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A SOCIAL CHARTER FOR THE ASEAN?

**DEEPENING INTEGRATION BY REGIONALIZING LABOR
SOLIDARITY AND SOCIAL STANDARDS**

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Abstract

The number of migrant labor in the ASEAN, predominant in low-skilled work and many of whom are undocumented, reaches two-three million workers in the big receiving countries of Thailand and Malaysia alone. Increased FDI flows are also associated with greater movements of professional and skilled workers within the ASEAN region, but it is the movement of low- and unskilled workers that needs greater attention. Trade and investment liberalization in the region prompts restructuring across industries and employment sectors, giving rise to race-to-the-bottom issues. Such restructuring highlights further the importance of treating migration as integral rather than separate from labor and general social protection issues.

The establishment of regional agreements on social protection and integration, with particular focus on migration and labor standards, will not only help increase the profile of ASEAN among ordinary citizens and facilitate its socialization but will recognize the economic nature of migration in the region. Mechanisms, though limited, are in place within the region to push for this agenda –from the opportunities provided by Track II discussions to regional coalition building – the challenge lies in making the issue an active concern in official ASEAN agenda. Given that intra-ASEAN trade lags behind ASEAN trade with big economies like China, South Korea and Japan, and that these countries receive a substantial number of ASEAN migrant labor, expansion of the agenda to include them is imperative and provides relevant confidence building opportunities towards the formation of an East Asian Community.

A SOCIAL CHARTER FOR THE ASEAN? DEEPENING INTEGRATION BY REGIONALIZING LABOR SOLIDARITY AND SOCIAL STANDARDS

Jenina Joy Chavez

1. Introduction

Multilateral agreements on trade, regional integration and inter-regional economic cooperation initiatives have prompted organized trade unions to push for the mainstreaming of social clauses in these agreements and initiatives. As increased integration of the global economy results to a race-to-the-bottom where workers are treated as commodities at the disposal of international capital, social clauses supposedly safeguard against abuse and protect workers welfare. Reflecting its specific constituency, the standard social clause would have core labor standards, and prohibitions on forced labor and child labor. Despite the wide agreement and promotion of the rights listed as specific elements in the standard social clause, the international trade union movement is divided on the issue of the social clause itself. On the one hand, the social clause is seen as minimum protection for workers swept in the wave of global restructuring and integration. On the other hand, the integration of economies itself is seen to take place so as to provide “the productivity needs of capital” and not the “social needs of people”, that is, contrary to the basic notion of workers rights and must therefore be opposed (Bacon, 2000). The social clause is sometimes even seen as a defensive, if not a protectionist ploy by industrialized countries facing competition from developing countries with abundant supplies of cheaper labor.

Elsewhere, growing global campaigns seek to preserve the dignity of migrants, to protect the human rights of refugees, and to stop trafficking in persons, especially in women and children. These campaigns also knock at the doors of regional, inter-regional and international bodies and national governments to at the minimum sign on to and/or recognize universal conventions covering these rights, or create more appropriate mechanisms at the national and regional levels to ensure the promotion of such rights.

Along with recognized key causes – historical/colonial ties, geographic proximity, poverty and conflict situations in home countries, the movement of natural persons or migration flows follow specific patterns of economic restructuring. In line with the “migration hump” model, many economies on the take-off experienced migration pressures before they stabilized. For countries that have yet to grow or failed to restructure, the transition becomes longer (Martin, 1993). East Asia, particularly Japan, South Korea and Taiwan, has often been used to illustrate this model. Yet beyond the argument that migration is a transitory phenomenon while countries develop, there is evidence to show that migration in fact aids the development of countries that have gone over the hump themselves. Evidence from Japan and Taiwan, and in turn their migration relationship with labor sending countries, shows strong interrelation between foreign direct investment and international labor migration. Both are integral parts of the global or regional development process. This holds particularly well for East and Southeast Asia which followed the unique “flying geese” model of development (Tsay and Tsai, 2003).

In the recent decade and a half the proportion of intra-regional migration to total East and Southeast Asian migration has increased significantly, a logical consequence of the wide-ranging restructuring that happened in the region since the 1970s. An overwhelming majority of migrants go to destination countries in search of work. Most intra-Asian migrants are on temporary employment contracts, highlighting the labor implications of such movements of people¹. Given this and the various social issues attendant to the migration phenomenon, it is about time that migration is treated as integral to broader labor and social protection issues.

This integration has yet to take place, or at best is proceeding slowly in the face of an ambivalent treatment of migrants. This paper is an initial attempt to integrate labor and migrant concerns in the call for a comprehensive social charter in the Association of Southeast Asian Nations (ASEAN) and the broader East Asian Community being envisioned. The following section is a brief discussion of the pattern of economic restructuring in the region, and its impact on employment and migration. Next is a discussion of the social dimension of ASEAN cooperation and prospects for putting the issue of a social charter in the active official agenda. It will also outline the many economic integration initiatives undertaken by the ASEAN, its extension to East Asia, and how this makes a social agenda even more urgent. The discussion of various civil society initiatives and engagement at the ASEAN level that can facilitate the inclusion of a social charter agenda in the regional grouping follows. Finally a set of policy recommendations is proposed and capped by a brief concluding note.

2. Economic Development and Restructuring in Southeast Asia and Impacts on Labor Markets and Migration

ASEAN counts as members ten countries: the big economies of ASEAN5, Indonesia, Malaysia, Philippines, Singapore and Thailand, and the relatively smaller economies and/or newer members of the BCLMV or Brunei Darussalam, Cambodia, Lao PDR, Myanmar and Vietnam. The region sits on a land area of 4 ½ million square kilometers, and is home to 558 million people.

After the growth rally of Japan in the 1960s and the 1970s, the subsequent development of the first-tier of newly-industrializing countries of Hong Kong, South Korea, Taiwan and Singapore in the 1980s, the second-tier of NIEs (Malaysia and Thailand) developed in Southeast Asia. Japan together with the original NIEs contributing big chunks of foreign direct investments (FDI) into ASEAN in the 1980s and towards the first half of the 1990s. In the latter half of the

¹ As the migration of low- and unskilled labor follows FDI flows, so does the migration of skilled, professional and managerial workers. Countries that are able to attract higher levels of FDI also host the bigger number of skilled migrants. The global shift to the knowledge economy also ushered in a new generation of highly mobile, highly skilled labor. The difference is that most of the skilled, professional and managerial migrant workers in Southeast Asia come from outside of the region. Those from inside the region are concentrated in manufacturing (48.1% of skilled Filipino migrants) and trade, restaurants and hotel (27.5% of skilled Indonesian migrants) (Manning and Bhatnagar, 2004a). While the trend in the movement of skilled, professional and managerial workers is expected to pick up in the future, also given various investment agreements in ASEAN, the bigger proportion of labor movement will remain to be among the lower- and unskilled sectors. Most skilled workers enjoy mostly regular status, but the issue of social protection and labor standards remains relevant to them. This may less be the case for professional and managerial workers whose employment status and terms are negotiated differently.

1990s, however, ASEAN was hit by a financial crisis that saw among others the shrinkage of FDI flows into the region. From a high of more than \$28 billion in 1995, FDI inflow fell sharply to less than half (\$13.7 billion) in 2002 (Bartels and Freeman, 2004; ASEAN Secretariat, 2005). Still investment flows to the ASEAN remain significant relative to other regional averages. Inflows picked up again in 2003 to over \$20 billion, making the cumulative total for 1995-2003 \$220 billion. Twenty percent of the cumulative investment for this period was accounted for by Japan, China and the NIEs. Intra-ASEAN FDI has also picked up a bit in the 1990s and counted for 13% of total FDI to the region (*See Table*). ASEAN remains one of the fastest growing regions globally, posting a regional GDP growth of 6%, with member transitioning economies posting a higher 6.5% growth rate. Member countries experienced impressive growths, significant improvement in their unemployment situation, and increasing shares of industry to national income for the same period (*See Table 2*). As a result, ASEAN now boasts a regional GDP of \$800 billion and a per capita income of \$1,455.

Table 1
FDI Flows into ASEAN, Cumulative Share, 1995-2003
By Host Country and By Source

Host Country	FDI (in US\$ million)	% Share to total
Brunei	8,493	3.9%
Cambodia	1,618	0.7%
Indonesia	3,838	1.7%
Lao PDR	502	0.2%
Malaysia	36,062	16.4%
Myanmar	3,484	1.6%
Philippines	11,656	5.3%
Singapore	107,416	48.9%
Thailand	31,924	14.5%
Vietnam	14,594	6.6%
ASEAN	219,587	100.0%
ASEAN5	190,895	86.9%
BCLMV	28,691	13.1%
<i>By Source a/</i>		
ASEAN	27,894	12.9%
Rest of the World	189,015	87.1%
<i>of which:</i>		
Asian NIEs b/	15,163	8.0%
China	631	0.3%
Japan	27,971	14.8%
India	667	0.4%

Source of Basic Data: ASEAN Secretariat (2005)

* details may not add up due to rounding

a/ not including Cambodia's aggregate share estimate (US\$1,618M), not available by source country

b/ Hong Kong, South Korean, Taiwan (ROC)

Notwithstanding this relatively impressive economic performance, the ASEAN exhibits wide disparities among member countries. Per capita income ranges from the lowest estimate of \$191 for Myanmar to \$25,209 for Singapore. Unemployment can be as good as 1.5% for Thailand and as bad as 10.9% for the Philippines. Similarly, a few countries capture most of the investments, particularly Singapore (48.9%), and Thailand and Malaysia which together account for almost a third of FDI stock for 1995-2003. While Singapore is the most favorite investment destination, Thailand and Malaysia registered the biggest declines in unemployment.

Table 2

ASEAN Output: Amounts, Structure and Growth, 1987 and 2004 or nearest year

	Unemployment and GDP Growth Rates (%)				Structure of Output (%)					
	Unemployment		Growth Rate		Agriculture		Industry		Services	
	1987	2004	1987	2004	1987	2004	1987	2004	1987	2004
Brunei	17.7a	4.6b	1.0c	2.9		2.1b		58.4b		39.5b
Cambodia	2.5a	1.8d	1.2e	7.7	44.7	36.8	20.3	27.9	35.0	35.4
Indonesia	2.5	9.9	4.9	5.1	23.3	15.4	36.3	43.7	40.4	40.9
Lao PDR	1.7c	7.0d	-1.1	6.5	57.3	48.6f	13.9	25.9f	28.9	25.5f
Malaysia	7.3	3.5	5.4	7.1	19.7	9.1	38.1	48.5	42.2	42.4
Myanmar	1.3	4d	-4.0	3.6	55.3	42.9b	10.3	17.3b	34.4	39.7b
Philippines	9.1	10.9	4.3	6.2	24.0	15.3	34.4	31.8	41.6	52.8
Singapore	3.9	4.0	9.7	8.4	0.6	0.1	33.9	33.7	65.5	66.2
Thailand	5.8	1.5	9.5	6.0	15.7	9.9	33.3	44.1	50.9	46.0
Vietnam	2.3g	2.1	3.6	7.7	40.6	21.8	28.4	40.1	31.1	38.2
ASEAN				6.0						
ASEAN5				6.0						
BCLMV				6.5						

Sources: Asian Development Bank (2005) and ASEAN Secretariat (2005).

a/ figure for 1995

b/ figure for 2002

c/ figure for 1996

d/

figure for 2001

e/ figure for 1990

f/ figure for 2003

g/ figure for 2000

The disparities obtaining among ASEAN members are relevant determinants of the movement of labor within the region. The Global Commission on International Migration named the 3Ds that migrants respond to when making the decision to move: differences in development, demography and democracy (GCIM, 2005). Demographics does not exhibit wide variations within Southeast Asia, but a relatively young population (32% are 15 years old and below in 2003) also indicates relative mobility making migration not a difficult option. The young demographics also facilitated and continue to facilitate Southeast Asians' access to the labor markets of wealthier East Asian neighbors (Japan and South Korea).

Democracy, on the other hand, is a big concern for some countries in the region. Discrimination and abuse, internal conflicts and insecurity drive people out of their homes, and become internally displaced. When those internally displaced live in countries sharing common borders with other countries, the pull of migration is strong. The International Organization for Migration reported a high number of internally displaced people: at least 7,500 for the Philippines; 600,000 to one million for Burma; and 535,000 for Indonesia (IOM, 2005). In Thailand alone, there is an estimated one million Burmese migrants, a quarter of whom are refugees and asylum seekers while most of the rest entered the country irregularly (Battistella, 2002 and Worldwide Refugee Information, 2002). In earlier periods (1975-1992), Thailand assisted some 1.2 refugees from Cambodia, Laos and Vietnam (Battistella, 2002).

Disparities in the levels of development provide both the push and pull factors in migration. Severe unemployment compels governments to have an organized labor migration policy to ease labor market pressures at home. This was the case for the Philippines, and to some extent Thailand, in the late 1970s and the 1980s, which policy persists and even strengthens until now in the Philippines. On the other hand, demand for overseas labor grows in times of labor shortages at home, like in the case of Thailand and Malaysia in the late 1980s and the pre-crisis boom of the first half of the 1990s. The relative prosperity achieved by the bigger economies of the region makes the hiring of migrant labor acceptable especially for jobs that local workers graduate from or shun. For Malaysia, Thailand and Singapore, this will be in the areas of construction, domestic work, plantation work, and fisheries. Newer ASEAN members who have yet to attract substantial investment flows or take-off on their own, particularly Cambodia and Laos, are expected to register increasing levels of migration to the bigger countries especially Thailand.

But more than the 3Ds, the role of labor migration in assisting economic growth and restructuring in East and Southeast Asia cannot be overemphasized. The experience of Japan and Taiwan are instructive, and share parallels with what Malaysia and Thailand are experiencing albeit with a certain twist. Japan was a net labor exporter post-World War II, migration having been encouraged to reduce labor market pressures at home. The sending of Japanese workers abroad ended in the mid-1960s when the country experienced exceptional growth. While pressure from the shortage of labor was mounting, Japan was able to push back having to import labor by shifting their labor internally. Japanese farmers and agricultural workers were recruited to industrial jobs in the cities. The “flying geese” model of Asian development offered yet another channel for Japan to address labor shortages by investing and relocating production abroad, notably in Taiwan and South Korea. Soon enough, these countries also experienced high levels of growth and began feeling the crunch in the labor market. In no time they became the secondary geese that had to relocate production abroad. (Tsai and Tsai, 2003 and Chavez, forthcoming)

By the mid-1970s and onto the 1980s, Japan started to import mostly female Asian labor into the entertainment industry. In the mid-1980s, growing prosperity had abandoned to migrant workers the “dirty, dangerous and difficult or demanding jobs”. More significantly, migrant labor serviced the needs of Japan’s small and medium industries, those not big enough to move abroad or to upgrade technology. (Tsai and Tsai, 2003 and Waddington, 2003)

The migrant workers that entered Japan were unskilled or low-skilled, and therefore entered Japan illegally because the importation of unskilled labor was illegal. Similar situation happened in Taiwan where, by 2000, illegal migrants were recorded at 43,000, mostly from Southeast Asia. (Tsay and Tsai, 2003; Battistella, 2002; Manning and Bhatnagar, 2004) In Southeast Asia, the phenomenon of illegal entry by migrant workers peaked just before the Asian financial crisis. According to various estimates, illegal Southeast Asian workers in ASEAN reached 2.6 million, 82% of whom are Indonesians and Filipinos. Malaysia and Thailand received almost 83% of these illegal/unregistered migrant workers. (Manning and Bhatnagar, 2004a) Quite differently from the cases of Japan and the first generation NIEs, though, Thailand and Malaysia became net importers of labor even as they are still net receivers of FDI.

The trends in migration flows follow the years of rapid economic growth in the receiving countries in Southeast Asia. The entry of unskilled workers was never encouraged, but limited temporary work permits were issued and many were able to enter the countries of destination with tourist visas. While not promoted, the entry of migrant labor who eventually obtained irregular status eased labor shortages in receiving countries, supported a buoyant construction boom and propped up key agricultural activities. The entry of female migrant labor into domestic service also increased available labor for higher-skill sector, increased time for leisure and thereby bolstered the growing service sector. This happened on top of legal and registered migrant workers who supported the manufacturing plants and service sectors in the second-tier NIEs and more prosperous ASEAN countries.

Yet despite the obvious economic advantage afforded by having unskilled and low-skilled migrant labor, they have never enjoyed full recognition and rights in receiving countries. Japan, for instance, never fully accepted unskilled labor imports although it opened limited channels for them (Tsay and Tsai, 2003). And while employers, legal and native co-employees, and country authorities turn a blind eye on the influx of migrant labor with uncertain temporary status in times of severe labor shortage, migrant labor becomes easy target in times of crisis. Massive crackdowns and deportations are resorted to in critical situations, as was the case in the aftermath of the financial crisis. Faced with severe credit crunch, a growing unemployment in higher-skill sectors, and overall economic slowdown, receiving countries turned on irregular migrants, sometimes almost as a scapegoat to deflect growing restlessness by affected sectors at home

On the part of native workers, the ambivalent attitude towards migrant labor arises from the downward impact increased migration has on wages, if migrants are treated the same way as native workers (World Bank, 2006). The hiring of migrant labor is also seen as the employers' way of skirting minimum standards on wages and benefits, because many migrants are willing to take lower pay than their native counterparts. If, on the other hand, the migrants come from higher wage-sector or country, they are seen as a cost-cutting measure for skills usually provided by yet more expensive migrants, and also the employers' way of avoiding having to invest in training native workers (Thai Labour Campaign, 2005). I return to the issue of seemingly conflicting concerns between migrants and native workers, and the issue of regional solidarity later.

3. The Social Dimensions of ASEAN Integration

The Association of Southeast Asian Nations (ASEAN) marked its 38th year in 2005, bringing with it a string of accomplishments as well as few misses in economic integration. With its ASEAN Vision 2020 ASEAN Leaders vow to establish a community of caring societies with a common regional identity. In October 2003, it came back to Bali, Indonesia to update the original Bali Concord that laid the foundation for ASEAN cooperation. The Declaration of ASEAN Concord II (Bali Concord II) provided for the establishment of an ASEAN community with three pillars, the ASEAN Security Community (ASC), the ASEAN Economic Community (AEC), and the ASEAN Socio-Cultural Community (ASCC).

Economic integration in the region is carried primarily through the ASEAN Freed Trade Agreement, and is now moving more decisively into investments with the ASEAN Investment Area and services through the ASEAN Framework Agreement on Services. ASEAN has also encouraged various forms of regionalism and sub-regionalism to address diverse needs, to respond to different actors, and to service a range of political exigencies. Sub-regional economic initiatives particularly in the Greater Mekong Sub-region (GMS) and the Brunei-Indonesia-Malaysia-Philippines East Asian Growth Area (BIMP-EAGA) are promoted. In the Bali Concord II ASEAN Leaders also reaffirmed further commitment to the ASEAN+3 (China, South Korea and Japan) process, thus punctuating ASEAN's desire to take the lead in steering an East Asian regionalism. ASEAN as a group signed a free trade agreement with China (ASEAN-China Free Trade Agreement or ACFTA) in December 2004, after only two years of negotiations, to be fully implemented in 2010. In February 2005 it started negotiations with South Korea on the establishment of an ASEAN-Korea Free trade Area (AKFTA) by end-2006. In April 2005 ASEAN and Japan started talks on the ASEAN-Japan Comprehensive Economic Partnership Agreement (AJCEP).

As these initiatives result in greater integration in ASEAN and ASEAN+3, further restructuring in the economy and the labor sectors can be expected, with significant impact on labor mobility. The group recognizes this and mandated the body through the Vientiane Action Programme (VAP) (ASEAN Secretariat 2005) to:

- “ establish an integrated social protection and social risk management system in ASEAN
- conduct research on the impact of globalization and regional integration on labor and employment
- Strengthen systems of social protection at the national level and work toward adoption of appropriate measures at the regional level to provide minimum uniform coverage for skilled workers in the region.”

The VAP also contains related measures that affect labor, specifically in the areas of services liberalization where ASEAN members have started negotiations on Mutual Recognition Arrangements (MRA) to facilitate movements in talents by end 2008. There is also commitment that “ASEAN's work forces shall be prepared for, and benefit from, economic integration by investing more resources for basic and higher education, training, science and technology development, job creation, and social protection” (ASEAN Secretariat, 2004). ASEAN also agreed to intensify public health cooperation especially in the prevention and control of infectious diseases like HIV/AIDS and SARS. In all this, the development gap between the old

and new members is recognized and an action programme to narrow this gap was laid out (ASEAN Secretariat, 2005a).

ASEAN is an organization characterized by the unique “ASEAN Way” of doing things, that is, via strict consensus, placing high premium on sovereignty and non-interference. This has proved difficult in dealing with socio-political issues except those that are considered external threats, but internal political-security issues arising from member countries’ actions or policies are never meddled with. To skirt this difficulty, the group has devised various mechanisms to come to agreement without having to violate its core modes of interaction. The ASEAN-X formula is a mechanism by which members who are ready to cooperate on certain issues can do so without having to compel members who are not yet ready to go with them. This mode is better than bilateralism as consensus among more than two countries is possible. Sub-regionalism, on the other hand, is a formula for members with similar concerns or agenda to cooperate. This is not limited to countries, but participation can be done at the state or sub-national level. This mode facilitates cooperation between and among similarly situated states and/or countries without having to necessarily make adjustments in national legislation or policy.

While the different cooperation formulas worked to maintain confidence among ASEAN Leaders, the development of more regional agenda has been relegated to the background. Moreover, such formulas work best in the areas of economic cooperation and are of not much use elsewhere. ASEAN’s move therefore towards longer term planning, first with the Hanoi Plan of Action and now with the Vientiane Action Programme, can be considered a bold move for the organization, and efforts should be made to sustain this. This has resulted in relatively more concrete initiatives in cooperation areas other than economic.

While the social dimension has been given more prominence in recent ASEAN history, a big gap remains by not recognizing the issue of low- and unskilled labor officially and as a target for regional action. The migration currently recognized in ASEAN now is that of skilled and professional talents, and by implication only that with legal and regular status. It is silent on the issue of the mass low- and unskilled or otherwise irregular migration that persists in the region. The recognition of irregular migration is limited to the recognition of trafficking in persons. Without full acknowledgment of the migration issue, any attempts at regional protection will be incomplete, not only because it will leave out a significant number of people who through their mobility has acquired some limited form of ASEAN identity; but also because it denies ASEAN Leaders and citizens an opportunity to finally confront a long-standing issue that has been a subject of historical tensions.

Problems and conflicts arising from migration and eventual repatriation of irregular migrants have traditionally been dealt with in a bilateral manner. The issue has not been brought to the official ASEAN agenda, which makes their resolution limited, ineffective and temporary. For instance, Thailand and Malaysia implemented ten amnesty programs covering more than five million irregular migrants since 1992 (IOM, 2005). Yet the problem of irregular migration persists, pointing to the need for new approaches to deal with it. Not being able to discuss migration issues regionally also weakens ASEAN members’ capacity to negotiate these issues with the +3 partners, particularly Japan and Korea where a sizeable number of Southeast Asian migrants have irregular status.

The limited focus also endangers the health initiatives of ASEAN, especially as regards the prevention and control of communicable diseases like HIV/AIDS, SARS and the avian flu. The invisibility of irregular migrants from official policy excludes them from these programs. Irregular migrants are disproportionately more exposed to health risks, but are unlikely to seek medical attention because of their status, and are also often left out of assistance programs in times of disasters and emergencies (IOM, 2005 and Cheng, 2005).

Finally, unless migration is recognized as a phenomenon with wide-ranging impacts not only on security but definitely on the economy and culture as well, the limited catch-up mechanism to narrow the development gap will leave a big development concern out of the action agenda.

There are enough venues within current ASEAN setup that can accommodate discussions and action on the treatment of migration to inform a regional social agenda. Relevant Ministerial and Senior Official Meetings (for Labor and Social Welfare and Development), Committees (e.g. on Women), Expert Groups (on Immigration Matters, on Communicable Diseases), and Task Force (on AIDS) are a starting point. The basic provisions of the Vientiane Action Programme can serve as basis for broadening discussion and action on social protection to include migration as an economic and socio-political reality. The VAP also recognizes the need to increase the participation of Track II (Asian People's Assembly, ASEAN ISIS, universities) and other mechanisms (ASEAN Business Council, ASEAN Inter-Parliamentary Organization) in promoting political development initiatives. Such participation should be encouraged in economic and socio-cultural initiatives as well. The Asian Civil Society Conference started in Malaysia during the 11th ASEAN Summit is also a new mechanism (Track III) by which direct civil society input can be given to ASEAN. Civil society participation should be improved: first by institutionalizing the Civil Society Conference and expanding its participation, and second, by easing or eliminating or otherwise instituting a friendlier NGO accreditation system in ASEAN. The difficulty of accessing this system resulted in less than 60 NGOs officially accredited by ASEAN despite the region being known for countries with very vibrant NGO communities.

The inclusion of a migration perspective in a regional social agenda goes beyond the human dignity and decency aspect of migration, but is strongly linked to the broader aspect of workers rights and welfare. Workers migrate to seek employment abroad and often they come into conflict with workers native to the receiving countries because of the downward pressure they can exert on labor standards. What has to be recognized is that the enjoyment of fair labor standards should benefit migrant labor as well and will have a lasting impact on both migration behavior and in-country industrial relations. Trade unions in ASEAN push for a Social Charter, sans a migration perspective yet, based on core ILO conventions. Research has shown that a country's ratification of these conventions is not a determinant to its acceptance of a Social Charter. Rather, it is the same diversity argument used in many other issues including migration that hinders acceptance of the Social Charter by ASEAN Leaders (Serrano, 2004). This poses additional challenge to the advancement of an ASEAN social agenda.

4. Regional Solidarity for Social Protection: Labor and Migrants Together

Despite tensions between migrant labor and native workers' concerns, the backdrop of economic restructuring makes them natural allies in the promotion of social protection at the regional level. Rights and benefits accruing to migrant labor are crucial for their re-integration into their home countries. That is, if migrant workers get reasonable benefits and protection, it takes faster for them to pay off debts and save up for eventual return to their home countries. If such benefits include social security and pensions after separation from work, there will be less pressure for migrant workers with temporary and especially those with irregular status to overstay their work visa, peddle their labor at lower wages, and generally contribute to reserve labor that can depress workers' benefits. Aside from unemployment, working conditions and standards can affect migration decisions. If working conditions at home are good and at par with those in neighboring countries, assuming there are no employment problems, the pressure to migrate will be less.

It has been shown that labor migration flows follow FDI, service the needs of countries sending and receiving FDI, and assist these countries' growth. Like ordinary workers, migrant labor is used to sustain economic restructuring efforts. The threats faced by ordinary workers therefore are also being faced by migrant workers. Globalization and regional integration has wide-ranging impact and recognition of migrant workers' contributions can lead to a better understanding of employment issues and facilitate more inclusive advocacy.

Migration is significant in yet another aspect, that of remittances and their impact on country finances and poverty levels. In 2004, remittances of migrants sent through formal channels reached \$150 billion, and an estimated \$300 billion more were sent informally, making remittances the second largest sources of funds for developing countries next to FDI (GCIM, 2005). In Asia remittances are significant, with three countries (India, China and the Philippines) alone accounting for \$55 billion. The importance of remittances is particularly high for the Philippines. Total remittances from overseas Filipinos reached \$12 billion via the formal channels in 2004, and an equal amount is estimated to have reached the country via informal channels. So significant is this transfer that it accounted for 13.5% of the country's GDP in 2004, and without them would have contributed an additional 3-10 percentage points in headcount poverty (World Bank, 2006). Migrants' income therefore contributes to some economic, social and political stability, factors that are crucial in the maintenance of economic activity. The relative significance of remittances also points to the bigger issue of workers' overall contribution to the global economy, and the importance of ensuring workers rights, migrant or not.

Broader solidarity linkages among migrant groups and labor groups should be encouraged to advance the campaign for social protection and the possibility of wider advocacy beyond just social protection. Social movement unionism, or the unionism of workers and other groups concerned not just with immediate industrial relations issues but with strengthening the groups' political voice and opportunities to effect societal change, is being experimented on in several places, including in Asia. The aim is to nurture the idea of unions as instruments not just for collective bargaining, but an expression of collective power that have transformative agenda (CMA, 2005). The inclusion of migrants, especially migrant labor, in the development of social movement unionism is already an acknowledgment of their inherent worker status and shared

experiences with the traditional working class. Strong trade unions and stronger social movement unions will make the campaign for regional social protection but an initial step to deeper regional integration.

5. Recommendations and Conclusion

ASEAN is an association nearly forty years old, but it has yet to enjoy broad-based resonance among its citizens. The overemphasis on trade and investment liberalization is deemed a weak basis for economic integration in the region, prompting questions of whether expansion of the ASEAN to include cooperation with the bigger East Asian economies will further dilute this. It has taken the group a long time before it could finally make decisive moves on regional integration efforts, and the social protection concerns around this will take much longer to be finally integrated. The expansion of the ASEAN to include the +3 countries, and the forging of a wider East Asian Community, will make this process longer.

Efforts to address regional labor issues are limited to mutual recognition arrangements and on the movement of natural persons akin to the GATS Mode 4 and within AFAS; that is, more stimulated by external agreements and focused on skilled labor. However, if movement of natural persons is truly to be addressed in East and Southeast Asia, it is imperative to start with what is already there, determine what the main obstacles and challenges are, and explore ways of finally resolving them as a regional project.

Following are some recommendations for policy, research and action.

- (1) The issue of migration should be put in the active agenda of ASEAN as a regional concern. For this it is necessary to:
 - study the impact of migrants, especially those with irregular status, on local and regional markets; and, study the dynamics of continuous rehiring of migrant labor with irregular status especially by SMEs and sub-contractors of export-oriented enterprises;
 - The assessment of labor impacts of economic integration should include an assessment on on-going labor migration and existing labor migrants.
- (2) ASEAN should discuss ways of integrating provisions on migrant labor in local and national laws, and integrate this into a set of minimum social standards for the region.
- (3) Study how remittances can be targeted for long-term use and development that incorporates migrant workers' re-integration into home economies.
- (4) There is need for widespread education and information campaign on the economic and social values of migrant workers
 - to remove the antagonism towards them, and
 - For their concerns to be accepted as trade union concerns generally.

- (5) Participation of trade unions, migrant advocacy groups and civil society in the discussion of ASEAN social standards and policy.
- ASEAN should relax or modify the strict NGO accreditation process to facilitate a freer engagement between civil society and ASEAN;
 - ASEAN should open access to relevant ministerial meetings and relevant working groups and committees;
 - ASEAN should institute venues for civil society engagement, e.g. ASEAN People's Assembly was recognized in VAP but such recognition needs to be operationalized; the Civil Society Conference started in the 11th Summit in December 2005 should be institutionalized; and
 - For civil society to jointly establish a Working Group on social protection, similar to the Working Group on the ASEAN Human Rights Mechanism, which shall work with national and regional civil society groups, governments and the various ASEAN processes.
- (6) Incorporate in the ongoing deliberations for an ASEAN Charter the social dimension of regional integration.

Finally, the importance of ASEAN's recognition of a social dimension, particularly one that starts with labor and migrant labor protection, is imperative if it is to benefit from the establishment of a wider East Asian Community. Many Southeast Asian migrants are working in East Asia, and Southeast Asian workers respond to changes in East Asian labor markets. Beyond that, East Asia has more advanced social service regimes outside of labor. East Asia also has strong international reserves (and surpluses) that can be used to finance regional catch-up mechanisms. But for all this to happen, ASEAN must first recognize and institutionalize a regional social protection regime. A strong and unified ASEAN voice will facilitate its negotiation with the bigger East Asian partners.

References

ASEAN Leaders (1997), *ASEAN Vision 2020*, Jakarta: ASEAN Secretariat.

ASEAN Leaders (2003), “Declaration of ASEAN Concord II (Bali Concord II)”, Jakarta: ASEAN Secretariat.

ASEAN Secretariat (2004), “Joint Communiqué of the Eighteenth ASEAN Labor Ministers Meeting”, Bandar Seri Begawan, Brunei Darussalam

ASEAN Secretariat (2005). *ASEAN Statistical Pocketbook 2005*, Jakarta: The ASEAN Secretariat.

ASEAN Secretariat (2005a). *Vientiane Action Programme (VAP) 2004-2010*, Jakarta: The ASEAN Secretariat.

ASEAN Secretariat (2005b). *Annual Report 2004-2005*, Jakarta: The ASEAN Secretariat.

ASEAN Trade Union Council (ATUC), “ASEAN Social Charter”, available: <http://www.asean-socialcharter.net>.

Asian Development Bank (2005). *Key Indicators 2005*, Manila: Asian Development Bank.

Asian Development Bank (2005a). *Asian Economic Cooperation and Integration: Progress, Prospects, Challenges*, Manila: Asian Development Bank.

Bacon, David (2000), “Will a Social Clause in Trade Agreements Advance International Solidarity?”, *Z Magazine*, January 2000, available: <http://www.zmag.org/zmag/articles/jan2000bacon.htm>.

Bartels, Frank and Nick J. Freeman (2004), “Introduction to Foreign Direct Investment in Southeast Asia”, in Nick J. Freeman (eds.), *The Future of Foreign Investment in Southeast Asia*, London: RoutledgeCurzon.

Battistella, Graziano (2002), “Unauthorized Migrants as Global Workers in ASEAN”, paper presented at the IUSSP Regional Population Conference on Southeast Asia’s Population in a Changing Asian Context, 10-12 June 2002, Chulalongkorn University, Bangkok, Thailand.

Center for Migrant Advocacy Philippines (2005), “Protection of the Rights of Migrant Workers and the Role of Trade Unions in Labor-Sending and Receiving Countries”, Proceedings of the Dr. Alfredo J. Ganapin Advocacy Forum Series II, 24 July 2005.

Chalermpananupap, Termsak (2005), “Understanding the ASEAN Policy Making Processes”, paper presentation at the Regional Conference on Civil Society Engagement in ASEAN, 3-5 October 2005, Bangkok, Thailand (unpublished).

Chavez, Jenina Joy (forthcoming). "Regionalism Beyond an Elite Project: The Challenge of Building Responsive Sub-Regional Economic Communities", in Melissa Curley and Nick Thomas (eds.), *Advancing East Asian Regionalism*, Routledge.

Cheng, Tony (2005), "Thailand's Secret Survivors", BBC News Online, 13 January 2005, available: <http://www.news.bbc.co.uk/1/hi/world/asia-pacific/4168749>.

Chris Manning & Pradip Bhatnagar (2004). "The Movement of Natural Persons in Southeast Asia: How Natural?", *New Economics Papers on Southeast Asia* Issue: nep-sea-2004-02-15, available: <http://lists.repec.org/pipermail/nep-sea/2004-February/000060.html>.

Freeman, Nick J. and Frank L. Bartels (eds.) (2004). *The Future of Foreign Investment in Southeast Asia*, London: RoutledgeCurzon.

Global Commission on International Migration (GCIM) (2005). *Migration in an interconnected world: New directions for action*, Switzerland: The Global Commission on International Migration.

International Labor Organization, International Labor Migration Data Base, available: <http://www.abetech.org/ilm/english/ilmstat/>.

International Organization for Migration (2005). *World Migration 2005: Costs and Benefits of International Migration*, Geneva: International Organization for Migration.

Kaur, Amarjit (2004), "Workers, Employment Relations, and Labor Standards in Industrializing Southeast Asia", available: <http://coombs.anu.edu.au/ASAA/conference/proceedings/kaur-A2-ASAA2004.pdf>.

Manning, Chris (2002). "Structural Change, Economic Crisis and International Labour Migration in East Asia", *The World Economy*, Vol. 25, Number 3, pp. 359-385, March 2002.

Manning, Chris and Pradip Bhatnagar (2004), "The Movement of Natural Person in Southeast Asia: How Natural?", *Working Paper in Trade and Development*, No. 02/2004, Division of Economics, Research School of Pacific and Asian Studies, Australian National University, Canberra.

Manning, Chris and Pradip Bhatnagar (2004a), "Liberalizing and Facilitating the Movement of Individual Service Providers under AFAS: Implications for Labor and Immigration Policies and Procedures in ASEAN", Final Report REPSF Project 02/004, available: http://www.aadcp-repsf.org/docs/02-004-FinalMainReportOnly_AppendixNotIncluded.pdf.

Martin, Philip (1994), "International Migration and Trade: Part 1", *HRO Dissemination Notes*, Number 28, 20 June 1994, Washington, D.C.: The World Bank. Available: <http://www.worldbank.org/html/extdr/hnp/hddflash/hcnote/hrn022.html>.

Migrant Forum in Asia (2005), *Migration for “Development” and its Feminization Process*, Proceedings of the 9th Regional Conference on Migration, 13-17 September 2004 in Seoul, Korea, Quezon City: Migrant Forum in Asia.

Migrant Forum in Asia (2005a), *Migrant Forum in Asia and the 92nd Session of the International Conference: Building Alliances and Lobbying for Migrants’ Human Rights*, Quezon City: Migrant Forum in Asia.

Serrano, Melisa R. et al. (2004). “Is a Social Charter Possible in the ASEAN? Exploring the Chances of an ASEAN Social Charter in Six ASEAN Member States (Final Report)”, FES Office for Regional Cooperation in Southeast Asia and U.P. School of Labor and Industrial Relations: 1 May 2004.

Thai Labour Campaign (2005), “Thai mulls import of Vietnamese, Filipino workers”, Opinions of Thai Labour Leaders on the Issue, available: <http://www.thailabour.org/wnews/050818b.htm>.

Tsay, Chin-Lung and Pan-Long Tsai (2003). “International Labour Migration and Foreign Direct Investment in East Asian Development: Taiwan and Japan Compared”, November 2003

Waddington, Clare (2003). “International Migration Policies in Asia”, Paper presented at the Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia organized by RMMRU, Bangladesh and DFID, 22-24 June 2003, Dhaka, Bangladesh.

World Bank (2006). *Global Economic Prospects 2006: Economic Implications of Remittances and Migration*, Washington D.C.: World Bank.

Worldwide Refugee Information (2002), Burma Country Report 2002, available: http://www.english.dvb.no/e_docs/137ref-info.htm.