evaluate their effects on various scales, from national to regional to global; since changes in any two countries in agreement will consequently influence labor flows beyond.

²¹ The eight instruments chosen for the analysis are the DOH guidance on international nursing recruitment; DOH Code of practice for NHS employers involved in the recruitment of healthcare professionals; DOHC guidance for best practice on the recruitment of overseas nurses and midwives; ICN Position statement ethical nurse recruitment; IHA/VOICES/RNHA Supervised practice programme for internationally qualified nurses Independent sector recommendations; A code of practice for the international recruitment of health care professionals (WONCA); Royal college of nurses guidance on nursing recruitment; Commonwealth code of practice for international recruitment of health professionals (draft) and companion document (draft), page 362.

Most of the literature on brain drain and ethical recruitment discussed so far has dealt with health policy or health systems. Reframing the normative take on brain drain which inquires whether it is legitimate for emigration or immigration to set limits on the exit and entry of skilled workers, Sager (2014) suggests analyzing ethical recruitment as a measure of a comprehensive approach to establishing just migration institutions and practices. *Rightly* contextualizing skilled migration within larger questions of migration and development, Sager theorizes justice in migration and proposes a consideration of the institutions influencing migration flows. The author shows how organizations, particularly global institutions, systematically regulate migration in ways that unjustly disadvantage people around the world. Most importantly, Sager proposes some remedies for impairments caused in part by the absence of skilled workers: limitations on emigration imposed by sending countries as well as limitations on immigration imposed by receiving countries; bonding for employees who have obtained public education; compensation for costs paid by migrants and compensation by receiving countries (e.g. fee for costs of training workers, development aid); and implementation of ethical recruitment practices (ibid).

Through the lens of “transnational justice,” Eckenwiler (2009) argues that the persistence of global health inequities can be best dealt with by states and non-state actors making “a central place for humans’ shared need for care” which would give proper reverence and support to care work as a rule (p. 177). In tangible terms, transnational justice calls for equal salary, welfare, protection of, and good working conditions for health worker migrants (Eckenwiler 2009).

In general, the discussion above evokes that the effectiveness of a code of practice on the recruitment of health care professionals is contingent upon affluent countries’ capacity and political will to put it into effect (Raghuram 2009). “Arguably developed countries are here simultaneously signifiers of ideologies of progress and modernity as well as arbiters of a universalized humanity” (ibid: 18). The sending countries are perceived as less developed and in need of protection from the Northern states (Raghuram 2009).

All in all, the literature on cross-border migration and development has focused on channeling financial resources and if managed well could promote development and a better distribution of global wealth. It may well be the case but understanding development impacts of migration necessitate moving beyond remittances and taking a more comprehensive evaluation on delineating what development is (Cortina, Ochoa-Reza, and Stiglitz 2013). Pursuing to use migration as a policy device to promote

development seems equally problematic inasmuch as the existing development paradigm neglects people's aspirations (Bakewell 2011). The individual agency plays a role in the decision to migrate or not and the act of migrating can generally be perceived as an expression of human development (de Haas 2009). Development may also mean improving individuals' overall well-being through the advancement of their human rights (Cortina, Ochoa-Reza, and Stiglitz 2013). In other cases, migrants may individually benefit from migrating but the impacts will not instinctively transpose into macro-structural change and national development because it is up to the individual's decision where to allocate their funds (de Haas 2009, 2012). This tells us that, depending on the situation, migration can hypothetically have varying positive or negative implications for development processes (de Haas 2009).

Underlying the debate on health care work migration and recruitment are diverse theories as to what is implicated in the processes of development. Similar to the perception of human development drawn up in migration literature, health care workers are assumed to exercise their right to freedom of movement as part of their career and personal growth, as recognized in the health literature. This aspect is compounded by unequal nurse distribution across borders and the issue of sustainability of the health workforce. The debates have been pushed to consider justice and ethics, first and foremost, with regard to supporting the health system of the source countries in the South. High-income countries, especially those which rely on international recruitment of health care workers, are called upon to take responsibility for the consequences of recruitment. The question of development in this context heavily relies on states' political willingness to address the underlying causes of health care worker migration, workforce depletion, and health system devaluation. To encapsulate, juxtaposing health and migration literature on governance of skilled cross-border migration sheds more light on each and on the complexities of understanding development and of the ways of achieving it.

The next section turns to the concept of governmentality to shed light on the relations of discourses, actors, and practices and how they produce certain types of subjects in the context of cross-border migration. This discussion of this concept also helps elucidate the fascination towards the creation of *good migration/circulation*.

THEORETICAL FRAMEWORK: GOVERNMENTALITY AND MOBILE- ENTREPRENEURIAL SUBJECTS

Michel Foucault's concept of governmentality – a fusion of 'government' and 'mentality' – was developed in a series of his lectures on the genealogy of the modern state in the 1970s which have consequently been translated then published. Foucault defines government as the 'conduct of conduct' – "to structure the possible field of action of other people" (Foucault 1994b: 341). Governmentality has been advanced in an array of social scientific analyses as a method of understanding contemporary exercises of power (Kalm 2010). Two important implications to understanding power can be derived from this conceptualization of government (Kalm 2010: 26). First, the concept of government refuses the idea of essentializing the state, instead, shifts its focus towards the different sites where governing occurs and the institutions implicated in governing and the power dynamics involved (Kunz 2008: 9). Specifically, it means, "it is not only government that governs, but all sorts of levels or forms of social relations that are involved in governance" (Hunt 1994: 50). For Foucault, the state is not the origin but the end result of decentered power relations that traverse all levels of society (Kalm 2010: 26). Second, power also operates even in the absence of forms of domination or oppression (ibid). The 'conduct of conduct' takes into account the indirect and less visible techniques that work on individuals' self-regulation; techniques that are all the more important to study since it is often through them that enduring forms of domination are established and maintained (Foucault 1994a: 299). Hence, government "encompasses not only how we exercise authority over others, or how we govern abstract entities such as states of populations, but how we govern ourselves" (Dean 1999: 12).

'Mentality' refers to how the practices of government are immersed in existing knowledges, philosophies, beliefs, and opinions (Dean 1999: 16). Together the two terms highlight the interrelation between power and knowledge. Foucault wrote:

...in any society there are manifold relations of power which permeate, characterize and constitute the social body and these relations of power cannot themselves be established, consolidated, nor implemented without the production, accumulation, circulation, and functioning of a discourse. There can be no possible exercise of power without a certain economy of discourses of truth which operates through and on the basis of this association. We are subjected to the production of truth through power and we cannot exercise power except through the production of truth (Foucault 1980: 93).

In the context of migration politics, the direct forms of exercising power have become all too familiar, for instance, the militarization of borders, the coercive deportation of irregular migrants and the confinement of asylum seekers in camps. On the contrary,

migration management is often portrayed as a subtle and more liberal option (Kalm 2010: 26). Therefore, the understanding of government as 'conduct of conduct' which draws attention to the exercise of power even in the absence of control measures proposes a more nuanced way of unraveling the power of migration management (ibid).

Governmentality runs on two registers within the literature (Kiersey, et al. 2011: xix; Dean 1999: 16). On the one hand, it serves as a theoretical framework for examining "dispositifs"²² of power regardless of the issue, space and domain of social life (the EU, globalization, development, security, migration, global health) or scale (the body, the community, the nation, the global) by highlighting the strategic and programmatic aspects of power – the forms of knowledge, technologies, rationalities, and subjectivities that are assembled so as to influence and control different aspects of social reality or the relationships and activities of subjects (Kiersey, et al. 2011: xix; Weidner 2011: 27). In other words, governmentality proposes a broad insight of the exercise of power which underscores the relationship between power and knowledge (Kalm 2010: 25). On the other hand, governmentality pertains to a specific form of political technology or art of government – liberalism or neoliberalism – which comprises the whole gamut of political thought and action of 'our modernity,' for which, Foucault argues, 'the problems of governmentality and the techniques of government have...become the only political stake and only real space of political struggle and contestation' (Kiersey, et al: xix).

All things considered, governmentality regards the regimes of truth and power creating disciplinary effects that determine our self-awareness and everyday practices (Foucault 1991). In examining social and political life, the governmentality approach is best understood not as a complete theory but rather as a particular methodology for approaching a certain problem-space, namely: how relations of power are implicated in government processes, how an area of intervention is constituted as governable, through what rationalities and kinds of techniques and practices are subjects governed (Weidner 2011: 45; Kalm 2010: 25).

²² Dispositif has been translated to English publications as "apparatus." One way Foucault defines dispositif is through its elements as "thoroughly heterogenous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions—in short, the said as much as the unsaid...The apparatus itself is the system of relations that can be established between these elements." Foucault also denotes dispositif as a configuration, the primary purpose of which is that of acting in response to an urgent need at a given historical instance. See Foucault, Michel. "The confession of the flesh." In *Power/knowledge: Selected interviews and other writings 1972-1977*, edited by Colin Gordon, 194-228. New York: Pantheon, 1980.

Governing circulation

The role of government in migration management indicates the intricate connections among management, freedom, and control (Geiger and Pécoud 2010). Geiger and Pécoud observe that migration management discourses and policies exhibit a 'post-control' character wherein they pretend to move away from security-oriented border control towards advancing proactive policies freeing the mobility of people. Freedom then is not an end in itself, but a potent instrument to attain labor market objectives (ibid).

Kalm (2010) takes on the task of mapping out how the government of migration is being reflected upon in migration management policy discourse among actors at the global level. The author approaches migration management from a Foucauldian analytics of government by claiming that global migration management is a political rationality, which recognizes migration as natural and permanent in a globalizing world. As Kalm contends, political rationalities presume that policy recommendations are based on a particular form of knowledge about the object that is to be governed. Power is exercised through the general acceptance of such knowledge, which is itself constituted by power relations (ibid).

In the same vein, Pécoud (2010) argues that the elaboration of a particular body of policy discourses on international migration is constitutive of migration management, which regards mobility of people as potentially favorable for all – source and destination countries and the migrants themselves. Both Kalm and Pécoud recognize that migrants are deemed as mobile, entrepreneurial, neoliberal, and self-governing subjects who are ready to move to improve their lives. However, Pécoud alerts us that freedom of movement does not imply states necessarily adopting a policy of open borders.

Preventing migration through extensive control of state borders would be naïve and economically imprudent since it could counter the significant volume of workers circulating in a globalizing economy (Kalm 2010; Pécoud 2010). The dominant discourse accentuates the gains from migration only if it is managed in a certain way wherein the 'good' movements are separated from the 'bad' ones. In that case, policies should be geared towards maximizing (the benefits of) migration that can contribute to human development while minimizing negative consequences (Pécoud 2010). Hence,

the policy recommendation is to open more legal channels for migration through the elaboration of circular migration programs (Kalm 2010).

Another way of managing this freedom is through the fabrication of development-minded migrants, who are expected to forge strong ties to their homeland. Migrants themselves must do so to gain the developmental benefits from unregimented migration. Thus, the state-citizen bond needs to be fortified in an emigration context (ibid).

This argument runs parallel with Foucault's (2007) analysis that societies have been secured through governing circulation since the rise of capitalism in the eighteenth century. Foucault refers to security as the biopolitical practices of 'organizing circulation, eliminating its dangers, making a division between good and bad circulation, and maximizing the good circulation by eliminating the bad' (p.18). Governing circulation is predominant in security apparatuses, which could mean the circulation of data, people, or commodities (Aradau and Blanke 2010). In other words, technologies of security are management techniques that focus on organizing circulation in a way that 'bad' circulation is curtailed and 'good' circulation is fostered (D'Aoust 2010).

Legitimizing mechanism

Even though the notion of legitimacy is not often adopted by scholars inspired by Foucault or governmentality approaches, Death (2014) proposes that governmentality theorists can conveniently draw upon the Weberian tradition of inquiring how particular power relations and forms of authority come to be understood as legitimate. This interest in power operating through freedom serves as a potential link to a vast literature on legitimacy, which is also likely to underscore the significance of democratic autonomies in legitimate practices of power and authority (ibid). In other words, power relations work through freedom and are dependent on a variety of legitimating mechanisms (ibid).

In *The Birth of Biopolitics*, Foucault contends that post-war West Germany was a fundamentally economic state in a manner that its legitimacy was derived from the economic rather than the juridical framework of government:

in contemporary Germany, the economy, economic development and economic growth produces sovereignty; it produces political sovereignty through the institution and institutional game that, precisely, makes this economy work. The economy produces legitimacy for the state that is its guarantor. In other words,

the economy creates public law, and this is an absolutely important phenomenon, which is not entirely unique in our history to be sure, but is nonetheless a quite singular phenomenon in our times. In contemporary Germany . . . There is a permanent genesis, a permanent genealogy of the state from the economic institution. (Foucault 2008: 84)

Foucault's neoliberal conception of legitimacy suggests that political power is legitimate when it is carried out in a sense that secures "the economic freedom and responsibility of citizens and when citizens are able to pursue their interests by exercising their economic freedom and responsibility in accordance with the legal framework established by government" (Patton 2016: 236). Patton contrasts Foucault's criterion of legitimacy to that of Rawls' liberal conception of legitimacy that demands citizenship participation to secure fundamental rights are upheld. The neoliberal criterion gives precedence to the economic subject as the subject of interest and the market economy over the subject of right, which engenders legal and political sovereignty.

In connection with the practice of the Philippine forty-year labor export policy, Tigno (2014) contends that the Philippine state realizes its own legitimacy and financial security needs through adopting a 'paternalistic-instrumentalist policy perspective' particularly geared toward female migrants who are set free to be mobile in order to deal with global market demands. Such policy outlook is instrumentalized in the 1995 Migrant Workers and Overseas Filipinos Act addressing the need to safeguard and uphold the rights and welfare of overseas Filipinos, and at the same time complementing the migration management discourse that accentuates the intensification of the wins while reducing the losses and risks of migration (ibid). Tigno argues that when the two strategic prospects are carried out, a rights-based approach would be subjugated by a market-based one. The subordination of which is exhibited by the state's giving priority to exporting workers without considering returnees and capitalizing on returnee data (ibid).

Although the following example does not relate to governing migration, it illustrates well how governmentality and legitimacy taken up together can be a useful tool for analyzing power relations between states and non-state actors. As Death (2014) elucidates, environmental mainstreaming initiatives in Tanzania, as a certain form of governmentality, can be usefully seen as legitimating mechanism for a type of state-building. By endeavoring to secure widely held acceptance for particular political projects from a particular political constituency, such interventions seek the participation of 'responsible states' and a broad array of transnational and civil society actors (ibid). It means the process works both ways: the involvement of local and transnational actors aid to legitimate particular governmental projects; and

environmental mainstreaming projects assist to construct such civil society actors and perhaps some corporate actors as responsible subjects of development policy (ibid: 68). Death claims that environmental mainstreaming schemes are definitely not purely neutral or technical programs: “they are an important technique through which liberal forms of governmentality are able to reshape states and civil society in international politics, and open up access to lucrative natural resources and populations for ‘legitimate’ state agencies, civil society organisations and private corporations” (ibid).

In studying the case of legitimacy among nations in an arena of an international system, Franck (1990) suggests that a logic of responsibility influences states to comply with certain norms and the act itself is an obligation to the community of states as the mutual regard of that community’s acceptance of their nation’s statehood. “Though states’ compliance with the rules may be voluntary, states’ obligation to them is not” (ibid: 196). A preferential definition of legitimacy tailored to the international system could be: “a property of a rule of rule-making institution which itself exerts a pull towards compliance on those addressed normatively;” this pertains to nations, international organizations, leadership elites, multinational establishments, and the global population (Franck 1990: 16).

Zooming in on international organizations as an influential player in an international system, Steffek (2003) argues that the legitimacy of international governance is both recognized and contested via a rational discourse. Drawing upon Max Weber’s theory of rational legal domination and on Jürgen Habermas’ idea of legitimation through justificatory discourse, Steffek affirms that international organizations legitimate their own conducts and establish perceptions of legitimacy in the absence of democratic participation and control; this means that legitimacy is contingent on popular or rational assent to the vindications of its objectives, ideologies and practices (ibid).

Drawing on the connection between governmentality and legitimacy provides a particular perspective of constituting subjects, such as health care workers, who are expected to be mobile and entrepreneurializing their human capital. They are “set free to find their own destiny....[however] made responsible for that destiny, and for the destiny of society as a whole in new ways” (Rose 1999: 174). It is the responsibility of the state to absolve itself in responding to societal needs by means of facilitating individuals’ mobility in order for them to undertake a part of the responsibility for solving social problems (Rose 1999). Pursuing international cooperation and devising bilateral agreement are rendered legitimating mechanisms for reinforcing the governance of

migration thereby empowering mobile population to bring about economic development. In other words, the state's action, seemingly retreating as a technique for instituting social order, is therefore legitimated in governing cross-border migration to achieve development. However, states take most of the credit for enabling economic growth. On the other hand, and in reference to the Triple Win Project as a migration management practice, the bilateral agreement emerges as a legitimating mechanism that seeks the cooperation among *responsible* states, a wide range of international and local actors and stakeholders, and nurses who are mobile and entrepreneurial. The cooperation is an action taken by states to perform their responsibility towards their constituents and as a member of the international community. It means the modes of legitimacy are mutually reinforcing: the involvement of and cooperation among state and non-state domestic actors help to legitimate a particular governmental project that aims to make migration work for development; and the Triple Win Project (which encompasses the complexity of migration from exit to entry, to transnationality and integration of migrants) helps to legitimate and enable such actors to take the responsibility in the regimented migration of Filipino nurses.

DATA COLLECTION

I have drawn on an eclectic mix of sources from multiple sites; because analyzing a cross-border recruitment process may well necessitate a methodological investigation of transnational connections. Multisitedness concerns itself with the study of social phenomena that can only be unraveled by following people, associations, constellations and relationships through time and space (Marcus 1995; Falzon 2009:1-2). However, as will be explained towards the end of this section, “following the same nurses” proved to be difficult given the unanticipated slow pace of the recruitment. A multisite research analyzes multiple kinds of empirical data (Clarke 2005: 146) from fieldwork in ethnographic mode and from policy documents, organization reports, and research produced by local and international experts and Triple Win Project coordinators.

The fieldwork entailed semi-structured **interviews** with 73 individuals – seven coordinators of the Triple Win Project, six state officials involved in the negotiation, and implementation processes, twenty-nine nurse candidates (in different stages of selection and hiring process), ten Triple Win nurses (those who have been placed in German health care facilities), eight stakeholders (representatives of professional organizations and trade union that are at the same time involved with monitoring processes of the Triple Win Project, and language schools), three German language instructors, and ten local and international experts or who have done particular research or have business endeavors in the entangled areas of health, labor, and migration; **observations** in German language training courses in a language center, professional orientation, pre-departure orientation, and pre-flight briefing, all conducted in Manila. Aside from note-taking, audio recordings (later transcribed verbatim) during most of the interviews were utilized. Some interviewees opted not to have the conversation recorded. Unfortunately, interviews with hospital managers were not obtained due to lack of permission. To fill this gap, I turn to experts who have conducted a survey among care institutions around Germany. Such experts have provided some of their materials (i.e. publications and power point presentations) useful for this research. In other words, I pursued a methodological investigation of transnational connections brought about by cross-border recruitment.

Initial contacts were established through online communication (including social media) or face-to-face interaction at language training course and orientation programs. I followed an ethical protocol upon entering the fields through seeking permission for interview and observation, informing key informants of the purpose of

the research and providing them with interview guide when necessary. Anonymity of respondents is guaranteed.

In my interviews with coordinators of the Triple Win Project and officials involved in the negotiation and monitoring of the cooperation, I inquired about the proceedings and activities the actors participated in and the respective responsibilities they carried out. With the coordinators, we talked about the nitty-gritty of the recruitment cooperation, from the development of the Project, i.e. how the idea came about and how they got involved, through to implementation, i.e. projections and unfulfilled expectations, communication with partner coordinators, and division of responsibilities. They took the chance to clarify some of the procedures of the recruitment which have been widely circulated. Project coordinators were quite protective of their image and of the bilateral agreement and implied that they were in control of the whole recruitment process as regard time frame. Their projections and adjustments will be discussed in Chapter five on Performing Sustainability.

As with the state officials who to some extent are involved in the negotiation and executives participating in the implementation phase, we conversed on the respective roles they played and relationship with the coordinators and the state. The members of the monitoring committee, particularly those from the Philippines, communicated their advocacies in relation to health care and nurse migration and shared their opinions about the Triple Win Project and bilateral agreements as an instrument, health care situation in the country and international/local nurse migration. Experts, i.e. representatives of World Health Organization and International Labor Organization and from German organizations dealing with health care and/or migration, discussed their own advocacies, their take on cross-border migration, particularly on Germany as an immigration country, the health care sector, international recruitment of nurses, and some ethical and integration issues.

Observations centered on the content of the training sessions and how they were conveyed and more importantly, how ideas about migration-for-development and triple win were translated into technical knowledge and became relatable for the would-be migrants. I took those observations as an opportunity to speak with Triple Win nurse candidates and trainers/instructors, during break time and after the sessions.

Being a Filipino living in Germany greatly facilitated social interactions with the Triple Win nurse candidates. Some of the nurse candidates were quite pleased that the current dire situation of their profession was given some research attention. While some nurses were a bit wary that our conversation could potentially affect their

application. To my surprise, a few even felt the need of consulting GIZ about having a chat with me. For those who kept an open mind to research, nurse candidates talked about their motivations for applying to the Project and/or working overseas, their experience of and preparation for the recruitment process, and what they consider for an overseas application. Because of nurse candidates' intention to move to Germany, my *knowledge* of Germany and nurses' expectations created some "conversational space" (Pezalla, Pettigrew, Miller-Day 2012).

Although I intended to follow the nurse candidates from their application to employment, time did not permit mainly due to the slow progress of their application. Some of the nurses described it as a journey testing their patience and grit. I asked the help of a student-researcher/previous intern at GIZ to send my initial email to some Triple Win nurses she knew, for the possibility of participating in the study. This researcher, whose focus was on migration and integration, had previously conducted interviews with some of them for her MA thesis. We met once at a migration-for-development talk in Bochum intended for Filipinos living in Germany. Even though I could ask the Triple Win Project coordinators for contacts, I opted not to for the reason of possibly being associated with some kind of authority as regards the Project. My connection with the student-researcher sent out a message that my purpose of interviewing them was solely for research. I made it clear to them that the interview was not in any way a form of evaluating them or the Project and that whatever we would converse would not be of the Project coordinators' concern.

Again, my migration experience to some extent positioned me in a role of an insider which facilitated interaction with Triple Win nurses. Nevertheless, I kept my interaction with them as a learner making an effort to perceive their experiences and understandings from their own point of view (Pezalla, Pettigrew, Miller-Day 2012). Interviews with Triple Win nurses revolved around general personal information, migration background, host country and workplace context, transnational activities, personal adaptation to host and transnational contexts, reflections about career and moving overseas, and career plans. At the time of the interviews, most of the nurses had just passed their recognition exam and subsequently been granted a three-year residence permit. Some had moved from one department to another already within the same health care facility.

Unfortunately, I was not given permission to observe other recruitment steps such as initial and employers' interview because the coordinators were reluctant to

provide information they regard as proprietary. Instead, information from nurse candidates about their experience of what they are told (not) to do fills the gap.

All in all, ethnographic and secondary data through a multi-sited transnational methodology are used to capture the existing intersecting discourses and realities underpinning the social, political and to some extent historical contexts, in both emigration and immigration, of the case under consideration.

METHODOLOGICAL APPROACH

In order for me to open up the data and make sense of it, I have conducted situational analyses informed by Adele Clarke's (2003, 2005) seminal work. Situational analyses (SA) are normally used as a qualitative research method incorporating post-structural concerns and have been advanced by Clarke as a means to extend grounded theory. For Clarke, situational analyses provide reflexivity or situatedness of the researcher and offer adequate tools for analysis of power and addressing differences and complexities, which traditional grounded theory does not deal with (Clarke 2005:11-16).

SA complements with interview-based studies, ethnography, narrative and visual discourse analyses, and historical studies (Clarke, Friese, Washburn 2015). I have found SA suitable for the kind of multisite research I have performed by means of organizing various data sources and data sets, and improving the overall coherence and readability of the study. As situational analyses involve conducting analytical work with three types of maps (i.e. situational, social world/arenas, and positional), SA also corresponds well with one of the main objectives of the dissertation: to reflect on how the complex web of actors, discourses, and practices are connected, produced, and conveyed through the Triple Win Project. Situational analyses become even more relevant as they aid me to work with the data both "from the bottom up" and "from the outside in," which means locating the research in broader contexts while narrowing it down, and more importantly, "questioning extant power hierarchies" (Clarke, Friese, Washburn 2015: 21).

Doing situational analyses through creating three types of maps serves as an analytical exercise and inspires thinking as it allows for illuminating "complexities and diversities of the elements and positions in the situation under examination" (ibid: 20). I began with situational mapping, see Figure 1, to identify structural/discursive elements necessary to contextualize the variety of discourses and practices of collective and

individual human and non-human actors. Categories have been suggested by Clarke but I have modified some to fit my particular set of data.

Through situational maps, communicating “*all elements, all positions, all voices*” (ibid: 21), irrespective of their power, questions taken for granted discourses and advocates “epistemic diversity” (differently situated actors producing different knowledges) (ibid). Figure 1, for instance, captures the full gamut of actors and discourses corresponding to all the key issues, with the purpose of exploring the emergence of new knowledge, ideologies, and practices. I have placed Filipino nurses and locally-hired nurses in Germany as silent actors on the situational map where they would probably not appear. They represent the margins of the complex situation of migrating skills and integration in the workplace. Filipino nurses, for example, are implicated actors, rather than “fully agentic actors,” in the Triple Win Project and in the broader discourse of making migration work for development (see Clarke 2005: 46-48). The devising of the bilateral agreement, for example, is taken in the best interests of the nurses. Moreover, within the discourses of migration and development and migration governance, Filipino nurses signify a specific group whose actions are regulated and acted upon but whose voices are not necessarily consulted.

Situational maps have been useful in revealing the strength of relations of every element with each other. The process of generating and revising situational maps in itself aids in providing the analytical and narrative push. Specifically, doing analytical work with situational maps elucidate certain elements, for instance, an emerging one in the form of ‘fairness’ and how, what I call, a ‘fairness discourse’ is constructed. Such maps help elicit answers to: Who are the actors engaged in its production? What are their intentions and strategies? Who are those constituted in its construction and under what circumstances?

Collective Human Elements/Actors • <i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> (GIZ or German Corporation for International Cooperation) • Philippine Overseas Employment Administration (POEA) • <i>Zentrale Auslands- und Fachvermittlung</i> (ZAV or International Placement Services) • Overseas Workers Welfare Administration (OWWA) • Language institutes • German employers: health care facilities • Philippine trade union • German trade union • German embassy in Manila • Philippine embassy in Berlin • <i>Bundesministerium für Arbeit und Soziales</i> (BMAS - Federal Ministry for Labor and Social Affairs) • Philippine Nurses Association (PNA) • German Nurses Association (DBfK) Major Objectives of the Bilateral Agreement* • Matching nursing skills supply and demand • Reduction of international migration costs • Remittance and knowledge transfers • Integration of Filipino nurse migrants in the host society • Development • Protection of Filipino nurse migrants' rights • Recognition of Filipino nurse migrants' qualification/degree • Prevention of brain drain	Non-Human Elements • World Health Organization Global Code of Practice on the International Recruitment of Health Personnel • International Labor Organization Decent Work Across Borders Project • Philippine Migrant Workers' Act • German Residence Act • German Employment Regulation of Foreign Nationals Silent Actors • Filipino nurses • Locally-hired nurses in Germany Temporal Elements • Efficiency of placement • Rise of global competition of talent • Past bilateral agreements concluded by each of the states involved Spatial Elements • Transnational cooperation • Global construction of migration governance Sociopolitical Elements: Emerging Discourses* • Moral construction of migration governance • Ethical skills recruitment • Fair migration Major Issues/Debates • Global migration governance • Migration and development nexus • International skills recruitment • Global competition of talent • Illegal recruitment
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Figure 1. Ordered Situational Map

*Modified categories

A big part of the dissertation analyzes in detail the recruitment process Filipino nurses go through for an employment in a German health care facility. The Triple Win Project is treated here as a crucial case broadening the analytical focus of research on cross-border migration governance. The emergence of recruitment and skills as objects

of knowledge by examining the practices that classify and regulate migration is relatively a breakthrough in the current literature on labor migration. Following up on Massey and his colleagues' (1998 in Lindquist 2010) observation on labor recruitment being side-lined by researchers who have tended to center their analysis on migrants, families, and communities, instead of brokers and migration industry, Lindquist (ibid) argues that this is still the case. Lindquist recognizes recruitment processes as a significant empirical approach for conceptualizing international migration since local, national and global processes unambiguously traverse at this site (ibid). Having recruitment as a starting point for an ethnographic space allows one to analyze the intricate connection between labor recruitment and capital flows in a web of market relations acted upon by state and market actors in various levels (ibid).

Figure 2 shows what Clarke would call a social worlds/arenas map. Such maps "are cartographies of collective commitments, relations, and sites of action" (Clarke 2005: 86). Social worlds refer to those several people operating together within one arena (Clarke 2005: 110). Composing such a map entails accounting for the social worlds which coalesce in a particular area, their purpose of doing so, and their characteristics (ibid). The map on figure 2 intends, first of all, to conceptually locate the emergence of the triple win discourse at the intersection of groups, organizations, and interests which would typically keep separate spheres. Also, social worlds/arenas analysis aids to reveal certain broader conditions – constraints, opportunities, and resources. Each of the actors is identified, represented, and analyzed as to how they emerge and relate to larger structural conditions through producing or responding to discourses (ibid: 109).

Social (or power) arenas such as cross-border migration, labor, and health are shown here as to how they interact and overlap with social spheres of international organizations, professional organizations, project coordinators, trade unions, think tanks, state departments, and health care facilities. From this map, I have created some notes describing each and every social world and arenas, for instance, ideologies/discourses, commitments, primary activities, particular sites, and work organization (Clarke 2005: 112). By means of social worlds/arenas map, I have interrogated my data through some of the questions and guidelines Clarke has suggested:

- What is the work of each world?
- What are the commitments of a given world?
- How does the world describe itself – present itself – in its discourse(s)?
- What actions have been taken in the past and are anticipated in the future?

- What is the focus of this arena?
- What are the hot issues/contested topics/current controversies in the arena's discourses? (ibid: 115)

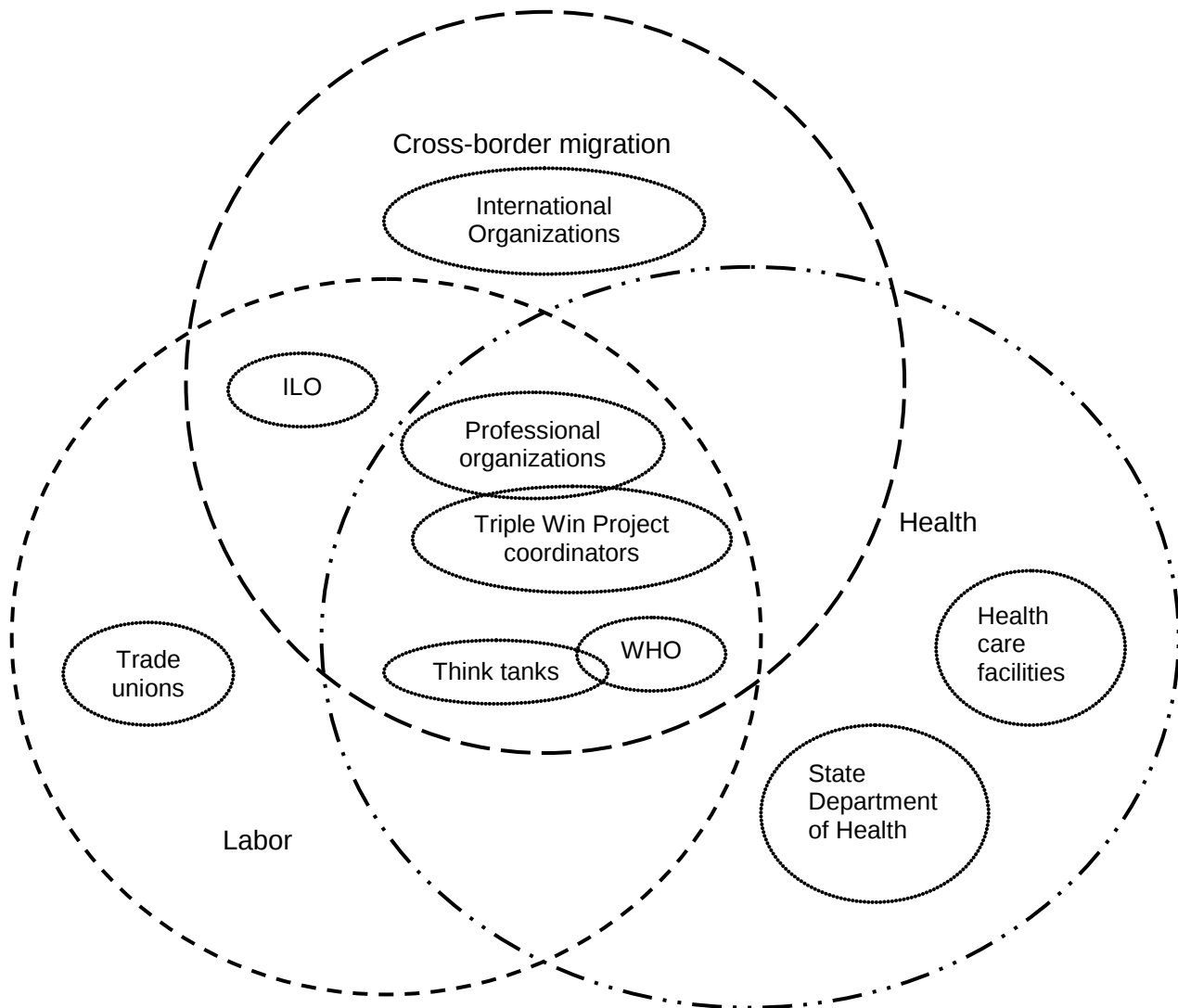


Figure 2. Broader social worlds/arenas map of the Triple Win Project

Figure 3 is another version of social worlds/arenas analysis. The map here is a close-up description of the major social worlds and arenas discursively entangled with the Triple Win Project. It focuses on the heterogeneities of each group's (project coordinators, local and international experts, professional organizations, trade unions, Triple Win nurses, Filipino nurse applicants, health care facilities/employers, advisers/stakeholders, and language institutes) discursive construction of the Triple Win Project.

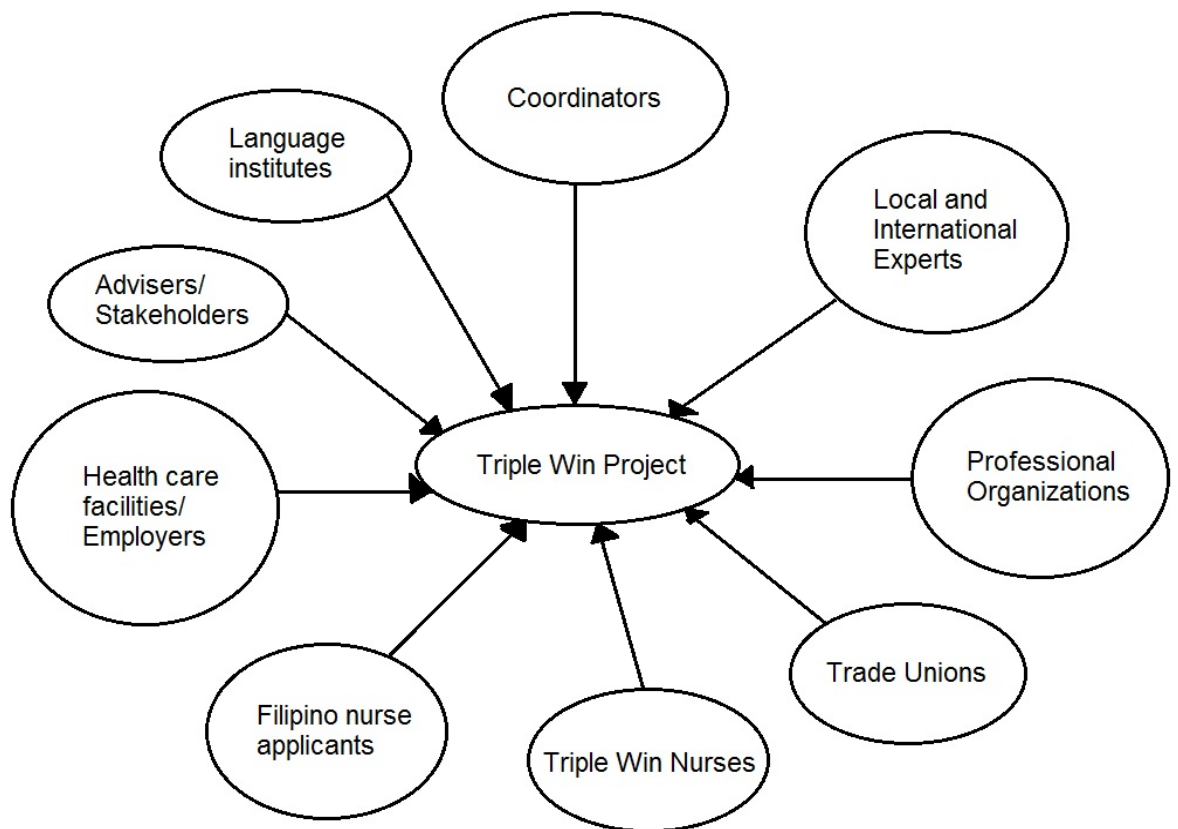


Figure 3. Social worlds/arenas map of the Triple Win Project: zoom lens

Figure 4 is a map of the three major positions on the evaluation of the Triple Win Project/bilateral mechanism taken from the data, organized along two axes: (X) achieving a triple win situation, and (Y) addressing fairness. The value of this map lies on representing the range of discursive positions taken on essential issues and not those articulated by specific individuals, groups, or institutions (Clarke 2005: 125-136). Although the dissertation per se does not provide any evaluation of the Triple Win Project in terms of whether it has achieved its promises, several individuals and groups take different and even contradictory positions regarding both achieving a triple win situation and addressing fairness.

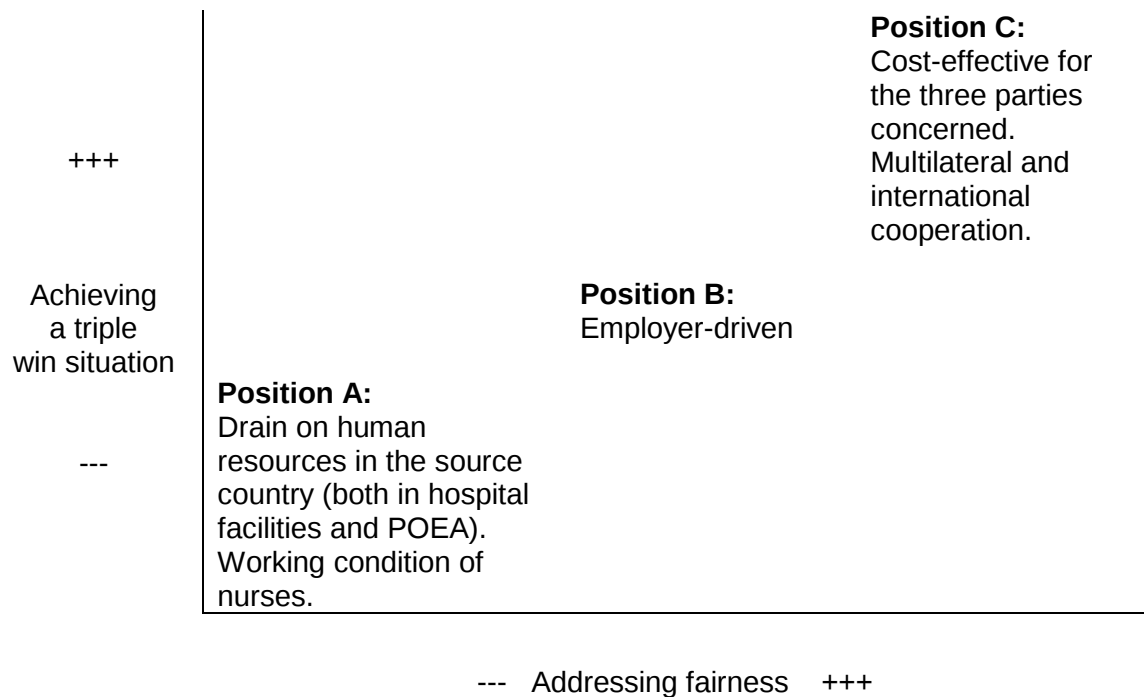


Figure 4. Positions on the evaluation of the Triple Win Project mechanism

Considering the methodological approach explained above, situational analyses provide the means to investigate differences such as variation within social groups or positions. The actors' different stakes or claims on the "problem-solution" of managing cross-border migration of health professionals are explored in relation to the social arenas they are positioned. Moreover, the production and reproduction of moral-laden discourses and migration-for-development discourses in relation to global migration governance are also better analyzed from their sites of construction through making their entanglements observable.

1. "THE WORLD NEEDS A FAIR GLOBALIZATION"

The quote above is a message from the 168-page report,²³ entitled "A Fair Globalization: Creating Opportunities for All," drafted by the independent World Commission on the Social Dimension of Globalization (WCSDG), which was established by the International Labor Organization (ILO) and co-chaired by President Halonen of Finland and President Mkapa of Tanzania. The 2004 report asserts that globalization, the increasing linkage among people across the world, raises awareness that we belong to one global community. However, as globalization advances, the process engenders "unbalanced outcomes" both within and among countries, the report asserts. Recognizing that "there are deep-seated and persistent imbalances in the current workings of the global economy, which are ethically unacceptable and politically unsustainable," (ibid: 3) the report calls for changing the course of globalization to harness its immense potential for the good of the many (individuals and countries) and not only a few winners. In other words, not only are there potential opportunities one can reap from globalization but also such yields can be equitably distributed for all *if* globalization is governed well.

This chapter focuses mainly on the social arena of cross-border migration, the pivotal discourses produced, and the actors instituted. It plots the emerging policy discourse of the 'recognition of migration as a global concern' and 'fair migration' by situating them in the ongoing discussions on global governance of migration, particularly in relation to the "UN Paradigm" (Thérien 2005: 219). The "UN Paradigm" proves itself useful in the discussion as it relates to the discourses and practices on globalization and world poverty instituted by the UN agencies, such as the International Labor Organization (ILO), whose directive concerns with socio-political matters. Thérien used the terms "UN paradigm" and "Bretton Woods paradigm" within the context of global governance of world poverty. He argues that the two paradigms significantly differ in their positions, analyses of the drivers of poverty, and political projects. While the Bretton Woods paradigm claims that globalization is an element facilitating integration and growth, the UN paradigm argues globalization causes inequalities. Thus, the former advances a total market liberalization whereas the latter enforces international cooperation to achieve social equity and sustainability subordinating the workings of the global economy.

The UN Paradigm of globalization and development has been convincingly expounded by Likić-Brborić and Schierup (2015) to refer to the "asymmetric dualism"

²³ The report can be read in different languages and accessed at www.ilo.org/wcsdg

as regards the current approaches in the global governance of cross-border migration. Asymmetric dualism signifies the positions taken by multilateral institutions to consider the agenda of social justice, human rights, and decent work in creating a normative approach for global governance, however, they do not necessarily challenge the prevailing free trade practices which impel the financialization of the global economy and economic difficulties (ibid: 5).

Considering the UN paradigm vantage point, parallel lines can be neatly drawn along three vectors in the dissertation: the objectives of establishing fairer rules as regards labor in the global economy, the fairness discourse conveyed in global migration governance initiatives, and the cooperation between Germany and the Philippines through a bilateral agreement. In other words, the UN Paradigm institutes the production and dissemination of knowledge about globalization as well as migration and is further reinforced by asymmetric power relations (see Foucault's discussion of power/knowledge 1991, 1994).

The chapter starts with tracing the ideological connections of global-reasoning and fairness with the UN paradigm development initiatives, such as "fair globalization" conveyed by the WCSDG and the ILO. The next section presents some of the major initiatives on cross-border migration, the actors involved and how migration has become understood as a global question calling for a global action. The last part contextualizes the emergence of fairness as an ethical principle that suitably fits within the UN paradigm. The discussion does not explicitly develop a historical perspective on fair migration per se, but the chapter proves that the discourse is not without history and that its arguments have a deep political and ideological genealogy.

Intensified globalization, particularly the workings of the global market economy, has come to be defined as both a *global and moral problem and a solution* necessitating a call for better global governance; as articulated in the Fair Globalization report. Globalization in the report is characterized by trade, foreign direct investment, financial flows, technology, and inter-relationships. "Wisely managed," not only can global market economy unleash its immense productive capacity to provide extraordinary material development but also create more beneficial and improved jobs for all and considerably contribute to reducing world poverty (WCSDG 2004: X). Governing globalization *must be* ethically grounded with a strong social dimension to ensure an open and effective market economy while turning away from a playoffs

attitude, which according to the WCSDG undermines the foundation of democratic communities and societies. The key to this social dimension comprises of:

- Basing globalization on universally shared values, with economic development founded on the respect for human rights.
- An international commitment to eradicate poverty and meet the basic material and other needs of all people.
- A path of development that provides opportunities for all, expands sustainable livelihoods and employment, promotes gender equality and reduces disparities between countries and people.
- Making the system for governing globalization more democratic and accountable (WCSDG 2005: 6).

The report identifies universally shared values such as “respect for human rights, including economic, social, cultural, civil and political rights; fairness; solidarity; and ecological sustainability” (WCSDG 2005: 6).²⁴ Commitment to shared universal values, along with solidarity among peoples across the world, ought to be conducted to foster “enlightened and democratic global governance in the interests of all” (WCSDG 2004: X). Thus, the pursuit of a fair globalization *must be* rooted in the interplay among mutually sustaining pillars of economic and social development and environmental protection at all levels of governance, the report claims.

In order to wisely and ethically govern the processes of globalization, the WCSDG implores the conduct of nation-states as global actors, considered as the key determinant of global governance. The degree to which people will gain from globalization and be secured from its negative consequences is substantially impelled by states’ political willingness – demonstrated by the measures they utilize to manage their internal affairs, the extent of their commitment to universally shared values and goals, multilateralism, global solidarity, and the level of awareness of their policy impacts across borders (WCSDG 2004). Sharing the responsibility with the state actors are several international bodies, businesses, labor groups, civil societies, and the media, which are called upon, thus given legitimacy, to institute rules and provisions for a better integration of social objectives and economic policies. Each of these actors is encouraged to significantly contribute their resources to the process of global economic integration and influence the path to fair globalization.

The pursuit of fair globalization necessitates a shift of lens from markets to people and undergoing certain reforms, according to the WCSDG; one aspect of which is establishing impartial rules with regard to labor in the global economy, particularly on

²⁴ Brief reviews of key global policy issues, published on 1 January 2005, are drawn from the report of the World Commission on the Social Dimension of Globalization. http://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_079151.pdf (accessed 10 September 2016).

core labor standards and the cross-border movement of people. Despite the stiffening of immigration controls in some industrialized countries, the cross-border flow of people, comprising of more than 10 million people a year over the past decade migrating to an increasing number of states, has substantially been interspersed with rising globalization (WCSDG 2004: 95-96). “Body-shopping” or the practice of purchasing specialized skills overseas, transnational brokerage, and globalized labor markets for some highly skilled professionals have been reinforced in the current dynamics of migration and globalization (WCSDG 2004: 96).

Brain drain²⁵ is one of those identified problems associated with globalization due to the lack of multilateral agreement on cross-border migration and the rise of a global competition of skills (WCSDG 2004: 96-97). The migration of skilled workers to industrialized countries produces both advantages and costs to the source developing countries (ibid). WCSDG suggests that the positive effects, such as gaining skills, technological know-how, and business knowledge, which can potentially be reaped by both workers and sending countries need to be intensified while attending to the detection of the impending costs of migration, such as the displacement of local workers, the disruption of labor market structures and social protection schemes, and the wearying of social cohesion (WCSDG 2004: 97). Thus, the WCSDG recommends fostering dialogue between the source and the host countries on significant policy issues of common interest such as brain drain, the procedures for temporary migration, harnessing migration for development, and the calibration of social security and labor market policies. “Such dialogues could aim to develop and agree on procedures, recommendations and non-binding codes, complementing the formal obligations under ratified Conventions. This could begin on a bilateral or plurilateral basis, but it should extend to the regional level” (WCSDG 2004: 98). Such dialogues should attempt to:

- Exchange information on surpluses and shortages of labour
- Develop coordination of policies among labour-exporting countries
- Create some harmonization of policies among labour-importing countries
- Work towards a regime of discipline to be imposed on intermediaries
- Build a more effective system for the prevention of trafficking in people
- Address the problems of illegal immigrants (ibid).

The movement of people/workers from low-productivity, surplus-labor countries to higher-productivity ones is envisaged to profit not only the individual migrants but

²⁵ Other problems described are a sharp increase in illegal migration, estimated at 15 to 30 million illegal or irregular immigrants worldwide, and an expansion in trafficking of people by unlawful syndicates; which can lead to women and children being trapped in exploitative and degrading situations (WCSDG 2004: 96-97).

also their source countries through remittances, along with the expected transfer of skills and the incentive given to business activity. The WCSDG cites that remittances sent to developing countries currently amount to US\$ 75 billion annually (1.5 times the value of official development assistance), whereas the “diaspora effect” has reported encouraging the development of high-tech and other industries in India and some East Asian countries (2004: 96). In order to reap the potential benefits of migration, given the strong emphasis on the contribution of migrants’ remittances, the WCSDG proposes a “multilateral regime” strongly situated on the international agenda to govern the international flow of people. The objective of creating such a framework should be:

- to facilitate mutually beneficial ways of increasing migration opportunities, with due regard to States’ legitimate interests to ensure that the process is fair to both sending and receiving countries;
- to make the process orderly, predictable and legal;
- to eliminate trafficking and other current abuses where women are especially vulnerable;
- to ensure full protection for the rights of migrant workers and facilitate their local integration; and
- to maximize the developmental benefits of international migration (WCSDG 2004: 97).

Other than harnessing migrants’ remittances, “skills circulation” is being proposed in the report as one of the ways not only to push the positive effects of migration for both industrialized and developing countries but also to trim down the existing inequities resulting from an enduring brain drain. Measures to exacerbate such a process of skills circulation could include a dual citizenship agreement between the host and the sending countries, the facilitation of re-entry provisions for temporary migrants, and the imposition of tax and other incentives to spur the return of skilled migrants to the source countries. Nevertheless, the WCSDG’s proposal does not automatically hinder destination countries from continuing to employ skilled workers from developing countries (2004: 97).

Predicating the fair globalization narrative are new principles and presumptions of what globalization and cross-border migration are, the current and projected utility of these flows, their characteristics, and how they ought to be governed through a concerted multilateral framework or interstate cooperation (see Geiger 2013: 29). An extensively increased and committed international action and solidarity are called for in achieving the goal of a fairer globalization. However, the key policy proposals have been left self-explanatory for states and non-state actors who are addressed with some global responsibilities to take. Duties as members of the *imagined* international community require actors to commit their resources. The WCSDG admits that such

goals cannot be met without a huge amount of available resources to assist countries in their attempts to partake in the global economy, and to make available other important global public goods (p. 103). As an incentive, the WCSDG repeatedly refers to the substantial prospective benefits for the migrants themselves and for the origin and destination societies, and constantly emphasizes consensual objectives of fairness, development, and human rights protection.

When it comes to the knowledge produced about cross-border migration, new categorizations of regular-irregular and skilled-unskilled migrants (which are implicitly mentioned in the WCSDG report on brain drain and skills circulation) are created to delineate who can likely contribute to development. Moreover, fostering skills and capital circulation and addressing brain drain are depicted as uncomplicated tasks. The assumption made by the WCSDG on migration experience being essentially beneficial and highly rewarding for migrants and the source and destination countries obscures certain problems arising from transforming migration experience into something valuable; for instance, return migrants in Africa (see Åkesson and Eriksson Baaz 2015). This assumption on migrants and returnees, as Åkesson and Eriksson Baaz asserts, is a “Eurocentric policy celebration of returnees as new developers” (ibid: 170). Their ethnographic work illustrates not only the opportunities for returnees (in Cape Verde) stimulated by their economic capital but also the constraints in setting up small-scale businesses, which has been heralded as a fundamental solution to high unemployment rates in the country and economic dependency. Those constraints are exemplified by inadequate insight into the local market setting as well as lack of social capital (ibid).

Migration: A global question

Global migration governance narratives, such as those instituted by the International Conference on Population and Development (ICPD), the United Nations High-Level Dialogue (UN HLD) on International Migration and Development, the Global Forum on Migration and Development (GFMD),²⁶ the Global Commission on International Migration (GCIM), and the Berne Initiative, to name some, are all voluntary, state-led, non-hierarchical and non-binding consultative platforms sharing very similar narratives and belief systems. First of all, the initiatives’ stance on cross-border migration leans towards a very optimistic tone; this means idealizing the

²⁶ <https://gfmd.org/>

movement of people as contributing to holistic development. Migration has been considered a pivotal question/problem on the political agenda which compels the creation of the platforms just mentioned. For instance, the ICPD convened 179 governments in Cairo in 1994 and made a landmark in the incorporation of migration into the development agenda through its 20-year comprehensive Program of Action (PoA) – a set of internationally agreed recommendations on both internal and international migration. The PoA drafted a specific chapter on “International Migration and Development” in which cross-border migration can make a positive contribution to the source countries through remittances, which “often constitute a very important source of foreign exchange and are instrumental in improving the well-being of relatives left behind,” and to the host countries through the supply of human resources (p. 105, 109). Skills transfer and cultural enrichment are also some of the positive contributions of cross-border movement of people (ibid); however, nothing concrete or no empirical data has been provided on these topics. The ICPD thrived in the knowledge production of migration-development discourse among organizations oriented towards development issues, although it did not particularly influence states’ conduct towards the discourse (see Martin 2014: 247).

Acting in accordance with the ICPD initiative, the United Nations General Assembly in its resolution 58/208 of 23 December 2003 made a decision to consolidate a high-level dialogue (HLD) to “international migration and development” for its sixty-first session in 2006.²⁷ The first HLD in 2006 and the second one in 2013 both put a high emphasis on policy issues concerning the how migration can work for development, particularly how migration can help achieve internationally agreed development goals such as the Millennium Development Goals (MDGs) and the Sustainable Development Goals (SDGs) (General Assembly of the UN website).²⁸ The first HLD resulted in the establishment of the voluntary, informal, government-led, and non-binding Global Forum on Migration and Development (GFMD), a platform for facilitating dialogue and cooperation among Member States, civil society organizations, NGOs, trade unions, the private sector, academia, and migrants and diaspora

²⁷ UN General Assembly. “Resolution adopted by the General Assembly 58/208. International migration and development.” 13 February 2014 http://www.un.org/esa/population/publications/GA59/GA_Resolution%2058_208.pdf (accessed 12 August 2017).

²⁸ General Assembly of the United Nations. “High-level meetings of the 68th Session of the General Assembly.” <https://www.iom.int/united-nations-high-level-dialogue-international-migration-and-development-hld> (accessed 12 August 2017).

associations (GFMD website).²⁹ The Forum has been meeting annually since its inception in 2007 in Belgium.

The second HLD produced an eight-point agenda for “making migration work.”³⁰ Other than integrating migration into development policies, the report identifies other interrelated topics such as the protection of migrants’ human rights, lowering the costs of labor migration, eradicating migrant exploitation and trafficking, taking action on the difficulties of stranded migrants, creating better public perceptions of migrants, investing on data collection about migration and its impacts, and managing migration through partnerships and cooperation (ibid).

In an analogous context, the Global Commission on International Migration (GCIM) is created within the UN framework with the task to facilitate a thorough debate among states and other actors in connection with migration; to examine insufficiencies in current policy on migration; to explore connections between migration and other global issues; and to provide recommendations to the UN Secretary-General, states, and stakeholders (GCIM Report 2005). Nineteen people, who are highly experienced in international affairs, set up the GCIM as an independent body to globally respond to migration challenges. The GCIM, through its six principles of action, exudes an identical message that human mobility is a normal feature of the global economy and that cross-border migration and thus migrants have latent properties to play an affirmative part on human development.

The celebration of mobility and migrant ties remains at the heart of migration-for-development discourse, which is at the same time being reinforced by such global migration governance initiatives. Their narratives heavily emphasize the role of remittances, in turn solidifies an understanding of migrants who are expected to contribute to their *homeland* and the act of remitting has been construed as their natural motivation and duty (see Åkesson and Eriksson Baaz 2015).

Second, such initiatives tend to establish a factual-sounding and universal-like knowledge; for instance, referring to migration as a *global phenomenon* which poses progressively intricate challenges to states and other non-state actors concerned. Globalizations in general, demographic changes, and market integration have one way or another intensified migration; elucidated by several factors such as fast population increase and slow economic growth which impel people to seek better chances

²⁹ GFMD. “The GFMD Process.” <https://gfmd.org/process> (accessed 20 July 2017)

³⁰ UN. “Making migration work: an eight-point agenda for action.” http://www.un.org/en/ga/68/meetings/migration/pdf/migration_8points_en.pdf (accessed 12 August 2017).

overseas. Sequentially, cross-border migration is perceived to make its contribution to such diverse challenges (Gerber and Tirona 2001: 1).³¹ For example, the loss of human resources for a number of source countries can escalate political, economic, and social tensions in the host societies (ICPD 1994: 105). Furthermore, migration's discursive relations with issues of security, trade, employment, and health have made international flows of people a transnational concern (Solomon and Bartsch 2003: 1).³² Consistent with the findings of the Berne Initiative Studies (IOM 2005),³³ the shifting structures of today's migration, comprising of multiple source and destination countries – some with high concentration of flows, irregularity, and high intensity of some of the flows, and the expanding networks of human trafficking, has made international migration a truly global process that calls for a global policy approach (2005: 111).

“How can international migration be managed today and for coming generations to maximize the positive contributions of migrants and migration and to minimize potential negative effects?” (Solomon and Bartsch 2003: 1) remains to be the question underpinning the motives of such global migration governance initiatives and, at the same time, the source of the legitimacy of their intervention. That prospects of a beneficial cross-border migration and the reduction of its disruptive effects can only be achieved through humane, effective, orderly, and regulated migration management processes persists to be the mantra. To be precise, realizing and sustaining an orderly movement of people across borders while preventing irregular migration is being promoted. Cooperation and dialogue, which necessitate all-inclusive measures and approaches at national, regional, and global levels (IAMM 2004: 9), between the source and destination countries are highly favorable. Migration policies should take into consideration “the economic constraints of the receiving country, the impact of migration on the host society and its effects on countries of origin” (ICPD 1994: 105) to rectify an intensifying supply-demand mismatch in the “world migration system” (IOM

³¹ Jean-Daniel Gerber was the chair of the International Symposium on Migration, Berne, 14-15 June 2001, and the Director of the Swiss Federal Office for Refugees. Rosalinda Tirona was the co-chair at the said symposium and assistant-secretary Department of Foreign Affairs, Office of United Nations and other International Organizations, the Philippines.

³² Michele Klein Solomon is the Deputy Director of Migration Policy, Research and Communications of International Organization for Migration, which serves as secretariat for the Berne Initiative. Kerstin Bartsch is a contact person for International Agenda for Migration Management

<http://www.migrationpolicy.org/article/berne-initiative-toward-development-international-policy-framework-migration> (accessed 1 April 2017).

³³ The book, “Interstate Cooperation and Migration, Berne Initiative Studies,” was a result of policy research series commissioned by IOM, with the support of the Swiss Foundation for Population, Migration and Environment. Five research papers were presented at the Second Conference of the Berne Initiative in Berne, December 2004.

http://publications.iom.int/system/files/pdf/berne_initiative_studies.pdf (accessed 1 April 2017).

2005: 113). In other words, global challenges call for global action with states principally leading the way mainly due to maintaining their sovereignty.

Interdependent world based increasingly on democratic principles, free market systems, and the rule of law, States should not unduly restrict freedom of cross-border movement. At the same time, however, they have an obligation to ensure the security, social stability, economic opportunity, and general welfare of their citizens, while protecting refugees and promoting respect of human rights and fair treatment of migrants (Gerber and Tirona 2001: 3)

However, according to the Berne Initiative I, states primarily identify their migration-related interests through defining their status, whether as countries of origin, transit, or destination. Some of those major interests include:

Countries of Origin:

- Relieving strains on the labor market and promoting the skill of their work force;
- Avoiding the negative effects of brain drain and taking advantage of the positive consequences of the emigration of skilled workers;
- Ensuring non-discrimination of nationals abroad and the effective protection of their rights;
- Fostering of economic development through, *inter alia*, training of migrants, remittances, free trade, foreign direct investments, and development cooperation.

Receiving Countries:

- Encouraging legal migration, and discouraging irregular migration;
- Effective integration of immigrants, taking into account their cultural diversity;
- Return of excludable migrants to their countries of origin;
- Compensation for labor shortages and the general population decline;
- Protection of refugees (Gerber and Tirona 2001: 2).

Respecting each state's political willingness, the Berne Initiative offers both parties (states and other non-state actors) interested in migration affairs the occasion to foster a common orientation to the building blocks of migration management: "cooperation, mutual understanding, partnership, comprehensiveness, balance and predictability" (IAMM 2004: 9). The International Organization for Migration (IOM), through its Berne Initiative Studies publication, maintains the necessity for a "comprehensive regime which combines both proactive and preventive measures, based on the *principle of regulated openness* and sustained by close cooperation between nations" (2005: 113; my emphasis) to better attain goals of the sending and receiving states and respond to the issues of migrant workers (2005: 116). Fostering migration management policies is encouraged among states, international organizations, non-governmental organizations, civil society groups, such as migrant

organizations, trade union, the private sector, and the media for the benefit of the international community (IAMM 2004: 23, 27). The Berne Initiative claims that cooperation at the international level, which could take the form of knowledge-sharing of best practices, “will contribute to more effective national policy development, avoiding overlap and duplication and facilitating a more effective use of resources at national, regional and international levels” (IAMM 2004: 27).

In managing migration for development, migrating skills, remittance-transfers, as well as the productive use of remittances, as expected, take the center stage in the global initiatives. The Berne Initiative, for instance, favors the movement of the highly skilled through voluntary return and reintegration either temporary or permanent, enabling remittance-transfers with reduced costs, and encouraging investment in the country of origin by migrants (IAMM 2004: 58). In line with this proposal, countries of destination are encouraged to take into account several particular forms of temporary migration, such as project-based migration, with the aim of enhancing the skills of migrating workers, especially those from developing and transitional countries (ICPD 1994: 107).

Fair migration paradigm

In its 103rd Session (2014), the ILO released a 25-page report featuring a recent topic of concern to the organization’s mandate for social justice. Entitled “Fair migration: Setting an ILO Agenda,” the ILO has made a case for a renewed interest in protecting the welfares of migrant workers and advancing social justice within the context of Declaration of the UN General Assembly High-level Dialogue on International Migration and Development (HLD) in October 2013. HLD is one of those initiatives orientating towards the potentiality of migration in reaching the Millennium Development Goals besides harnessing the general perception that human mobility is an essential element for sustainable development (ILO website).³⁴

The WCSDG’s fair globalization appeal seems to have paved the way for the ILO’s construction of fair migration agenda; since the ILO and other UN bodies oriented towards human rights (of migrants and their families), trafficking, discrimination, and exploitation, are being summoned (by the WCSDG, for example) to revitalize and extend current instruments such as international conventions and binding obligations and to build on a multilateral framework in addressing migration issues. Utilizing a

³⁴ <http://www.ilo.org/global/topics/labour-migration/fair-migration-agenda/lang--en/index.htm> (accessed 28 August 2015)

similar line of argument, the ILO's fair migration agenda (and other several initiatives on migration governance which will be discussed thereafter) construct cross-border skilled migration today as a global and moral phenomenon, *both a complication and a treatment* calling for its global governance through a fair migration paradigm. The process of governing is configured by “distinctive ways of thinking and questioning, relying on definite vocabularies and procedures for the production of truth” (Dean 1999: 23). In other words, fair migration, as a new practice of government or regulation of cross-border skilled migration stems from “calling into question” existing modes of regulation (Dean 1999).

Given that the ILO upholds a rights-based approach to labor migration and a mandate for social justice, the organization's fair migration agenda complements its decent work scheme and other bodies of standards, for instance, ILO fundamental rights conventions, the ILO Conventions No. 97 of 1949³⁵ and No. 143 of 1975³⁶ on the safety of migrant workers and the governance of labor migration, and supplementary Recommendations No. 86³⁷ and No. 151³⁸, in addition to its Multilateral Framework on Labor Migration³⁹ (ILO website). The fair migration paradigm aims to consolidate respect for the fundamental rights of migrant workers and “real opportunities for decent

³⁵ C097 - Migration for Employment Convention (Revised), 1949 (No. 97)

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312242

This Convention was adopted following World War II primarily to address labor migration in postwar Europe. Forty-nine countries have ratified this Convention, including Brazil, Germany, Israel, Norway, Spain, and the United Kingdom (Ruhs 2013).

³⁶ C143 - Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

The Convention was adopted to mitigate issues arising in the early 1970s when particular migration abuses, such as the smuggling and trafficking of migrant workers, attracted the attention of the international community (which remains the case today), this instrument devotes a whole section to irregular migration and to interstate collaborative measures considered necessary to prevent it. It also imposes an obligation on states “to respect the basic human rights of all migrant workers,” confirming its applicability to irregular migrant workers. Twenty-three countries have ratified this Convention (Ruhs 2013).

³⁷ R086 - Migration for Employment Recommendation (Revised), 1949 (No. 86)

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312424

³⁸ R151 - Migrant Workers Recommendation, 1975 (No. 151)

http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312489

³⁹ http://www.ilo.org/global/topics/labour-migration/publications/WCMS_178672/lang-en/index.htm

As regards migrant worker protection, the General Assembly of the United Nations (UN) adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) in 1990. However, its ratification has been substandard, both in absolute and relative terms. Fewer than fifty countries have ratified it – the majority of these countries are migrant sending (such as Mexico, Morocco, and the Philippines) rather than migrant receiving (Ruhs 2013).

work” (ILO 2014: 4). Ensuring a fair share of potential benefits which migration could bring about requires instrumentalization of migrant workers’ contribution to the societies from which they come and from where they work. Fair migration agenda entails equitable sharing of benefits among countries of origin and destination, migrant workers, employers, and members of existing national labor forces (ibid). The fair migration agenda comprises of:

- Promoting decent work opportunities in countries of origin, including the contribution of migrants.
- Formulating orderly and fair migration schemes in regional integration processes.
- Promoting bilateral agreements for well-regulated and fair migration between member States.
- Instituting fair recruitment processes
- Countering unacceptable situations
- Realizing the rights-based approach
- Contributing to a strengthened multilateral rights-based agenda on migration
- Tripartism, knowledge, and capacity-building as cross-cutting issues (ILO 2014: 21-24).

In establishing fair migration schemes, the ILO makes its role apparent and relevant by referring to existing Conventions and Recommendations; “a logical prerequisite for their action” (Geiger and Pécoud 2010: 19). One of the key assumptions is that although cross-border migration poses challenges, many of those can be turned into opportunities which can produce triple win benefits, but *only if* flows of workers are effectively managed. Through this knowledge, Member States – as members of the international community – and the ILO legitimate their practices of regulating the movement of workers across borders to facilitate migrants in their task and prospect of bringing about development. One significant angle to consider about the fair migration report is its specific attention to migrant workers – which noticeably excludes other types of migrants (i.e. refugees) and other forms of migration from the discussion. As the ILO states, “for the most part, migration is about work” (ILO 2014: 10).

The eight components of the fair migration agenda necessitate some point-by-point discussion in reference to future directions recommended in the Fair Migration Report. The first starts with a bold statement that creating decent work for laborers in the country takes a higher priority than finding decent work overseas. Paradoxically, this task is being assigned to migrant workers – instead of state institutions – particularly with the help of their hard-earned remittances. As the report makes clear, “an important contribution to this objective comes from migrants themselves. Their

remittances were estimated in 2013 to be US\$404 billion annually, which is more than three times the amount of official development assistance (estimated at a total of US\$125.6 billion net in 2012)” (ILO 2014: 21-22). The ILO indicates that those remittances should be “made securely and at a minimal cost and to explore how they can be used to best effect to promote jobs and development” (ILO 2014: 22). As a whole, the ILO asserts that decent work in the countries of origin is a fundamental element to sustainable development; however such call for responsibility is being directed to migrant workers themselves. It is not clear what comprises decent work but what is clear from this first component is that states are absolved in the task of development.

Securing the second and third components necessitates the political interests of the Member States and the current cooperation practices between them. The promotion of free circulation, whether temporary or circular migration of (skilled) workers, on top of specific initiatives such as social security rights or recognition of degree qualifications raises significant questions regarding the conditions required for guaranteeing “decent treatment of workers and equitable consideration of the interests of sending and receiving countries” (ibid). The fourth element on fair recruitment tackles the grave abuses suffered by would-be migrants who go through private recruitment agencies. Proper regulation of such agencies is a must, thus ILO has enacted an interdepartmental Fair Recruitment Initiative which mainly seeks to disseminate reports about the recruitment industry abuses and at the same time to promote good practices and fair business standards (ILO 2014: 23). All four remaining components evidently observe the ILO’s overarching tripartite rights-based agenda through the promotion of the universal exercise of fundamental principles of equal treatment, non-discrimination, and rights at work.

Migrant workers must enjoy equal pay for work of equal value and they must be able to exercise their fundamental rights, including trade union rights. This is a basic issue of human rights, and it is also the best way of ensuring that migration is not misused for the purpose of undercutting existing terms and conditions of work (ILO 2014: 7).

To reiterate, in building the case for a fair migration agenda, the ILO identifies the rapidly evolving configurations of labor migration, the unacceptable discrimination and labor abuses, and the poor regulation of recruitment industry to serve as reasons in support of global migration governance. Likewise, the ILO injects a fair migration agenda into the governance of migration in order to address these two compelling yet conflicting issues: the prerogative of states to set limits on the entry of migrants in the

name of national sovereignty, on the one hand, and granting migrants access to labor markets, on the other hand. The appeal made is a call for multilateral governance which brings together states and non-state actors working on labor issues, and trade unions to build consensus on labor market needs while safeguarding the interests and rights of all migrant workers (ILO 2014).

Consistent with the UN paradigm, the fair migration agenda constitutes migration governance as both a problem and a solution to balance the manifold problematics accompanying the cross-border flows of workers. Incorporating a social dimension into globalization through the ILO's social justice mandate, however, continues to be a fleeting goal despite international efforts taken (ibid: 4). Aside from that, migration flows have become not only global but also at risk of accelerated and consequential changes due to their "unprecedented complexity" (ILO 2014: 10). Currently, migration flows are evenly distributed between South-North, South-South, and North-North; of cross-border migrants, 48% are women, 28% of which are between 20 and 34 years of age (ILO website). It is apparent, though, that North-South does not arouse any concern from the international organization. Taking fairness and justice as a lens, 'the unequal sharing of economic benefits and costs which migration ensues among various sectors of the destination and source societies' becomes an object of knowledge. One solution taking the center stage is painting a positive picture of cross-border migration, which complements national and international policy-making for fair and sustainable development within the global economy. Thus, as one can infer from the ILO agenda, instituting fair migration schemes entails creating migration regimes which would ensure a fair distribution of the contributions migrant workers make to both the source and destination countries.

Stephen Castles (2003) is one of the first few researchers who has considered the concept of fairness in migration issues and formulated it to argue against "open borders." The call for open borders or freedom of movement, comparable to issues of free trade and free capital movements, could potentially place less-developed countries at an even more disadvantaged position, as Castles observes. Castles proposes three principles of fairness when designing more rational migration policies for three skills groups. The first principle is for undocumented migrants who should receive a full recognition of the right to asylum and a full, impartial, and open determination process. The second principle, as part of an overall multilateral development strategy, is to connect the migration of skilled workers and students to the transfer of capital and skills

back to their countries of origin; since human capital and educational resources of less-developed countries are transferred through cross-border migration benefitting already well-off countries. For instance, the ‘Tobin tax’ could be imposed by source countries on the countries which profit from the labor of their highly-skilled workers. This second principle does seem to strike a chord not only with the previous discussions above on the ILO’s fair migration agenda and the WCSDG’s fair globalization scheme but also with the migration-development nexus. More than human capital, its distribution among societies is given a high value. The third principle is for low-skilled migrants to be granted legal entry according to labor market needs and a non-discriminatory quota system (ibid).

“A fair deal on talent – fostering just migration governance” (2015) is currently being advocated by Bertelsmann Stiftung; particularly being lobbied among German policymakers. Bertelsmann Stiftung is a think-tank organization based in Germany working on finding solutions through research to a wide array of societal, political, and economic concerns such as education, democracy, and health among others.⁴⁰ For the organization, a fair migration policy scheme necessitates the goal of achieving a triple win scenario. In evaluating the current German migration policy, Bertelsmann Stiftung rates it positively or seemingly fair in certain aspects. First and foremost, the current policy gives Germany the upper hand because of the human capital being utilized within the country which is assumed to contribute to the society and economy. At the same time, the granting of access to migrants means they are given the opportunity to work in Germany and are provided with social and cultural rights which make integration easier. As a result, through the policy, some information service centers have been established in other countries through the assistance of counselors or embassies in India or the Philippines, for example. These centers serve as a one-stop shop to give advice to would-be migrants on how to live and work in Germany. Another example is the information portal ‘Make it to Germany’ (which will be further discussed in Chapter four).

Bertelsmann Stiftung observes that to exercise fairness towards emigration countries is more difficult for German policy-makers to acknowledge. The think-tank would sometimes find the German legislature questioning the need to consider sending countries’ context before addressing the domestic unemployed people, for instance. Bertelsmann Stiftung bears witness to the policy-makers in Germany who prioritize the German society or the electorate; migrant workers take the second spot while the

⁴⁰ <https://www.bertelsmann-stiftung.de/en/home/>

emigration countries in the last spot. Adhering to the WHO Global Code of Practice on International Recruitment of Health Personnel, thereby instituting stipulations in the German immigration law restricting the recruitment of health workers from countries with a nursing shortage, the German migration policy takes a positive step towards exercising some aspects of fairness (Bertelsmann Stiftung interview 24 June 2015).

For Bertelsmann Stiftung, the rhetoric of fair migration could be utilized as a platform for attracting skilled workers to make Germany their destination country. “If you’re fair to the migrant, we will be more attractive.” Bertelsmann Stiftung is resolved with the idea that fair migration is relevant for many policy aspects and would be sustainable as well if adopted as a policy. “It’s important we also look at the emigration countries because if they don’t do well maybe those countries will become more [prone] to crisis or their situation will deteriorate...Of course, there’s a benefit to looking at what emigration countries do because if we help them to develop more there will also be more skilled people there to migrate or stay.” Arguing along the lines of the UN paradigm/fair migration agenda, Bertelsmann Stiftung highlights bilateral or multilateral cooperation and the benefits both source and destination countries could reap from the flow of human capital. National migration policy should cover aspects of fairness and be supplemented by global standards such as “global minimum standards of recruitment, reducing costs of migrating, [and] sending remittances,” according to the think-tank. Given this approach, the German state would have to treat the source country/partner in an *equal* manner; one example is the Triple Win Project, as evaluated by Bertelsmann Stiftung. “Maybe there won’t be migrants in the future or there will be more refugees from those countries because they’re collapsing. There are many effects. Because if the country is doing well, there can be more trade which is beneficial for everyone” (interview 24 June 2015).

The think-tank gives emphasis to the complexities surrounding the issue of how migration can be beneficial for home countries; nonetheless, it echoes the previous discussions on migrants as vectors of development as well as migrants’ human capital utilization and transfer. “The World Bank always says migration is development...If someone migrates and fulfills his or her potential better, this is beneficial because you can then earn more or learn more, maybe go back or just mentor people at home.” Another way migration can be beneficial for home countries, according to Bertelsmann Stiftung, is to provide migrants in Germany the means to foster transnational linkages through sending remittances; this way “there’s not a high cost involved for Germany. It’s easier if you think of initiatives of how remittances channeled in a way that not only

benefits the respective families but some parts of the remittances can go public projects, etc.” Interestingly, while considering the arena of migration, Bertelsmann Stiftung also takes into account the health sector, particularly that of the sending countries. Here, the issue of nurse migration becomes more convoluted because the Philippine health care sector might be better off if trained nurses stay, as Bertelsmann Stiftung examines (interview 24 June 2015). This observation certainly does contribute to the consideration of justice and ethics described in the health literature wherein Filipino nurses’ exercise of the right to freedom of movement can impede the advancement of the Philippine health system. The condition of the Philippine health care sector will be further discussed in Chapter three.

The moral reasoning implicated in the fair migration discourse is consequence-oriented which justifies actions based on the desired ethical results of action (Wirtz 2001). Having assessed what the consequences of cross-border skilled migration have been so far (i.e. brain drain, not benefitting everyone, human capital not fully capitalized upon) and the projected consequences (beneficial for everyone if managed well), the principle of fairness has been proposed as an approach to equally distribute human resources/skills/capital among the members of international community. From a liberal perspective, international (re)distribution is defensible and a limit to this needs to be justified (ibid). Fair migration targets explicitly to recalibrate relations between/among states and international organizations incorporating new ways to cooperate – that is, new government arrangements. Fair migration paradigm and the broader practices of global migration governance of which it is a part can be seen as a legitimating mechanism between states and non-state constituencies and between developed and developing states. Such mechanism embodies “a balance between facilitation and control of migration” (IAMM 2004: 10).

Fair migration has earned its kinship to contemporary development initiatives, such as fair trade, with a market-friendly approach to seeking equity in the global competition of talent and working towards contributing to sustainable development. In addition, a fair approach to cross-border movement of people seems to complement the existing fair rules for capital and trade. Fair migration shares certain ideological connections with international development industries, which extend moral reasoning and universal values through economic practice (Dolan 2007). It is a development tool that uses existing capitalist market mechanisms to generate more returns and benefits. More importantly, such liberal and social values are inextricably linked with the

economic value of cross-border migrant worker. It demonstrates that the market can and should reward socially just migration regulation.

The case of fair migration makes a fascinating illustration of the struggles to attain moral objectives by using market mechanisms (human resources/skills/capital are allocated according to the forces of demand and supply) in the global market economy and of the efforts to “re-moralize” those mechanisms (see Varul 2009). Through this way, the capacity of markets is enhanced and they perform as conveyors of values – economic, moral, social, and other – or as intermediates for governmental projects. As a discursive strategy, fair migration seeks to determine a fair ‘trade’ that safeguards the rights of migrant workers; the utility of the idea of fairness finds its relevance in framing the global debate on migration of health care professionals. Who then is responsible for what? What are the responsibilities of source and destination states? Do health care workers have the duty to remain? How about their right to leave or to the free movement of labor or to decent work? Whose rights to health are protected?

Fair migration raises another moral question, namely the question of compliance. Who would ensure that cross-border skilled migration is fair?

The chapter has examined global migration governance in general and migration-for-development in particular, in which moral-laden discourses in relation to governing cross-border skilled migration have emerged. The discussion has demonstrated that universal values and goals, such as fairness, are actively created and reinforced through the efforts of multiple international actors and agencies in which migrants as political-economic objects and subjects are constituted in new shapes (see Dean 1999; Miller and Rose 1990; Rose 1999). Recognizing the potentialities of migration and migrants in positively contributing to globalization processes, state actors and stakeholders do share a particular vision of creating ‘a strong social dimension’ of globalization and cross-border migration.

As this chapter has analyzed how migration has been regarded a moral and a global problem, the next chapter examines some of the solutions which have been proposed, i.e. governance of recruitment of skills through cooperation.

2. CROSS-BORDER MIGRATION AND RECRUITMENT OF NURSING SKILLS: TOWARDS ETHICS AND DECENTNESS

Due to a projected shortage of domestic labor force, an increasing labor demand in health care service, the rising life expectancy and falling birth rates similar to other OECD countries, Germany has turned to acknowledge the recruitment of foreign educated health care professionals, particularly of nurses, as exemplified by the Triple Win Project. In doing so, Germany, through its *Zentrale Auslands- und Fachvermittlung* (ZAV) or International Placement Service, moves in consultation with the World Health Organization (WHO) Global Code of Practice on the International Recruitment of Health Personnel.⁴¹

...we only recruit or place nurses from countries who are not on the WHO list of countries who are in danger of developing need for nurses like Germany has. Or for example, who already have a need for nurses. For example, Malawi is always the prominent example for this. There are more doctors from Malawi in London than in Malawi. So we won't recruit from, because in Malawi there is a bad situation, so Malawi is not eligible and other countries who are not yet in this situation but who are maybe in danger of developing such constellation, they won't be part of Triple Win. So in Triple Win, we only have countries who are not on this special red list from the WHO, but not only this, only countries who politically agreed to taking part in Triple Win. These countries signed an agreement with the German Federal Placement Service (ZAV interview October 2015).

This second chapter takes as an example the Triple Win Project which channels three complementing global agenda – ethical recruitment, decent work, and circular migration of nurses – to promote good governance in recruiting migrant health care workers. In line with the UN paradigm, the instruments promoting these three agenda highlight multifaceted issues relevant to cross-border migration today: the development aspects migration could bring about, the triple win aspect of migration, and migrants' rights. The development and human rights vision can in part be seen as an attempt to persuade both developed and developing countries that the migration agenda is not incompatible with achieving those objectives and with tackling labor shortages. They carry the assumption that properly managing the recruitment of would-be migrants can better address the issue of brain drain and at the same time promote circulation of skills. Although migration management has been hoisted to be promising, the question of taking care of the health systems in the source countries remains marginal in the agenda talks. The different positions and interpretations of several actors (coordinators

⁴¹ It is simply referred to as 'the Code' in the dissertation.
http://www.who.int/hrh/migration/code/WHO_global_code_of_practice_EN.pdf (accessed 25 August 2015)

and stakeholders) involved in the Triple Win Project are considered in this context as well.

The first part discusses the WHO Code being a “landmark policy” generally dealing with the cross-border migration and recruitment of health care workers as they affect the achievement of health-related Millennium Development Goals (MDGs) (ILO, Vaillancourt-Laflamme 2012).⁴² It is followed by an examination of the notion decent work as it aims to address the issues resulting from the convolution and merging of the three social arenas of health, cross-border migration, and labor. The last section deals with circular migration as a policy approach currently advocated by the UN international organizations.

Ethical recruitment of nurses

The World Health Report 2006 - working together for health lists fifty-seven countries (mostly in Sub-Saharan Africa and South-East Asia; see Figure 5 below) with a “critical shortage” of competent health professionals (doctors, nurses, and midwives). Apparently, the Philippines does not fall into the category. The said report highlights the global health workforce crisis with a shortage of 4.3 million health personnel. In defining the shortage, the WHO set a threshold of “80% coverage rate for deliveries by skilled birth attendants or for measles immunization and partly by the empirical identification of health worker density associated with that level of coverage” (p. 11). This measure had been suggested by the Joint Learning Initiative (JLI), an association of global health leaders, commenced by the Rockefeller Foundation stating that on average countries should have at least 2.5 health care professionals per 1000 population (ibid). However, the problem remains to be that the choice of 80% for skilled birth attendants is a random round number for one specific type of care, and did not result from a medical research of whether it could be most advantageous for a country to deploy human resources for health for other types of care, such as primary or tertiary care (Angenendt, Clemens, and Merda 2014: 5).

The WHO claims that the health worker deficit makes it, even more, a complex issue as it coexists with considerable numbers of unemployed health professionals (2006: xviii). Some of the causes the WHO identifies are poverty, limited private labor

⁴² Catherine Vaillancourt-Laflamme is the ILO EU Decent Work Across Borders Project Chief Technical Adviser. ILO, Vaillancourt-Laflamme, Catherine. “Promoting Decent Work Across Borders: A Project for Migrant Health Professionals and Skilled Workers,” fact sheet, 1 October 2012 http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_359345.pdf (accessed 2 December 2014)

markets, shortage of public funds, bureaucratic rules, and political interventions (ibid). Nevertheless, there has been no existing scientific evidence that regulating recruitment affects staffing quantity or health outcomes in source countries (Angenendt, Clemens, and Merda 2014: 5).

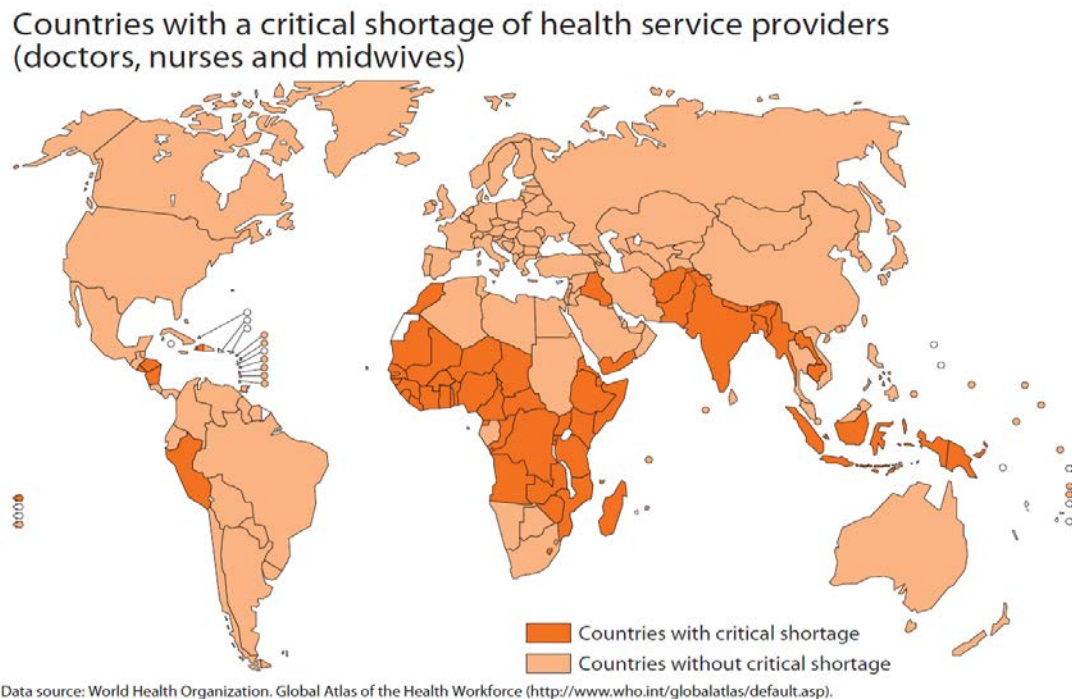


Figure 5. Taken from the World Health Report (2006: 12)
http://www.who.int/whr/2006/overview_fig3_en.pdf?ua=1 (accessed 25 August 2015)

Four years later, on 21 May 2010, as a response to the asymmetric movement and distribution of health care professionals, ever-increasing demand of skilled health workers in middle and high-income countries, and a growing consciousness of the risks of rising outflows from poorer countries, colloquially referred to as brain drain, one hundred ninety-three WHO Member States adopted the WHO Global Code of Practice on the International Recruitment of Health Personnel (User's Guide 2011:6).⁴³ It serves as a guide for the Member States to deal with the shortage in the global health workforce by pursuing international cooperation on migration and recruitment of health personnel from low- and middle-income countries. The Code is a voluntary instrument, a holistic approach that guarantees its applicability to various institutional contexts

⁴³ World Health Organization. "User's Guide, The WHO Global Code of Practice on the International Recruitment of Health Personnel," January 2011
http://apps.who.int/iris/bitstream/10665/70525/1/WHO_HSS_HRH_HMR_2010.2_eng.pdf
 (accessed 25 August 2015)

(Article 2). It is a normative mechanism which assists in developing and executing well-managed migration policies (Angenendt, Clemens, and Merda 2014: 1). It regards the right that individuals have to the highest achievable standard of health and that all people, as well as health workers, have the right to migrate from one country to another in search of employment (Article 3.4). These rights should be taken into consideration not only by the Member States but also non-state actors such as “health personnel, recruiters, employers, health-professional organizations and relevant sub-regional, regional and global organizations, whether public or private, governmental or non-governmental” (User’s Guide 2011:16). The Code stresses the importance of international “ethical recruitment” with a premise that the cross-border migration of health personnel can make significant impacts on the development and fortification of health systems universally if recruitment is appropriately and ethically managed (Article 3.2). Particularly, it discourages “active recruitment” of health personnel from developing countries encountering critical shortages (Article 5.1), referring to the 2006 report. Moreover, the Code adheres to “the principle of mutuality of benefits” as it proposes international recruitment be arranged in bilateral or multilateral agreements (User’s Guide 2011:11), including measures for source countries to gain support for training, access to specialized training, technology and skills transfers and the support of return migration, whether temporary or permanent (Article 5.2). Be that as it may, the Code fails to provide any further explanation for the terms “ethical” and “active;” such terms have been left for arbitrary interpretation.

The implementation of the Code has set up a global structure, involving ethical norms and institutional and legal measures, to steer international collaboration and function as an arena to maintain dialogue on the perceived critical predicament of health worker migration (Taylor and Dhillon 2011). The present and projected serious problem of dependence on foreign health workers by rich countries calls for a joint obligation for destination countries to participate in negotiation with and to aid health systems in countries confronting severe health workforce shortages, thus necessitates a managed and worldwide approach to mobilizing action (ibid; Tankwanchi et al. 2014).

Other than strengthening health workforce strategies with the assistance of global partners, another recommendation of the report is managing migration through demanding wealthier countries which receive labor migrants from poorer countries to implement liable recruitment policies. Through framing the Code with an ethical agenda, the WHO conveys a utilitarian conception of justice as regards maximizing benefits and mitigating risks for the interests of health workers and source and

destination countries (Eckenwiler 2009: iv). Furthermore, the Code suggests another concept of justice, “the social connection model of responsibility,” highlighted in *Article 8 Implementation of the Code* which states the shared responsibilities of stakeholders in ensuring that the aims of the Code are achieved (ibid). A social connection model of responsibility regards actors or agents (whether individuals or states) that support structural processes which engender injustices carry some responsibilities of remedying the result; in contradiction to a “liability model of responsibility,” a standard model of responsibility, which denotes a causal and direct correlation between the actions of particular actors and harm done to individuals (ibid; Young 2006). As a particular form of responsibility, the social connection model is characterized by a shared obligation wherein one carries a responsibility to cooperate with others; the intention of which is to change the structural social processes to generate less unjust consequences (Young 2006). One’s responsibility stems from being a member of a system of interdependent processes of collaboration and competition wherein one strives for benefits and achieving missions (Young 2006: 119). The liability model, generally utilized in legal and moral discourse, conceptualizes responsibility as to who is at fault or guilty of a particular action (Young 2006).⁴⁴ This suggests that by invoking a social connection model of responsibility, the Code makes an appeal to state and non-state actors bear shared responsibilities as members of the international community to cooperate and uphold the fulfillment of the objectives of the Code.

The WHO Code has been channeled in the bilateral agreement between Germany and the Philippines; although its interpretation, particularly that of ‘ethical recruitment,’ varies among the actors involved in the Project. Here, the social arenas of actors provide the context of their stances. This variation becomes pivotal in the configuration of the Project – which actors participate in the implementation and the manner of executing the recruitment process. First, as the GIZ traverses the social arenas of health, labor, and migration, the organization assists in legitimating the notion of ethical recruitment and therefore enables the organization to pursue partnership

⁴⁴ In the field of political philosophy, Young argues that responsibilities of justice result from the structural social processes that connect people. The author proposes a social connection model to understand, for instance, sweatshops conditions. Sweatshops’ complicated string of manufacture and circulation dispersed across borders is an example wherein global structural injustice, therefore responsibility is structurally distributed through the mass of separate units that deliver the garments produced in one place to the retailers where people purchase them. The claims of anti-sweatshop activists, thus, can be framed within a social connection model of responsibility wherein actors participating in the sweatshop structure both contest and appeal to each other to take the blame for their actions causing injustices. See Young, Iris Marion. “Responsibility and global justice: A social connection model.” *Social philosophy and policy* 23, no. 1 (2006): 102-130.

agreements and manage the recruitment of Filipino nurses in the interest of development. For the GIZ, which is predominantly concerned with international development cooperation, ethical recruitment embodies not only a goal but also a norm-production that necessitate cooperation between the source and destination states.

Second, the Public Services Labor Independent Confederation (PSLink), which is the trade union in the Philippines monitoring the bilateral agreement, defines ethical recruitment in relation to the rights of migrant workers, how they are advanced in state (bilateral) negotiations, and to a lesser extent, how the recruitment addresses (or not) the general condition of the Philippine health system especially the nursing workforce. The absence of placement fees normally shouldered by would-be overseas workers is one indication of being ethical to the migrants and respecting their labor rights. In terms of cooperation between states, the union refers to the fact that the POEA has sought their participation in the monitoring process, which presents a step forward in practicing ethical recruitment. In general, the PSLink approves of tripartite consultations on labor recruitment, particularly across borders, because they stimulate discussions on employment within the context of international norms and labor standards.

Lastly, the Philippine Department of Health (DoH) primarily concerns itself with health personnel and its distribution across the country. Thus the definition of ethical recruitment for the department largely corresponds to efficient and effective health care delivery through having an adequate supply of nurses.

Germany, in taking heed of its current and projected situation, pursues a course of action for a managed migration which has been constructed in line with the principles of the Code (Angenendt et.al. 2014). The course is evident in the legal framework for the migration of skilled professionals to Germany in which direct recruitment of foreign-educated nurses from countries falling below the threshold⁴⁵ is outlawed although nurses, in general, can get admission to the labor market (ibid).

I think Germany is the only country which has taken this list as part of a regulation. No other country does this but we are very straight. And this list is really old, data are partly from 1999. But still, there is no other list so Germany takes this old one...That's like an official thing. They don't ask, "is it the right thing?" They ask,

⁴⁵ The said threshold also serves as the main basis for the non-pursuance of the cooperation between Germany and India, which was supposed to commence in 2011 (IEGUS interview August 2015).

“what do we have, what rules.” We have to do according to rules. (IEGUS⁴⁶ interview August 2015).⁴⁷

One that has been realized is the Triple Win Project, which facilitates the recruitment of nurses not only from the Philippines but also from Serbia, Bosnia and Herzegovina, and Tunisia. According to the GIZ (interview 8 October 2014), the agreement between Germany and the Philippines is devised in its compliance to the Code; through the matching of the supply of nurses in the Philippines and the demand in Germany. The GIZ works on the assumption that ethically managing recruitment impels recruiting from a larger pool of nurses so as not to extract the supply and the profession from a particular country (ibid).

In practice, the GIZ upholds ethical recruitment through fairness and transparency to their ‘clients.’ The organization claims that Filipino nurses have been well-informed of the recruitment process and been assured of decent employment in Germany. “Filipino health professionals may not be employed in the Federal Republic of Germany under working conditions less favorable than those for comparable German workers” (Agreement 2013: 2). The ZAV asserts the idea behind the agreement is not to find cheaper nurses abroad but a quality approach is maintained in the agreement. Participating Filipino nurses do not pay for a six-month German language course, a professional course on “Technical Preparation for Filipino Nurses - cooperation between GIZ and Northwest Hospital”, and for their travel from the Philippines to Germany. “The burden is shifted to the employer because he needs somebody who works in this institution” (GIZ interview 12 June 2014).

The subject of placement fees in the Philippines has raised several concerns among trade unions and would-be migrants themselves. Section 51 of the “Revised POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Filipino Workers of 2016”⁴⁸ states that a placement fee can be collected from migrating Filipino laborers corresponding to one-month basic salary, except in countries where laws prohibit collection of fees from workers. The PSLink reports that a number of would-be overseas workers who make use of private

⁴⁶ *Institut für Europäische Gesundheits- und Sozialwirtschaft* or the Institute of European Health Care Research and Social Economy is a think tank in the field of health care in Germany. Its objectives are further discussed in Chapter four.

⁴⁷ According to Angenendt, Clemens, and Merda (2014), WHO estimates show health worker conditions for 106 countries in 2002 or before – eight years before the Code was adopted (p.5).

⁴⁸ <http://www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf> (accessed 22 February 2016).

recruitment agencies pay up to six months of their salary (documentary film 2014: 22:10);⁴⁹ which is a clear violation of Section 51. Some of the workers have already mortgaged their houses, their piece of land or farm animals, in order to raise some funds to pay for exorbitant fees demanded by private recruitment agencies. In some cases, when overseas workers reach the countries of destination, they are not paid according to what they are promised in the original contract they signed. Contract substitution is prevalent (ibid).

The Philippine Department of Health (DoH) claims that prior to the Code, ethical recruitment practice in the country would mean placing workers through accredited private recruitment agencies (by POEA). Determining the provisions of staffing in effect defines what ethical is. Examples of ethical recruiters are those not and which are held responsible for. As the Code has been advanced, ethical recruitment for both the PSLink and the DoH connotes employee- or migrant-centeredness by helping protect workers' rights instead of gaining profit from the migrants by exploiting their present vulnerabilities and asking for exorbitant placement fees (PSLink interview 6 February 2015; DoH interview 18 February 2015). Thus, the absence of placement fees in the Triple Win Project has been commended by both the PSLink and DoH.

What's more, the Triple Win Project recruitment might be touted ethical but it should have taken into consideration the overall situation of health in the source country (characterized by unequal distribution of nurses, and lack of (preventive) universal health), according to the PSLink. The trade union echoes what the Code highly recommends: not to recruit health professionals from a country where they are badly needed. The DoH attests to this by reporting "bad" direct recruitment processes done under the guise of mission visits in Philippine hospitals wherein the visitors would eventually take about 80 nurses (documentary film 2014: 10:11). For this reason, the DoH is convinced that "all partnerships with other countries should go to a bilateral agreement...if we really want to go to ethical recruitment, it should be through a bilateral agreement; a country to country, a department through a department, a ministry to ministry" (interview 18 February 2015).

It remains a paradox for the trade union that the distribution and ratio of nurses to the population of the Philippines continues to be asymmetrical and not all schools

⁴⁹ A 41-minute documentary *Tale of a Journey: Migrant Health Workers' Voice through Images*, produced by ILO together with the Asia Pacific Film Institute, funded by the European Union, and publicly screened in Manila on 16 November 2014.
<https://www.youtube.com/watch?v=mYXQKawlllQ> (accessed 31 August 2015).

and communities have access to consultations with a health professional (interview 6 February 2015). Looking at labor markets in the case of the Philippines, the DoH clarifies (interview 18 February 2015), the need is different from the demand. The DoH states that there is no demand for health care workers because there are no jobs available. Those who leave the country are those who are experienced health professionals and they get replaced by inexperienced ones. Thus, the slots are all filled-up (ibid). Demand is an economic expression that pertains to the quantity of nursing care that employers are inclined to obtain at a given cost; whereas need is a subjective decision about the ideal amount of such service that should be available irrespective of the price (Kingma 2006). Employers directly paying for the service determine demand while health planners or professional organizations regulate the need (ibid).

The PSLink is calling out the responsibility of the Philippine state to tackle the needs of the health care system before deploying nurses or workers in general (interview 6 February 2015). But because of the perceived development effect brought about by remittances, nurses trained in the Philippines have been encouraged to provide their service to other countries (ibid). The trade union elucidates that the Philippine administration does not “win” or gain any profit from the agreement, other than the projected remittances, unlike with the usual practice among private recruitment placement agencies where the POEA receives a portion of a worker’s salary plus the fees per head given by a recruiter (ibid). On the side of the state though, the POEA relies on its “good experience discussing and dealing with countries of destination in the negotiation of BLAs [bilateral labor agreements] that will provide better protection, ensuring the rights of workers” (documentary film 2014: 14:32).

However, Ang Nars (The Nurse) Party-list Representative, also a member of the Triple Win Project monitoring committee, is wary about the conduct of state representatives during state negotiations; “*parang binebenta mo yung mga nurses* (who appear as if they are selling the nurses), ‘*marami kaming nurse dito* (we have a lot of nurses here).” Ang Nars, led by Rep. Samaco-Paquiz, is a Party-List in the House of Representatives of the Philippines, the lower house of the Philippine Congress, since July 2013. The association, with 45 members currently, is non-profit and non-stock that envisages “to be a strong association of nursing professionals who care as Nurse Advocates for Rights and Socio-political responsibility” (Philippine Nursing

Directory).⁵⁰ In the light of ethical recruitment of Filipino nurses, Ang Nars proposes a stronger bilateral negotiation that would make destination countries compensate for what the government has spent for each nurse deployed. For example, for every Filipino nurse hired overseas, the destination country gives scholarships for two nurses (interview 26 January 2015). Charging the destination country for each nurse it has accepted would be very difficult to monitor and to ask for especially if the Philippines is already economically benefitting from the remittances, according to the DoH (interview 18 February 2015). For instance, the destination country could easily say they would attend to it slowly but “before you know it, the contract is ended, the services have already been rendered. [Nurses have] already come back and sought employment elsewhere and there’s still no exchange” (ibid).

Generally siding with the PSLink, Ang Nars envisions that cross-border skilled migration “will not be an option but a choice; [because] now, it’s an option” (interview 26 January 2015). Ang Nars advocates for Filipino nurses to be serving in the country but lack of employment and its provision hinder them to acquire a decent work that they need. The government should support ethical overseas recruitment agencies “so that the numbers would increase until such time that all recruitment agencies will not collect placement fees.” As there are currently only ten ethical private recruitment agencies (among 2,000 registered) in the Philippines, Ang Nars fears that some “exploitative and not accountable recruitment agencies will gang up against them and marginalize them and may even collude to put ethical recruiters out of business” (ibid).

The law on overseas employment must also be harmonized because it allows the collection and payment of placement fees equivalent to a month’s salary, so *hindi dapat ganon* (it should not be the case). Some provisions of bilateral labor agreements (BLA) are also inconsistent and contradicting, for example, in the BLA I have read the payment of fees to OWWA is collected on the migrant workers. But the law says this must be shouldered by the recruitment agencies. Or in the case of BLA to government, this is done by private recruitment agencies, they will be penalized. But in the case of BLA, the government is violating the law, so *hindi sya sinusunod* (it is not adhered to) (Ang Nars interview 26 January 2015).

Only during the 2012 monitoring of the Code implementation conducted by the DoH that the department has had the chance to reflect upon how deployed Filipino nurses are treated in destination hospital/countries (DoH interview 18 February 2015). The DoH concludes that such a lens, the monitoring tool itself, is biased towards the host countries. The department considers monitoring would result in a deficit for the

⁵⁰ <http://www.philippinenursingdirectory.com/2010/06/22/ang-nars-inc/> Ang Nars has recently launched its new website <http://angnars.ph/> to continue its online presence even without a seat in the Congress Party-list in 2016 elections. (accessed 24 August 2017)

source country as it would have to invest a substantial amount of resources to set up some database systems designed to follow-up on nurses who have left, for instance. Destination countries are not expected to exert as much effort on behalf of the source countries, the DoH rationalizes. “Let’s put in a stronger flavor of source country perspective so that we can have more involvement in the monitoring of our ethical recruitment practices” and replace or remove some non-applicable matters. Monitoring the implementation of the Code allows the DoH to gain some insights of the many possibilities that could happen to Filipino nurses abroad. For the DoH, participating in the monitoring has opened many doors to make them aware of potential violations of the labor code, unethical recruitment practices, etc. However, the fact that the Code does not give any recommendation or options to take upon evaluation limits its role to simply a tool for the states, as the DoH surmises (interview 18 February 2015).

“Decent Work Across Borders”

“Achieving the Millennium Development Goals requires work. Decent Work”
(ILO 2012)

The Decent Work Across Borders (DWAB) project⁵¹ aimed to advance a triple win approach to cross-border migration (ILO, Vaillancourt-Laflamme 2011);⁵² an approach the International Labor Organization believes to set the standard of fair migration within the context of governing skilled migration for development. It was a three-year project (2011-14) designed to raise awareness about safe, ethical and decent migration, and voluntary return for health care professionals. DWAB centered its intervention on three Asian countries, Philippines, India, and Viet Nam, due to their substantial outflow of health care professionals and at the same time, are actively (even pro-actively in the case of the Philippines) pursuing cooperative agreements on sending health care professionals to various recruiters in the European and North America regions (ibid). DWAB was funded by the European Union with the budget of 2.5 million Euros.

In its attempt to navigate this path, DWAB commenced the scheme by way of recognizing the significant increase in the movement of health care professionals

⁵¹ The full name of the project is “Promoting Decent Work Across Borders: A Project for Migrant Health Professionals and Skilled Workers”. In the dissertation, it is referred to as ‘DWAB.’

⁵² ILO, Vaillancourt-Laflamme, Catherine. “Promoting Decent Work Across Borders: A Project for Migrant Health Professionals and Skilled Workers, brochure, 12 December 2011 http://www.ilo.org/manila/publications/WCMS_214081/lang--en/index.htm (accessed 24 November 2014)

particularly between the so-called developing and developed countries in the last decade, and the immeasurable attention this serious issue has been receiving mainly instigated by the economic and social costs it has been raising. Moreover, it identified several interrelated “challenges” and responds to each through its guiding and overarching platform “Decent Work for All”: a popularly identified international development goal. This goal claims to uphold labor code standards, reclaim social justice, promote the social dimension of globalization, and restore the organization’s own derailed position within the global governance framework (Likić-Brborić and Schierup 2015). One of those challenges was the all-too-familiar phenomenon of brain drain of indispensable human capital commodified in the health care sector of developed countries. The ILO identified the trend causes detrimental effects on the development potentials of the source countries, particularly developing countries, where health care workers migrate from.

The ILO perceived that the brain drain phenomenon is considerably intertwined with attaining the Millennium Development Goals. The cross-border mobility of health care professionals, particularly the attainment of decent work, directly implicates the achievement of health-related MDGs, which depends on effective and adequately staffed national health care systems. The rhetoric was the same as one of the guiding principles of the Code. Those goals are “reducing child mortality (Goal 4), improving maternal health (Goal 5), and combating HIV/AIDS (Goal 6).”

DWAB aimed to address some of the issues concerning the international recruitment process, which has largely been taken over by private recruitment intermediaries from the state administration. Along with the change came the reported vulnerabilities experienced by foreign educated nurses while undergoing the recruitment process: alteration of the work contract without agreement, recruiter fees, no contract was given, immigration documents kept by the recruiter, and unfamiliarity with the workplace and position hired for before departure (ILO, Vaillancourt-Laflamme 2013: 1).⁵³

DWAB placed emphasis on ethical recruitment of health care professionals, which is in line with what the Code is promoting, and recommends a balance among various interests of government administrations, employers, recruitment agencies, and workers in both the sending and receiving countries. The practice would necessitate

⁵³ ILO, Vaillancourt-Laflamme, Catherine. “Promoting Decent Work Across Borders: A Philippine– based Project for Migrant Health Professionals and Skilled Workers,” fact sheet, 1 May 2013 http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_359347.pdf (accessed 12 December 2014)

social dialogue and responsibility among stakeholders at the national and international levels, according to DWAB.

Recognition of foreign skills and qualifications is another aspect DWAB takes into consideration. DWAB underscored the lack of global standards as part of a system to compare the education and qualifications of health care professionals. The country-specific standards which are in use today can mitigate the benefits health care professionals could obtain from moving/working overseas, according to the ILO standards. It is then a challenge to establish a mechanism, which is “inclusive, flexible, accessible, fair and transparent” (ILO, Vaillancourt-Laflamme 2014: 1).⁵⁴

In the case of the Philippines, the POEA (interview 16 December 2014) has expressed that the Philippine state generally takes into consideration the principles of the ILO. Thus, the Philippine state adhering to the decent work agenda would not be opposed (ibid). DWAB engaged government administrations, trade unions, employer organizations, and professional associations into policy dialogues; for instance, a participatory workshop for stakeholders was arranged to give feedback on the Philippine Country Report as regards the implementation of the Code. As the DoH reminisced,

there's so many deliverables and so many outputs under this project. But one of the objectives was to explore circular migration. They also helped us *kasi* (because) in the monitoring of the WHO Global Code of Practice, meaning that has anything to do with ethical recruitment and decent work. They're there to help us. They've been a very useful project. So when they've helped us turn the Philippine experience of monitoring the Code of Practice into a global best practice. In the ethical recruitment publication by the WHO, there's a chapter there, the experience of the Philippines and it's the only entry from Asia. Then they've helped us make that happen, ILO. They've also helped us train some of our key policymakers in bilateral agreement stakeholders in how to craft a good bilateral agreement, how to monitor, how to put ethical standards, what are the different models of bilateral agreements. They've also helped us draft broad strokes strategies for the National Reintegration Center for [overseas Filipino workers] OFWs, to try to find mechanisms to reintegrate nurses (DoH interview 18 February 2015).

The DoH is part of DWAB through the former's health human resource plan that looks into public health and conducts statistical research of health personnel and of policy standards in the regulation of public and private hospitals. The PSLink claims that because of DWAB, the government administration, DoH, POEA, recruiters, and trade

⁵⁴ ILO, Vaillancourt-Laflamme, Catherine. “Promoting Decent Work Across Borders: A Project for Migrant Health Professionals and Skilled Workers,” fact sheet, 30 April 2014 http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-manila/documents/publication/wcms_173278.pdf (accessed 25 November 2014)

union were all balanced; it was the only project they were all in tune (interview 6 February 2015). Through their tripartite dialogues, every actor set forth their definitions of ethical recruitment and how, for example, the current government program of “health for all” will be affected and how the human resource planning interplays with DWAB, according to the PSLink. In addition, those dialogues paved the way for a common understanding of “decent work,” that is, a standard employment which is regular, full-time, permanent, and socially protected, versus a non-standard one which is unsecured work, part-time, unprotected, without employer-employee relationship and without rights for collective bargaining (ibid).

In connection with defining and institutionalizing ethical recruitment in the Philippines, as part of DWAB, the PSLink collaborates with ten self-identified ethical recruiters to lobby for the amendment of Hiring Filipino Workers Act which currently authorizes a placement fee to a recruiter equivalent to one-month salary (interview 6 February 2015). This collaboration has also resulted in a proposal of amending the state’s systems procedure requirement which would separate ethical recruiters from non-ethical ones. The separation would advance the practice of ethical recruitment in the country and at the same time could provide incentives for the ethical recruiters (ibid).

Although such practices in connection with decent work and ethical recruitment are conceptualized as channels of social and economic justice, they can also be ‘locally’ experienced as instruments of authority. Ang Nars, for instance, expects the ILO to support the Philippines in solving the country’s health care and nursing problems (Ang Nars interview 26 January 2015). Another instance is the amendment of the nursing curriculum wherein the concept of decent work has been integrated. Decent Work consists of four pillars: the right to work, rights at work, social protection and social dialogue. It is a shift from the old curriculum which prohibited nurses to join a trade union (PSLink interview 6 February 2015).

DWAB has generated the discussion on recruitment practices and brain drain therefore has significantly focused on achieving decent work overseas. Although the ILO, through its fair migration agenda setting, encourages the formation of decent work prospect in countries of origin, attaining this objective heavily focuses on the role of migrants: “their remittances were estimated in 2013 to be US\$404 billion annually, which is more than three times the amount of official development assistance (estimated at a total of US\$125.6 billion net in 2012) (ILO 2014: 21-22).

Circular migration of nurses

Circular migration and return are the globally recommended models for the cross-border movement of health care professionals, although paradoxically, the data on the impacts of such types of migration on source countries remain scarce (Hawthorne 2014) – an impediment to the advancement of such migration policies (Hugo 2014: 3). Nevertheless, circular migration is exhibited as a substitute to the ensuing dichotomization of a brain drain of health professionals from resource-poor countries and a brain gain in countries which already have high degrees of accessibility to health care services (Hugo 2014: 1).

Both the Code and the ILO's DWAB project encourage circular migration of health personnel. Article 3.8 of the Code presents circular migration as a policy approach which would ensure the transfer of migrants' skills and knowledge between both the source and destination countries. In the same manner, the ILO is a firm believer in the potential of circulation of health professionals. Circulation is an essential element of a global architecture for solving the crisis in health care on the condition that the various complex economic, social, human, and ethical outcomes of migration can be effectively addressed through cooperation among all affected states (ILO Vaillancourt-Laflamme 2012). In the context of abating the effects of brain drain, Principle 5 of the ILO Multilateral Framework on Labor Migration specifies that "Expanding avenues for regular labor migration should be considered, taking into account labor market needs and demographic trends."⁵⁵ In addition, guideline 15.8 under Principle 15 recommends "adopting policies to encourage circular and return migration and reintegration into the country of origin, including by promoting temporary labor migration schemes and circulation-friendly visa policies."⁵⁶

The ILO defines circular migration as the possibility of a repetition of migration given the willingness of the migrants.⁵⁷ The term also connotes a form of cross-border migration that grants some measure of lawful mobility on exit and entry between the sending and receiving states. When put into effect following migrants' willingness to return, a circular migration framework can be encouraged as a potential 'win-win-win'

⁵⁵ International Labor Organization. "ILO Multilateral Framework on Labor Migration." http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_178672.pdf page 12 (accessed 22 August 2017)

⁵⁶ *ibid*: 30

⁵⁷ International Labor Organization. "Employer's viewpoint on incentives, programmes and policies susceptible to facilitate the acquisition and retention (circular migration) of health professionals." October 2013 - January 2014 http://www.ilo.org/global/topics/labour-migration/publications/WCMS_227529/lang--en/index.htm (accessed 22 August 2017)

scenario, the ILO affirms. The ILO suggests circular migration can also promote incentive measures – whether on an individual level, workplace, state, or international cooperation – such as “permanent residency and citizenship, fair repartition of the costs associated with the repeated migration process, portability of social protection measures, facilitation of skills recognition and career progression measures, and family-friendly reunification options” (ibid).

Interestingly, the PSLink, although being a board member of DWAB, asserts that circular migration in relation to health should be discouraged. Such schemes could work only for seafarers or farmers as there is a seasonal cycle being followed.

...Circular migration really connotes precariousness of work. Even if you say there is a period of, like, one to three years and then back again. I think it's different when you're talking of the health sector, because as I said you're dealing with people, health of people. It's not a machine that you shut down and, you know, recondition and back again. It's different. The interaction, the relationship that the health workers develop with the patients, it's so human to be kind of subject into a kind of circular way without regard to the impact when you leave your patients and come back (documentary film 2014: 32:28).

The PSLink gives high regard to human touch, other than any modern equipment, which plays a role in a profession that revolves around (social and health) care; especially with Filipino nurses whose emotional capacity, i.e. empathy, in delivering care has been specifically trained (PSLink interview 6 February 2015).

Equivalently, the DoH recalls an ILO representative saying, “let's try to bring them back, let's help them find work here [Philippines] *kasi sayang ang natutunan nila doon* (because the knowledge they have gained there would be wasted)” (interview 18 February 2015). However, the DoH reflects on the prospect of return migration by pointing out the lack of infrastructure in the Philippines to absorb nurse returnees. For one, the state would need a lot of investment to mimic the technology hospitals overseas have and to import them to the Philippines. If it was worth it, the state, together with private health care facilities, would have to identify the specific skills (public health management, primary health care) that it would need to reintegrate the nurses, the DoH suggests. On top of inadequate local infrastructure, the salary offered in the Philippines is incomparable with nurses' remuneration overseas. Furthermore, the reason for nurses' return is a finished contract. “It's not actually a circulating brain, but it's really having us rent, for lack of better terms, *rent out our brains for economic growth*. It's really for economic development. Like the remittances, they constitute 10% of our GDP and without those [overseas Filipino workers] OFWs, it's going to hurt

Philippine pockets a lot.” Thus, for the DoH, circular schemes could impinge on the right of nurses to move (ibid).

Another aspect of circular migration, which necessitates explication, is the expectation that nurses would essentially be inclined to bring back or share knowledge and technology upon return. The DoH opines that Filipino nurses’ priority is to feed their families back home, which does not necessarily fit into the criteria if the objective of the state or the DoH was to bring in new expertise and fresh technology (interview 18 February 2015). Instead of requiring a migrating nurse to pass on knowledge, the DoH would rather send health care personnel overseas for exposure and would bring them back as a regular employee in a department (ibid). Documented nurse returnees amount to less than ten people, thus the administration has stopped calculating. Only a few nurse returnees aspire to give back the community and to work again as a nurse in the health care sector. Many of the returnee, who are in fact already retired and have established families overseas, would opt to invest or become an entrepreneur in the Philippines (ibid). Do such nurse returnees who resort to investment constitute brain circulation considering there is no circulation of competency?

Ang Nars (interview 26 January 2015) echoes some aspects of global perception on brain drain and considers it an indication of brain gain if nurses come back to the Philippines while bringing with them the technology from another hospital environment overseas. However, Ang Nars laments that some nurse returnees experience some form of age discrimination in the job market. “Because sometimes, when you’re already 34 years old, they don’t want to accept you anymore. So I have a bill on anti-discrimination so that our nurses can work again here and bring back the technology.” In that sense, a comprehensive state-run reintegration program *in hospitals* should be put in place, according to Ang Nars, instead of the unsatisfying current reintegration program which deals with turning returnees into entrepreneurs (ibid).

Regulating the migration of health care workers is intricately positioned in a broader nexus of complexities related to health care provision, cross-border migration, and labor or skills. The UN international organizations being consulted to by the Triple Win Project coordinators and stakeholders depict the recruitment industry as poorly regulated. Moral-laden discourses of ethical recruitment and decent work have been proposed to properly harness the merits of migration and mitigate its costs. This triple win framework of governing cross-border migration heralds not only bringing to the fore

basic issues of human rights based on universal values of equal treatment and non-discrimination but also functioning as a major force in driving development through reinforcing strategies of transnational cooperation.⁵⁸ Those rights are identified as the right to move and to attain decent work and can paradoxically only be achieved through cross-border migration and consequently in a country that liberally grants such rights.

Given the discussion on different stakeholders' strategies and the importance of their discourses and practices for reframing an overriding neoliberal understanding of development and migration management, we have seen how particular concepts, however vague they may be, have been taken up to promote social justice alongside the UN paradigm of fairness. The moral weight the concepts "international ethical recruitment" and "decent work" carry do call for a shared responsibility and action to be taken by both state and non-state actors in order to protect human, labor, and migrants' rights. Forging alignments with each other, finding compromises, and culminating in a bilateral agreement are the desired approaches to manage the movement of skills. In this context, cross-border migration of health professionals is generally understood to be enveloped by rights to health, mobility, and decent work as opposed to being exposed to vulnerability and moving out of obligation.

The next chapter examines the emigration context, particularly the production of nursing skills for a global workforce. This mechanism legitimates the Philippine state's labor export practice of facilitating nurses' mobility in order for them to assume a part of the responsibility for achieving *development*.

⁵⁸ Thinking along these lines, it is arguably reasonable to consider universal human rights in relation to a pursuit of global social justice embodied in 'transnational social rights' (Faist 2009).

3. THE CULTURE OF EMIGRATING FILIPINO NURSING SKILLS

The Philippine labor export mechanism and the gendered Filipino cultural and social dynamics in relation to nursing skills are mutually constitutive (see Guevarra 2010; Rodriguez 2010). The socio-cultural phenomenon of out-migration of workers from the Philippines has certainly singularized the country and regulated Filipinos' conduct and ambitions (Guevarra 2010). Numerous scholars and international organizations in the cross-border migration field, including government agencies, have expressed their sentiments on the forty-year governance of cross-border migration from the Philippines. Many of these actors frame the apparatus as the governance model to emulate by Third World labor-exporting countries. Through in-depth ethnographic analyses of the phenomenon, Guevarra (2003, 2010) and Rodriguez (2010) expose a labor-brokering mechanism enabled by the Philippine state. Both acknowledge the country's colonial history, particularly as related to the United States colonial labor system, which has laid out the blueprint for generating this kind of labor export economy as an expression of neoliberal governmentality in managing the population of the Philippines (ibid). The authors claim that the establishment of a U.S.-modelled educational curriculum and accessibility of educational prospects and training in the U.S. schools signify the perception of Filipinos as educated and ideal global workers.

Following the authors' approach, I suggest that the labor export policy of the Philippine state nurtures the rational, calculating, and competitive subjects. Through the production of Filipino nurses, for instance, the state suggests "the general contours of how one can/should work towards the ultimate goal of maximizing one's human capital" (Weidner 2011: 44). Each individual is perceived as the agent of human capital, who must seek to boost one's self-value, and as a result must take into consideration how the game is played, wherein the current state of affairs cross-border labor migration has been presented as the only end goal for both personal and professional development and becoming a nurse as a tool to achieving it. Individuals are expected to act based on a rational choice (i.e. of taking up a nursing degree in order to work/move overseas) and that this choice is made within a social situation where s/he alone is accountable for and carries the consequences of that decision. This is the subject of rational choice, the "homo oeconomicus" as "the person who accepts reality or who responds systematically to modifications in the variables in the environment" (ibid: 40).

Beyond the push-pull factors characterizing the emigration of Philippine-trained nurses (Dimaya et al. 2012), this chapter begins with its cultural aspects (Choy 2003) through a discussion of how nursing skills have been portrayed today as an amalgam of professional advancement (obtainable across borders) and cheap and vulnerable labor. The following section takes into account the vehement production of nursing skills in the Philippines wherein cross-border migration and global market forces have become the gauge for expanding the production of such skills. The discussion reveals the embedding of nursing skills in transnational spaces and how the health care sector has been negatively affected and in turn, nursing skills have become marginalized in the country yet highly sought overseas. Nurses trained in the Philippines have taken the option to both capitalize on and develop their in-demand skills. The last section considers the issue surrounding the possibility of reintegrating nurse returnees.

“Filipino care”

For me, as a professional nurse, your career will not be complete unless you work abroad. On my own experience, I've been in Saudi Arabia for 2001 up to 2002, wherein I worked as a Critical Care Unit nurse. So there is a satisfaction and fulfilment on your part as a nurse if you will be working outside of the Philippines. But the real essence of nursing is not really going abroad because for some, nursing is not just a profession but a vocation, so meaning this is a calling...the cap is placed on their head, meaning your duties and responsibilities should be above your personal things. Because there will be time you have to work 24/7, so meaning, we don't have the usual weekdays off and holidays. So even though there's holidays, typhoon and calamities, but we need to work, still to report to our work. But for some nurses who really want to look for a greener pasture, they're really looking for a place where they can practice and where they can excel and render their tender, loving care because we all know that Filipino nurses are known for their tender, loving care. And based on the PNA [Philippine Nurses Association] road map, nursing is the best for Filipino and the choice for the world. Meaning there are really nurses who are taking up nursing as a profession because they really love to go to abroad because they want to earn greener pasture. [So there's a mixture of] professionalism and personal choice. So for others, that is a fulfilment of their profession once they practice abroad and earn more than they should earn in the Philippines (Philippine Nurses Association interview 28 October 2014).

The Philippine Nurses Association (PNA), one of the members of the Triple Win Project monitoring committee, in the quote above unambiguously encapsulates what needs to be unpacked in the seemingly commonsensical beliefs being perpetuated in the islands and across borders: nursing skills being equated with Filipinos; nursing becomes a fusion between profession and vocation; and that any Filipino who chooses to take up nursing as a profession can succeed wherever in the globe because of their innate abilities in care giving, which have been sought after. Understanding the context such discourses emerge and how they are instrumentalized not only opens up but also fuels

the underlying fabrics which are often taken for granted: cross-border skilled migration has become a necessity and acquiring nursing skills as one of the means to achieve it; nursing skills serve as a passport and tangible hope to move overseas and up the social ladder; and paradoxically, such same skills are regarded as expendable and exploited within the health care system in the country.

Many of the nurses interviewed for this dissertation, especially those who are now in their 40s and 50s, recalled that the concept of calling formed the basis of their decision to pursue becoming a nurse. The purity that the white uniform a nurse wears on duty carries a highly symbolic presence. What's more, those nurses interviewed make it their vocation to care for the sick. Calling refers to "a deep desire to choose a task which a person experiences as valuable and considers her own" (Raatikainen 1997: 1112). The caring ingredient embedded in nursing, symbolized in the concept of calling, intensifies the understanding of nursing as a profession equipped with skills transferable across borders, regardless of the degree, and contributes to a moral impetus to the practice of nursing (McNeil-Walsch and Colleen 2010: 190).

Caring in the context of nursing in the Philippines has been essentialized, even institutionalized, through the image of a professional nurse being promoted overseas. "Filipino care" has been implicitly equated with innately possessing a comparative advantage because of their care giving skills and (English) communication skills. An additional component to these celebrated *natural* abilities is being flexible because

definitely, Filipino nurses can easily adjust to different situation. So that's the good thing about us Filipinos is our adaptability because since in the Philippines there are mixed cultures, regionalism. So if you will be working, you can easily adjust to every situation. It will not be difficult (PNA interview 28 October 2014).

The PNA claims that a Filipino nurse is "*the best and the choice for the world* because since time immemorial if there are countries needing nurses, they really want to get Filipinos because Filipino nurses are *very much patient* when it comes to taking care, they are *very much hard working and dedicated* (ibid). These discursive representations, or referred to as "added export value" by Guevarra (2010), give Filipinos an edge over other *Third World* subjects in the global market. In general, Filipino workers' value of labor power is an explicitly racialized form of flexibility (ibid). Filipino workers become subjects who emerge "precisely as someone manageable...[as] someone who is eminently governable" (Foucault 2008: 270), and, as migrants themselves claim, profitable.

In addition, gender has been an invaluable resource for the global capital. The phenomenon of Filipino nurses' emigration in the postwar era (1965) instigated the

feminization of the contemporary overseas Filipino workforce, the majority of which are domestic workers while some as entertainers or sex workers (Choy 2003: 188); wherein female workers exceed the emigration of male workers (Guevarra 2010). The cross-border migration of Filipino nurses also signifies the creation of a gendered workforce in the global system (Choy 2003).

The positive image of being a Filipino nurse has been reinforced by the PNA and one way of doing so is through preparing nursing students to become globally competent and competitive instilled with the values of being a Filipino (PNA interview 28 October 2014). The association expects every Filipino nurse knows and practices “the caring rule: tender, loving care,” which makes them unique and sought after all over the world. For the PNA, the prominence of Filipino nurses contributes to and impacts global health care outcomes by raising the standards and performance benchmarks (ibid).

For some nurses, particularly those born in the 1980s, the decision to take up nursing profession was driven by a collective decision with the family. Some have asked for advice from relatives who are trained nurses themselves and have worked overseas. Closely related to this idea is a pragmatic reason – nursing provides an opportunity to both train and earn a decent wage overseas, which presents another opportunity for upward social mobility, therefore feeding their family. Nurses capitalize on their globally in-demand skills, depending on the country that is open for recruitment, thus their decision to migrate is not only driven by familial influence but also by global market approaches.

For example, Nurse Rose had quite a “special” and “lucky” case because she was able to secure herself a full-time and permanent position in a Philippine public hospital. She received huge benefits including a zero-interest loan for the tuition fees of her children. The overall salary package was so rewarding that she did not consider moving overseas. “Why would you leave your family behind? Who would want to leave your own country if your status in life is fine?” (interview 23 October 2014).

In moving cross-borders, other than the possibility of a higher wage, nurses consider gaining specialized training. Nurse Jackie, for instance, is a licensed nurse in the U.S.; which means she has passed the National Council Licensure Examination (NCLEX)⁵⁹ and her credentials are recognized by the Commission on Graduates of Foreign Nursing Schools (CGFNS),⁶⁰ the two governing bodies for nurses who want to

⁵⁹ <https://www.ncsbn.org/nclex.htm>

⁶⁰ <http://www.cgfns.org/>

practice their profession in the U.S. The recruitment in the U.S. is currently halted and so she has turned to other doors which are open. However, not all doors are created equal. Given Nurses Rose's and Jackie's age, the Triple Win Project is a perfect opportunity for them because, first of all, there is no age requirement of 30-35 years of age, unlike those of other countries (i.e. Japan, Saudi Arabia, and Canada as mentioned by the interviewees). Even in the public hospitals in the Philippines, age requirement prevails over experience.

So, it got me thinking, you have extensive experience but because you are over-aged you do not have the hope to continue your profession here. It is ironic. Those who have the position in the hospitals are young without any experience. That's why I am a private nurse now...It is bad for our country because the knowledge you gained overseas cannot be utilized here [in the Philippines]. Even though you choose to stay here with a low salary, you are still denied. It is really ironic (Nurse Jackie interview 23 October 2014).

In addition and contrary to the norm, there is no need to shell out large sums of money as nurses go through the Triple Win recruitment process. It has given Nurse Rose and Jackie some sense of hope to leave the country.

Nursing, compared to other health professions, has become a ticket to go abroad and this discourse corresponds to the statistics of the outflow of nurses, as the DoH reveals. However, no research has been conducted on certain particularities such as comparing the economic and social gains and the losses of those individuals and families who have invested in nursing. In DoH's back-of-the-envelope calculation, seven out of eight nurses aspire to work overseas but only one makes it; one is successful in finding a nursing position in the Philippines; the other five works in a different profession; and the rest is unemployed. One out of seven aspiring nurses does not seem to connote a pleasant average. Nevertheless, individuals and families still take the risk and make such an investment, which the DoH considers a very expensive venture and assumes such was taken out of desperation (DoH interview 18 February 2015).

The discourse of 'nursing as a passport' connotes the perceived cross-border transferability of nursing skills in a transnational context. Arguing along the lines of the Foucauldian literature on mobile-entrepreneurial subjects, Filipino nurses learn to navigate along the processes of capital accumulation and transnationalism through the practices of mobility and flexibility. They approximate that of someone who is equipped to move for the purpose of improving their lives. This goal corresponds well with the Philippine state's development goal embodied in its labor export policy. The global demand for nurses in the past decade has resulted in an increased acceptance by

nurses that nursing is a “portable skill” (Kingma 2006) or an “exportable asset” (Scott et al. 2004) or even “dispensable” (as designated by Triple Win Project coordinators) and that their profession is situated firmly in the global labor market (McNeil-Walsch and Colleen 2010: 190).

The pro-active role of the Philippine state

The carving out of a niche for Filipino nurses constitutes a segment of the overseas Filipino workers (OFWs) whose conduct has been regulated by the forty-year governance of cross-border labor migration from the Philippines. Through the yearning of the Philippine state to recalibrate in relation to the dynamism of global markets in the mid-90s, it shifts its focus to higher skill and knowledge-based categories of jobs from the usual market for domestic helpers, entertainers, and seafarers (Guevarra 2010). The state has adopted a deliberative neoliberal calculation as to demarcating which populations are beneficial in luring global markets. This strategy of governing is applied to a particular type of worker, i.e. nurses, that group within a nation that is subjected to, and subjects of, the free play of market forces or global capital. The approach has been highly responsive to the challenges of transnationality, thereby positions the state as an exporter of its citizens, particularly nurses, as preferred labor to the global market (Rodriguez 2010). This move to the production of educated subjects is not only an enduring national program to ‘professionalize’ the image of the labor export strategy embraced by the Philippines (Guevarra 2003) but it also corresponds to neoliberal calculations of encouraging self-actualizing subjects who can compete in global knowledge markets. In comparison to other source countries in which individual factors prevail in the outflow of skilled workers and/or nurses, the Philippine state’s proactive forty-year labor export policy drives elevated levels of recruitment from industrialized destination countries (Buchan 2003). In 2002, former Labor Secretary of the Philippines Patricia Santo Tomas once quoted saying, Filipino nurses are “the new growth area for overseas employment.” She boldly said: “we won’t lose nurses. The older ones, those in their mid-40s, are not likely to leave. Besides, the student population reacts to markets quickly. Enrollment is high. We won’t lack nurses” (Migration News 2002).

Consequentially, there has been a proliferation of colleges offering nursing courses; from only 40 in the 1970s, to 170 in the 1990s, to over 491 in 2012 (Rep. Samaco-Paquiz interview 26 January 2015; Recto 2011; Cheng 2009). The nursing curriculum has been geared towards the preferences for clinical and specialized skills of destination countries (Dimaya et al. 2012: 3). At the turn of the 21st century, nurse

training has become one of the top career choices for students in the Philippines as demonstrated by a fifteen-fold increase in enrollment from only 30,000 to 450,000 in a span of seven years (Commission on Higher Education 2007 in Recto 2011). Nursing education in the country is financed privately, which clearly shows that parents or individuals rather than the state invest in education for foreign labor markets (Pring and Roco 2012). A significant proportion of these students choose this particular course with the intention of migrating, generally in search of a better income while capitalizing on the demand for health care workers overseas (International Labor Organization interview 4 March 2015). From 1998 to 2010, the Philippines produced a supply of 280,000 registered nurses which paved the way for unemployment and underemployment (Ang Nars Position Paper 2010). Private recruitment agencies, whether registered or not, have also sprung to benefit from the growing demand for nurses trained in the country. In 2014-15 Philippine Overseas Employment Administration (POEA) statistics, nursing professionals were the third major occupational land-based group to be deployed; amounting to 22,175 in 2015 and 18,799 in 2014.⁶¹ The Philippine state has become the leading exporter of nurses with 85% of Filipino nurses working in fifty countries (Lorenzo et al. 2007).

The Philippine state has been proactive in its approach of forging bilateral agreements as regards placing Filipino nurses in health care facilities overseas (ILO Policy Brief 3). As the POEA declares, “we are marketing capabilities and merits [of Filipino nurses], that’s why [Germany] was able to reach the Philippines [in their search for labor/human capital/talent]” (interview 13 October 2014). Such bilateral labor agreements or Memorandum of Understandings (MOUs) serve as an important “policy tool to manage migration” (Makulec 2014) to harness the development potential of migration, thus of Filipino migrants. Bilateral agreements should serve three purposes: regulating the recruitment process, stipulating the mechanism for the protection of migrants’ rights, and counteracting the negative consequences nurses’ outflow would create (ibid: 33). However, many of these agreements remain in paper and lack proper implementation due to changes in policy priorities or political contexts in the destination countries, for instance with Bahrain, Spain, and Norway (ibid). Negotiations and implementations of bilateral agreements are within the realm of the POEA, a major governing body in the Philippine labor export mechanism.

⁶¹ POEA. “POEA overseas Employment Statistics, Deployed Overseas Filipino Workers 2014-2015.” <http://www.poea.gov.ph/ofwstat/compendium/2015.pdf> (accessed 7 October 2017).

The role of the state then has become that of a manager of overseas employment. As the report from the Department of Labor and Employment (DOLE) stated:

Many people see opportunities abroad and want to benefit from them. And there are labor-market gaps in the global economy that are best filled by labor migration. The challenge to Philippine policymaking today is not one of exporting the country's labor surplus; it is *managing effectively the natural process of labor migration*—which will continue even if we ban the outflow of our workers (DOLE 1995 in Guevarra 2003: 5, emphasis added).

The state oddly maintains that opportunities abroad are inherent processes of globalization and that the yearnings and ambitions of Filipinos to work overseas are instinctive responses (Guevarra 2003). As an art of government, the Philippine state has coursed cross-border labor migration through which the country would gain from, thereby turning labor migrant population of an average of 10 million across the globe into a vehicle of economic growth (Camroux 2008). The enactment of Republic Act 8042 or the Migrant Workers and Overseas Filipinos Act of 1995⁶² (later amended by Republic Act No. 10022, which took effect in 2010)⁶³ has legitimately made cross-border labor migration no longer a transient phenomenon in the country. It is an “act to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress, and for other purposes” (p.1). The same as the Triple Win Project, this Act has been recorded in the Global Forum on Migration and Development Platform for Partnerships (PfP) as one among 869 Migration and Development Policies and Practices collected from around the globe.⁶⁴ As stipulated in the Act, policies of overseas employment include pre-employment orientation that permits five accredited NGOs to offer courses on entrepreneurship, business, and finance management. The NGOs are supposed to promote and protect migrant workers' rights (GFMD website).

⁶² A significant event prompted this passage. In 1995, Flor Contemplacion, a Singapore-based domestic worker, was executed by the Singaporean administration for allegedly killing another Filipina domestic worker and the child in her custody. Contemplacion's hanging infuriated Filipinos everywhere who believed that the Philippine government could have intervened on behalf of Contemplacion because she was a Filipino citizen and a migrant worker who is one of the country's so-called 'new national heroes.' Following some mass protests, Philippine lawmakers were impelled to critically address the forms of rights and protections the state should extend to its citizens overseas (Rodriguez 2002).

⁶³ Memorandum Department of Labor and Employment Labor communications Office, 4 August 2010

<http://hrlibrary.umn.edu/research/Philippines/Omnibus%20Rules%20and%20Regulations%20on%20Migrant%20Workers%20Law.pdf> (accessed 21 August 2013)

⁶⁴ GFMD. “Migrant Workers and Overseas Filipinos Act of 1995.” <https://gfmd.org/pfp/ppd/67> (accessed 20 July 2017)

The Act has significantly delineated the relationship between the state and its citizens overseas (Rodriguez 2002). Former Labor Secretary Patricia Santo Tomas once said, “overseas employment is a choice made by individuals. We don’t push them. But once they leave for overseas, the government is duty bound to assure that their contracts have ample provisions for their protection” (Pring and Roco 2012). One of those provisions is the creation of a central governing body called the Philippine Overseas Employment Administration (POEA).

Section 14. Subparagraph (b.1) of paragraph (b) of Section 23 of Republic Act No. 8042, as amended, is hereby amended to read as follows:

“(b.1) Philippine Overseas Employment Administration. - The Administration shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements. It shall be responsible for the regulation and management of overseas employment from the pre-employment stage, securing the best possible employment terms and conditions for overseas Filipino workers, and taking into consideration the needs of vulnerable sectors and the peculiarities of sea-based and land-based workers. In appropriate cases, the Administration shall allow the lifting of suspension of erring recruitment/manning agencies upon the payment of fine of Fifty thousand pesos (P50,000.00) for every month of suspension.

“in addition to its powers and functions, the Administration shall inform migrant workers not only of their rights as workers but also of their rights as human beings, instruct and guide the workers how to assert their rights and provide the available mechanism to redress violation of their rights. It shall also be responsible for the implementation, in partnership with other law-enforcement agencies, of an intensified program against illegal recruitment activities. For this purpose, the POEA shall provide comprehensive Pre-Employment Orientation Seminars (PEOS) that will discuss topics such as prevention of illegal recruitment and gender-sensitivity.

“The Administration shall not engage in the recruitment and placement of overseas workers except on a government-to-government arrangement only.

“In the recruitment and placement of workers to service the requirements for trained and competent Filipino workers of foreign governments and their instrumentalities, and such other employers as public interests may require, the Administration shall deploy only to countries where the Philippine has conclude bilateral labor agreements or arrangements: Provided, That such countries shall guarantee to protect the rights of Filipino migrant workers; and Provided, further, That such countries shall observe and/or comply with the international laws and standards for migrant workers.”⁶⁵

Interestingly, the same Republic Act claims that overseas labor deployment is not “an official development strategy” although the Philippine state has launched several programs to maximize the gains of overseas employment. By instituting

⁶⁵ It appears as part of Attachment 1 to the Agreement Concerning the Placement of Filipino Health Professionals in Employment Positions in the Federal Republic of Germany.

legislations aimed at enabling OFWs and their families to direct their remittances to enter into entrepreneurship or invest in small and medium-scale businesses (Villegas 2012; Tabuga 2007), the state has extended its role to tapping personal/household remittances, in the name of economic development. The 2001-2004 Medium Term Philippine Development Plan regards overseas employment as a vital source of economic growth (Aitken et al. 2004). OFWs then have been constituted by the Philippine state as significant economic development agents. It is in the hands – or so to say, the proper management of remittances – of OFWs that social costs of migration can be addressed or mitigated. The state disciplines OFWs as certain kinds of citizens – who are flexible workers for the global economy, who pay taxes to the homeland, and religiously send remittances to their families in the Philippines (Rodriguez 2002), thereby creating and perpetuating various transnational spaces.

Working conditions in the health care sector

Eventually the health sector in the country has been unable to absorb the nurses and so the number of unemployed nurses has swollen to about 300,000 between 1998 and 2012 (Rep. Samaco-Paquiz 2013) rendering them vulnerable to unfair labor treatment and illegal acts rampant in both public and private health institutions, such as job orders, contractualization, “false or forced volunteerism” or doing “volunteer” work in hospitals without pay, and paying for “training fees” to be able to work (House Bill 151 Comprehensive Nursing Law). For instance, because of the lack of opportunity for a contractual position, newly graduate nurses – even licensed ones – resort to taking part in volunteerism program in various public and private hospitals to obtain clinical experience for future employment especially outside the country (Pring and Roco 2012). Volunteering also serves as a practical approach for nurses not to lose the skill. “You learn a certain skill, you’ve invested so much learning to do nursing practice. After three years if you don’t practice, you lose the competency. It’s a fact. Competency stays with you for 3 years long. *Para lang hindi mawala yon* (So as not to lose it), they would do anything” (the Philippine Department of Health [DoH] interview 18 February 2015). For the DoH, the big issue of false volunteerism started with some countries which had a minimum requirement of “hospital work experience.” For example, some countries in the Middle East require only three-year experience in a hospital and

because the nurses are so determined to leave the country, they would be willing to do anything, stay in the hospital, be recognized in the hospital doing absolutely anything that they could, even pay the hospitals just to get that small

certificate that says I have worked with you. Not really employed; because they have to be careful with the word employed. They work with you for three years and that is being recognized outside and therefore *nakukuha sila* (they are hired).

The effects of this practice on local hospital facilities is shown in the Philippine Nursing Compensation Survey 2009, which demonstrates that “volunteer nurses” are being doubly exploited by requiring them to pay a fee while delivering professional and regular services (Ang Nars Position Paper 2010). Hence, the dismal prospects for graduate nurses such as lack of employment possibilities, positions lower than their professional qualifications, inadequate wages, and poor working conditions propel many to move to other sectors like the business process outsourcing or call centers as medical butlers (PNA interview 28 October 2014). As Rep. Samaco-Paquiz clarifies the extent of the situation, “the false volunteerism is, our nurses are working regularly, even more than eight hours. And they stay in that area. And they don’t have salaries, no employer-employee relationship, nothing, no benefits, no security of tenure.” Paradoxically, volunteer nurses take the position and perform the responsibilities of a regular nurse with a working contract. The issue becomes even more complicated if a volunteer nurse commits a mistake when performing a test on a patient, for instance (interview 26 January 2015).

Ang Nars (The Nurse) Party-list Representative is currently advocating against this “exploitative,” “abusive,” “unjust,” “forced labor,” “precarious,” and “modern-day slavery.” Ang Nars tells the government should take the necessary steps for nurses to be able to take care of themselves given a proper employment. “Volunteerism per se is good. We have a law on volunteerism; but that kind of volunteerism stipulates that you only work for around four hours and you’re not working regularly” (ibid).

The DoH recalls that they tried to control false volunteerism by issuing policies for the DoH hospitals not to accept volunteers and by developing policies for defining what true volunteerism is. However, this was not the case with the private sector which considered volunteerism a right of anyone and should not be prohibited. The DoH partnered with the Philippine National Volunteer Service Coordinating Agency (PNVSCA), which is under the National Economic and Development Authority (NEDA), a governing body mandated to match local and international volunteers with volunteer services in the country. Through the partnership, a nurse who wanted to volunteer had to make sure s/he would volunteer for independent practices such as teaching primary health care, hygiene, or counselling patients, but s/he was not allowed to inject and do the dependent nursing functions. This policy was eventually scrapped because it was faced with an antagonistic response from the stakeholders and the nurses who wanted

to volunteer for the sole reason of acquiring an employment certificate. The DoH then focused on two interventions. One was deploying “substantive nurses”⁶⁶ for training to rural areas where there is a big need. Around 30,000 nurses were deployed in two years. A lot of the nurses were eventually absorbed in the hospitals because of the particular skills honed. Then again, some sectors questioned the legitimacy of the jobs created and the role of the DoH, which is not mandated to establish legitimate jobs. Another intervention the DoH did was to set up a nurse certification program, an assessment and a training program combined, which assesses competencies of nurses in eleven clinical specialty fields, such as cardiovascular, pulmonary, kidney areas, which give them a career track. A general practice nurse who aspires to work in National Children’s Hospital can learn specific skills in pediatrics, for example. Through the program, the DoH claims, hospitals have now had a standardized training across fields and been using the assessment for career track development. For participating nurses, the program has given them a sense of growth in a particular hospital. Then again, these two mechanisms are meant only to scratch the surface nurses have been confined in.

Ang Nars elucidates that the major stakeholders such as hospital owners, hospital administrators, medical directors, governors and mayors apply revenue generation schemes or cost-cutting. To save on salaries, hospitals do not offer new open positions for nurses, or even worse, nurses cannot obtain regular contracts (Ang Nars Position Paper 2010). Practicing nurses are also vulnerable to receiving inadequate wages and so Ang Nars has been vigilant in monitoring the implemented starting salary grade 15 of PHP 24,887 (approx. EUR 400) in all public and private health institutions as stated in the Philippine Nursing Act of 2002 and as prescribed under Republic Act No. 6758 or the Compensation and Classification Act of 1989. The reason for insufficient wages is the lack of clear budget source as to how the working nurses can receive such amount when this Act was passed, according to the PNA (interview 28 October 2014).

Other related problems include shortage of highly-skilled nurses and geographical maldistribution of nurses, with rural areas coping with lower supply (Lorenzo et al. 2007). It is evident in the bulk of patients a nurse on duty has to take care of, particularly in public health institutions. The ratio sometimes shows one nurse

⁶⁶ It could be explained by the decline of the quality of nursing schools in which approximately 60% of nursing schools have a less than 50% passing rate on the national Nursing Board examination, hence rendering graduate nurses ineligible to practice the skill (Cheng 2009; Lorenzo et al. 2007).

is to 20 or 30 patients, a staggering amount compared to only twelve mandated by the law (PNA interview 28 October 2014). Paradoxically, the Philippines is left with thousands of nurses when Ireland, the US and the UK stopped recruiting nurses from the Philippines. Enrolment in nursing course has declined and now there are only 301 nursing institutes regulated to produce quality graduates (ILO interview 4 March 2015).

Since 2009 Ang Nars, Inc. has been advocating decent pay for decent work and work of equal value for the nurses in the country, and reclaiming public health services. During its term in the Congress, Ang Nars has authored HB 2740 which was passed into law, the Republic Act (RA) 10643, the Picture-based Health Warning Law. In envisioning that health is a basic right of all and a source of empowerment associated with the attainment of the universal development of a society, Ang Nars also filed several House Bills (HB), such as the HB 151 Comprehensive Nursing Law of 2013, HB 3925 *Barangay*⁶⁷ Health Workers and Services Reform Act of 2014, HB 4975 Health Promotion Act of 2014, HB 5321 National Cancer Care, Research and Development Authority, HB 5589 An Act Strengthening the Inter-Agency Committee Tobacco (IAC-Tobacco), and HB 5673 Communication and Information Accessibility to Deaf and Hard of Hearing (Ang Nars website).

It is in HB 151 that Ang Nars has exposed how the Philippine state's unresponsiveness is stripping the nursing sector of its capacity to deliver quality health care services "towards a strong and healthy nation." Focusing on maternal and infant mortality rate in the country, which did not reach the ideal rate indicated in the Millennium Development Goal to improving maternity health, Ang Nars highlights the role the nursing profession can do and could have done, if only there are permanent and open positions for nurses to be working in hospitals, city districts or municipalities, schools, and other health institutions that will abide by the ideal nursing to patient ratio as stipulated by the Department of Health. Ang Nars claims that there is clearly a lack of health care services to the Filipinos as exemplified by the thousands of unemployed nurses, yet there is scarcity of nurses in various health facilities all over the country. It is also in HB 151 that stipulates penal sanctions on individuals or health facilities exercising precarious working conditions on nurses. According to Rep. Samaco-Paquiz, HB 151 has been backed by nationwide legislative consultations private and public sectors among nurses, schools and colleges of nursing, nursing review centers, and other relevant health institutions. HB 151 has passed the third and final reading in the House of Representatives but still has to go through a bicameral committee

⁶⁷ *Barangay* is a Filipino term for village or community.

wherein the Senate and the House of Representatives will agree to identical version of the bill before being approved by the executive office and pass as a law.

An accredited professional organization, the Philippine Nurses Association (PNA) also testifies to the negligence of the government in providing access to health and in investing in the health sector, particularly nursing, to curtail the current depressing situation that the sick does not get to see a nurse before their death. The PNA's aim is to uphold professional growth towards the realization of highest standards of nursing. Through its Department for Nurses' Welfare, the PNA has been lobbying the legislative branch to revise the Nursing Act of 2002 in which some of the stipulations have not been implemented especially the salary and the deployment of nurses in city districts or municipalities, schools and industrial settings. The PNA reminds legislators of the Act to set up units for the different fields of nursing such as the hospital, institutional nursing, occupational, or industrial nursing. For example, as mandated by law, there must be one public health nurse for each community of 20,000 population; however, it turns out to be one nurse for each city. Such units could have given opportunities for nurses to practice their skills but have been obstructed due to budget constraints.

So that's really bad for our profession because we think we are being exploited. The rights are not being given. There is a movement that happened last Oct. 17, wherein there's an advocate really to wear red cap as a sign of our protest, number one for the salary, second is for volunteerism and another is for the amendment of our law which is 9173 Nursing Act of 2002 (PNA interview 8 December 2014).

Although the current plight of Filipino nurses of being unemployed or underemployed has been denounced by Ang Nars and the PNA, both organizations think that moving overseas has become a necessity to survive. The PNA supports overseas recruitment, especially if organized through a bilateral agreement, to provide nursing jobs for those 50% who are unemployed out of more than 800,000 registered nurses by the Professional Regulations Commission, a governing body in charge of the management and execution of policies on the supervision and licensing of various professions and occupations in the Philippines. One cannot cast a stone at those nurses who decide to work in another country or choose to enroll in a nursing study, as the PNA laments (interview 8 December 2014).

Rep. Samaco-Paquiz encapsulates the plight of nurses trained in the Philippines: that nursing job has been a passport in getting out of the country, even other medical workers or doctors take up nursing in order to leave for the promise of

overseas work. She laments that the nurses who toil abroad do get the same treatment or de-skilling as in the islands. “They are exploited there, they are exploited also in our country. For example, in Japan-Philippines Economic Partnership Agreement (JPEPA), they want cheap labor but they want very good nursing care. Our nurses there are taken in as trainees until they pass the board, the Japan Nurse Licensure Exam. Other [case is] nurses are taken in as caregivers” (interview 26 January 2015).

Reintegration of nurse returnees?

Creating a program for reintegration of nurse returnees is significantly connected to the understanding of the discourse on brain drain; the indicators of which vary across the fields of health, labor, and migration. Currently, there is no existing program for the target group but there are deliberations among the sectors involved. For the DoH, “other countries look at the Philippines as a center for training. That means we have the experience and the competence to produce nurses of good quality for international *consumption*.” An indicator of brain drain then would refer to the lack of market or overseas demand for Philippine-trained nurses “because we have no more brains.” A specific brain drain – “senior nurse drain” – is more indicative of the current situation of the Philippine health care system, according to the DoH. Skilled nurses are the ones who tend to emigrate, thus filling their vacant positions are fresh graduates or nurses with limited postgraduate clinical experience (Dimaya et al. 2012: 4).

The Triple Win Project coordinators affirm that it is highly unlikely to have a shortage of Philippine-trained nurses. One coordinator boldly stated, “*kailangan ipamigay na ‘yan* (nurses must be distributed free of charge [overseas]) because we have a big supply here [in the Philippines].” Contrary to a trade union perspective, the PSLink considers the case of health care worker emigration a brain drain syndrome, especially if Philippine-trained nurses spend most of their working-age life and retirement overseas. Because of the perception of loss of valuable skills, the PSLink advocates reintegration of nurses to be performed in a proper manner. The Philippine state needs to take some action on institutionalizing and facilitating a systematic and well-coordinated reintegration scheme for nurses to be attracted to return, according to the trade union. The Philippines, not unlike many developing countries, do not have sufficient policies in both public and private health sectors to pull health care professionals back and to encourage their return, reintegration, and retention (ILO Policy Brief 10). The PSLink proposes a knowledge-transfer scheme which could potentially benefit the local health care system. “It is unfair for the Philippine health care

system if nurses eventually retire in the Philippines because the state's social service would shoulder the costs of elderly care, which would strain the already limited social services." The PSLink is developing a scheme addressing Filipino migrants' portability of social protection in which migrants' contribution to social security services would follow them, for instance when they retire in the Philippines and their contributions from abroad would be given to them (PSLink interview 6 February 2015).

The DoH and the National Reintegration Center for overseas Filipino workers (NRCO) have faced "the chicken or the egg causality dilemma" when considering a reintegration program for nurses. The DoH claims that creating an opportunity for nurse returnees would be difficult since there is no evidence that they come back. For the NRCO, the numbers are small because there is no opportunity for them. Another problem they have faced is the fast turnover of the NRCO rector position which apparently leads to changing course of direction. Most of the work that NRCO does is catered to domestic worker returnees precisely because of their sheer volume (DoH interview 18 February 2015).

Capitalizing on the discursive cultural representations, alongside the incessant engagement of the Philippine state in producing nurses of comparative advantage, has certainly played a role in meeting the need and the demand of global markets. Although there is a big need in the country exemplified by the countless unserved areas in the rural areas, there is no demand coming from local government units to hire Philippine-trained nurses. The markets are closed inside the islands. Both the need and the demand arise from outside its borders while valorizing nursing skills as transferable. The Philippine state's nationalist project of regulating populations institutionalizes the export of its nurses. In line with Foucault's notion of governmentality, nurses as subjects, are deemed as entrepreneurs in the context of competition and inequality in the global market. The advancement of entrepreneurialism in individuals denotes an incitement to maximize their "human capital" (see Fraser 2008: 127).

The immigration context is given attention on Chapter four in terms of how the German state makes use of bilateral agreements and advances an integration model to govern cross-border labor immigration.

4. GERMAN IMMIGRATION CONTEXT: RECRUITMENT AND WORK CONDITIONS

The bilateral agreement with the Philippines is a novel enterprise for Germany in that it is the first symbolic effort to pursue a project that overtly attempts to enact a triple win. This chapter intends to narrate how the Germany makes itself attractive as a destination country, although only to professionals possessing particular skills, and expresses its “sovereign right” to govern immigration and the entry of skills. The first section explores the country’s health care sector and the recruitment of foreign-trained professionals as an example of soliciting entry of human capital. The discussion continues through the German state’s implementation of various modalities, such as the *Willkommenskultur* or “culture of welcome” and it ends by revisiting Germany’s past guest worker program and a more recent *Vorbeitrittshilfe* (pre-accession assistance). This is done in order to understand the legitimacy of the state’s move in instrumentalizing bilateral agreements through development and accentuate an integration model as a point of cross-border labor migration government. Although one should keep in mind the differing socio-political and economic elements of individual phases of foreign labor recruitment in Germany, what the chapter attempts to do is present parallels of the underlying rationale in its timeline. As the historian, Ulrich Herbert opines, “the specific structure of any current phenomenon appears natural and devoid of any preconditioning factors if it is not grasped in terms of its evolvement, its historical matrix” (Herbert 1990: 5).

The import of nursing care

Whether Germany is indeed attractive to foreign-trained professionals is another question and deserves another discussion. Nevertheless, according to a study on the recruitment of foreign-trained in the German care industry published by Bertelsmann Stiftung (2015), the nursing care sector has been wrestling with the rationale of the 1973 recruitment stop which seems to persist and stave off the idea of pro-actively recruiting foreign-trained health professionals orientating towards labor market immigration logic. In addition, although some nursing establishments experience staff shortage, overseas recruitment does not seem to be a preferred approach because it is too expensive for a convoluted process to go through and necessitates several legal impediments. In spite of this, bigger firms have sought employees from abroad more often; mostly from other EU member states. A few have engaged in recruiting third country nationals (ibid).

One case at hand is the recruitment and employment of Filipino nurses in the German health care sector. Although the bilateral agreement between Germany and the Philippines is a stand-alone construction, the process is anchored on and governed by the German Residence Act⁶⁸ (*Aufenthaltsgesetz – AufenthG*)⁶⁹ § 18 Employment (*Beschäftigung*):

- (1) The approval of foreign workers is oriented to the requirements of the economic situation in Germany taking into account the labor market requirements as well as the need to effectively combat unemployment. International agreements shall remain unaffected.
- (2) A foreigner can be granted a residence permit for the purpose of taking up employment, if the Bundesagentur für Arbeit (BA) has given its approval in accordance with § 39, or it is determined by statutory instrument (in accordance with § 42) or inter-governmental agreement that the taking up of employment is permissible without the approval of the Bundesagentur für Arbeit. Any restrictions applicable when granting approval by the Bundesagentur für Arbeit shall be entered into the residence permit.
- (3) A residence permit to take up employment in accordance with Section 2, which does not require qualified vocational training, may only be granted if this is determined by inter-governmental agreement, or if granting approval to a residence permit is permissible for this employment based on a statutory regulation in accordance with § 42.
- (4) A residence permit for taking up employment in accordance with Section 2, which requires a qualified vocational training, may only be granted for employment in a professional group registered by statutory instrument in accordance with § 42. In justifiable individual cases, a residence permit may be granted for employment, if the activity serves a public interest (particularly regionally, economic or labor market policy interest).
- (5) A residence permit in accordance with Section 2 and § 19 may only be granted, if there is a concrete offer of employment.⁷⁰

The German Residence Act is accompanied by the German Employment Regulation of Foreign Nationals (*Beschäftigungsverordnung – BeschV*)⁷¹ § 30 Care workers (*Pflegekräfte*).⁷²

A residence permit for a person to take up employment as a health carer or children's health carer as well as a carer for the elderly, who possesses a level of vocational training equivalent to the relevant requirements of professional legislation in Germany as well as sufficient German language skills, may be granted, provided that said person has been placed by the Bundesagentur für Arbeit based on an agreement with the administrative employment agency of the

⁶⁸ Its English version can be read here http://www.gesetze-im-internet.de/englisch_aufenthg/ (accessed 3 March 2016)

⁶⁹ The original one in German can be accessed here http://www.gesetze-im-internet.de/aufenthg_2004/BJNR195010004.html (accessed 3 March 2016)

⁷⁰ The English translations of the relevant sections of the regulations are provided as Attachment 1 to the Agreement Concerning the Placement of Filipino Health Professionals in Employment Positions in the Federal Republic of Germany.

⁷¹ In German: *Verordnung über die Zulassung von neu einreisenden Ausländern zur Ausübung einer Beschäftigung (Beschäftigungsverordnung - BeschV)* The whole regulation can be read here <http://www.buzer.de/gesetz/6774/index.htm> (accessed 3 March 2016)

⁷² This section is on <http://www.buzer.de/gesetz/6774/a96384.htm#grundl> (accessed 3 March 2016)

country of origin of said person concerning the procedure, selection and placement.

The *AufenthG* has been in force since 30 July 2004 while the *BeschV* that regulates the bilateral agreement took effect from 22 November 2004 to 30 June 2013. Interestingly, the latter was repealed by a new regulation⁷³ which entered into force on 1 July 2013, 14 weeks after the signing of the bilateral agreement. The regulations essentially allow inter-governmental agreements to be realized, such as the placement of Filipino health professionals in employment positions in the Federal Republic of Germany, given the stipulation of the Federal Employment Agency (*Bundesagentur für Arbeit*).⁷⁴ This Agency is the principal provider of labor market assistance in Germany with around 700 agencies and branch offices countrywide. Its services include job and training placement, career counseling, and offering benefits such as unemployment benefit substituting for employment income and insolvency payments. The agency also conducts labor market and work-related observation and research and documents labor market statistics. Nevertheless, several questions still remain: how are labor shortages identified? How are projections calculated? What are the sources used?

The newly revised *BeschV* takes a different approach to recruiting and placing health care and nursing professionals from other countries by taking heed of and harnessing current global standards. Sections 38 and 39 clearly state Germany's adherence to the World Health Organization (WHO), which identified fifty-seven countries with "critical health care personnel shortage." The regulation solely mandates the German Federal Employment Agency to carry out recruitment of the said profession from the countries listed. However, it allows immigration of health care professionals from those countries itemized on condition that the initiative comes from the prospective employees/migrants themselves. The regulation hints at prohibiting active recruitment, as admonished by the WHO Global Code of Practice on the International Recruitment of Health Personnel, or other methods of recruitment, such as through private agencies in general. Willful or negligent recruitment or employment is considered an administrative offense according to the Social Code [SGB] Book

⁷³ The title of the regulation has been modified to *Verordnung über die Beschäftigung von Ausländerinnen und Ausländern (Beschäftigungsverordnung - BeschV* or the Regulation on the Employment of Foreigners)

<http://www.buzer.de/gesetz/10683/index.htm> or http://www.gesetze-im-internet.de/beschv_2013/index.html (accessed 3 March 2016)

⁷⁴ More of their functions and services offered are online <https://www.arbeitsagentur.de/>. Their English version is <https://www.arbeitsagentur.de/web/content/EN/index.htm>

Three [III] - Employment Promotion § 404 Fines [2, 9]⁷⁵ (BA leaflet 2015).⁷⁶ The list of the countries is annexed to Section 38 of the *BeschV*.⁷⁷

Now that the new *BeschV* is in place, which means nursing qualification from the Philippines can be recognized, and considering that the Philippines is not part of the WHO list of states with a critical shortage of competent health professionals, any qualified nurse from the Philippines can “make it in Germany” via whatever means he or she prefers. Nonetheless, participating in the Triple Win Project seems to prevail as a widely-known track among Filipino nurses who are trying their luck in Germany. According to the German Embassy to the Philippines (interview 24 November 2014), the other less well-known track that in fact runs parallel with the bilateral agreement is based on the sole effort (without participating in the Triple Win project) of individual nurses. It is a mode that corresponds to the unilateral approach of the German state to open up the country’s labor market to foreign workers of certain professions. Six weeks after the signing of the bilateral agreement, the Federal Employment Agency rolled-out the *Mangelberufsliste*,⁷⁸ a list of wide-ranging professions, including nurses, which Germany considers to have a deficit in skilled labor. The list is updated bi-annually with general nurses and elderly care nurses regularly identified as shortage professions.

The latter track does not seem to appeal to Filipino nurses, as observed by the German embassy. It has generated some confusion about the relationship between *Mangelberufsliste* and the Triple Win Project. Nevertheless, the embassy confirmed the two tracks are not integrated. Both the POEA and the GIZ voiced their concerns when the *Mangelberufsliste* commenced. The POEA has preferred to abide by the bilateral agreement as an inclusive program counting out any other options for employment in Germany. Coming from a similar vantage point, the ILO supports government to government agreements and disapproves of the approach of unilaterally opening Germany’s labor market. On the part of GIZ, *Mangelberufsliste* seems to constitute itself as a competition with the Triple Win Project, thus with the coordinators the Project. However, as the embassy reasons, and in practice so far, any competition or

⁷⁵ In German: *Sozialgesetzbuch (SGB) Drittes Buch (III) – Arbeitsförderung § 404 Bußgeldvorschriften* http://www.gesetze-im-internet.de/sgb_3/_404.html (accessed 3 March 2016)

⁷⁶ Bundesagentur für Arbeit. “Employment of Foreign Workers in Germany. Questions, answers and tips for employees and employers,” leaflet, 2015. <https://www.arbeitsagentur.de/web/wcm/idc/groups/public/documents/webdatei/mdaw/mji3/~edit/6019022dstbai651347.pdf> (accessed 3 March 2016)

⁷⁷ Those countries are enumerated here *Anlage - Beschäftigungsverordnung (BeschV)*. <http://www.buzer.de/gesetz/10683/a185813.htm> (accessed 3 March 2016)

⁷⁸ The list is updated online *Mangelberufe in Deutschland* <http://www.mangelberufe.de/http://www.mangelberufe.de/> (accessed 3 March 2016)

interference does not exist because the Triple Win Project offers a number of substantive advantages to the nurses who are accepted for it.

So if you have a choice, if you are accepted for Triple Win, you would always opt to go through this instrument and you wouldn't use the other one. The *Mangelberufsliste* is more or less an option for nurses that have not been accepted for the Triple Win project, which is limited to 500 nurses anyway. Comparing the needs of our labor market and also the supply in the Philippine side, a pretty small number (German Embassy Philippines interview 24 November 2014).

The import of nursing skills is perceived by the German state as a necessary measure to appease the said calculated shortage (Kovacheva and Grewe 2015). Facing staff depletion since 2009, both private and public health care institutions, which had been eager to recruit general nurses and elderly care nurses from selected third countries, can now do so given the new instrument (IEGUS interview 19 August 2015). Institutions such as ambulatory, long-term care, and hospitals have now been utilizing the possibility of recruiting staff beyond Europe (ibid). Although the Act to Implement the EU Blue Card Directive had been adopted by Germany on 1 August 2012 for third country nationals to have easier access to work in the EU, it encompassed only those in the so-called high-skilled shortage occupation, such as in the fields of engineering, IT, natural sciences, and medicine. Belonging to this category means holding an appropriate university degree which is comparable to a German one. Thus, the Directive excludes those possessing qualifications below a university degree in Germany, such as foreign-trained nurses who have basically completed vocational qualifications.⁷⁹

Qualified nurses in Germany are trained for a three-year vocational course (not at a university level) consisting of approximately 3,300 hours of theoretical knowledge and 2,500 hours of practical training in various hospital sites (IEGUS 2013). Nurse students can choose among three basic specifications: general nurse, elderly care nurse, or child care nurse. On the other hand, auxiliary nurses are typically trained for one or two years. Nursing education at universities has recently started but is still in the pilot phase. Currently, the system of nurse education is being reformed to a general nursing three-year program and an option to specialize through further education upon completion (IEGUS 2013). Such a distinct vocational training provides a challenge to

⁷⁹ Bundesagentur für Arbeit. Pflegekräfte (Care workers)
https://www.arbeitsagentur.de/web/content/DE/BuergerinnenUndBuerger/ArbeitundBeruf/ArbeitsJobsuche/ArbeitsmarktDeutschland/Arbeitsmarktzulassung/Detail/index.htm?dfContentId=L601902_2DSTBAI520405 (accessed 3 March 2016)

migrants integrating to their workplace as regards access to and contentment with the job, in international comparison (Kovacheva and Grewe 2015).

Several experts in the field of health care in Germany, such as the *Deutscher Berufsverband für Pflegeberufe* (DBfK or the German Organisation of Nursing Professionals) and the *Institut für Europäische Gesundheits- und Sozialwirtschaft GmbH* (IEGUS or the Institute of European Health Care Research and Social Economy), share a similar claim that the country will face a shortage of nursing skills in the near future – which could potentially increase the pressure to recruit foreign-trained nurses – and they have complementary reasons to believe so. The DBfK has been lobbying for better working conditions for nurses in Germany, for example, by adopting the WHO Global Code of Practice on the International Recruitment of Health Personnel to the national legislation and also lobbying for nursing education to be pursued in higher education. The association also feels responsible for informing the public of the importance and contribution of professional nursing to improving people's quality of life. On the other hand, the IEGUS is a think-tank based in Berlin, Germany that analyses the existing condition of the health care industry and at the same time advances pragmatic strategies to enable a fast-track methodical development of the health and social sector in Europe (IEGUS website).⁸⁰ The IEGUS' main concerns include demographics, demand and supply of labor and skills, development, utilization and funding of assistive technologies, sector and market studies, and collaboration at European level (ibid). In fact, this particular organization has been promoting “Triple Win Migration,” way before the Triple Win project started.⁸¹

The DBfK asserts that the lack of sufficient statistics on nurses, particularly basic information such as their age, in relation to the number of retirees and soon-to-be retirees, or those who are in full-time or part-time makes it difficult to gain knowledge about this particular segment of workers. On the other hand, the nursing shortage could also be brought about by the introduction of the diagnosis related group, which spelled the change in financing the hospitals, alongside the loss of about 50,000 positions for nurses in hospitals. From this point on, events unfold in an ensuing manner. A great deal of those nurses possibly went into the long-term care sector, which then covered up its increasing demand. Accordingly, a number of hospitals and nursing schools assumed there was an abundant supply of nurses, consequently, they responded by decreasing the number of nurse students for a short period. In turn, the

⁸⁰ <http://iegus.eu/>

⁸¹ This will be further elaborated in Chapter five.

ratio between nurses and patients, for example, becomes quite high compared to other European countries (interview 21 July 2015).

Looking closely into the long-term care sector in Germany, IEGUS could supplement DBfK's claims with numbers. Since Germany introduced its subsidiary long term care insurance in January 1995, professional home care services, such as nursing homes and home care services, increased by 50% and 18% respectively, as well as the number of employees in care service firms by 30% between 1999 and 2013 (IEGUS 2013). Women made up 85% of the sector. However, a staggering 70% did not work full-time. Focusing on the share of employees in the long-term care sector in 2011, home care which offers services catered to personal care, home help and nursing care employed around 78% qualified and auxiliary nurses to deliver care; while nursing homes relied on 48% only (ibid).

Long-term care insurance is the fifth pillar⁸² of social insurance and it primarily affords assistance benefits for domiciliary care, which enables beneficiaries to stay at home within their family context for as long as possible (IEGUS 2013). The insured person is entitled to receive a considerable amount of personal care and housekeeping benefits from the insurance funds for caregiving at home and in institutions. Long-term care services under the German legislation consist of benefits for residential care costs in cash and in kind, in day- or night-care institutions and in nursing homes. In addition, counseling is afforded to people in need of care and their relatives, as well as training courses for family caregivers (ibid).

The proportion of long-term care recipients in population comprise of less than 1% in younger and middle aged groups (until 55 years of age), accounts for 1% of people aged between 55 and 60 years, and 2.6% for people aged 65 to 70 years (IEGUS 2013). Conversely, the share of people in need of care dramatically escalates: about 10% among people aged 75 to 80 years, 37% among the 85 to 90 years and 62% among the people aged 90 and older. The IEGUS claims the figures are a symptom of increasing multi-morbidity in the age groups above 70 years wherein 24% has five or more (chronic) medical ailments. Therefore, the need for care positively correlates with age (ibid).

It is predicted that Germany will confront higher demand for long-term care services and workers due to projected demographic change, such as higher death

⁸² The five pillars of the German social security system are the health insurance (1883), accident insurance (1885), pension insurance (1891), unemployment insurance (1927), and long-term care insurance (1996). (Obermann et al. n.d.: 138)

rates than birth rates, population aging, and population decline (IEGUS 2013). The number of people in need of professional care is expected to swell from about 2.5 million in 2013 to more than 3.5 million in 2030. Thus, the need for nursing staff will increase by more than 200,000 (full-time equivalent) until 2030. At the same time, the labor force in Germany will decrease by 4.5 million. Specifically, the working-age population between 20 and 64 (49 million in 2013) will significantly drop from 2020 and is estimated to amount to approximately 34 or 38 million (-30% or -23%, respectively) in 2060 if net migration is factored in. The percentage of people aged 20 to 64 to the total population was 61% in 2013 and is predicted to plummet to around 51% or 52% in 2060. If retirement age at 67 instead of 65 is factored in, the relevant number will span roughly between 36 and 40 million in 2060 (ibid).

Moreover, many nurses consider several factors, such as the working conditions in the sector being unattractive and the workload being quite demanding, which trigger them to choose either to work part-time, if they can afford, or leave the profession completely (DBfK interview 21 July 2015). Nurses in the long-term care sector characterize their work coupled with manifold pressures affecting both their mental and physical well-being. In comparison to other industries, nurses in long-term care have consumed higher numbers of working days, almost 26 days in 2014, per employee because of work-related ill health and workplace injuries. Many of them were reported suffering from stress, depression or anxiety and musculoskeletal ailments. These problems become aggravated by the lack of personnel. To add to an already bleak condition, the nursing workforce itself is aging wherein about 30% are now 50 years and older and will retire within the next 15 years (IEGUS 2013).

Given the current and projected dismal situation of health care in the country, the DBfK nevertheless opposes foreign labor recruitment. "Of course it's worse if you recruit from countries where there really is a problem with the health care system and they haven't enough nurses or physicians or other health professions. But still, we think the country itself should solve the problems we have" (interview 21 July 2015). However, the DBfK recognizes "that each individual nurse has the right to migrate and to look for better working conditions" for her/himself and that nurses from abroad are welcome to work in Germany (ibid). "International recruitment can only be a tiny part of the solution here because we will never attract the big numbers," for instance, those who find the United States among the top destination country choice because of better working conditions and English being the language used there (ibid). The DBfK urges the government and employers to invest in the existing nurses and make working

conditions better in the country. The DBfK maintains a strong opinion that the roughly EUR 4,000 spent by an employer to each foreign nurse to work in Germany could be well spent in recruiting four times the number of locally-trained nurses (ibid).

Welcome to Germany!: Making Germany attractive

After forty years of not recruiting high numbers of immigrant workers, Germany has again opened its border and set to recruit, albeit against a very distinct backdrop. In coping with the current and projected shortfall of several million workers, a number of civil servants and businesses in Germany have made it imperative to secure some sectors and regions with a supply of skilled professionals until 2025. In its aim to encourage qualified professionals from all over the globe to pursue their respective careers in Germany, the Federal Government has softened its immigration rules through implementing several measures, such as making it easier to recognize professional qualifications that were obtained abroad, introducing the EU Blue Card, and the opening of the labor market to non-EU professionals with vocational training (Make it in Germany website).⁸³

Indeed, the entry of foreign-trained professionals has been widely accepted by policy-makers in taking steps towards liberalization and immigration reform. There is a common belief that migrants who belong to this category do not cause social problems and their children get ahead in school (Schönwälder 2013). However, legislators have had to argue for the stipulation for foreign labor import amidst significant redundancy in the country. Even so, Germany's more recent economic growth has made unemployment a less urgent concern. Other than that, foreign labor being pitted against native labor becomes a frequent theme of electoral race and populist appeals. Restrictions in the policy change predominantly impinge on the rights of refugees (ibid).

Willkommenskultur (Welcome Culture)

"We cordially invite you to shape your future in Germany, at the heart of Europe. Come and be part of the 'Make it in Germany' story – we look forward to seeing you!" as the website "Make it in Germany" publicizes. In conjunction with the soothing of its skilled immigration regulations through several instruments described earlier, the German state pursues to institute a *Willkommenskultur* or a "culture of welcome" in politics, society, public administration, and businesses that would encourage foreign-

⁸³ <http://www.make-it-in-germany.com/en> Make it in Germany app and twitter have also been made available.

trained workers to stay in the country. This welcome culture has been instigated in the said “Make it in Germany” internet portal for qualified professionals and is administered by the Federal Ministry for Economic Affairs and Energy. “It portrays Germany as a modern, diverse society and helps convey the friendly, cosmopolitan nature of the country.” The same as the Triple Win Project and the Republic Act 8042 or the Migrant Workers and Overseas Filipinos Act of 1995, this web portal has been recorded in the Global Forum on Migration and Development Platform for Partnerships (PfP) as one among 869 Migration and Development Policies and Practices collected from around the globe.⁸⁴

The multilingual website acquaints the target group that is considering immigrating about their career possibilities and presents to them a general overview of how sensible it is to live and work in Germany. The site posts current vacancies in industries where there is a labor shortage such as metal, mechanical and automotive engineering; mechatronics, energy, and electronics; technical research and development; building equipment and utility supply; railway driver; IT, data processing, computing; health, medicine and care. There is also a section dedicated to foreign-trained qualified professionals who have “made it” and are sharing their “success” stories.

Specialist knowledge from all over the world and German businesses – a successful combination. Here, international qualified professionals and employers in Germany tell us how this is a source of mutual enrichment. Let their stories of living and working in Germany, their experiences and tips on how different nationalities can live together be an inspiration for you.⁸⁵

For example, a carer from Romania currently employed in a residential home in München has only praises for her current status at work which allows her to sustain work-life balance. By earning a good living, she is able to discover the region, enjoy her hobbies, make friends and attend German language course. She reflects upon career prospects for her and her family and Germany seems to offer her good chances. She thinks it is nice to be urgently needed here as the country needs to maintain its good care for the elderly.

In addition, the site encourages businesses in Germany to harness talents from overseas considering they can fill labor shortages and forge transnational network and potentials for growth. It is, of course, a different question what happens on the ground

⁸⁴ GFMD. ““Make it in Germany” - Web Portal.” <https://gfmd.org/pfp/ppd/1643> (accessed 20 July 2017)

⁸⁵ Make it in Germany. “I made it – Success stories.” <http://www.make-it-in-germany.com/en/for-qualified-professionals/discover-germany/i-made-it-success-stories> (accessed 3 March 2016)

but the website boasts some of the companies which are considered to be conducting best practices in effectively recruiting and integrating foreign-trained qualified professionals into their companies and the society. It makes a public validation of “success” in practicing a welcoming culture. Companies such as Opterra GmbH, ICUnet.AG, InnoGames GmbH, KS ATAG TRIMET Guss GmbH, ModuleWorks GmbH, SPS Schiekel Präzisionssysteme GmbH, Mani Häusliche Pflege, AVL Software and Functions GmbH, HBS Elektrobau GmbH and Evopro systems engineering AG have shown through interviews how they have succeeded in making foreign-trained employees feel comfortable at their workplace. These selected businesses received the “Success in Diversity” award, given by the Federal Ministry for Economic Affairs and Energy, for their “outstanding commitment” to implementing the best welcoming culture. Some of the measures the companies were gauged on included their procedure on probation period for new recruits while still in the source country and the implementation of German language and integration courses.

All the award winners agree that integrating international qualified professionals is well worthwhile. Not only does it enable them to fill posts faster and with exactly the right person; diversity is also a way of securing success for their business.⁸⁶

Mani Häusliche Pflege from Lüdenscheid, for instance, was an award recipient in 2013 for “successfully building networks for international recruitment.” It is a family-led care service company established twelve years ago and has been employing nursing staff from Portugal with the aim of thwarting the shortage of qualified staff in the care sector. The company management has set up its own network of universities, hospitals and a contact in Portugal to enable the recruitment process by providing potential applicants some information about their professional prospects in Germany. Mani Häusliche Pflege recruits nurses with university qualification who then will undergo free German language and integration courses while still in Portugal. Language courses continue in Germany until recruits-cum-part-time nursing assistants reach B2 language skills. By then, their nursing qualification is recognized. The Mani family also supports the nurses through the administrative procedures and sometimes through homesickness and other personal and social concerns. Interestingly, the recruitment procedure and the social and professional integration done by Mani Häusliche Pflege appear in a similar way as the Triple Win project.

⁸⁶ Make it in Germany. ““Success in Diversity” Awards.” <http://www.make-it-in-germany.com/en/for-businesses/welcoming-culture-in-the-company/2015-business-competition> (accessed 3 March 2016)

The promotional language and appeal of the success stories told by foreign-trained qualified professionals and businesses in Germany enable the portal to demystify and paint a rosy picture of the country while obscuring the process of selectivity encompassing skills profoundly based on labor market requirements. Not only who can enter but whether they possess some inherent value (i.e. skilled workers who can fill a specific labor shortage) has come under the gaze of the state. As sought-after skills endow a key access to mobility and immigration, governance has also been geared towards a social and professional integration framework.

Integration, diversity, growth, and prosperity have now become the mantra enveloping businesses in Germany which are interested in maximizing the merits of immigration of foreign-trained qualified professionals; a paradigm shift, as Bertelsmann Stiftung (interview 24 June 2015) describes it. Professional and social integration are highly encouraged and rewarded by the state. The joint forces of the Federal Ministry for Economic Affairs and Energy, the Federal Ministry of Labor and Social Affairs, and the Federal Employment Agency attempt to position Germany as an open country, raise its prospects in the global competition to entice top talent and to show that the means to overcoming the skills shortage requires strategic governing of labor immigration policies.

Past bilateral agreements on labor recruitment

The *Willkommenskultur* being heralded by the German state today stands in stark contrast to the antagonism to the 14 million migrants who toiled in West Germany under the guest worker (*Gastarbeiter*) program between 1955 and 1973 (Green 2004). Bilateral treaties were signed with Italy in 1955, Spain 1960, Greece 1960, Turkey 1961, Morocco 1963, Portugal 1964, Tunisia 1965 and Yugoslavia 1968 (Green 2013) for construction, mining, and heavy industries (ibid; Eley 1991: vi) during the unanticipated industrial expansion of *Wirtschaftswunder* or economic miracle while there was an increasing shortage of able-bodied male German laborers (Chin 2007: 33). During the 1970s and 1980s, the GDR also recruited labor from socialist countries, although on a much smaller scale than West Germany and on a seasonal basis for the agriculture sector (Green 2004). Whereas the “capitalist West” was believed to abuse labor, East Germany framed their bilateral agreements of migrant labor program in socialist ideological terms of “proletarian internationalism” and solidarity while supporting the economic growth of Algeria, Angola, China, Cuba, Mozambique and Vietnam (Schenck 2016). Such temporary labor programs were designed as labor and

education migration in which migrants would have training possibilities in East Germany for them to return home as skilled professionals and convey socialist ideologies (ibid).⁸⁷ What is interesting is that the rationale of such programs in the past seems to resonate with the contemporary discourses on migration and development in liberal states.

The guest worker program was an outcome of an “uncomfortable marriage between those who desired and those who resented foreign workers” (Hahamovitch 2003: 78). The bilateral agreements were drafted within a certain rationale that foreign labor served as an economically and politically sensible alternative due to unavailability of reserves and demographic changes and if sustained economic growth was anticipated (Herbert 1990). At some point, the guest worker program was even touted “a bit of development aid for southern European countries” since some statistics showed that unemployment figures for the source countries shrunk, their balances of payment were enhanced through remittances and the framework of skills and qualifications of their personnel was upgraded (ibid: 213). Although in-demand and believed to benefit the economy, guest workers meant rotational, short-term, and temporary mobile reserve with the expectation to leave after their contract expired (ibid; Hahamovitch 2003; Green 2013). Nevertheless, employers expressed their interest in retaining more experienced personnel instead of replacing for less experienced ones which would often incur new transportation costs (Rogers 1985: 14). Guest workers embodied the vision of a “perfect immigrant” who came from poorer nations and did the hardest and dirtiest work in West Germany without any welfare-provision (Hahamovitch 2003). Foreign workers had to be flexible and to serve as dispensable means to balance the economy in phases of crisis or a buffer to reduce or even take in the outcomes of a decline in the economy and labor market (Herbert 1990; Marshall 2000).

If contemporary Germany’s affair with immigration governance excludes mainly based on skills, back then it excluded on the grounds of national origins with a racially-driven selection presiding over West Germany’s guest worker policy (Schönwälder 2004). Within the federal administration, some civil servants expressed their disparity as to redress the balance of on the one hand state control of foreigners and on the other the economic and political demands for liberalization of labor migration. As a result, some principles of selection were established in the Principles of Aliens Policy

⁸⁷ For a detailed historical account of recruitment agreements signed by GDR with the Eastern bloc and some African states, see Gruner-Domic, Sandra. “Zur Geschichte Der Arbeitskräftemigration in Der Ddr: Die Bilateralen Verträge Zur Beschäftigung Ausländischer Arbeiter (1961-1989).” [In German]. *Internationale Wissenschaftliche Korrespondenz zur Geschichte der Deutschen Arbeiterbewegung* 32, no. 2 (1996): 204-30.

(*Grundsätze der Ausländerpolitik*), for instance, West Germany had to avoid settling recruitment treaties with non-European countries; employers had to renounce recruiting workers from Asian and African countries and to ensure that such individuals would not become settled in West Germany; that the stay of apprentices and students from non-European countries be strictly limited and their settlement avoided; and no unskilled workers from non-European countries be recruited (except the US, Canada, Australia, New Zealand, and Israel) (Schönwälder 2004).

Nevertheless, as uncovered and explored by Hong (2015), the health care sector in West Germany hired nurses from South Korea, India, and the Philippines to meet its labor shortages. It was mostly private religious entrepreneurs, the country's major nursing organizations, and social-minded Catholics which proliferated the business of recruitment of nurses, albeit unregulated. Subsequently, "girls from overseas" or "lotus girls" suffered from exploitation given that their nursing qualifications were difficult to validate, lack of knowledge of the circumstances under which they would be toiling, the categories of work they were demanded to do, and their rights under German labor law (ibid: 252). It was exemplified by the fact that nurses from Asia were channeled to meet the expanding demand for low-wage unskilled labor in the German health care system, enforced by widespread racist perception of women from Asia as essentially underdeveloped people who needed to be schooled in the classic German virtues of work, time keeping, order, and sanitation before progressing to training in nursing. Other than that, nursing qualifications and training and career prospects in Germany were in an inferior status to the rest of the other countries; a fact that those licensed nurses from Asia did not expect upon arrival in Germany and were assigned housekeeping and basic patient care for long periods of time (ibid).

Individual hospitals and hospital associations directly recruited nurses from the Philippines; mainly through private recruitment agencies in the source country (Hong 2015). Between 1969 and 1973, Germany received a steady supply from the islands: 54 nurses in 1969, 1090 in 1970, 980 in 1971, 901 in 1972, and 400 in the first four months of 1973. However, it was earlier reported that West Germany would have favored an agreement with the Philippines as regards recruitment of nurses and a more active role of the sending state in selecting qualified women. German officials also regarded the Catholic culture in the Philippines, its understanding of Western lifestyle and English language fluency as assets that would set their nurses apart from its neighboring countries. Adapting to German society and communicating with other

hospital personnel would not pose as problems. A trial agreement was put into effect to recruit 150 nurses from the Philippines, then again resulting to an insufficient number and a very slow process was to blame (ibid).

In hindsight, the German administration deemed the guest worker program as a failure or as Hollified, Martin, and Orrenius (2014) would describe it: there were huge dichotomies between immigration policies and outcomes. Specifically, Germany lost sight of the core subtleties of migration, which includes both employers' and guest workers' interests in extending stays or settling in Germany and workers' appeal for family reunification (ibid). Thus, on 23 November 1973, foreign labor recruitment outside of the European Economic Area (EEA) came to a halt (*Anwerbestopp*) during the social-liberal government under Willy Brandt (Liebig 2003, Green 2013); also because of an economic recession prompted by the global oil crisis. The decision was a result of a determination to trim down Germany's immigrant population, which was perceived to have endangered the security and welfare of the German population and to avert any further inflow (Schönwälder 2004). From then on and for almost twenty years, West German governments adopted an incongruous policy of "return-oriented integration" (ibid): a combination of the need to keep in check the social costs of immigration and a more productive use of the already existing foreign labor force (Edye 1987). Moreover, this policy was envisioned to thwart the movement toward permanent immigration led by foreign recruitment and at the same time to fully integrate immigrants (Schönwälder 2004).

Integration has symbolized "the holy grail of *Ausländerpolitik*"⁸⁸ for over twenty years since its implementation as one of the three principal policy goals in the 1977 commission (Green 2004: 116). The issue of integration entering the public discourse signified a vital turn in the "guest worker question" from equating foreigners with labor to considering them as residents and families (Chin 2007); from a complete restriction on immigration to managing immigration catered to Germany's best interests (Green 2004: 127). Some of the problems reported in connection with the employment of foreign labor are housing situation, job and labor market, family members and second generation, and the relationship between Germans and foreign nationals (Herbert 1990: 237). Integration involves both immigrant and host society adjusting their behavior as regards universally accepted norms and standards; it does not pertain to either assimilation or multiculturalism (Green 2004: 116).

⁸⁸ As Green explains, the term *Ausländerpolitik*, literally translated as 'policy towards foreigners,' is a complex one which can be defined by all of these expressions: 'immigration policy,' 'residence policy,' 'integration policy' or 'citizenship policy' (2004: 1)

Separating itself from the previous challenges on integration brought about by the guest worker program, the GIZ Germany thus prides itself about a customized integration course it conducts in comparison to the state integration measures. The GIZ Germany believes that the previous guest worker program was not managed well in terms of “thinking about the personal background of” workers (interview 12 June 2014).

Vorbeitrittshilfe (Pre-Accession Assistance)

In the wake of the EU enlargement, West European countries adopted a more restrictive immigration policy which meant short-term employment, a limited number of workers to be admitted, and special qualities of the applicants required (Bauer and Zimmermann 1995). The German government eased its temporary labor programs in the early 1990s to accommodate the growing number of workers from Central and Eastern European countries (CEECs) seeking for short-term employment in the fields of agriculture, construction, and hotels (Klusmeyer and Papadimitriou 2009: 211). Another observation suggests other factors contributing to the turn away from a zero immigration policy; factors such as demographic (decrease in fertility rates and rising numbers of population over working age), social (better educational attainment among young nationals and their averseness to undertake low-skilled jobs), and economic (strong demand for skilled workers in several sectors, growth of service job industries, and demand for female migrant workers in areas such as domestic and elderly care work) (Castles and Ozkul 2014: 33).

Germany concluded bilateral agreements with CEECs such as Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, FYR Macedonia, Poland, Romania, Slovenia, the Slovak Republic, Turkey, and the former Yugoslavia established a number of temporary immigration arrangements for employment purposes (Liebig 2004). Such agreements essentially performed as an instrument to promote cooperation and secure connections between Germany and the CEECs and to progressively integrate the latter into the larger EU labor market (Liebig 2004: 162). The agreements were framed as a development assistance generating a *triple win* wherein CEEC workers and their respective home country economies benefit through acquiring some know-how of the German market and in turn German establishments could gain by infiltrating the CEEC markets (ibid).

There are four different legal channels for temporary labor immigration from the CEECs: seasonal workers, contract workers, guest employees and cross-border

commuters (ibid;⁸⁹ Klusmeyer and Papademitriou 2009: 212). As regards the first scheme, workers from Bulgaria, the former Czech and Slovak Federative Republic, Hungary, Poland, and Romania were recruited under the condition that the number of existing German workers was inadequate (Bauer and Zimmermann 1995: 12). The recruitment was not built on intergovernmental recruitment agreements, rather the hiring of these workers was negotiated through agreements between the Central Placement Office of the Federal Employment Agency and the source countries (Liebig 2004: 162). Seasonal workers could stay in Germany for a maximum of nine months (ibid) but other studies communicated ninety days in areas such as agriculture, food processing and the hotel and restaurant industry (Klusmeyer and Papademitriou 2009: 212, Bauer and Zimmermann 1995: 12).

The second form of agreement, initially regarded as a cure-all, was based on intergovernmental bilateral recruitment agreements wherein employees from East Europe could work in Germany as *Werkvertragsarbeitnehmer* or contract workers (ibid, Liebig 2004: 162). Such project-tied arrangements were coordinated under contracts with German firms, which commissioned foreign firms such as construction companies as subcontractors and they would then send employees to Germany for two or three years (ibid). Thus, temporariness of the foreign workers was generally emphasized and the responsibility of the recruitment process was left to the hands of the source countries; Germany was not burdened by any individual labor market testing (Liebig 2004: 162).

The third temporary labor conduit was the guest employee agreement intended to admit skilled individuals (having completed vocational education, basic knowledge of German and between 18 and 40 years old) from Albania, Bulgaria, the former CSFR, Hungary, Latvia, Poland, Romania, and the Russian Federation to work in Germany to undergo specific language and occupational skills training for a maximum of 18 months (ibid). The scheme was designed as an avenue for a limited form of development assistance through the transfer of skills by returnees who would broaden their career prospects and help develop their respective economies (Klusmeyer and Papademitriou 2009: 212). However, the small quota of 10,250 guest employees was not reached

⁸⁹ For a detailed account of each of the program, i.e. actual numbers of participants and small assessments of the programs, see Liebig, Thomas. "Recruitment of Foreign Labor in Germany and Switzerland." In *Migration for Employment – Bilateral Agreements at a Crossroads*, ed., 157-186. Paris: OECD, 2003; and Klusmeyer, Douglas B., and Demetrios G. Papademitriou. *Immigration Policy in the Federal Republic of Germany*. New York and Oxford: Berghahn Books, 2009: 211-215.

mainly because German firms were not inclined to employ foreigners for temporary training purposes only (Liebig 2004: 163).

The fourth option was accessible to individuals from Poland and Czech Republic residing near the German border (within thirty miles) to work in Germany as *Grenzarbeitnehmer* provided they return every day or they work in Germany for a maximum of two days a week (ibid, Klusmeyer and Papademitriou 2009: 212, Bauer and Zimmermann 1995: 12). Germany constituted this program to strengthen their border economy (Klusmeyer and Papademitriou 2009: 212).

All in all, the German state has exercised its full sovereign authority, also evident in its past labor recruitments, over skilled labor migration policy, through unilaterally distinguishing the economic sectors and quotas for which they choose to liberalize their labor markets and make working or immigration visas available. It also regulates the skilled migration policy in accordance with the needs of its domestic economy as they unfold. The state is able to select who it admits into its restricted territory, whom it accords the right to work, and how the selected few are to enter. Through the instrument of cooperation or bilateral agreement, the German government has addressed its varying issues on skills shortage, selection of immigrants and attracting skilled workers. The discussion above offers a glimpse of those interconnected pillars of migration, labor, development, and demography, among others. Because skilled labor is generally considered to be desirable as seen in the growing competition for talent, Germany musters its devices to attract rather than exclude human capital.⁹⁰ Germany has now governed labor migration based on skills and in accordance with global goals, thus creating the wanted-and-welcome migrant who carries some prospect for a long-term integration into both society and the labor market. The entrance (and exit as well) of these foreign bodies needs to be regulated, screened, and protected to ensure benefits are reaped from cross-border migration.

⁹⁰ This strikes a distinct difference to Germany's approach of repatriation of 246,000 Bosnian refugees to Bosnia and Herzegovina between 1996 and 2005. (Nevertheless, some of those could not reintegrate and did emigrate again). There had been 320,000 Bosnian refugees recorded between 1992 and 1995 who were under the temporary protection program. However, after the Dayton Peace Agreement was signed, Germany did not convert this temporary regime into a comprehensive and permanent protection scheme. The German authorities forbade Bosnian refugees admission to the labor market and education and demanded their immediate departure when the war ended. They were driven out by a combination of compulsion and large-scale pay-to-go arrangements. In this context, it is assumed that there is a loss of valuable human capital or high-skilled professionals (Valenta and Strabac 2013).

The ensuing chapter scrutinizes the case of the Triple Win Project and its sustainable recruitment business model through the concept of brokerage practiced by the coordinators of the Project.

5. MANAGING THROUGH BROKERAGE AND PARTNERSHIP: THE TRIPLE WIN PROJECT

“We want these partner countries to cooperate with us. We don’t want to simply go to countries and recruit people, we can’t do this. It’s a bilateral process. It’s a process in partnership, and that’s really important” (GIZ Germany interview 12 June 2014).

As the GIZ elucidates in the quote above, cooperation in the framework of governing cross-border migration has rendered a bounded arena, the bilateral agreement between the Philippines and Germany, in which calculated actions/regulation are projected to produce beneficial results for the three parties involved. For the Triple Win Project coordinators, albeit having different stakes, cross-border recruitment and skilled migration of Filipino nurses to Germany must be managed well, therefore rendered technical through their platform *Nachhaltige Fachkräftegewinnung* (sustainable recruitment) business model devised to secure optimal arrangements, which aim at regulating the whole spectrum of migration of Filipino migrant nurses. Governing the recruitment, placement, and integration of nurses in light of cooperation or partnership constitutes a brokerage technique which embeds itself in a transnational space.

This chapter reveals the pivotal role of such expertise as a constitutive part of a brokerage technique requiring alliances among labor market authorities in both countries. I suggest that the modes of legitimacy are mutually reinforcing: a “sustainable” recruitment process (which attempts to encompass the complexity of migration from the exit to entry, to transnationality and integration of migrants) aids in realizing the desired cross-border migrants along with their potential as development agents, while intermediaries with extensive transnational reach are also legitimated and enabled through their obligation in the regimented movement of Filipino nurses. The first part describes the actors and ideals involved during the development phase of the bilateral agreement. In the context of the agreement, this section calls into question the assumption that cooperation per se can lead to development, scrutinizes the objectives of the Triple Win Project, and shows discrepancies within the development rhetoric itself and between practice and rhetoric. The next part looks into the actors or the migration experts-managers implementing the agreement in a way that demonstrates coordination or how the brokerage technique works highlighting their individual stake in the agreement. It is followed by a discussion on the business model of “sustainable recruitment” enacted by migration experts in their attempt to produce a triple win.

Through an overview of the recruitment steps, this part shows how sustainability is defined and performed by the coordinators and mainly implores answers to ambiguities surrounding the use of this seemingly fashionable term. It enquires into the position of the main coordinators of the agreement as brokers, their delineated roles in implementing the agreement, and how they have asserted their position in governing cross-border skilled migration and turning it into a beneficial pursuit. Whether it is beneficial or not is beyond the scope of the chapter/dissertation. It ends with some reflections on other elements in an allegiance that could potentially lead to a triple win.

The concept “Triple Win Migration” was first developed in 2008 and copyrighted by *Institut für Europäische Gesundheits- und Sozialwirtschaft GmbH* (IEGUS - the Institute of European Health Care Research and Social Economy) in the context of skills shortage and migration approaches for nursing personnel. With the initial approach of a circular migration, the IEGUS has expounded the idea into a “training and development partnership” that would realize synergies between migration and development and at the same time incorporate migrant’s perspectives. Guided by the WHO Global Code of Practice on the International Recruitment of Health Personnel, the IEGUS has devised a development cooperation plan with a non-EU member state focusing on the sector of long-term care.

What does Triple Win Migration© stand for?

- a) Identification of appropriate source countries (in terms of health workforce, education and training, future health system needs ...)
- b) Establishment of a training and development cooperation between different institutions in both countries (schools/universities, care organisations and companies)
- c) Foreign health professionals (nurses) are recruited and trained concerning their language skills (in the country of origin). The project management gives support concerning the transfer to Germany (recognition of qualification, residence and work permit) and an intercultural training.
- d) The foreign nurses have the opportunity to work in German health care facilities and are (further) educated in geriatric and elderly care.
- e) The foreign health personnel will be actively supported to utilize work experience gained abroad for the benefit of their home country (IEGUS 2013).

The idea of the IEGUS is to recruit professional nurses from a country like India or the Philippines with a growing labor market force and at the same time does not have professional elderly or long-term care sector in place, a structure that Germany has. Because Germany is the second oldest country in the world after Japan and the system allocates a great deal of funds to elderly care and social security as part of

long-term care, the experience in care and financing and professional structure in this field of health sector could potentially be of benefit when establishing a long-term care sector in partner countries in Asia. Foreign nurses work and acquire further training and education in a long-term care sector in Germany for a certain period of time. Cooperation, in fact, transpires between companies from elderly care in Germany and in Asia and as they establish professional structures which could attract the nurses who are being trained in Germany and offer them good job opportunities so they could go back home. Thus, the idea of a real triple win goes beyond sending or being able to remittances. Germany would secure labor force, sending countries would gain experience in long-term care, and migrants not only earn better in Germany but also acquire additional skills which are needed in their home country in the future. From a health expert's point of view, the "GIZ is doing not good for this term triple win. It's disappointing to us also...Because the idea is much broader and would need a lot more effort; also for bilateral cooperation" (IEGUS interview 19 August 2015).

The Triple Win agreement between the Philippine Overseas Employment Administration (POEA) and the *Zentrale Auslands- und Fachvermittlung* (ZAV or the International Placement Services) of the *Bundesagentur für Arbeit* (BA or the Federal Employment Agency) to formalize the deployment of nurses permits only the POEA and a German partner *Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH* (GIZ or the German Federal Enterprise for International Cooperation) to administer the recruitment process as shown in Figure 6. The agreement offers employment in Germany as per local conditions, initial support with acquiring German language and nursing skills, assistance with the emigration procedure and integration in Germany. Depending on the candidates' German language skills, it is estimated that it takes six to eight months between the selection interviews and departure to Germany (Triple Win Bewerberinformation [applicant information] 2013: 2). The job application targets nurses:

- who are citizens of the Republic of the Philippines
- whose primary place of residence is the Republic of the Philippines
- who can provide certificates of their completed nurse's training (four years of professional education; Bachelor of Science in Nursing (B.S.N.) Proof of applicants' professional qualifications is required. Members of other professional groups, such as nursing assistants, midwives or physiotherapists, are not eligible.
- who have an Active Philippine Nursing License
- who have a minimum of two years of professional experience as a nurse in hospitals, Rehabilitation centres and care institutions.

- who preferably have prior knowledge of the German language (technical vocabulary and everyday language – ideally Level B1 of the European Framework of Reference for Languages) (ibid).

Both seeking to ethically govern cross-border migration and recruitment, thus the exit and entry of nurses, the GIZ and the POEA have forged new and multifaceted alliances⁹¹ constitutive of a brokerage technique: partnership between themselves and with political authorities (such as state agencies) and local and international organizations (such as the ILO, trade unions, and professional nursing organizations); and in the form of “sustainable recruitment” business model brokering between German employers and Filipino nurse candidates/Triple Win nurses as subjects. State agencies include the Philippine embassy in Germany and the German embassy in the Philippines. Alliance with local organizations, such as the PSLink (trade union in the Philippines) and the Philippine Nurses Association (PNA) result in being part of the monitoring committee. Brokerage aids in bridging the gap between the right to exit the Philippines and at the same time the right to enter Germany; mainly because in international migration there is a right to leave one’s country of residence but there is no equivalent right to enter another state (Faist 2014).

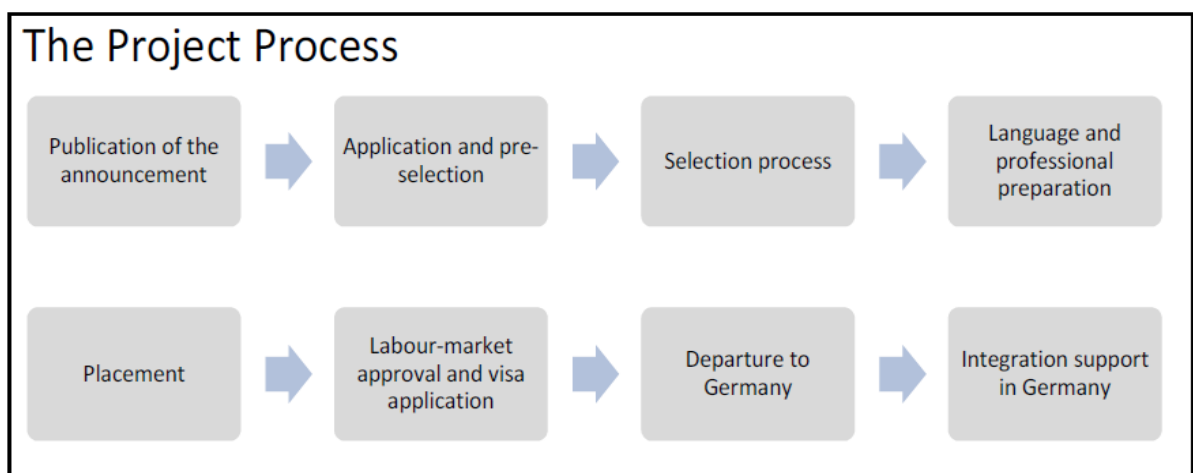


Figure 6. Triple Win *Bewerberinformation* [applicant information] (2013: 3)

A pivotal element of the ‘alignment’ processes is the establishment of common goals (i.e. triple win and development) and lexicons, although they are left to be rather broad and equivocal. “Common vocabularies, theoretical orientations, normative

⁹¹ Idea inspired by Li, Tania Murray (2007) wherein one practice of assemblage she identifies is forging alignments between those who will to govern and those governed. “Practices of Assemblage and Community Forest Management.” *Economy and Society* 36 (2): 263-293.

positions, and forms of explanation help establish flexible forms of coordinated association between a variety of individual, group and organizational actors while each of them retains their formal autonomy” (van Krieken n.d.: 2). Terms such as triple win, sustainable recruitment, and an ethical position of avoiding brain drain institute alignments of Philippine and German migration experts.

Experts in the dissertation pertain to the intermediaries – migration managers, recruitment coordinators, agents, or brokers. They translate varying discourses constituted in the social arenas of cross-border migration, labor, and health into national contexts and practices. Experts aid in naturalizing and legitimizing unequal power relations by situating themselves and exploiting the gap between the demand and supply of nurses and between “attractive” German employers and Filipino nurses who are in need of decent work.

“Experts...have acted as powerful translation devices between ‘authorities’ and ‘individuals,’ shaping conduct not through compulsion but through the power of truth, the potency of rationality and the alluring promises of effectivity” (Miller and Rose 1990: 19). This description fits well with the migration experts of the agreement who serve as translators between the desires and goals of nurses and those of political agencies concerned with government. As Tania Murray Li (2007: 264) points out, “the will to govern or, more specifically, the will to improve: the attempt to direct conduct and intervene in social processes to produce desired outcomes and avert undesired ones.” Such experts provide the vocabulary, conceptual design, and seemingly plausible arguments that make labor supply shortage/surplus, brain drain, and development knowable and thus governable. Miller and Rose emphasize “the constitutive role of knowledge...For something to be manageable it must first be knowable” (Miller and Rose 1988: 174; Foucault 1980: 245). However, instituting common goals does not turn out entirely smooth; the interest of the organization or even the country represented takes the center stage in many cases.

Defining the agreement

While the government to government agreement was still being lobbied, the Philippine embassy in Germany found its role as a facilitator in signing the agreement as it went through several amendments. The embassy made an overture to the *Bundesministerium für Arbeit und Soziales* (BMAS or the Federal Ministry for Labor and Social Affairs) urged by some hospitals and private citizens suggesting to have a

way for which nurses from the Philippines would come to Germany; and was told that the Ministry was not inclined to signing an agreement. Specifically, there were hospitals in Stuttgart intending to hire nurses from the Philippines and had initially approached the Philippine Honorary Consulate General in Stuttgart who then considered speaking with a representative of the State Government Baden-Württemberg to discuss the matter. Eventually, the State Government found the necessity to elevate the issue to the national government, i.e. BMAS, and speak with some members of the German *Bundestag* (the national Parliament) (Philippine embassy Germany interview 4 August 2014).

The role of the Philippine embassy was then played behind the scene; arranging meetings was likened to a courtship in a *barrio* (rural village) life setting in the Philippines (Philippine embassy interview 4 August 2014). “*Panliligaw* (courtship), meaning to say, you don’t just say to a woman *na manligaw ako* (that I will court you). Before you even say that, *nalaman na rin nya kasi may mga alam mo na yung mga* (she had known your intention already because of) back door.” Before a formal meeting was set between the Philippine ambassador Maria Cleofe R. Natividad and Minister Ursula von der Leyen of the BMAS, the embassy had done their homework behind the scene. The signing of the agreement happened without delay and the embassy described it as a 180 degree turn from the time in 2012 when the Ministry would say ‘this is not yet the time, do not raise that yet. We have no time yet, we are still thinking’ (ibid).

The German embassy in the Philippines also did play an intermediary role, as what embassies usually do, between the BMAS and the Philippine authorities, especially during the time that the BMAS meant to propose the Triple Win agreement to the Philippine government. “They made use of us to get in touch with POEA and the Department of Foreign Affairs (DFA) locally and so we were in that sense messengers. Also, of course, we were something like consultants because we know some details of how the national administration here works and what the concerns are.” Particularly, the Commercial Affairs and Labor of the German embassy had received the draft of the Triple Win agreement right before the Minister of the BMAS visited the Philippines. The German embassy introduced the concept to the Philippine authorities, facilitated the discussion process and lobbied for the conclusion of the agreement on a short notice. Although without a very active function, the German embassy was quite instrumental to move ahead very fast. “This was of course because both sides wanted it and the event of our Labor Minister visiting the Philippines was, of course, something everybody

wanted to capitalize on. They all wanted to agree on this in the presence of the Secretary of Labor for the Philippines and the German Ministry of Labor” (German embassy interview 24 November 2014).

The Philippine embassy (interview 4 August 2014) infers that the quick action leading to the signing of the agreement could potentially be linked, framed or was influenced by the upcoming German federal election year (22 September 2013). “They were wary...they brought that up, you know, it is telling the German people we will hire Filipinos and we will give work to the Filipinos, what’s the effect on the election campaign.” The decision to sign could be election-driven because hiring foreign nurses could have significant domestic employment consequence. On the one hand, it could be interpreted by the public that German nationals are deprived of work. On the other hand, the shortage of health professionals could potentially worsen (ibid).

Although the BMAS stands as the main Ministry with whom the agreement was signed, it was first discussed by several other ministries such as the *Bundesministerium für Gesundheit* (BMG or the Federal Ministry of Health), *Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung* (BMZ or the German Federal Ministry for Economic Cooperation and Development), *Bundesministerium für Wirtschaft und Energie* (BMWi or the Federal Ministry for Economic Affairs and Energy). The Philippine embassy believed an economic discussion did find its relevance since the ministries are concerned about the labor force, demographic changes, and how the country can be competitive in the face of the projected shortage of labor supply. At the same time, issues of general health concerns and the linkage between migration and development were also considered during the discussions at least among German ministries (Philippine embassy interview 4 August 2014).

Constituting the agreement per se did present some misunderstandings and differences between the two parties. The Philippine state treats the agreement with Germany as one among other bilateral labor agreement treaties signed with other countries. However, Germany perceives it merely as an administrative agreement or a memorandum between corresponding counterpart offices in government thus, when signing the agreement, German actors were looking for a ZAV counterpart in the Philippines. Such level of agreement between two bureaus, in general, does not suffice or work in terms of all the formalities and congressional concurrence needed for the Philippine side (ibid).

Germany considers the agreement a simple one called *Auslandsvermittlung* which purely means the government office in the Philippines will help in recruiting Filipino nurses coming to Germany; and not *Abkommen* (a treaty). Since Germany has had several working *Auslandsvermittlung* (international exchange) with Croatia and Bosnia and Herzegovina, they could easily convince the Philippine party to agree (Philippine embassy interview 4 August 2014). Although inspired to concur, the Philippine side found the process difficult. If using the metaphor of courtship again, it seems like the Philippines treats Germany still as a suitor but the latter has already advanced a step further and regards the relationship as coupling. The Philippine side pursued and introduced certain features in the agreement until both sides reached a point when they agreed for what is acceptable; “because they had a certain form and we also had a certain form, we just try to marry them *para na* (so that) both sides would be satisfied” (ibid). The discussions, mainly over phone conference (as skype was not preferred for security reasons) leading to the signing of the agreement between the Philippine Department of Labor and Employment (DOLE), the POEA, and the German administrative labor took only approximately one month which would normally take years (POEA interview 13 October 2014). Together with the DOLE and the POEA, the Philippine state was represented by the Department of Foreign Affairs Office of the European Affairs, the Professional Regulations Commission, Board of Nursing, Overseas Workers Welfare Administration (OWWA, for the Pre-Deployment Seminar aspect) and the Board of Physicians (ibid).

Negotiations and defining the objectives

As what the GIZ publicized on their website, one of the objectives of the Triple Win Project is that “the recruitment of qualified foreign nurses is alleviating the nursing shortage in Germany and reducing unemployment in the nurses’ countries of origin.”⁹² The Philippine state entered into the bilateral agreement for the certainty that it has a very large pool of nurses who are currently unemployed and in need of work. However, contrary to the interviews I have conducted among nurses participating in the Triple Win Project, nurses have held positions in tertiary hospitals prior to the recruitment process and have acquired more than three years of nursing experience; which signifies their gaining a foothold in the sector. Some of them could afford to leave their post in the hospital facility where they work due to the demands on one’s time of taking

⁹² GIZ. “Sustainable recruitment of nurses (Triple Win).”
<https://www.giz.de/en/worldwide/41533.html> (last accessed 22 August 2017)

and completing German language courses. Some who come from far-away provinces could financially support their six-month stay in Manila where language courses were initially conducted. They do not fall into the category of unemployed (before the recruitment process) or novice nurses and they intend to go to Germany mainly for greener pasture. In light of hiring experienced and currently employed nurses from the Philippines to Germany, one could question whether the Triple Win Project necessarily addresses the issue of unemployment of nurses in the Philippines.

The Triple Win Project also targets migrants' remittances and the transfer of know-how [to] contribute to development in the countries of origin (ibid);" objectives which had already been identified conforming to the global migration governance narratives. Figure 7 sums up a simplified development oriented approach to achieving triple win; wherein development starts with selecting partner countries which have a surplus of qualified health personnel and this approach is believed to prevent brain drain.

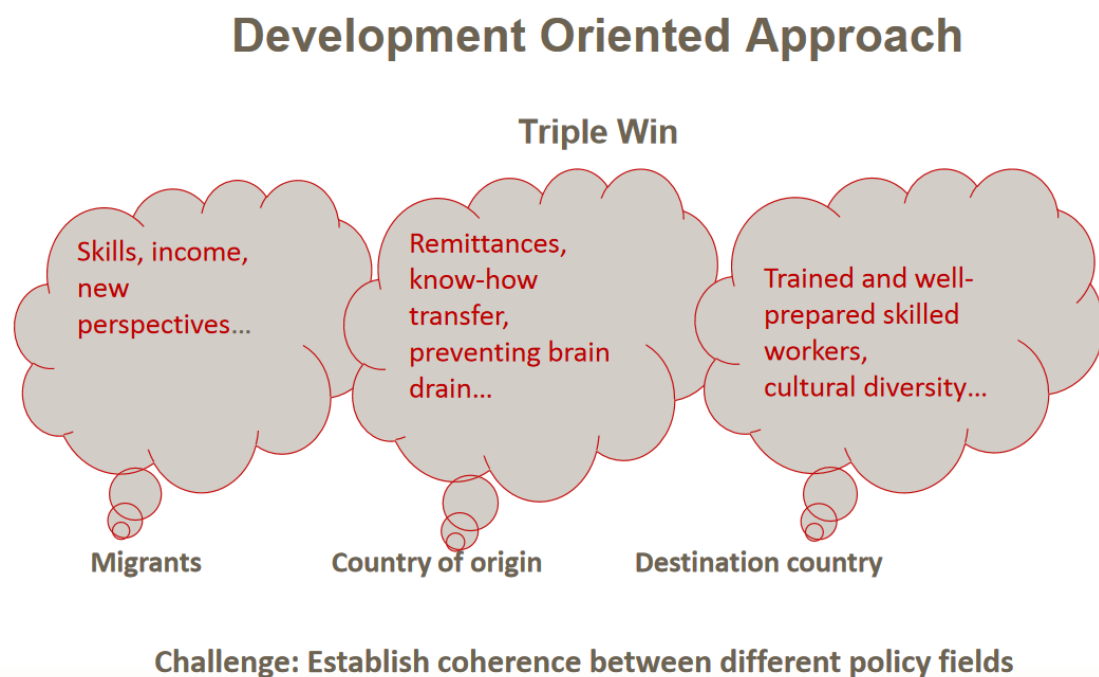


Figure 7. Securing Skilled Workers – Promoting Prosperity (Koemen and Wittenborg n.d.: 3)

For the POEA, Filipino nurses and the Philippines can win through the benefits package, salary, and friendly employers who will not exploit them. The office ruminates that Germany even has the upper hand because of gaining Filipino nurses'

competency in terms of nursing and language skills, amiability, cleanliness and “just simply above other nationalities” for their world-class qualities (interview 16 December 2014). Indeed, the GIZ gives credit to the global popularity of nursing care of Filipinos (interview October 2014).

However, how objectives are actually met, together with establishing policy coherence as an aspect of development, is not accurately expounded by the coordinators. There are no mechanisms mentioned in this regard during the interviews or in promotional papers of the intermediaries. How exactly could such partnership potentially lead to development and to achieving triple win if cooperation has been relegated to *recruiting 500 nurses*? How can such a small number address the nursing shortage in Germany and help reduce unemployment in the countries of origin? The ZAV admits that, “triple win at this point is not the solution for Europe in total, not even for Germany but it’s like a first test, or first quality approach, which maybe should have been started earlier but on the other hand, employers some years ago maybe hadn’t realized the need to do this, now they do” (interview 8 October 2015). For achieving development goals, the Triple Win experts have drawn up a solution with some broad identified objectives and remarkably expect nurses, given their efforts of sending remittances, to bring about development and bring together states to facilitate remittance transfers.

Given that the Triple Win Project initially should have run only until 2014, development is mainly imagined through sending remittances. The Philippine Department of Health (DoH) has conducted a number of research on migration, its social costs and where remittances go and how they are spent. Their research says that remittances go everywhere, to luxury items, food, and education, except health “because there is no policy that forces migrants to invest in health insurance. In terms of health sector, it doesn’t gain much from bilateral agreements...We’re giving away the skills but the money goes elsewhere. And of course, we just rely on taxes. We don’t [receive direct remittances]” (interview 18 February 2015).

Even though know-how transfers are considered a win for the country of origin, the GIZ admits that “definitely [there is] no skill transfer” (GIZ Germany interview 12 June 2014). When asked about certain mechanisms that can induce knowledge transfer upon migrants’ return, the ZAV confirms it is not in their immediate plans and it depends on the nurse returnees. “As in Bosnia, Serbia for example, there are no real job opportunities, there is not a job market for nurses. Of course, they won’t go back to

Bosnia being unemployed. You cannot transfer knowledge by being unemployed to Bosnia” (ZAV interview 8 October 2015).

From a very critical point of view, the DoH astutely observes that knowledge transfer does not move from the destination country to the source but vice versa.

We’re transferring knowledge to them. We don’t need that knowledge transfer. What we need is social development efforts, not the knowledge. So if they say, yeah there is knowledge transfer but that’s their side of the story. Our side of the story is we need social development initiatives. How are they going to improve primary health care? How are they going to improve equitable distribution of workers? How are they going to improve public health management, health systems development? They are silent about it because they don’t know what to do. And they’re gonna say, ah, the Philippines has to define that (interview 18 February 2015).

As Germany defines its own need, therefore its win, the Philippines has to do the same, according to the DoH. Unfortunately, internal policies such as divergence between the POEA and the DoH still need to be addressed thus there is no one policy that defines how remittances ought to be used. “If these are remittances from a health worker, should it be used for health?” The DoH is convinced that it would be a tedious process to go through if one has to declare to be a health worker when remitting; for that reason, the need of the country is not clearly defined. The DoH is not aware of a policy being developed that will help the country refocus the flow of remittances or investments in places where such resources are needed most (ibid). Judgments that bind these monetary resources to national development goals expose normative suppositions about how migrant capital ought to be used (Horst et al. 2014). It can also be interpreted as “forging of alignments between the personal projects of citizens and images of the social order” (Miller and Rose 1988: 172).

In any case, both remittances and knowledge transfer shift accountability from the states involved to the migrant. The Triple Win Project coordinators however did not find the need to consult migrating nurses about the agreement and their looming responsibility. Coordinators run on the assumption that migrants agree to a seemingly social contract with the states and regard the agreement “fair” for migrating nurses. The right of the migrant not to share their knowledge or skills was definitely not considered. What is definitely considered, nonetheless, is the end goal of stability and growth of the source country GDP in which remittances have been contributing to.

The ZAV argues along the lines of the international ethical recruitment scheme that the Triple Win Project recognizes nurses’ qualifications, which would avoid de-skilling. In addition, regulating the number and skills of migrant workers to be admitted to Germany seemingly assigns to an ethical approach to a cross-border skills migration

program. Besides, the coordinators presume that “the high standard of the nurses’ qualifications means that they can integrate more effectively when in Germany” (interview 8 October 2015); which would dismiss any potential issue of integration – an important aspect of the German immigration policy. An ethical standpoint is applied to a particular type of migrant – skilled and can fill the shortage – who are expected to both remit and integrate properly.

Thus, “in Triple Win, we only recruit and qualify people” (GIZ Germany interview 12 June 2014) wherein cooperation and development goals do not go beyond brokering skills – governing the exit and entry of migrants through selection and screening. The relationship between cooperation and development remains to be rather rhetoric. What the Triple Win Project exemplifies is that cooperation discourse remains characterized by a paternalistic stance in which “partners” are not equal, rather are positioned at different phases of “development.”

Brokers and migration managers

“ZAV, they are the spearhead of the project. They need a partner in the Philippines, a German partner. With all the government organizations in Germany, aside from German embassy and Goethe-Institut, which we all know cannot recruit *kasi* (because they are) language [-related] *sila*, it’s only GIZ who can accommodate” (GIZ Philippines interview 8 October 2014). As an organization that specializes in international development, the GIZ being constituted as one crucial expert in managing the overseas recruitment of nurses is not simply due to a process of elimination as the previous quote states, rather it accentuates the rationale behind the project that cross-border flow of skills would bring about development. “As GIZ, we are committed to development goals; we support the German government in implementing development policies” (GIZ Germany interview 12 June 2014). The unquestionable expertise of GIZ was instituted not only to demonstrate how cross-border migration interacts with other policies, such as economic development, but also to avert any harmful effects cross-border migration and recruitment might bring.

Cross-border migration governance has now been included in the organization’s portfolio in consonance with its capacity-building projects in areas such as environmental protection and economic and social development. Such projects have been carried out in the Philippines on behalf of the German government since the

1970s.⁹³ Having 130 offices worldwide, the GIZ is strategically positioned to mobilize resources and grasp some local infrastructure. In general, the GIZ has been cooperating with the *Bundesagentur für Arbeit* (BA or the Federal Employment Agency) for approximately 20 years. Particularly, in terms of reintegration for returning experts, they offer support for highly qualified workers in case they return to their home countries after working in Germany for five years, for instance. “We try to make development work through reintegration...We know a lot about development. We know a lot about the local structures.” The GIZ imagines migration as “a tool for development. Migrants are actors of development, which does not mean each migrant is aware of his developmental impact.” For instance, as part of their Migration for Development Program, the GIZ conducts projects such as “migrants as bridge builders” (GIZ Germany interview 12 June 2014).

Touting migrants as bridge builders between their countries of origin and the countries where they currently live and work, the GIZ has not only recognized the development potential of migrants but also harnessed migrants’ social and cultural capital through devising four action areas: “knowledge-sharing by returning experts, cooperation with diaspora organizations, business ideas for development, migration policy advice” (CIM Program Flyer 2015).⁹⁴ The support, in the form of funds, advice and networking events, is mainly given to migrants from developing and emerging countries and to the GIZ partner countries in order to utilize migration for sustainable development. Not necessarily defined but always acted upon, “development” is vaguely juxtaposed to an ideal transformation in the imminent future in which migrants are “key drivers of change in both settings and help to ensure that their countries of origin can face the future with confidence” (ibid). As the Migration for Development Program suggests, development manifests itself in projects or businesses fostering innovation, establishing economic ties between countries, assembling cross-border scientific cooperation, supporting family and friends through sending remittances, and improving local people’s living conditions; projects which the GIZ constitutes itself as a facilitator of migrants’ actions (ibid).

⁹³ GIZ. “Philippines.” <https://www.giz.de/en/worldwide/376.html> (accessed 29 September 2016)

⁹⁴ *Centrum für internationale Migration und Entwicklung* (CIM - Center for International Migration and Development) is jointly run by GIZ and BA. The Migration for Development Program is managed on behalf of the *Bundesministerium für wirtschaftliche Zusammenarbeit und Entwicklung* (BMZ - German Federal Ministry for Economic Cooperation and Development) “Migration for Development Programme.” https://www.cimonline.de/documents/2015-06-CIM-Flyer-Programm_Migration_fuer_Entwicklung-en-Web.pdf (accessed 29 September 2016)

Moreover, the GIZ has had an established agreement with the *Zentrale Auslands- und Fachvermittlung* (ZAV or the International Placement Services) in terms of implementing pilot projects, particularly in the health care sector, with the aim of attracting nurses from developing and emerging economies to the German labor market. Other than the Triple Win Project which intends to receive 2,000 nurses from Serbia, Bosnia and Herzegovina, the Philippines, and possibly Tunisia, the GIZ helps train 100 young people from Viet Nam to become geriatric nurses in Germany between 2013 and 2015 as commissioned by *Bundesministerium für Wirtschaft und Energie* (BMWi or the Federal Ministry for Economic Affairs and Energy) (GIZ website).⁹⁵ Trainees undergo an “accelerated training course” in Germany, which means the process of recognizing their foreign certificates would be quicker than the period between the arrival of trainees in Germany and their entry into employment. Nevertheless, previous training and work experience in Viet Nam is necessary. Participants obtain their training in small groups at care homes in Baden-Württemberg, Bavaria, Berlin, and Lower Saxony (ibid).

Also administering on behalf of the Federal Government, the ZAV basically offers assistance in taking the right decisions for nationals of the EU Member States and third country nationals who consider working in Germany. Its International Personnel Service supports interested individuals with certain information on working and living in Germany and assists in finding a job. As a special agency of the Federal Employment Agency, the ZAV carries out various programs, such as the Triple Win Project, which allows foreign workers to work in Germany for a specific period of time.⁹⁶

On the basis of the placement agreement, the ZAV works hand in hand with the POEA as its counterpart in the Philippines. “We recruit nurses through our counterparts in the country so every nurse who is interested to work in Germany, they check the homepage or they contact POEA, for example.” The ZAV discusses with the POEA what specific nursing skills German employers need or what they are looking for in an employee.

Working in close association with the GIZ and the ZAV is the POEA, another migration expert of the agreement, which has been legally mandated to provide

⁹⁵ GIZ. “Training nurses from Viet Nam to become geriatric nurses in Germany.” <https://www.giz.de/en/worldwide/18715.html> (accessed 29 September 2016) and “A Fair Approach to Securing Skilled Labour. Pilot Project on training workers from Viet Nam to be Geriatric Nurses.” <https://www.giz.de/en/downloads/giz2014-en-training-workers-factsheet-vietnam.pdf> (accessed 29 September 2016)

⁹⁶ Bundesagentur für Arbeit. “International Placement Services.” <https://www.arbeitsagentur.de/web/content/EN/Detail/index.htm?dfContentId=L6019022DSTBAI609149> (accessed 3 March 2016)

“excellence in governance for world-class Filipino migrant workers” since 1982 through the mechanism of labor export industry regulation and protection system established by the Philippine state (POEA website).⁹⁷ The POEA has been promoting Philippine labor as an expression of a “labor brokerage system” (Rodriguez 2010). As a labor brokerage state, the Philippines adopts a neoliberal approach that properly trains its citizens to be fit for any work overseas and sends them as flexible workers while making a profit from the remittances in the Philippines (ibid: x). Negotiating with Germany to formalize recruitment of registered nurses can be considered business as usual for the POEA.

The POEA considers landing an agreement with Germany a success and “something to be proud of.” The POEA is interested in selecting and placing “world-class” Filipino nurses to Germany mainly because it is the name of the country which is at stake in the agreement (POEA interview 13 October 2014). Through the Triple Win Project, the POEA believes it has done its role in giving alternative work with a relatively higher salary in comparison to what they earn in a tertiary hospital in the Philippines and providing immigration opportunities to Filipino nurses, many of whom are skillful and have extensive nursing experience within and outside the country. As German labor law applies, the Triple Win nurses receive at least a monthly salary of EUR 1,900 gross and EUR 2,300 following formal recognition. They are subject to social security requirements and must be appropriately insured by the employer (Triple Win *Bewerberinformation* [applicant information] 2013: 6). The Triple Win nurses should also contribute to the Overseas Workers Welfare Administration (OWWA) and PhilHealth,⁹⁸ the benefits of which they can avail in case they need. POEA issues them an Overseas Employment Certificate, which proves their contribution. They are given a free plane ticket and are exempted to pay the terminal fee (POEA interview 13 October 2014).

The POEA proposes a Philippine Panel to be part of the Joint Monitoring Committee (or stakeholders) of the Project: OWWA, Department of Health (DoH), Board of Nursing (BoN), Professional Regulations Commission (PRC) and PSLink, the counterpart of Ver.di, a trade union representing the German side. The German counterpart has not formed its own panel of representatives yet (during the time of the interview) (ibid).

⁹⁷ POEA. “About Us.” <http://www.poea.gov.ph/programs/programs&services.html> (accessed 26 September 2016)

⁹⁸ The Philippine Health Insurance Corporation (PhilHealth) is a government-owned and controlled corporation which manages health care financing. It intends to offer its members health care benefits. <http://www.gov.ph/services/philhealth-gis/> (accessed 26 September 2016)

The POEA is one major component of the labor export mechanism and it regulates private sector participation in the recruitment and overseas placement of workers. As detailed in the Republic Act No. 10022, Rule X Section 3,⁹⁹ POEA mainly regulates

Private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements. It shall be responsible for the regulation and management of overseas employment from the pre-employment stage, securing the best possible employment terms and conditions for overseas Filipino workers, and taking into consideration the needs of vulnerable sectors and the peculiarities of sea-based and land-based workers.

What is relevant for the Triple Win Project is Rule X Section 4 which states that hiring through the POEA is possible only through bilateral agreements or arrangements mechanism “provided that such countries shall guarantee to protect the rights of Filipino migrant workers; and provided further that such countries shall observe and/or comply with the international laws and standards for migrant workers.” If overseas Filipino workers (OFWs) are recruited through a government to government course, “the POEA shall, through relevant guidelines, establish and administer a Foreign Employers Guarantee Fund which shall be answerable for the workers’ monetary claims arising from breach of contractual obligations” (Rule X Section 5). The details of which are not disclosed; whether how much or whether the amount varies depending on the destination country.

Alongside the POEA, there are labor attachés positioned at Philippine consular offices overseas providing on-site assistance to migrants also helps fuel the mechanism (Section 12). The centers are also known to feed the POEA with information about any labor market expansion or newly-opened labor markets to tap into the Philippines for manpower (Guevarra 2003). Another element is the Overseas Workers Welfare Administration (OWWA) which protects and promotes the welfare of member-OFWs through delivering pre-departure orientation and covering the cost of emergency repatriation and offering various social benefits to their dependents (Section 15). Lastly, the National Reintegration Center for Overseas Filipino Workers

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“An Act Amending Republic Act No. 8042, Otherwise Known as the Migrant Workers and Overseas Filipinos Act of 1995, as Amended, Further Improving the Standard of Protection and Promotion of the Welfare of Migrant Workers, their Families and Overseas Filipinos in Distress, and for other Purposes” which took effect on 6 May 2010.
http://www.lawphil.net/statutes/repacts/ra2010/ra_10022_2010.html (accessed 26 September 2016)

(NRCO) for returning OFWs which provides a mechanism for their reintegration into the Philippine society by tapping their skills and potentials for national development either for local employment or entrepreneurial activities (Rule X. Section 14). Hence, although the Philippine state may not overtly confess that it promotes overseas employment, the very presence of this mechanism constructs and perpetuates the culture of cross-border labor migration in the country (Guevarra 2010; Rodriguez 2010).

Other than the agreement with Germany, the POEA operates on both land- and sea-based cooperation. The POEA carries out numerous ongoing agreements or memorandum of understanding (MOU)¹⁰⁰ with Alberta, Manitoba, British Columbia, Saskatchewan, United Arab Emirates, Bahrain, Human Resources Development Service of Korea for human resource deployment and development in general, and with the Kingdom of Saudi Arabia for domestic worker recruitment; labor cooperation with Japan and Liberia for seafarers and 43 agreements signed on Convention on the Standard for Training, Certification and Watchkeeping. In terms of recruitment of health care workers, the POEA cooperates with Japan International Corporation of Welfare Services (JICWELS) “on the deployment and acceptance of Filipino candidates for “Kangoshi” (Registered Nurse under the laws and regulations of Japan), Filipino Candidates for “Kaigofukushishi” (Certified Careworker under the laws and regulations of Japan), Filipino “Kangoshi,” and Filipino “Kaigofukushishi”” based on the Japan-Philippines Economic Partnership Agreement. Similar to the Triple Win Project, only the POEA and the JICWELS are allowed to deploy and accept Filipino nurses bound to Japan.

Given this profound labor export mechanism and long-standing experience in international cooperation, what remains questionable is whether the role that such capacity-building work of the GIZ through the Triple Win Project would play a significant one in the context of the Philippine state regulating cross-border migration – a long-standing phenomenon already embedded in the culture and society and constituted to achieve development. How can the GIZ work towards obtaining benefits from migration by building migration institutions and structures when “the Philippines is one big training ground for novice nurses and we’re really producing for the global market. That’s a reality (DOH interview 18 February 2015);” as explained in Chapter three. Capacity-building is understood to be geared towards providing skills for Filipino nurses to empower them economically and reduce the push factor of emigration for economic

¹⁰⁰ POEA. “Labor Agreements.” <http://www.poea.gov.ph/laborinfo/agreement.html> (accessed 26 September 2016)

reasons. The stake then of GIZ in the agreement as regards capacity-building appears superfluous.

Defining sustainability

The term sustainability per se is currently heard as a green jargon or as an intergovernmental set of development targets, i.e. Sustainable Development Goals. The GIZ, as the operating arm of the Triple Win Project, prides itself in implementing their business model of *Nachhaltige Fachkräftegewinnung* or “sustainable” recruitment in order to turn cross-border migration of health professionals into a beneficial pursuit. This section seeks to unsettle the ecological buzzword by dissecting its connection with overseas recruitment, the process of which is given an overview together with responsibilities of coordinators in each step of the recruitment. What is sustainable about this particular recruitment process between the Philippines and Germany? Does it refer to a recruitment that has to be done regularly over the years? Or does it mean the Philippines would continuously provide enough manpower to the health care sector in Germany? If so, how can sustainable recruitment avoid brain drain as what is initially advertised?

The GIZ is inventing novel ways to enroll subjects in its ambition; but as we will see in the next chapter, the idea is not necessarily new. It should be emphasized however that this is not an argument about newness per se rather it is to suggest that these experts are forging novel alignments with a particular strategy and purpose. There are a variety of points that both the GIZ and the ZAV identify as what this business model can actually mean or how it is implemented by migration experts that in the end there is nothing concrete and the term is open to subjective interpretations. As will be seen, the political term sustainability evoked by the GIZ does not hinge on a direct overarching framework for ethics and politics: it is processual instead of conceptual (Fox 1994).

The GIZ Germany (interview 12 June 2014) tries to explain

what we do is how we choose home countries. We do analyses, at each country we look at certain professions. We try to identify whether there's a lack or whether there's a surplus of qualified people. We want to know how does the education look like, does it more or less fit to the German system, do these migrants have the possibility to integrate, in terms of profession integration?...What is sustainable as well is that we want to make it possible that migrants can stay here, that's somehow sustainable as well. We qualify these migrants so that they can choose to go back to Manila or the Philippines or they can choose to come back to Germany again. I think everything is possible for these people. We're very fair, transparent, recruitment process, I

think.

In the quote above, the GIZ refers to the conception of the agreement and its implementation being “sustainable” wherein sustainability becomes a significant policy instrument to enable recruitment of nurses from the Philippines to various health care facilities in Germany. While the agreement is non-legally binding, it has formal specific provisions for the responsibilities of the parties concerned. Bilateral labor agreements, in general, are advocated by the World Health Organization through its Global Code of Practice for International Recruitment of Health Professionals and the International Labor Organization in a number of conventions and policy instruments such as the Multilateral Framework on Labor Migration.

Going back to the quote above, the GIZ also gives the impression that the business model allows migrant nurses to “circulate” but does not elaborate what this heavily loaded term is or the mechanism, i.e. return and reintegration, which would facilitate such movement. Also, how is it possible for nurses to circulate if the recruitment only lasted until 2014 (although extended until 2018)? Triple Win nurse returnees then would have to search for a new employer on their own. The concept of return or perhaps circulation was alluded to in order to deliberately avoid the possibility of suspicion of brain drain or not to drain the talent in the source country. The German embassy attests to the idea of a return program for Triple Win nurses wherein they will “eventually come back to the Philippines bringing with them the skills and knowledge they have acquired in Germany” (24 November 2014). However, the German embassy frankly states that the idea of skills transfer upon return would not be relevant for Triple Win nurses, corroborating the DoH in this regard, “because the training and the education of nurses here in the Philippines is world-standard...the knowledge is all here.” The question of return (i.e. sharing knowledge and paying back to the community) would be more relevant for those technical professions, according to the German embassy (ibid).

If invoking a discourse of ecology (Eckenwiler 2010), sustainable recruitment would then engage in identifying resources which need to be regulated and sensibly taken care of to meet present needs and regenerate for the future. Clearly, such simplified narratives of sustainability leave a big room for doubt about whether the so-called experts know anything about the complex social processes interrelated with what it proposes to manage.

Coming from a different perspective, the ZAV (interview 8 October 2015) considers it sustainable when migrant nurses have a job for up to five years and have

the chance to receive an unlimited work permit and unlimited residence permit. In addition, with a considerably more nuanced view, the ZAV's idea of sustainability is mainly synonymous with "accompanying" Filipino nurse candidates and prospective employers throughout the process of recruitment. For instance, accompanying Filipino nurse candidates while still in the Philippines during pre-integration, i.e. orientation about working and living in Germany, language preparation, professional course; accompanying selected Triple Win nurses in their first year of work since they have to acquire a recognition of their degree so as to have the right to obtain the title *Gesundheits- und Krankenpfleger/in* (health and nursing); also accompanying the employers in the process of integration as migrant nurses arrive and in the process of recognition by giving employers some information or helping them send requests for recognition to the German institution authorized to administer the recognition; lastly, informing the employer that Triple Win nurses need to apply for the extension of their work permit to prevent legal problems. The ZAV claims they take into account the length of time the recognition process takes, which usually takes four months only to receive feedback from the authorities, and so the ZAV helps facilitate the recognition process two months before Triple Win nurses properly start their employment in Germany. In doing so, the ZAV asserts that they assist in preparing the workplace the best way possible. Other than accompaniment, the ZAV states that they take into account Filipino nurse candidates' interests and specialization when placing them with employers.

Yet, upon Triple Win nurses' arrival, the GIZ only accompanied them to register their address, according to the nurses. The GIZ plays a minimal role after checking up on them once after six months of entry.

They are in connection with (another interview partner) so she asks me how we are doing here. Last time, my colleague and I represented in Eschborn [where the office of GIZ is located]. It was a follow-up; how we are doing here in Uni Klinik. Yesterday, they [some colleagues] attended a *besprechung* or forum together with GIZ and the whole Uni Klinik because it was Nurse's Day yesterday (Nurse Eden interview 13 May 2015).

The practice of "accompanying" is precisely what fuels the brokerage system connecting Filipino nurses with German employers. Brokerage encompasses the work of connectivity between persons and groups as well as building trust (Faist 2014). Through brokerage, not only does it facilitate spatial, in the long, run social mobility and acclimatization to new environments (ibid) but also uphold a quality approach to the need for nursing staff by screening both potential employers and candidates in the roster. The ZAV emphasizes that a fair and long-term placement process is ensured

wherein applicants need not succumb to debt in the process of going to Germany and are granted proper working conditions as qualified/recognized nurses. German employers also have to match the criteria of supporting nurses' recognition process and paying a minimum wage; those who cannot comply with this basic requirement cannot hire Triple Win nurses. "The idea of the Project is not that they find cheaper nurses abroad." In addition, because of lack of capacity and inability to meet the minimum wage, some elderly care homes are not able to compete with hospitals in terms of the possibility to hire Triple Win nurses. "More hospitals are taking part in the project. And currently, we had a shift from 50-50, between elderly care and hospital. Now we have a shift to 30-70; 30% elderly care" (ZAV interview 8 October 2015).

The role of the GIZ in promoting Germany as a better place to work in has been established by having employers financially support applicants in their recruitment fees,

Employers pay BA a placement fee currently amounting to EUR 250 (Article 44 of the German Social Code, Book III). They also pay a remuneration of EUR 3,450, including 19% VAT, for the services provided by GIZ (support for the partner agency with the application and selection process, various preparation and assistance measures). These expenses are payable pursuant to the signing of the employment contract... Furthermore, employers pay USD 50 per applicant into a so-called Foreign Employer Guarantee Fund of the POEA (Triple Win *Bewerberinformation* [applicant information] 2013: 3).

The GIZ insists that employers pay the expenses incurred in the nurse candidates' German language training, flight tickets to Germany, and accommodation – at least upon the arrival of migrant nurses. It relieves nurses of big expenses entailed in moving. Applicants have to pay only processing fees of around USD 155 to the POEA. It comprises of: the POEA Processing Fee (USD 100), Overseas Workers Welfare Administration Contribution (USD 25), PhilHealth Contribution (PHP 1,200), and Home Development Mutual Fund Contribution (PHP 100).¹⁰¹ Additionally, applicants are

¹⁰¹ The Home Development Mutual Fund (HDMF), also known as the Pag-IBIG Fund, is a government-owned and regulated establishment under the Housing and Urban Development Coordinating Council. It was founded on 11 June 1978 as a result of Presidential Decree No. 1530 to address the need for a national savings scheme and an affordable housing support for the Filipino worker. Pag-IBIG is an acronym which signifies *Pagtutulungan sa Kinabukasan: Ikaw, Bangko, Industria at Gobyerno* (Cooperation for the Future: You, Bank, Industry, and Government). The Pag-IBIG Fund connects these four sectors of the society to collaborate towards offering its members with housing loans and access to its savings system. The Fund is open to Filipinos employed by local and foreign-based employers along with those who choose a voluntary and self-employed membership. <http://www.pagibigfund.gov.ph/> (accessed 7 October 2017).

In 2016, the Pag-IBIG Fund's Net Income reached PHP 25.01 billion (approx. EUR 417 million). In the same year, it reached 17.27 million memberships; 12.51 million members work within the country while 4.76 million work overseas. The Fund approved more than PHP 72.46 billion (approx. EUR 1.2 billion) to support the procurement of 93,383 homes.

obliged to undergo a medical examination with a Philippine Department of Health-accredited medical clinic of their choice and will shoulder the costs themselves (Triple Win *Bewerberinformation* [applicant information] 2013: 3). Ultimately, the only costs to the migrants are visa application (EUR 60) and medical exam.

Furthermore, the GIZ heralds the promise of long-term employment and family reunification after a Philippine-trained nurse's degree is recognized within a year working and the prospect of immigration after acquiring five years of residence in Germany. As the GIZ (interview 8 October 2014) claims, Triple Win nurses win in numerous ways:

First, we will give employment, that's one win. Second, employment not just in the Middle East, *kasi* (because) it's a whole new different country and the environment is much freer than [what] we [are] used to, like Saudi; we're giving them options. Third, unlike other contracts, this one is indefinite. Middle East contract is close-ended, two to three years [and you're] done. But for this one, the goal for the recruit is to stay with the company, the longest time, for long term. Of course, initially for one year until they have done recognition and if they pass recognition process in Germany, *tuloy-tuloy na sila* (they continue).

The branch of the GIZ in the Philippines, together with German employers (hospital managers), also selects applicants through an initial interview. The GIZ then sends the chosen applicants to language training of six months or until B1 level and a professional orientation of five days. It is also the task of this office to answer inquiries from German employers (hospital and elderly care) interested in taking nurses under contract. After receiving initial complaints about the length of employers' waiting time, the GIZ Philippines adjusts their timeline in a way that candidates can go for an employer's interview while still attending language training as long as the employer conducts the interview in English. The GIZ offers concrete job vacancies to pre-selected candidates and once there is a match between what employers require and what candidates offer, the GIZ supports the nurses' departure process to Germany. The GIZ Germany, as it claims, receive the nurses and support their integration process in the workplace and in the country. The office also provides support in the recognition process/state exam for Filipino nurses which entitles them to carry the title *Gesundheits- und Krankenpfleger* (health and nursing).

"Sustainability," as discussed by the intermediaries, bears a resemblance to upholding ethics; that is through taking into account that German employers did not

This information is taken from the 2016 Annual Report
[http://www.pagibigfund.gov.ph/transparency%20seal/2016/PAG-IBIG%20ANNUAL%20REPORT%202016%20\(posted%20Sept%2006%202017\).pdf](http://www.pagibigfund.gov.ph/transparency%20seal/2016/PAG-IBIG%20ANNUAL%20REPORT%202016%20(posted%20Sept%2006%202017).pdf) (accessed 7 October 2017)

invest in the nurses' training and education but would gain profit from their services. However, looking at it from a perspective of human capital investment, the use of the ecological term entices a particular vision of the future but more so portrays a benevolent picture of Germany which could set it apart from other competing destination countries and could turn the tide of its own past guest worker program. The ZAV cites an example that separates the Triple Win Project – a fair, secure and legal process, as claimed – from private institutions cashing in on nurses who take risks by shelling out money for their preparation procedure to Germany. “Legally, it’s in the gray area and these private projects, many cases, the work permit or their residence papers they are not secure. Then this always involves a bigger risk for the nurses...it’s not so easy to take a loan for 3,000 dollars and then you are in Germany, maybe you want to go back and somehow you are pressured, it’s not fair” (ZAV interview 8 October 2015).

On the other hand, the POEA and some stakeholders do not share the same understanding of what sustainable recruitment could possibly mean. The POEA maintains that “sustainable recruitment is something that could provide the economy of the country with enough resources, financially.” When working towards achieving sustainability, one has to take into account if there is sufficient workforce, which is one of the conditions that allow *Europe* to hire from the Philippines where there is oversupply of good quality yet relatively cheap labor, the POEA states. Nonetheless, the POEA has expressed its concern that if the Philippines were depleted with general nurses through deployment, the country could not afford to send specialized nurses as it might suffer from brain drain. In the context of the Triple Win Project, the POEA considers sustainable recruitment as a goal to achieve. By looking at the low number (28 at the time of interview) of Filipino nurses deployed to Germany, the POEA claims that they are “so far to be talking of sustainable recruitment at this point...it is still too far to assess” (interview 13 October 2014).

Apparently, the instigator of the term sustainable recruitment did not properly disclose its importance beyond Germany. What then is the added value of alluding to the term sustainable?

The GIZ maintains that the pressure from care institutions in Germany to fill their labor shortage has reached new heights. The organization has chosen to cooperate with the Philippine state because of the latter’s willingness to collaborate given the paradoxical situation of a high unemployment rate of nurses who have received a high-quality education (GIZ Germany interview 12 June 2014). The collaboration has to be formalized through a bilateral agreement. In a globalized labor

market, the agreement has brought the source and destination countries together as *if* they are equal business partners around mutual benefits. As Joppke (2007) wrote, “selecting by origin” is no longer solely expressed in grand models of the nation or rationales of integration but also in bilateral cooperation.

The POEA admits that the goal of 500 nurses to be recruited is a big number to be achieved in two years’ time but the number is also very small when considering the Philippine market. The office is being consoled by the idea that Germany as a destination country offers “real” opportunities to Filipino migrant nurses and good rewards await them if they perform well. Thus, for the POEA, the perceived benefits outweigh the restricted number of nurses to be placed (POEA interview 13 October 2014).

In general, the implementation of a market-funded model has been praised by the PSLink, the trade union monitoring the agreement, considering the conditions in terms of what nurses would pay and when; which was the medical examination only after they passed their language exam. The union believed that this process would not place nurses in a vulnerable situation by shelling out sums of money to a recruitment agent without the assurance of their application (PSLink interview 6 February 2015). *Ang Nars* (The Nurse), one of the members of the Triple Win Project monitoring committee, shares the same opinion and in addition considers the Triple Win Project a potentially good model precisely because it is safe, secure, and accountable without passing through private recruitment agencies which have had tendencies to exploit nurses (interview 26 January 2015).

The Philippine embassy is also convinced that because it is POEA-run and coordinated with the GIZ in Manila together with the Goethe-Institut, the Triple Win Project gives out a sense of legitimacy and reliability. “Official *ito, tama ito*, (This is official, this is right/ethical) you can be sure *na walang perang mawala* (with no money lost).” If not for the agreement, would-be migrants could be victims of trafficking or illegal recruitment (Philippine embassy interview 4 August 2014).

However, this same expression of ethical – in this case, refers to a government to government arrangement and not trying to profit from migrant workers – could also be identified as one possible drawback causing the slow pace of the Project. Because it is not framed along profit-orientation, the Project runs as long as there is sufficient funding from participating employers. The Philippine embassy, presumably having grasped both local contexts, considers that many hospitals in Germany would not be able to invest a large amount of money for a foreign nurse and wait for their training

course to end. The embassy questions the role of the POEA which might not prove to be an efficient office for the lack of resources to do such recruitment. In fact, there is only one person in charge, who was pulled-out from another unit, coordinating the nurse candidates with the GIZ. As far as the embassy is concerned, the POEA simply collects the names of applicants to be submitted to the GIZ which then does everything. Having very limited manpower and being officious could hinder the self-sufficiency or continuity of the Project. In order to expedite or make the recruitment process more efficient or even to make Triple Win Project *sustainable* (meaning, for the Project to run on its own), the embassy suggests two instruments leaning towards privatization: first, instead of the POEA, private recruitment agencies “*na matino naman*” (those which are sensible) should take over its function and the POEA might as well stick to its role as a regulatory body; second, private recruitment agencies can train German-speaking Filipino nurses for less investment and for shorter time. Either of the two could potentially work since brokering Filipino nurses between the Philippines and Germany is a growing business and a growing concern, as the embassy observes in Germany. The role of the government would then be to look over and approve (or disapprove) how the process works. The embassy understands, though, that Triple Win Project needs the POEA mainly to jumpstart the recruitment since the Project is a pilot one (Philippine embassy interview 4 August 2014). Indeed, on 4 February 2016, the POEA passed Governing Board Resolution No. 4 series of 2016 which permits private recruitment agencies in the Philippines to recruit, deploy, and employ Filipino nurses to Germany.¹⁰²

In addition, to make the objective “reducing unemployment in the nurses’ countries of origin” relevant or feasible, Ang Nars proposes to remove the job requirement of having a two-year hospital experience, precisely because that requirement targets nurses who are working or who have a regular position in a hospital and not those who are unemployed contributing to the number of oversupply nurses. An exam or evaluation of nursing skills should carry more weight instead of the number of years worked in a hospital. Employment certificates do not particularly give a proper evaluation of one’s nursing skills but an exam would, according to Ang Nars (interview 26 January 2015). This suggestion shares a familiar tone with what the International Council of Nurses (ICN) advances: “ICN, by virtue of its global leadership role in nursing, and the fact that it represents the voice of nursing internationally, considers that the time is right to establish international competencies for the generalist

¹⁰² GFMD. “Recruitment of Filipino Nurses for Germany.” <https://gfmd.org/pfp/ppd/5041> (accessed 20 July 2017)

nurse,” says Judith Oulton, ICN chief executive officer (ICN 2003: 1). Basic competencies comprise of performance level indicating the effective usage of knowledge, skill, and judgment (Kingma 2006: 167).

Performing sustainability: selection process and placement

Because only 28 Filipino nurses were deployed to two participating hospitals and only two passed the recognition exam during the given timeframe of one year and nine months, the recruitment was officially extended until 2018. At the time of writing, the latest report¹⁰³ says there are now a total of 584 nurses who have been selected for the project (222 in the first round and 362 in the second round; the dates of which are not disclosed). Among these screened applicants, a total of 66 Filipino nurses (40 female, 26 male)¹⁰⁴ have passed the recognition exam in Germany out of the 170 who have been deployed to 25 hospitals/facilities; 18 assigned in Hesse, 31 in Baden-Württemberg, 15 in Bavaria, one in Lower Saxony, and one in Berlin; 307 of those are still in the Philippines taking German language classes and undergoing an employer selection process. There are sixteen more employer hospitals participating in the project.¹⁰⁵

As the recruitment is split between the two offices in Manila and the steps are done back and forth, the GIZ Philippines and the POEA always keep each other updated about which nurse candidate is leaving when and about their accommodation, for example. They regard each other as a counterpart or even buddies. Referring to Figure 8, the first four steps (application, shortlisting, interview list, the POEA pre-employment briefing) are performed by the POEA. The POEA advertises the job opening on their website, accepts applications, selects, and screens all the application forms through their points based system which is mainly devised in accordance to requirements of 3-year work experience, German language skill, and nursing specialization. As the POEA explains,

the process has to start here [in the Philippines]...the applicant should apply with POEA. We opened the application for the public last year [2013], we ended

¹⁰³ Philippines Overseas Employment Agency (POEA) report as of 4 September 2016. “Triple Win Project Update.” <http://www.poea.gov.ph/twp/TWP.html> (last accessed 16 September 2017)

¹⁰⁴ The main web page of the Project reports 55 who have passed the recognition exam, however, when looking carefully at the list of names it totals 66. http://www.poea.gov.ph/twp/files/twp_rec_exam_passers.pdf (last accessed 16 September 2017)

¹⁰⁵ The number stands in contrast to the 130 participating health care facilities, according to the ZAV, in which some have pending nurse positions yet to be filled (interview 8 October 2015).

June 30. It was open for two weeks or three weeks. We have received 5,000 plus applicants already and short-listed that to 2,000. And then there was further short-listing to 1,000 something. But the actual demand, we pegged it at 500 nurses only (interview 13 October 2014).

TRIPLE WIN PROJECT TIMELINE		
(Regular Group without B1 German Language Skills)		
	STAGE	DATE
✓	Application	June 2013
✓	Shortlisting	July 2013
	Interview List	September 2013
	POEA Pre-Employment Briefing	October 2013
	Pre-Selection Interview	October 2013
	Selection Interview	November 2013
	Medical Examination	To be advised (before the PGLT)
	Signing of Commitment	To be advised
	6-Month Language Course	
	Group B (A2 Group)	October 2013
	Group B (A1 Group)	October 2013
	Group C (1st Batch)	November 2013
	Group C (2nd Batch)	January 2014
	Group C (3rd Batch)	February 2014
	Group C (4th Batch)	April 2014
	Nursing Skills Course (4½ days)	To be advised
	Matching	To be advised
	Visa Application	To be advised
	PDOS (½ day)	To be advised
	Document/Travel Arrangement	To be advised
	Pre-Flight Briefing	To be advised
	Integration Support	Upon arrival in Germany

Figure 8. Triple Win *Bewerberinformation* [applicant information] (2013: cover page)
The timeline comes with a “Note: Dates are subject to adjustment by GIZ”

During the rounds of negotiations – the term negotiation immediately implies a set of stakeholders or concerned parties (Kingma 2010) – the POEA recalls that Germany opts for hiring Filipino nurses with specialization, however, the POEA believes doing so would result in brain drain since general nurses make up the oversupply and might put the Philippine health sector at risk. Nevertheless, during the selection of applicants, the Manpower Registry division of the POEA gives extra points to those nurses with specialization especially when employers require. The office admits that nurses with specialization are generally favored over the general nurses. Interested applicants register their qualifications online first and then they are short-

listed for validation purposes wherein they have to submit their valid documents, such as a transcript of records, certificates of employment, National Bureau of Investigation (NBI) clearance and other related authenticated documents. As the Manpower Registry claims, the online registration is done so as to avoid “favoritism” or biases, which the POEA has been sometimes accused of. There are instances where some applicants criticize the office for prioritizing for interview those who they know. The points-based recruitment system is devised only for the Triple Win Project and in accordance with the employers’ needs. However, the same system is being used under the Japan-Philippines Economic Partnership Agreement, except for its age restrictions.

Work experience, 35 is the perfect score. If you work 1 to 5 years, your score is 35, 6 to 10 is 40, 10 and above is 45. The perfect score for the work experience for nurses is 35. And then the language skill, it is not mandated because if you are qualified, they are the ones who will send you to the training school. But of course, there is advantage if you. There is point system, the language training [A1, A2,...]. Right. We do give them a point because there are so many nurses who apply, of course there are add-ons to those who can speak the German language. And then the specialization. Although general, sometimes employers do need nurses with specialization. Of course, we will give them a plus factor on specialization. Because they study on that...That will total 100 per cent. 35 Work experience. Language skill 35. Specialization 35. After that, we will post again in our website who are the 90 above. 85 and above, they will prepare themselves for an interview. After that we already gave them points, we will endorse that to Government Placement Branch and they are the one who will schedule for the interview. Then the GPB will endorse it to GIZ. That is the process on how we pre-screen the applicants (Manpower Registry interview 16 December 2014).

In fact, the numbers do not total 100 per cent but 105. Therefore, it is not clear which category of competency carries more weight than others.

Both the POEA and the GIZ coordinate with the ZAV in terms of scheduling interviews (pre-selection/project and selection interview) which the latter conducts. Project interviews are done in batches and held in the facilities of the POEA. The ZAV claims they conduct interviews “like every interview” according to personal and professional criteria: motivation to work in Germany, character, and the possibility of integrating well in a German health care facility (ZAV interview 8 October 2015). During this time, the ZAV also informed the nurse candidates about how nursing is delivered in Germany. For example, nursing in Germany is of two different kinds: basic and medical care. Most of the work of a nurse in Germany comprises of basic care nursing which requires more time than what is practiced in the Philippines. A nurse in the Philippines, according to the standard job description, does part of the care that is considered medical care in Germany which is done only by doctors, assistant doctors or chief nurse of a department.

Triple Win nurses adjusted a great deal in terms of a huge and demanding workload and in shifting their practices to what they are (not) expected to do in accordance with the German health care system. They did not expect that their workload “is this difficult. We expected something similar, including the workload. Although we had some orientation before, but they [trainers] didn’t explain well that it is like this. So, we really adjusted here. Until the time has come that we’ve got used to it” (Nurse Eden interview 13 May 2015). For example, nurses in Germany perform the bed side care, which is normally done by visiting relatives in the Philippines. Triple Win nurses have to adjust to the daily responsibilities of bathing three or four patients, who are quite heavy, and placing them tubes. They sometimes even do the duties of a medical technician or a respiratory therapist, for instance. Overall responsibilities are quite demanding since they need to make most of the decisions as regards patient care and the next steps to take. On the other hand, they are not permitted to do blood transfusion or intravenous insertion with the dextrose which they can practice in the Philippines.

The GIZ Philippines, in the following step performed by one coordinator, classifies candidates who have passed the Project interview according to which area in Germany they are suitable to work in and based on the point system developed for this specific recruitment. This coordinator makes schedules for the language courses and conducts the professional orientation. Thus, the GIZ Philippines coordinates with language facilities (Goethe-Institut and Berlitz) as regards timetables.

The ZAV, the marketing arm, is also responsible for seeking employers who could potentially take part in the project and hire nurses through Triple Win. The office informs the prospective employers the different steps and what their participation entails; also gives advice as regards profiles of the nurses and about education or education system in the relevant country. Some employers put forward specific requests of who they want to hire. Requests are then matched with the profile, CVs and the intention of nurses. Both nurse candidates and employers are consulted by the GIZ Philippines regarding a possible match. An employer’s interview through video conference or skype call in the GIZ Philippines office is then arranged if both sides are interested.

After a successful interview, a working contract (in German) is signed by both the employer and nurse. It includes the fixed salary and how many days off a nurse gets which depends on age - the younger they are the more they have to work. The POEA receives the contract, checks it and hands it to the nurse. With this contract,

together with supplementary documents, Filipino nurses go to the German embassy in Manila to apply for an entry visa. The POEA conducts a pre-flight briefing with the successful candidates. The work is then passed on to the GIZ Philippines which arranges integration support upon arrival in Germany.

Both the GIZ and the POEA keep the embassies informed about the whereabouts of the candidates/Triple Win nurses. The German embassy, particularly the consular section, plays a role in processing one-year working visas for nurses. In the case of the Philippine embassy, it gives advice to Honorary Consuls to inform big hospitals in their area about the Triple Win Project and turn to the ZAV for further information.

The chapter has brought to light the actors involved in the development and implementation phases of the agreement: who says what, who does what. As GIZ Managing Director Jürgen Wilhelm has expressed, “‘triple-win migration’ is our innovative contribution to global migration policy.”¹⁰⁶ Although the Triple Win Project strives to be innovative in its approach to cross-border skilled recruitment and migration, such an ideal persists to be rather rhetorical. Clear discrepancies exist between the discourse of triple win and the on-ground reality of development practice. The intermediaries, particularly their functions, in the agreement illustrate that cross-border migration has been politicized around national borders and it means that skilled migration, particularly the exit and entry of nurses must be regulated beyond national scale. These experts ensure a predictable and transparent process of cross-border skilled migration through forging alliances among each other and with both employers and nurses in a transnational space. The spatial and temporal interconnectedness of these experts shape the transnational social space and in doing so defines the wanted-and-welcome migrant as a migrant who both integrates into the German society and maintains transnational ties with the Philippines.

The final chapter discusses the instruments employed in the recruitment process through which Filipino nurses fulfill their responsibilities as development agents.

¹⁰⁶ GIZ. “CIM looks to the future on its 30th anniversary.”
<https://www.giz.de/en/mediacenter/696.html> (accessed 29 September 2016)

6. SELF-GOVERNANCE: TRANSNATIONALITY AND INTEGRATION

Because, you know, people here [in the Philippines] sometimes have the tendency to put themselves on the bottom of the food chain voluntarily. So they are kind of submissive. And I try to show them that there is absolutely no need for that. And I'm not a scientist or a linguist or anything like that, just a storyteller...And also like in this one part when she says, 'oh, it's gonna be so different' then the other says, 'don't forget they wanted you.' So, it's not that you knock their door down. 'They wanted you. And they wanted you because you are good.' And you're only going there because you speak the language efficiently (Schifferer interview 21 October 2014).

Schifferer is the director of a video series *Tell me something about Germany*¹⁰⁷ (with four episodes) that depicts Skype conversations of two young Filipina friends. The series is produced by the Goethe Institut in collaboration with individuals who are one way or another connected with the Institut. The storyline goes: one has been studying and working in Germany for quite some time and the other is a nurse about to leave the Philippines to work in Germany. The four short films provide helpful hints and tips for daily life in Germany and also demystify Germany in an experiential way. More importantly, the series has an underlying message to Filipino nurses aspiring to work in Germany: that the country seriously needs them to respond to an "urgent need" (Foucault 1980:194). This series of videos go along with the rhetoric of granting such body workers value, regardless of their age and gender, and giving them the opportunity to develop themselves through moving to Germany.

What responsibilities govern Filipino nurses' prospects of winning in their course of cross-border migration to Germany? The process of reaping the threefold benefits - the nursing shortage in Germany is offset, the unemployment rate in the Philippines is trimmed down, and the migrants' remittances and the transfer of knowledge play a role in development in the Philippines (program website)¹⁰⁸ – that the bilateral agreement claims starts with re-aligning Filipino nurses' actions with these goals and claims set by the bilateral agreement. Filipino nurse candidates are seen as potential development agents that need to be tapped; however individuals need expert attention to help achieve their own development (Li 2006). Managing migration entails integrating foreign-trained nurses not only into the German labor market but also into the society while they enhance their skills and career prospects.

Triple Win nurses, particularly the first batches of arrivals on December 2013,

¹⁰⁷ Episode 1 *Keine Angst! Don't be Afraid!* https://www.youtube.com/watch?v=gM_4Ho0VT8w (accessed 5 August 2014)

Episode 2 *Freunde und Bekannte* Friends and Acquaintances. Episode 3 *Adobo und Ausländer* Adobo [a typical Filipino dish] and Foreigners. Episode 4 *Kalte Füße* Cold Feet

¹⁰⁸ GIZ. "Sustainable recruitment of nurses (Triple Win)." <https://www.giz.de/en/worldwide/41533.html> (last accessed 22 August 2017)

carry a big responsibility of performing well at work and dealing well with colleagues. These are straightforward principles when starting a new job and keeping one's position, whether in the country where they are trained or overseas. However, Filipino migrant nurses are compelled to do so not only for their own professional advancement but also for the sake of the image of all the Filipino nurses and of the quality of their training in the Philippines. For the POEA, preserving a positive image would potentially encourage continuous hiring from the Philippines. From this perspective, all Filipino nurses are in effect 'at risk' but through proper expert management, nurses are most likely to be hoisted as having the capacities for effective self-governance and eventually effecting development and success of the bilateral agreement.

This chapter examines the Triple Win nurses' efforts in pre-integration and integration processes in which their endeavors constitute a part of their self-governance. It describes nurses' active engagement from German language learning to professional preparation course to pre-departure orientation seminar to integration at work and society. The business model of sustainable recruitment of nurses from the Philippines to Germany as experienced by nurses who have been placed in Germany provides an illustrative example on how integration and recognition of professional foreign qualifications measures are instrumentalized in order to realize a triple win.

German language learning

Hat die Patientin schon Fieber gemessen? (Has the Patient taken her temperature already?). The A2-level German language instructor writes on the whiteboard as he asks the Triple Win candidates-learners to form answers using some conjunctions previously learned. Learners, thirteen female nurses and two male, hesitate a little in responding as they are aware that the instructor would immediately correct mistakes. He believes that "any misunderstanding in the health sector is not allowed." Learners are encouraging each other in formulating answers all throughout the session saying, "you can do it. We are here to check your answer." They manifest some sort of cooperative learning and composed sentences as a group: *Sie haben gesagt, ob die Patientin schon Fieber gemessen hat. Sie hat gesagt, dass die schon Fieber gemessen hat.* On another note, the instructor recommends them to read an article about pregnant women taking paracetamol because there are certain drugs that can be bought over-the-counter for pregnant women but it remains to be a big issue in Germany.

Although the courses designed for Triple Win candidates are for general conversation purposes, instructors try to incorporate health sector settings once in a while. In one session, for example, the instructor adapts the lesson on *Abteilung* (department) to a hospital setting. Learners are generally encouraged to construct sentences themselves using the vocabulary discussed. Some of them test themselves and come up with: *Ich habe noch nie in einer Firma gearbeitet, aber ich habe schon einmal im Krankenhaus gearbeitet* (I've never worked in a company, but I've worked in the hospital); *Zuerst habe ich Englisch gelernt, danach die Deutsche Sprache* (First I learned English, then the German language); *Aber davor habe ich in der Schule die Philippinische Sprache gelernt* (But before that I learned the Philippine language at school). To habituate themselves in speaking German among colleagues, learners in one particular class agrees to a points-based system wherein English or Tagalog is prohibited to be spoken during class time; otherwise, learners accumulate points in which each point corresponds to additional homework.

An A1/A2-level instructor shares that some learners do not necessarily accept his or book explanations easily and they engage in passionate debates when it comes to defending their own answers to book exercises if found contrary to that of the answer key. In one class observation of nine male nurses and three female, learners loudly express their homework answers and reasons for saying so. Some refer to dictionaries and other books. However, as soon as the instructor leaves for a short break, learners indisputably express their feelings towards learning the German language. One blurts out "I don't like to study Deutsch anymore!" Someone pretends to hang himself using his scarf. Another one enacts throwing away his course book. Yet, one engages in discussion with fellow learners on how to differentiate the use of *so* and *zu*.

The conversion to taking on a whole gamut of new responsibilities and becoming an active agent in Triple Win candidates' self-governance starts with pre-integration measures. One of those measures is learning German while still in the Philippines which marks the initial step to employment. Selected candidates are enrolled in designated language schools, Goethe Institut¹⁰⁹ and Berlitz, and their whole training can last at least six months: two months for each level, from A1 to B1. Language courses were done in designated schools to maintain the quality of the

¹⁰⁹ Due to quality management, maintaining standards and paying clients, Goethe Institute does not allow classroom observation of outsiders. Classroom observations are normally conducted by the head of the language department and/or the chief executive; sometimes a peer to peer observation is also organized.

training. “Actually, we have classes here specifically for the Triple Win candidates: [a] language course that is similar to the ones that we have here; super-intensive,” (Goethe Institut interview 16 October 2014) wherein Triple Win candidates met Mondays to Fridays for four hours a day, between 07:30-11:45 or 12:15-16:30, for example. Goethe Institut works with Schritte International from Hueber for A1 to B1 courses and Aspekte for the B2 level (ibid). On the other hand, Berlitz offers courses running six times a week for six hours a day customized for Triple Win candidates; some days are scheduled for classroom-learning and some done on a computer. The intensive schedule does not allow nurses to continue their clinical duties and some of them decide to leave their position. For instance, one candidate resigns from a medical consultant position to pursue his Triple Win application and yet proudly exclaims “everything for Deutsch!”

The courses in both schools prepare nurse candidates largely for general conversation skills and the Goethe Institut’s language proficiency exam – the only one recognized by the German government – for every level (Common European Framework of Reference for Languages). Nurse candidates are not yet offered German for Specific Purposes because of their relatively low language level. The course design and/or the goal itself actually pose a major problem for most nurses because it is heavily focused on passing the exams and not on conversation skills. Thus, Berlitz claims their courses aim to provide Triple Win candidates a proper foundation for language learning in order for their certificate to carry some potency.

There are other nurse candidates, for instance from the first batch, who have paid for the language training from their own pocket before applying through the Triple Win Project. Having had the language requirement meant the other steps in the recruitment process were fast-tracked. Nurse Juan, who is now a recognized nurse in Germany, recalls the time he was swindled by an employment agency in the Philippines.

When I applied, together with Nurse Gigi and Nurse Amy, actually we were many, in an agency in the Philippines which promised us that we could leave to Germany. After we learned German language until we reached A1, A2, the agency said we didn’t have any employer. So, we almost gave up. We tried looking [for agencies] and applied. We were told we had to reach B1 and so we did. Then just right in time, the news broke out that Germany needs nurses as part of the Triple Win. So we were the first batch of nurses.

Nurse Gigi confirms the story and explains that “because we were in the same school, German course, that’s where [in the first agency] we all met, so we all looked for places to apply because we already had spent money and our time.”

As regards supplementary materials given to Triple Win candidates, Juan01¹¹⁰ Guide to Germany serves the purpose and is designed as a handbook for Filipinos migrating to their *neue Heimat* (new home). A project partly funded by the European Integration Fund, the guidebook is developed by Goethe-Institut Philippines in collaboration with two Triple Win nurses in which the institute hopes “that this will make your integration easier.” Nurses are given tips concerning their first steps upon arrival, which offices to visit, finances, insurance and sending remittance.

Similar to the video series, the supplementary material is a product of a workshop organized by the Institut which initially targeted migrating spouses and family members of German nationals. Eventually, there were around 30 participating individuals: nurses, spouses, learners, those who were planning to move to Germany and those who have already been moving back and forth. “We brought them together and first of all, showed them what material we already have and we did an evaluation of the existing material (Goethe Institut interview 16 October 2014). During their group work, they deliberated on “things that we think would help *Filipino* migrants to Germany to settle and integrate” (ibid). Figure 9 shows one of the ways information about migrating to Germany is elicited among workshop participants. In particular, “we showed them this website, ‘my path to Germany,’ had them evaluate the website; what works for them, what information is missing, how they like the design. Then we gave them a brochure also to look at. Then basically they were presenting the outcome of their work” (ibid).

¹¹⁰ Juan01 is a derivative Juan and 101. Juan is a typical name in the Philippines; akin to John in the U.S.

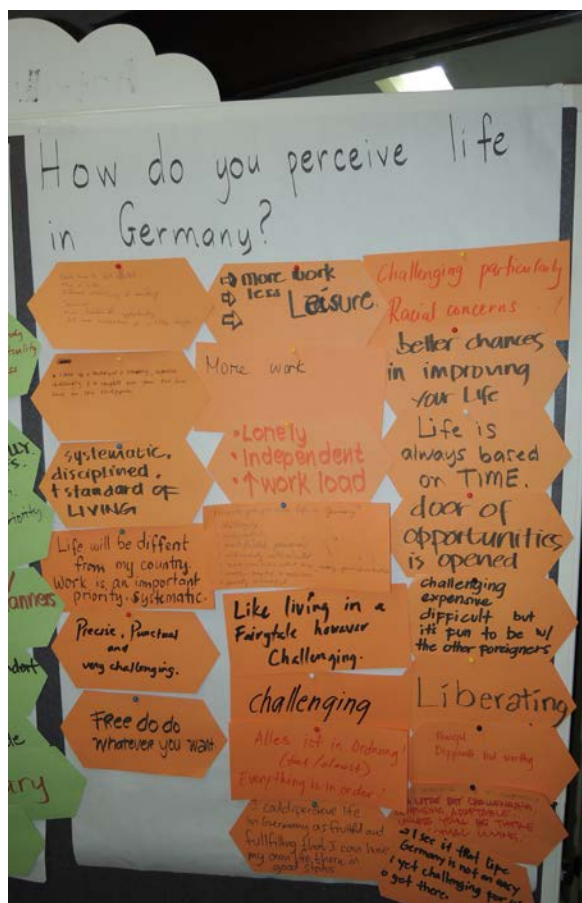


Figure 9. “How do you perceive life in Germany?” A board work activity eliciting information from workshop participants.

Professional Preparation Course

Ideally, after becoming a B1 passer, candidates undergo a professional course, “Technical Preparation for Filipino Nurses – cooperation between GIZ and Northwest Hospital”, for one week. The course largely prepares the nurse candidates for the basic work (i.e. feeding patients and bed making) they are required to do as a nurse in Germany; for which they are not trained to do or not used to doing in the course of their employment. In addition, the GIZ claims that nurse candidates have to go through the professional course in order to avoid disappointment on their part when they start working in a German health-care setting.

The fourth professional course was conducted with 26 participants (22 female, four male) on 9 February 2015. It was a mixed group: three of them were already matched with a hospital in Frankfurt, ten were to take the B1 proficiency exam, some were bound for Freiburg, one was a B1 passer but without any employer yet, and the rest did not even start their language training. Most of the topics were conducted by the

head of recruitment who is also a nurse. He went to a German university hospital and elderly care institutions for two weeks to be able to “draw bridges and to explain to Filipino nurses what is different, what are career perspectives in Germany, what are the working rights... And we don’t want the nurses to feel disappointed when they start working here and that’s why [we] installed these Professional Courses, which are conducted by German nursing experts (GIZ Germany interview 12 June 2014). Some topics were done through online communication handled by a German head nurse in a hospital in Frankfurt.

The candidates were reminded that they would start working as a nursing assistant while preparing for the state examination that they must take within a year. They are also expected to be studying for a B2 level exam. Being nurse assistants, their responsibilities in the hospitals are limited. The candidates were warned against doing something that is not part of their job description even if they know the process of blood transfusion, for example. The first few things Filipino migrant nurses must do upon arrival is study the module of the hospital they will be working at and adjust themselves to a very systematic procedure.

Not only do migrant nurses have to integrate at work but they have to integrate socially as well mainly by learning German. The GIZ Germany describes their office provides support to both the hospital employers and the nurses in terms of integration, which is the most important part of the Project. “We visit the German employer prior to the arrival of the nurses and we plan the integration process with the German employer. We talk with the hospital, we try to set up a kind of a time frame who cares about the professional integration of these nurses. Who will take care of the social integration, who will teach them German” (interview 12 June 2014). Here, the integration process goes both ways, as Triple Win nurses do their part, German employers set up a welcome culture.

Pre-Departure Orientation Seminar

Another pre-integration measure is the Pre-Departure Orientation Seminar (PDOS) conducted by the Overseas Workers Welfare Administration (OWWA) to every departing overseas Filipino worker; the purpose of which is to provide information to workers that will help them adjust to their new work site and avoid getting into trouble. To be country- and skill-specific, the design of the seminar, in general, is inspired by feedbacks from OWWA’s extensive network in various countries. Because the nurses

moving to Germany are skilled workers, the seminar for them is cut short from the usual six-hour seminar normally delivered to domestic workers. The seminar is given to the first thirty nurses – separated into two batches – who moved to Germany. Other than a large amount of information on health and safety issues and managing finances they receive from the seminar, the nurses are reminded to read about Germany and its culture and more importantly, to represent the country, and be “ambassadors of good will” (OWWA interview 26 November 2014).

Sessions are normally arranged based on the destination country but the one I observed on 8 January 2015, Thursday, at 8 in the morning proves to be an exemption for logistics purposes. A female nurse bound for Germany joins employees of varying sectors bound for Canada. Her schedule is shown on Figure 10. The half-day session starts with a video presentation about the benefits and services overseas Filipino workers (OFWs) are entitled to once a member. The presentation promotes a \$25-membership to the organization: “*ready na 'kong kumayod, nandyan ang OWWA*” (I am prepared to work, OWWA is here); “*alaga ka ng OWWA basta member ka*” (you are taken care of OWWA if you are a member).

There are two trainers who both pontificated about what the Philippine state expects from the OFWs of today. First, they are expected to take care of their bodies as the first half of the session is “a guide to health and safety for OFWs.” The trainer (a nun) throws imperatives and ready-made answers to the participants such as they always have to ruminate their goals of working overseas – economic stability, education, improved quality of life – all already identified by the OWWA trainer. These goals can only be achieved if they start to save now, the trainer reiterates. “Saving should be put in your inner core! The family is very important and should be prioritized over and above everything else,” she sums up.

The nun pinpoints lending as a bad culture among Filipino communities wherein OFWs are seen as victims. “We have to change that attitude because you have worked hard to earn that money for the sake of the family. We can share other resources such as time, energy, talent but not money.” As one gets older, it is difficult to work overseas. “That’s why, if you have the energy, strength, youthfulness, good health, take the most of it, *mag-ipon* (save). So by the time you are retired, *may madudukot ka* (you have money).” The trainer warns the participants not to repeat what she deems as OFWs’ misuse of their big earnings (through buying gold) back in the 70s. The Philippines should have been a rich country now, the trainer laments. “In comparison to Korea, where are we now? This is my challenge to all of you.”

The trainer instructs the participants to “build your family and at the same time the economy is going to be built. *Kaya payamanin ang family* (that’s why you have to make your family prosper).” Rendered invisible are the underlying assumptions that the cause *and* the solution of the “problem” of Filipino migrant workers in general lie in themselves; and that all OFWs essentially belong to a “community,” on a national scale, holding each other accountable. This view of maximizing remittances perpetuates a demeaning observation that migrants behave irrationally towards money (de Haas 2012: 20). Moreover, such an agenda of channeling remittances to productive uses unrealistically assume that financial remittances can be tapped by states (ibid).

The second half of the session pertains to informing the participants the reasons every would-be migrant is obliged to attend PDOS. As the trainer summed up in three sentences, OWWA is designed to prepare would-be migrants in living and working in a new environment; inform rights, duties, responsibilities; and empower to better cope with the challenges abroad. OFWs are expected to make migration successful and OWWA aids in this journey. The trainer seemingly invites the participants to engage in self-reflection by answering questions such as “why are you leaving? What makes you excited about leaving? What fears do you have about leaving? How do you see yourself when you return to the Philippines after your contract?” Finally, the trainer left the participants with some take-home reality check: *desisyon mong umalis* (your decision to leave); *kaya ka aalis ay dahil may gusto kang patunguhan* (you are leaving because you want to succeed); *ibang bansa, ibang patakaran, ibang uri ng pamumuhay* (another country, another set of rules, another way of life); *iniwan mo pamilya mo pero dala mo bansa mo* (you left your country but you brought your country with you); *balang araw, babalik ka rin* (one day you will come back). The session invokes the cultivation of one’s psyche through accessing their inner power in a voluntary and individualistic manner. This empowerment technique presents those imperatives and reality check as desirable ends, which then entail the regulation of the self.

**PRE-DEPARTURE ORIENTATION SEMINAR FOR GERMANY BOUND
HEALTH WORKERS**

Programme

Time	Module/Session
8:00 – 8:30	Administrivia
8:30-10:00	Module 1: Working Overseas Session 1: A Glimpse of Life and Work Overseas - Gains and Risks of Overseas Employment - The Health Worker as an Ambassador of Goodwill - Code of Discipline Session 2: Lessons in Financial Management
10:00-11:00	Module 2: The Employment Contract - The rights and obligations of the health worker
11:00-12:00	Module 3: Government Programs and Services In Country - POEA - OWWA - PHILHEALTH - PAG-IBIG - DFA - NRCO - NLRC Overseas - Philippine Embassy in Berlin - Philippine Consulates in Dresden, Essen, Mainz, Munich and Stuttgart
12:00- 12:15	Last Important Reminders
12:15 – 12:30	Distribution of Certificates

Figure 10. Copy of the PDOS schedule for Triple Win nurses

The provision of pre-integration measures by the intermediaries reveals how expert knowledge attempt to capitalize on transnational flows and the ascribed social space and to harness the belief that migration of nurses will bring about development. Experts seek to “translate the goals of political, social and economic authorities into the choices and commitments of individuals” (Rose 1998: 165) through adopting pre-integration measures in order to perform a seamless recruitment process.

A “European Nurse” yet an *Ausländer* (foreigner)

“I really feel here that you are a *European nurse*, just like in my station, you can really interact with the patient,” as Nurse Eden reflects. At the time of the interview with Triple Win nurses in Germany, all of them now carry a temporary residence permit for three years. They have just passed their B2 language exam, including the theoretical

and practical exams, which they had prepared for a year. This course of action has already been pre-designed for them, the pace of which Triple Win nurses have to comply with. They are also eligible for applying for a permanent residence after reaching five years of employment. For most of them, landing an employment in Germany counts as their first position overseas and some of them were assigned to a station to which they did not possess any previous experience in. In general, they are proud to say they have more or less adjusted to the work environment, lifestyle, and “German weather.”

The support given by the receiving health care facility varies. All of them are secured with accommodation upon arrival. Some of them feel a sense of gratitude for the support provided by their hospital administration. Some were given a welcome package for cooking and dining, which consisted of packs of rice, vinegar, soy sauce, salt, utensils, plate, etc. “As if the administration did their homework on Filipino culture,” as one Triple Nurse happily says. Nevertheless, not all newcomers received a similar treatment.

Support from the hospital, not very much. Unlike other hospitals which my batch mates [in the Triple Win Project] ended up working, they were well-supported. But support from other Filipinos here, just like (another interview partner), they helped us in adjusting easily; where to buy cheap items. Unlike other hospitals in which my batch mates received advance money to use for their expenses, we were not allowed to receive. There was no [cash advance]. That's why we had to use our pocket money (Nurse Eden interview 13 May 2015).

The support from other Triple Win nurses that Nurse Eden mentions presumably takes part within the framework of the “Association of Filipino Nurses for the Triple Win Project in Germany.” This organization is voluntarily established by twenty-four Triple Win nurses from the first four batches of arrivals who aspire “to protect their interests and promote the welfare of Filipino nurses deployed to Germany under the Project.” The Philippine Secretary of Labor presided over the induction of the officials in December 2013 (Department of Foreign Affairs 2014?).

Another form of support during their first year and as part of their work integration, Triple Win nurses received a mentor or a tandem partner, who accompanied them while on-duty and gave them some orientation of the system at work. Some of the mentors were described as friendly and supportive and there were some who were not, perhaps depending on one's character traits. “It's difficult to get your own technique because s/he will teach you his/her technique. So s/he expects

that's what you're going to do. That's why you won't get your own technique of how you're going to work," Nurse Rox (interview 13 May 2015) laments.

Adjusting to the work condition depends primarily on the station they are assigned to and whether they have the necessary experience it entails. Nurse Eden opens up how a work station assignment could help her improve German language skills.

I had to adjust myself because I was immediately assigned to an intensive station, which I didn't have any experience, plus the *sprache* or language, so I had a difficult time adjusting. After two months, I asked for permission if I could be moved to work in a lower level because my forte is intensive middle but more on *unterhalten* because I'm used to speaking with patients. Because in the intensive [unit], patients are sedated so it is difficult to practice, including the *sprache*. And their tools are very much advanced and so I had to adjust big time. But after I had the shift of station, it was better. I can adjust better in this new station I am in now. People are better. I can work alone (interview 13 May 2015).

For Nurse Rox who is assigned to an intensive station where she has a similar experience,

you are proud that you are there. It is a little difficult and seems new because there are some things practiced in the Philippines which are not done here and vice versa. Because here you think, you decide. In the Philippines, the doctor will order this that then you do it. Here, you think, for example, the patient is this that, I think what to do, this that then I will tell the doctor. Here the relationship between doctor and nurse is like partners. In the Philippines, the doctor is like a boss, right? Here, partner. Sometimes, I would suggest, "do you like to give this that?" "Ok, go, you give." Here, you need to be brainy, you need to think. That's where some people find it difficult because in the Philippines we are used to spoon-feeding. The doctors say you do. (Nurse Rox interview 13 May 2015).

Triple Win nurses are satisfied with their working condition in general. "You work only until your assigned shift. Unlike in the Philippines, overtime is 'thank you.' It is not like that here. For example, when you do an overtime, you just have to log it in their overtime sheet; how many minutes you work. Then, you can either get it as money or extra time for vacation or the next shift," as Nurse Eden (interview 13 May 2015) expresses.

Triple Win nurses' professional foreign qualifications are ought to be recognized within a year since they start working in the German health care facility. The recognition process is officially facilitated by the intermediaries. Triple Win nurses articulate they feel themselves as if they are a European nurse not only because of the paper recognition but also of their skills being appreciated and validated through their interaction with local patients and relationship with doctors and nurses in their workplace.

Our head nurse in the station I am working in really appreciates my skills because I am light-hearted in the midst of my serious colleagues. I always smile

that's why the patients I care for are also very happy and they also give some positive feedback of me to our head nurse. So our head nurse told me not to leave the station; I should *bleiben* (stay) there because I make the patients happy. And she said my aura is different when it comes to care and patients. So I said ok, *zufrieden* (I am satisfied) (Nurse Eden interview 13 May 2015).

Opportunities for career growth suggest equal treatment between Triple Win nurses and their local colleagues.

Just like me an *Ausländer* (foreigner), from other countries, they give us *Fortbildung* (training), seminars. For example, after duty, they give various free seminars three times a week. After your duty, you can attend there, so you can *verbessern*, enhance, your skills. Yes, I go there. Our head nurse always reminds me to go there, like animation schooling (Nurse Eden interview 13 May 2015).

Nevertheless, Triple Win nurses find themselves grappling with the position of being a foreigner or an outsider due to language and cultural differences. "*Ang sa'kin, maganda lang sa Pinas syempre naiintindihan mo lahat, naiintindihan mo lahat yung conversation. Yung endorsement nyo madali lang, hindi sya nakaka-drain sa utak.* (In my case, it is good in the Philippines because of course you understand everything, you understand all conversations. Endorsing to another nurse is easy since it does not drain your brain)" (Nurse Juan interview 12 May 2015). Language barrier seems to persist as a complication that Triple Win nurses are tackling urgently. "I fear that when doctors or colleagues ask me to do something, I won't be able to understand it, and I'd be dead," Nurse Marya worries. Nurse Rox explains that she sometimes communicates in English but only with the doctors. She considers herself lucky for having a mentor who speaks English with her when she started working. "So, I was able to get [the procedures] immediately. But I think if it was explained in German, I wouldn't be able to understand all. With others, it was explained to them in German. It would be really difficult to understand, right? (interview 13 May 2015).

In general, the recognition of degrees of foreign-trained nurses is a common problem being faced by the German health care sector at the moment, according to IEGUS. For example, since a level of B2 language skills is required to be able to officially work as a nurse, some nurses who have the professional education without sufficient language skills start their work only as an auxiliary nurse until they have the full recognition. On the other hand, cultural integration of foreign-trained nurses is considered a setback. A great deal of manpower and financial resources is necessary to integrate foreign-trained nurses in a decent manner; however health care facilities cannot afford to do so due to staff shortages. IEGUS tells a number of "bad" examples experienced by Spanish-trained nurses who were qualified with a very high standard in medicine but were recruited for jobs in elderly care homes in Germany. This mismatch resulted in nurses leave for a position in the hospitals or return to Spain immediately

after achieving recognition in one or two years. The elderly care homes, thus the long-term care sector, suffer from a loss of investment (interview 19 August 2015).

The framing of the sustainable recruitment process is driven by a model of integration into the labor market. The business model ensures that migrant workers are secured of their integration even before their exit from the Philippines and upon entry to Germany; and that the gap is lessened between the means of attracting skilled workers in a competitive global labor market and the extent to which new recruits are able to use their qualifications and skills in pursuing a nursing career in Germany. Desirable migrants are accompanied in the process as they face the obstacles to successful labor market integration. Integration and recognition of professional foreign qualifications measures have been constituted for those who not only possess globally sought after skills providing an economic advantage to Germany but also correspond to the nation's project of a desirable migrant.

Desirable or wanted-and-welcome migrants are not entities that pre-exist, rather constructed in the new entry regulation of Germany for skilled workers. This entry is 'won' on the basis of one's worthiness and potentialities to help secure Germany's health care provision and fill its labor shortage. It requires active participation on the part of Triple Win nurses and candidates in each and every step of the recruitment process through to employment in Germany. Would-be Triple Win nurses are envisaged to be self-governing by integrating well and practicing transnationality. As the GIZ website promotes: "the high standard of the nurses' qualifications means that they can integrate more effectively when in Germany."

It is expected that Triple Win nurses simultaneously integrate and build transnational ties mainly through sending remittances. They are encouraged to be "simultaneously embedded" in both their old and new homes (Glick Schiller, Basch, and Blanc 1995). The Triple Win Project constitutes transnational practices and integration as complementary. Moreover, this transnational practice is not a symptom "of an integration process that had not yet been successful or of withdrawal occurring on account of frustration and failure," which is referred to as "linear transnationalism" in the literature (Faist, Fauser, and Reisenauer 2013). Rather, migrants' fostering transnational relations becomes an imperative to attain a triple win. They do so as if they were an equal partner with the state. It seems to be a manifestation of a "co-

développement” which attempts to tap into actual transnational connections of migrants who are imagined to be conveyors of development support (Faist 2010: 81).¹¹¹

In the global migration governance narratives, the integration of migrants is assumed to not only cultivate social cohesion and political stability by lowering cases of racism and xenophobia but also capitalize on the contributions migrants can make” (IAMM 2004: 24). Integration now adopts a novel sense of “social inclusion which is economically instrumentalist and subordinate to the exigencies of globalization” (Joppke 2007: 269). Its meaning shifted from a framework of a self-contained nation-centered project reinforcing national wholeness and identity (ibid; Soysal 2012). The purpose of integration in today’s global competition is attaining social cohesion in society compelled by active individuals productively engaging in the rights and institutions offered in the system (Soysal 2012).

¹¹¹ For a historical perspective on co-development policies in Europe, see Gubert, Flore. “The discourse and practice of co-development in Europe.” In *International Handbook on Migration and Economic Development*, edited by Robert E.B. Lucas. UK: Edward Elgar Publishing Limited, 2014. From the early phases of voluntary return programs in the 1970s-80s to the ‘more development for less migration’ approach mainly with third countries in the 1990s to concrete policy initiatives aimed at enhancing synergies between migration management and development cooperation in the 2000s mostly in France, the Netherlands, Spain, and Italy.

CONCLUSION

The “sustainable recruitment of nurses from the Philippines to Germany” has been receiving worldwide recognition. Within a year after its inception, the Triple Win Project has been publicized as a best-practice pilot project *fairly* securing foreign-trained qualified professionals (Singh 2015). Such claim is made within the context of compiling lessons from around the globe in reference to fostering a triple win through fair migration governance drawn up by the Bertelsmann Stiftung. In another study concerning migration, integration, and migration management in Germany, The Triple Win Project has been touted as an exemplary promoting *good migration* as it claims to establish welcome-based, sustainable, and fair measures for beneficial mobility partnerships (Steller 2014). To add to this list, the Project has also been listed in the Global Forum on Migration and Development Platform for Partnerships (PfP) as one among 869 Migration and Development Policies and Practices collected from around the globe.¹¹² The PfP presents those government policies and programs on migration and development which have been informed by the GFMD discussions and recommendations.

The analysis revolved around the construction and different understandings of moral-laden discourses of fairness, ethics, decentness and a triple win approach to cross-border migration. Several state and non-state actors within the intersecting arenas of health, labor, and migration produce and reproduce normative rhetoric in order to navigate the tensions between, on the one hand, reducing the harm caused by brain drain, and on the other hand, harnessing the benefits of cross-border skilled migration. These actors are in turn legitimated and enabled to facilitate the movement of nurses in their quest to unleash their potential as new development actors.

I tackled these tensions by using one crucial and particular pilot scheme, the Triple Win Project, as a case of global governance of cross-border skilled migration through channeling a principle of fairness. The notion of the global connotes the bilateral agreement takes into consideration not only the implications for improving economic relations between the two countries but also the guidelines made by the UN agencies such the WHO and the ILO. The concept of governing migration through recruitment and remittances has been gaining traction within the UN system. Drawing on Foucauldian governmentality framework, with the help of situational analysis, I have analyzed the cross-border migration mechanism that situates the migrant, rather than

¹¹² GFMD. “Triple Win Project.” <https://gfmd.org/pfp/ppd/1712> (accessed 20 July 2017)

the various institutions and states, as the agent of “progress and transformation” (however defined).

The scheme presents a common-sense policy approach that appeals to the three parties involved (and to some extent to the international community as well) precisely because of the prospect of benefits. A sustainable process through the recruitment of only 500 Filipino nurses in a span of (originally) almost two years is hoisted as an immediate market response to address an urgent need – demographic (elderly population) and economic necessities (lack of highly-skilled workers) in Germany and oversupply of nurses in the Philippines. The bilateral agreement spells out a contradiction between, on the one hand, the small figure of nurses to be admitted and the short period of recruitment and on the other hand, the enumeration of ambitiously holistic claims to be achieved. This mismatch suggests not only a particular sense of a restrictive procedure but also one that resonates with a well-established belief that migrants are economically wanted but to a certain extent culturally not welcome.

In addition, this case demonstrates the changing mechanism of cross-border migration from a unilateral approach to an interstate cooperation which would make certain that migration leads to development. It is quite a novel form of global migration governance that relies on partnership, capacity building, and dialogue. However, this management practice has not been instituted without moments of struggle and contestation.

Problem-solution discursive strategy

To this end, this dissertation has three goals with which I conclude. The first goal is to move beyond the celebratory take on the Triple Win Project and migration-for-development discourses by thinking through how the coupling of an economic approach to migration and the normative principle is rationalized and operationalized by diverse actors via a bilateral cooperation. The agreement between the Philippines and Germany is a pilot project that exhibits quite a preposterous enthusiasm but obscures the connections between the “problems” (supply-demand) they have identified and the broader political contexts in which they transpire. The abridged problem-solution narrative has been presented as obvious, given, and uncontested.

The lack of comprehensive and harmonized system regulating international migration through which the movement of people can be managed in an orderly and

cooperative way has been regarded as a moral and global problem; a problem that renders states and non-state actors responsible for taking a collective action. Concerns have been raised about cross-border migration management today and for coming generations to maximize the positive contributions of cross-border migrants and migration and to minimize the potential negative effects such as brain drain.

I reckon thinking about ethical normative concepts, or fairness to be precise, in migration comes with inherent difficulty because fairness involves weighing in on needs or interests which tend to rest on different contexts. Considering the migration policies of the countries negotiating, what is deemed fair by the Philippines as a source country might not be fair for Germany as a destination country. To a certain extent, giving emphasis to the diverging interests that exist within and between the source and host societies and to the intrinsic inequality between them in an increasingly global economy, in effect unequivocally cast doubt on achieving a triple win scenario. Certainly, the concepts triple win and fairness appeal to morality and to some degree call for change. Precisely because of their presentation as uncomplicated, promising, and universal, the moral grammar of cross-border skilled migration necessitates critical examination.

Interstate cooperation

Thus, the second goal of the dissertation is to furnish a more complex picture of the hoisting of the spirit of collaboration and partnership to solve the almost always imperative question of governance. In an ever more intense competition among rich countries in attracting and retaining talent with great benefits package, it is no question that cross-border migration of human capital needs to be governed; the only question that remains is how. Curtailing the migration of skilled workers would be considered absurd since such movement is regarded *good* and should be harnessed. In the same manner, a unilateral approach or ad-hoc policies to regulate migration is understood to counter the economic prospects migration could bring about.

“Common understandings,” “shared responsibility,” and “mutual benefits” are some of the assumptions triggering interstate cooperation. *Partner* countries become responsible for their particular migration management function. The commissioning of the Triple Win Project coordinators is a step in this direction through brokering sought-after yet at-risk nursing skills. The recruitment process is regulated through a bilateral agreement intended to cover all phases, including selection, transportation, placement

into employment, and integration. Germany, as a destination country, has adhered to global norms and standards through revising its own regulation on employment of foreign-trained workers, for instance. It has also identified its labor market needs, mainly in terms of skills shortage. The integration of migrants has also gained some ground in the political affairs. The Philippines, as a source country, has been actively pursuing market openers for Filipino workers, either through drafting bilateral agreements or regulating private recruitment agencies. The state has also been extending its measures to its increasingly transnational constituencies through its labor export mechanism.

Migrants as winners

The third goal of the dissertation is to underscore the instruments through which skilled migrants have become depicted as *winners* of globalization and the immobile, by implication, are *losers*. The injection of moral-laden discourses into global migration governance constitutes new categories and new actors; in this way new realities are constructed and essentialized. Nurses, for instance, possess an advantageous labor market status, having been carefully chosen for international recruitment as a consequence of acquiring sought-after yet scarce skills. Triple Win nurses' foreign training is recognized not only in paper but also among their colleagues in Germany. They receive privileged consideration for long-term employment thus a possibility of permanent residence and family reunification.

However, the identity of a triple win nurse approximates that of someone deprived of decent work in a developing country; a subject who will legitimate the construction of a rights-based and normative approach to migration as an exercise in protection, and indeed, a morally righteous act of combat against forces of inequity and underdevelopment. I do agree that measures should be taken to protect (would-be) migrants. Nevertheless, I do not accept the concept of 'triple win' outright either and I have pursued to question the confidence that is put in migrants to realize development through their economic contribution or remittances.

Triple Win nurses resolve the contradiction between living transnationally and integrating into the host society, initially understood as mutually exclusive practices. In order to benefit from the German employment, they regard themselves as ambassadors of the Philippines with its advanced training on health care. They regularly send remittances to their families in the Philippines and integrate themselves

socially and culturally into the host society. They give their best performance not only for their own career but also to indicate that Filipino nurses can thrive in German health care system, therefore, can influence the continuity of international recruitment. However, in a way this perpetuates the culture of migration. Migration becomes an expectation and a normal part of the life course.

Triple Win nurses also exemplify another policy challenge: the brain drain of human capital outside of the Philippines where they have been trained. Although there has been a massive production of nurses for overseas consumption for decades, the nurses leaving are experienced and have gained specialization. The development vision of the Philippines has been heavily drawn towards the potentialities of remittances in a way that loss of skilled workers and the quality of health care service have been severely compromised. The operationalization of 'ethical recruitment' by the Triple Win Project is limited to the issue of the number of Filipino nurses being supplanted but does not take into account the concern of working conditions in health care facilities in both the source and destination countries.

Whether or not the Project thrives or fails to reach its ambitious goals, the emergence of this particular approach to government is – as Foucault (1991) asserts – itself a historical episode.

Future Research

The dissertation has implications for ways that future studies are structured and carried out. This research gives particular focus on one case and lays out some foundation for a comparative analysis on North-South bilateral agreements concluded by the Philippines with other destination countries, such as the Japan-Philippines Economic Partnership Agreement (JPEPA) and with Canada. The evolving socio-political and economic contexts of how the partnerships have emerged, how migration is depicted, and the diverse stakes of the actors involved will have to be taken critically.

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