

Transnational Social Movements in ASEAN Policy Advocacy

The Case of Regional Migrants' Rights Policy

Jenina Joy Chavez

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Acronyms

ABAC	ASEAN Business Advisory Council
ACMW	ASEAN Committee on Migrant Workers
ACSC	ASEAN Civil Society Conference
ADWA	Asian Migrant Domestic Workers' Alliance
AFML	ASEAN Forum on Migrant Labour
AFTA	ASEAN Free Trade Area
AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission of Human Rights
AIDS	Acquired immunodeficiency syndrome
AIPO	ASEAN Inter-Parliamentary Organization
AMS	ASEAN Member States
ARF	ASEAN Regional Forum
ARIC	Asian Regional Integration Center
ASEAN	Association of Southeast Asian Nations
ASEAN-ISIS	ASEAN Institutes of Strategic and International Studies
CARAM-Asia	Coordination of Action Research on AIDS and Mobility
CSO	Civil society organization
FTA	Free trade agreements
GFMD	Forum on Migration
HIV	Human immunodeficiency virus
ILC	International Labour Conference
ILO	International Labour Organization
IOM	International Organization for Migration
Lao PDR	Lao People's Democratic Republic
MFA	Migrant Forum in Asia
MRI	Migrants Rights International
NGO	Non-governmental organization
OHCHR	Office of the High Commissioner for Human Rights
PGA	People's Global Action on Migration, Development and Human Rights
SAPA	Solidarity for Asian People's Advocacy
TF-AMW	Task Force on ASEAN Migrant Workers
TSM	Transnational social movement
UNESCO	United Nations Educational, Cultural and Scientific Organization
VAP	Vientiane Action Plan
WG-AHRM	Working Group for an ASEAN Human Rights Mechanism
WTO	World Trade Organization

Abstract

Various processes have swept over Southeast Asia in the last four decades, producing pressures not only in the economic but also in the political and social milieus. When these processes congealed, transnational social movements (TSMs), which earlier had not paid much attention to the Association of Southeast Asian Nations (ASEAN), began to give it more serious attention. This paper examines two TSMs, Migrant Forum in Asia, which already engages in international processes while also focusing on ASEAN, and the Task Force on ASEAN Migrant Workers, which was formed to respond specifically to newly opened regional spaces. The paper looks at how the TSMs respond to the emerging political opportunity structure and explores the dynamics of “going regional” from different approaches and its potential and actual impacts on shaping policy in ASEAN.

Jenina Joy Chavez is the coordinator of the Industrial Policy Team of Action for Economic Reforms, Philippines.

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Introduction

At its twelfth summit in Cebu in January 2007, the Association of Southeast Asian Nations (ASEAN) signed the Declaration on the Protection and Promotion of the Rights of Migrant Workers. This was affirmed both in the 2009–2015 Roadmap for an ASEAN Community and with the establishment of the ASEAN Committee on Migrant Workers (ACMW) to develop an instrument for its implementation. All this forms part of the ASEAN community-building process, predicated by fast-tracked regional agreements and the drafting of the ASEAN Charter as a response to even broader processes of globalization and fledgling democratization that have swept the region since the mid-1980s.

Increased institutionalization raised the prospects for developing regional policy, but the high emphasis it places on sovereignty, non-interference and consensus still weighs ASEAN down. As a result, ASEAN remains state-centric and lacks resonance with the region's citizens. While comprehensive regional rules on trade and economic liberalization have been signed, progress has been slow in areas such as human rights, labour and migration that ASEAN Member States (AMS) consider to be sensitive but about which there is strong public feeling.

Avenues for participation in ASEAN opened up gradually with the development of different tracks of diplomacy. Growing focus on universal norms (for example, the Vienna Conference on Human Rights in 1994) resulted in increasing demand for the adoption of these norms in the region. In 1995, for instance, the Working Group for an ASEAN Human Rights Mechanism (WG-AHRM), composed of eminent persons, academics and human rights non-governmental organizations (NGOs), closely engaged with Ministries of Foreign Affairs and started the campaign for the establishment of a regional human rights mechanism.¹ The campaign penetrated multiple levels of ASEAN processes and developed champions in the more open AMS (like in the Philippines and in Thailand), and met definite success when the ASEAN Charter included in its mandate the establishment of an ASEAN Human Rights Body.² Yet three years later, the ASEAN Human Rights Declaration (AHRD) was criticized for being “a declaration of government powers”, where “the enjoyment of rights is made subject to national laws, instead of requiring that the laws be consistent with the rights” (Civil Society Submission to ASEAN, 2012), and hence diluting international standards.

The issue of whether increased formalization in ASEAN processes strengthens or waters down international norms will continue to be debated and will span other areas of potential regional social policy. An equally important question is how non-state actors respond to these changes and whether they are able to carve bigger spaces and affect policy more substantially.

¹ For more information about the Working Group for an ASEAN Human Rights Mechanism, see the WG-AHRM website: <http://aseanhrmech.org/index.html>.

² For more information about the ASEAN Intergovernmental Commission of Human Rights (AICHR), see the AICHR website: <http://aichr.org/> and the ASEAN website: <http://www.asean.org/communities/asean-political-security-community/category/asean-intergovernmental-commission-on-human-rights-aichr>.

This paper explores these questions and looks at the efficacy of regional advocacy. It starts with a political opportunity framework in the discussion of transnational activism, where it is argued that transnational social movements (TSMs) and civil society organizations (CSOs) make use of changing contexts to further or fine-tune their advocacy. The following section discusses the contexts that frame changes in political opportunities in ASEAN—namely, globalization, the shifting process of democratization, and regional integration. The next section elaborates why intra-ASEAN migration is an area of contention in regional policy. The paper then proceeds to look at two TSMs operating in ASEAN, the Migrant Forum in Asia (MFA) and the Task Force on ASEAN Migrant Workers (TF-AMW). It examines their operations, how they respond to opportunities and the emphases they place on different forms of collective action. It then offers a preliminary assessment of the impact of TSMs in regional policy.

Political Opportunity and Spaces for Regional Advocacy

For an initial look at the advocacy of TSMs/CSOs at the level of ASEAN, this paper uses the framework of political opportunity structure (Tarrow 1998) in examining the factors to which non-state actors respond, and which allow contentious politics to emerge. Political opportunity structure is defined as “consistent—but not necessarily formal, permanent or national—dimensions of the political environment that either encourage or discourage people from using collective action” (Tarrow 1998:20–21, also cited in Tarrow 2005:23). It spans various dimensions that include increasing access, shifting alignments, divided elites, influential allies, and repression and facilitation (Tarrow 1998). Political and process changes—whether positive or negative, liberal or restrictive—can stir peoples’ responses. When sustained, discrete actions as a result of contentious politics can be converted into a social movement (Tarrow 1998).

The commonality of issues, in this case labour migration, also provides impetus for political action (Chavez 2006). The scale of intra-regional migration, and the breadth and seriousness of the problems covered by migrants’ rights advocacy, necessarily require a transnational perspective. Here an important dimension is the identification of many regional TSMs with the alternative globalization movement, characterized by a pragmatic antagonism against the neoliberal economic and political system, non-hierarchical and informal cooperation and alliances, participation in popular international mobilization, and persuasive and non-violent means (Ghimire 2011:figure 1).

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