

In the Throes of Sustainability: Towards “Fair” Labor Mobility in ASEAN

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On December 31, 2015, ASEAN formally launched the ASEAN Community, which is the envisioned integrated community of ten Southeast Asian countries. This paper interrogates ASEAN’s regional project of free labor mobility through the analysis of the current frameworks used in realizing movements of peoples within the region. It first seeks to understand how ASEAN perceives “free labor mobility” and proceeds to discuss the current existing frameworks for labor mobility: ASEAN Mutual Recognition Arrangements (MRAs), AFAS Mode 4 (Movement of Natural Persons), and bilateral agreements. Second, this paper argues that ASEAN’s view of mobility is largely premised on economic motivations to realize free trade of goods and services. However, in using such a framework the management of mobility of peoples is treated as goods, and not as individuals with differing motivations, needs, and rights. As seen in the data, most of intra-ASEAN migration is comprised of the movement of the unskilled and low skilled, whose nature is increasingly becoming gendered (ie. female migrant workers working as domestic workers, caregivers, and informal workers). Third, the obvious disconnect between the three pillars of ASEAN fails to address the primary and pressing issues on migration in the region today, such as the lack of social security pensions and health insurance for migrant workers, human trafficking, and migrant abuse, among others. Fourth and last, the paper encourages policy makers to view migration not only within the ambit of economic integration, but using a rights-based framework in understanding the social processes involved in the movement and acceptance of foreign workers within the region, as well as recognizing and understanding the other forms of migration, such as refugees, bride migrants, international retirees, and student migrants, which reflect the nature of migration within the region. It specifically advocates for a "fair" labor mobility characterized by equal opportunities of work for individuals who wish to move; proper matching of skills sets to available jobs; and establishment of a social security system for migrant workers, among others. The paper draws from the concept of fair labour mobility of the European Union and the challenges and prospects experienced in the EU as lessons for ASEAN.

Introduction

With the launch of the ASEAN Community by the end of 2015, questions arise as to what kind of community is envisioned by the 10 member states; what changes the societies are expecting; and how these changes will likely impact the nature of their lives in the next ten years or so.

Most especially for migrant workers, who are already moving and working in neighboring Southeast Asian countries, how will the ASEAN integration impact their working conditions? Will

it be easier for them to move from one country to another, and easier to find employment opportunities? Will this translate to better working conditions, with opportunities for family migration and settlement?

Differing perceptions abound as to the idea of “free labor mobility” so proudly espoused by ASEAN as a key component of an integrated economic community. This freedom in the movement of labor is premised under the goal of liberalizing the market, which needs to see a free movement of both goods and services across all the ten member states.

ASEAN has repeatedly emphasized economic integration, as an integral, if not the most important step in realizing regional integration. Its vision of a “globally integrated and competitive single market and production base” drives the current project of free labor mobility across the ten member states. Liberalizing the labor market means seeing a continuous supply of goods and services with as little restriction as possible.

For a region such as ASEAN, whose member countries have widely discrepant economies, the project of liberalizing the labor market is a huge undertaking. Considering the fact that the current movement is largely from the less developed members to more economically developed ones, characterized by unskilled and low-skilled manual labor, how has ASEAN addressed the movement of its local workers?

The top-down process to which decisions are made in ASEAN, for instance, governments signing into the Mutual Recognitions Arrangement (MRAs) without the involvement of the relevant national stakeholders and professional bodies, have made its implementation slow and difficult as it has to drive these institutions to cooperate without a full understanding of “free mobility” of their professionals. It seems that this macroscopic movement has not effectively reached the pool of professionals on the ground, and the latter¹ remain clueless as to its purposes and objectives.

In fact, the ASEAN Economic Community (AEC) sees labor migration as a key component towards a more liberal labor market; which means that despite not having the favorable economic environment in place, mobility is seen to drive labor market openness and subsequent economic growth.

While free labor mobility has undeniable positive impacts, the accompanying social and economic costs of migration should also not be sidelined. For instance, despite the noble aspirations for an integrated single regional community, the member states remain indefinite on their motivations to open their own domestic markets for the entry of foreign labor. Furthermore, the very idea of ASEAN’s integration has always been focused on the economic aspect, while the two other pillars are significantly sidelined. However, one would see that many of the region’s current issues are political and social by nature—territorial disputes, border conflicts, human trafficking, irregular migration. ASEAN’s emphasis on the economic pillar, as the low-hanging fruit has therefore resulted in the marginalization of the more immediate, significant issues that were simply put under the rug of consensus and consultation. This strategy, however, has also brought about a significant

¹ As evidenced by expert and stakeholders interviews conducted by the Asian Development Bank and Migration Policy Institute in May-September 2015, of which the author was originally a member of the research team.

delay and forestalling in the pertinent issues that needed immediate action, which questions ASEAN's relevance in the current regional developments.

In the area of labor mobility, this consensus reflects the inability or reluctance of ASEAN member states to compromise to realize a harmonized movement of migrant workers, with due consideration of their security and rights. Without this trust among the AMS, it will be hard to liberalize the market. For instance, Singapore's nationalistic stance that led to the imposition of levy to employers hiring migrant workers, and restriction of migration policies reflects its significant reluctance to free up the domestic market for migrant workers, while at the same time needing the latter for economic growth. Think of the many households who employ Indonesian and Filipino domestic workers in order for both parents to be able to work and enjoy financial stability, or the service workers that keep Singapore's service industry alive and dynamic.

Among the other regional groupings in the world, the European Union has by far the most advanced experience when it comes to free mobility of peoples across and within their region. With this in mind, this paper looks into the EU's experience of establishing a region without borders while subsequently analyzing the faults and challenges that could potentially lead to xenophobic treatment vis-à-vis the opening of borders towards free labor mobility. It is not a secret that ASEAN's member states also share the same fearful sentiment held by the developed countries against migrants flocking in and competing for jobs against their locals.

Free labor mobility: The EU experience

The EU has been in the forefront when it comes to regional integration; however, with the recent dramatic exit of the United Kingdom from the EU (popularly known as the "Brexit"), the stability of the regional grouping has been subject to fearful speculation of economic challenges given the group's predominant dependence on the UK for trade in goods. Meanwhile, most speculations about the UK's exit is premised on the migration issues which had been a sore issue for the latter since the free labor movement and expansion of the EU in the 90s. The circumstances surrounding the Brexit is not without implications from the migration and this brings us to question whether free labor mobility is for all and what are the likely challenges and prospects for ASEAN's undertaking in the same direction.

ASEAN utilizes the current framework of economic integration as a rationale for the free movement of labor within the region in order to realize a harmonious, integrated single market in Southeast Asia. In a similar vein, the EU's predecessor, the European Economic Community in 1957, which sought the creation of an "internal market without barriers" (Baltoni 2003, 4), opened up developments involving the movement of peoples for employment among and within the EU member states. While it started as an economically motivated move, the EU gradually began to shift its focus from the "free movement of *workers* to the free movement of *peoples*" (8).

(more discussion to follow)

How ASEAN sees "free labor mobility"

Raghuram (2008) offers an interesting perspective that situates migration frameworks as a political control for those who enter; while Spencer (2003) states, “temporary workers have a place in the economy, but not in the nation” (page).

ASEAN comes largely from a neoliberal perspective that views labor mobility as a means to liberalize the labor market and ensure the harmonious flow of goods and services. However, without the actual demand for migrant workers in the identified occupational sectors, actual mobility will be hard to stimulate. There are a lot of barriers to mobility within the region as evidenced by the differences in language, uneven economic development, inexistence of social protection and pension policies for migrant workers, as well as non-participation of some member states in the agreements for the protection of migrant workers.

How does ASEAN see free labor mobility? In 2006, the ten member states have signed and ratified the 14-day visa exemption for ASEAN travelers for the purposes of visit and tourism. However, for other purposes such as business travel, or short-term employment, travelers and migrant workers are still required to register and qualify through the requirements of the member country of their destination. Apart from this, the region has not seen any other initiative to promote mobility.

However, with the increase of low-cost airlines offering cheap affordable airfares, it has opened an avenue for local people to visit their neighboring ASEAN countries, as well as other Asian countries. The current 14-day visa exemption became a boon to international tourism, as seen by the tourism industries of Indonesia, Thailand, Malaysia, and Singapore.

More recently in 2014, the ASEAN lane at airports was launched and was supposed to provide a special lane dedicated to passport holders of the 10 member states; however, many are not aware that there exists such a lane, and to whom it is intended for.

Migration flows in ASEAN

In the recent migration data published by the ADBI, ILO, and OECD (2015), labor migration in Asia is dominated by semi-skilled or low-skilled workers moving within the region or to the Middle East. ASEAN and ILO has also commissioned a joint initiative to create the ASEAN International Labour Migration Statistics (ILMS) Database which contains an updated database on the number and flows of international migrant stock in ASEAN, as well as stocks of ASEAN nationals abroad.

Broadly speaking, there are three main migration groups in Asia (Piper and Yamanaka 2008): (1) professionals and highly-skilled workers; (2) contract-based unskilled workers; and (3) unregulated unskilled workers with neither contract nor work permit. Both authors also describe two main forms of entry for migrant workers in East and Southeast Asia: (1) “front door” policy, where governments impose a quota and levy on employers hiring a migrant worker, as well as a security bond that guarantees the latter’s exit upon contract completion, and (2) entry through “side” or “back” doors, where migrant workers come in as students, residents, tourists, business visitors, entertainers, and remain indefinitely as unauthorized migrants.

Of the 617,594,400 population of ASEAN in 2013, the UNDESA estimates about 6,513,400 (1%) nationals abroad within the region. Of this number, Sugiyarto and Agunias (2014) estimates that only 1% are high-skilled workers and professionals. They argue that the proposed strategies create “freer” labor mobility instead of free labor mobility, by creating systems to allow for the easier entry of high-skilled workers and professionals in the domestic labor market. However, in his study of the current labor movements in ASEAN, Orbeta (2012) notes that most of the labor movements involve workers in the construction, agriculture, fishing, manufacturing, domestic, and other forms of service work, which are completely out of the MRA fields.

Singapore, Thailand, Malaysia, and Brunei are largely labor-receiving countries. ASEAN estimates that 45% of Singapore’s migrant workers are from Malaysia; 42.6% of Malaysia’s migrant workers are from Indonesia; and 50.8% of Thailand’s migrant workers are from Myanmar (ATUC 2015, 1). Sugiyarto and Agunias (2014) outlines the top 5 intra-ASEAN migration corridors:

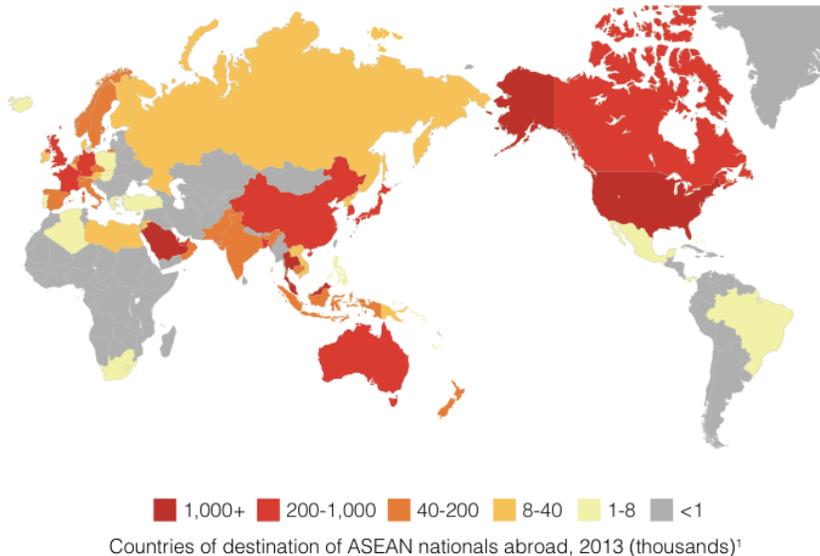
Table 1. Top 5 intra-ASEAN migration corridors (2013)

Rank	Country corridor	Intra-ASEAN migrant stock	Proportion of total intra-ASEAN migrant stock (%)
1	Myanmar to Thailand	1,892,480	29
2	Indonesia to Malaysia	1,051,227	16
3	Malaysia to Singapore	1,044,994	16
4	Lao to Thailand	926,427	14
5	Cambodia to Thailand	750,109	12

Source: Sugiyarto, Guntur and Dovelyn Agunias (2014). “A ‘freer’ flow of skilled labour within ASEAN: Aspirations, opportunities, and challenges in 2015 and beyond” *Issue in Brief No. 11* published by the International Organization for Migration (IOM) and Migration Policy Institute (MPI).

Figure 1. Migration patterns of ASEAN nationals

Where do ASEAN nationals migrate to?



Source: The International Labour Migration Statistics (ILMS) Database for ASEAN (2015).
Countries of origin and destination for ASEAN.

Existing labor mobility frameworks in ASEAN

Currently, ASEAN operates on the following four main frameworks for the movement of peoples: (1) ASEAN Framework Agreement on Services which governs the movement of businesspeople, investors, and professionals within the region; (2) ASEAN Mutual Recognition Arrangements (MRAs) which aims to establish a common regional qualifications system for the recognition of education, skills, and training of professionals who intend to move and provide professional services across the ten member states; (3) ASEAN Agreement on the Movement of Natural Persons (MNP) for the temporary movement of service providers such as business investors and intracorporate transferees; and the (4) ASEAN Comprehensive Investment Agreement (ACIA) which grants entry and temporary stay to investors and company executives to conduct business across the member states.

ASEAN has established the Mutual Recognition Arrangements (MRAs) among eight occupational sectors (or professions): Engineering, Architecture, Surveying, Accountancy, Medicine, Nursing, Dentistry, and Tourism. The selection for these sectors, remains a question. And while ASEAN has in mind to expand this framework to other occupational sectors, the process is tainted with difficulties in harmonizing the minimum standards for each profession.

However, it should be noted that none among these four frameworks provide opportunities for employment for the moving individual. For instance, the MRAs only grant entry into the country of destination, but does not provide access to that country’s domestic labor market.

A more recent development is the promotion of student mobility through the ASEAN University Network (AUN). The AUN’s exchange programs allow students, researchers, and scholars to collaborate with their counterparts in the other member states for the purpose of engaging in research and scholarly work.

As mentioned earlier, the majority of the current intra-ASEAN migration is composed of the low-skilled workers performing manual labor, mostly 3D (dirty, dangerous, and difficult). While ASEAN premises its free labor mobility on the movement of skilled labor, its definition of “skilled labour” is not clear.

Martin (2011) emphasizes that while there are current existing regional arrangements for the control of migration, they remain either weak or nonexistent. For instance, the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) have been ratified by only 37 states, of which only three (3) ASEAN member countries are signatories. ILO’s Convention concerning Migration for Employment have only been ratified by 42 states, and the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers have been ratified by 18 countries. Most importantly, IOM which is the primary international organization concerned with people’s mobility has no existing formal mandate for the protection of migrants.

Table 2. Selected UN and ILO conventions and instruments ratified by ASEAN member states

Country	UN Conventions				ILO Conventions			
	CESR	CEDA W	CEDAW Protocol	CMW	C.97	C.14 3	C.181	C.189
Brunei	X	2006 a	X	X	X	X	X	X
Cambodia	1990 s 1992 a	1980 s 1992 a	2001 s 2010 r	2004 s	X	X	X	X
Indonesia	2006 r	1980 s 1984 r	2000 s	2004 s 2012 r	X	X	X	X
Lao PDR	2000 s 2007 r	1980 s 1981 r	X	X	X	X	X	X
Malaysia	X	1995 a	X	X	1964	X	X	X

Myanmar	2015 s	1997 a	X	X	X	X	X	X
Philippines	1966 s	1980 s	2000 s	1993 s	2009	2006	X	2012
	1974 r	1981 r	2003 r	1995 r	X	X	X	X
Singapore	X	1995 a	X	X	X	X	X	X
Thailand	1999 r	1985 a	2000 s	X	X	X	X	X
			2000 r					
Vietnam	1982 a	1980 s	X	X	X	X	X	X
		1982 r						

Notes: (s) signed, (a) acceded, (r) ratified.

UN Conventions:

(CESR) Covenant on Economic, Social and Cultural Rights (1966)

(CEDAW) Convention on the Elimination of All Forms of Discrimination against Women (1965)

(CMW) Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)

ILO Conventions:

(C.97) Migration for Employment Convention and Recommendation [Revised] (1947)

(C.143) Migrant Workers Convention [Supplementary] (1975)

(C.181) Private Employment Agencies Convention (1997) and its Recommendation (No. 188)

(C189) Convention on Domestic Workers, 2011 and its Recommendation (no. 2011)

Source: ASEAN Trade Union Council (2015, 2). *Toward a harmonized, rights-based regional approach in strengthening protection of ASEAN migrant workers: A policy brief.*

The table above reflects a very important attitude among AMS towards their recognition of the rights of migrant workers. For instance, major labor-receiving countries, Singapore and Brunei have acceded only to CEDAW. Likewise, labor sending countries such as Lao PDR, Myanmar, and Vietnam are not signatories to any ILO Conventions for the protection of the rights of migrant workers.

Despite the recognition of migration as a global phenomenon with increasing magnitude and importance, most of the international conventions on voluntary migration are nonbinding, due to the unilateral nature of controlling migration by states, especially labor receiving ones. Southeast Asia is a migration corridor of increasing importance as many low-skilled workers from this region move about in search of better employment opportunities. More frequently, their neighboring Asian countries serve as a gateway for moving in Gulf countries or to the west as part of a circular migration. In this case, the process of recruitment and migration where many abuses occur are within the ambit of ASEAN, needing attention and effective policy control. Further, ASEAN's relevance as a regional institution will be tested in how it plays out in the regional issues of security, which commonly impact its member states.

With or without ASEAN's initiative, labor mobility in the region has and will continue to happen. What is seen is that most labor-sending and receiving countries enter into bilateral negotiations in the acceptance of migrant workers. In the study by Chanda and Gopalan (2011) of migration within and across Southeast Asian countries, they found that MOUs are preferred over the more formal, binding bilateral labor agreements (BLAs) for the latter's more flexible nature and easier to negotiate. This suggests the rather loose arrangement preferred by Southeast Asian states where there is greater willingness to cooperate (187).

Bilateral labor agreements between labor-sending and labor-receiving ASEAN countries

Meanwhile, many of the ASEAN member states have existing MOUs and BLAs with destination countries, mainly for the low-skilled workers. MOUs are rather non-formal and non-binding, and thus are easier to negotiate between the two signing states. The flexibility afforded by an MOU gives allowance for both the labor-sending and receiving countries to negotiate their needs, and thus an easier means to control migration as the labor market need arises.

Some of the MOUs and BLAs entered into by ASEAN member states are the following:

Table 2. Bilateral labor arrangements in ASEAN

Initiating country	Primary characteristics	Signing countries	Type of bilateral agreement		Key features/observations
Malaysia	Labor-receiving	Bangladesh, China, Indonesia, Pakistan, Sri Lanka, Thailand, Vietnam	MOU		<ul style="list-style-type: none"> - Three basic elements set out the responsibilities of employers, recruitment agencies, and workers. - Primary focus is to facilitate recruitment from source countries. - Leaves out domestic workers; no minimum

					standards specified for conditions of work. - Workers subject to national labor laws.
Philippines	Labor-sending	Libya, Jordan, Iraq, Kuwait, Taiwan, Indonesia	MOU	Labor, employment and manpower agreement	- Enhancement of welfare and protection of Filipino workers in receiving countries. - Special hiring facility with Taiwan without intermediaries. - Indonesia is a labor-sending country. MOU designed to protect the welfare of migrant workers in both countries.
Thailand	Labor-receiving	Cambodia, Lao PDR, Myanmar	MOU		- Protection of worker rights. - Institute proper procedures for worker employment. - Repatriation of workers who have completed their employment. - Avoid illegal border crossings.
Indonesia	Labor-sending	Malaysia, Korea, Japan, Syria, Qatar, Taiwan, Kuwait, Jordan, UAE	MOU		- Handling illegal migration.

Source: Rupa Chandra and Sasidaran Gopalan (2011, 188-190) in *Migration, Nation States, and International Cooperation* edited by Randall Hansen, Jobst Koehler, and Jeannette Money. Entries in italics are added by the author.

While most ASEAN member states have entered into several bilateral negotiations regarding the export of labor to other developed countries, it is noted that not all agreements are in force. In a Philippine country report by the Commission on Migrant Workers (CMW), as of 2010, the

Philippines had signed 49 bilateral labor agreements with 25 countries, but this does not include all countries where Filipinos work.

Despite having such agreements with labor receiving countries, CMW identifies the following remaining challenges for the protection of Filipino migrant workers: “lack of bilateral labor agreements with many states of employment where Filipino migrant workers are present; the lack of binding agreements; the lack of participation of stakeholders in the process; the implementation mechanisms and procedures; the lack of staff capacity of government agencies; and the inaccessibility of relevant documents” (8). This highlights the lack of security and protection of migrant workers, especially female migrants, in the territories of their employment destination.

This brings into the open the sensitivity of the issue of migration, and questions how the ASEAN as a regional framework could address this visible gap in policies concerning the protection of migrant workers within the region. While some labor-sending countries have initiated the creation of laws for the protection of their migrant workers (for instance, the Republic Act 8042: Magna Carta for Migrant Workers and overseas Filipinos), there are no binding commitments for other AMS to recognize this law. An instance in 1994, with the execution of a Filipina domestic worker after being charged for the death of her Singaporean ward, and much recently in April 2015 with the death sentence against Mary Jane Veloso, a Filipina domestic worker in Indonesia who was charged with drug trafficking, but whose execution was delayed by President Widodo.

In these instances, despite having a bilateral agreement in place, access to justice and social protection for migrant workers remain bleak and unclear, as shown by the recent ordeals of Veloso.

ASEAN Framework Agreement on Services (AFAS)

(discussion to follow)

ASEAN Mutual Recognition Arrangements (MRAs)

At present, ASEAN has seven (7) mutual recognition agreements and one (1) arrangement since 2005. The seven agreements are in engineering (2005), architecture (2007), accountancy (2009), medical services (2009), nursing services (2006), dental services (2006), and tourism (2012); while surveying still remains an arrangement signed in 2007. The table below shows the progress in each MRA per profession:

Table 3. Progress in the ASEAN MRAs

	Occupational sector	Year MRA was signed	Progress
1	Engineering	2005	The ASEAN Charter on Professional Engineering Coordinating Committee (ACPECC) was established in

			2008. At present, there are 1,982 registered engineers in ACPECC.
2	Architecture	2007	The ASEAN Architect Council was established, and at present, there are 308 registered architects in AAC.
3	Accountancy	2009	The ASEAN Federation of Accountants was established in 1977 (ahead of the MRA in Accountancy).
4	Medical services	2009	Ongoing discussions with professional boards of the 10 AMS
5	Nursing services	2006	Ongoing discussions with professional boards of the 10 AMS
6	Dental services	2009	Ongoing discussions with professional boards of the 10 AMS
7	Surveying*	2007	No data
8	Tourism	2012	Creation of the ASEAN Tourism Toolkit

At best, this framework will serve to establish and improve the standards for the professions in the ASEAN region, rendering the labor market more competitive and at par at a global level. However, the current system does not provide for employment opportunities, but independent practice; in essence, this translates to temporary consultancy work as the market needs. This reflects a largely temporary and dispensable treatment of ASEAN professionals within the AMS despite garnering recognition of their qualifications at the regional level.

At present, the dominant movement of labor workers from ASEAN is outside of the region, as more workers find better employment opportunities in the Gulf countries, US, and Canada among others. ASEAN’s challenge is how to attract their professionals to work within ASEAN, given the existing competition in terms of employment conditions and migration policies in non-ASEAN countries.

Although this facilitates entry, the regional certification adds to the cost of migration, only a few having the capital means can afford to pay the fee can be granted the recognition. Secondly, although the certification provides entry into the labor market, it does not provide access to the employment opportunities available for migrant workers. The process of recruitment and actual employment is still dependent on the professional’s qualifications relative to the other local workers who can provide the same services.

Notwithstanding, the language differences across the ten AMS already create a filter as to the major requirement for professionals wishing to work in the field. For instance, the Thailand Board of Medicine emphasizes the need for Thai language skill in order to treat patients effectively, as

many local Thais are unable to communicate in English. In addition to this, ethical considerations in the (mal)practice of professions asks how foreign professionals could be held liable in such circumstances.

Thus, certification may be one step, but the actual ability to work in one ASEAN country is still dependent on the national qualifications of the destination country. Further, the migration policies currently in place are not sufficient enough to ensure the social protection of migrant workers in case of accidents, abuses, pensions, family welfare, education of children, among others. These factors are important in ensuring that the migrant worker is able to receive the proper (if not equal) treatment and protection while working in the host country, and that they are treated equally as with their local counterparts.

However, the implementation of the MRAs is not without challenges. Based on the interviews conducted of the representatives on the selected ministries (Education, Trade, and Labor) of the ten ASEAN member states, the challenges remain both at the regional and national levels.

A Philippine education official noted that there is a low awareness of MRA by the stakeholders, especially of employers and professionals in the country. There is also an obvious gap between the quality of education and training provision among the ten AMS, as well as uneven core competency standards in the curriculum required by the different professional bodies. Differing expectations in salary, requirement for language skills are also among the practical concerns at the individual level.

Currently, the ASEAN Qualifications Recognition Framework (AQRF) has been set up, which is the common reference framework that will support the recognition of the national qualifications set up by each AMS, and also for non-ASEAN countries. The AQRF recognizes the differences in the structures and processes in the qualifications framework of each AMS, and serves as a reference guide. The work on the AQRF began in 2010, but has not yet been utilized by any of the AMS since they themselves are still aligning their national frameworks with the regional framework.

Moreover, other member states have just begun developing their own national frameworks, and while this is a positive development, it may take more time than can be expected by the ASEAN to be completed.

On a regional level, the AMS experiences the difficulty of harmonizing the professional qualifications due to the unequal educational standards, lack of funds for the creation and establishment of required coordinating and monitoring bodies for the respective professions, lack of funds in disseminating information and awareness on MRAs.

Taking into consideration the efforts already done by ASEAN, regional labor mobility undertaking is not a one-time big-time event, but a product of a long, slow process of changing the existing institutions and adopting a liberal approach towards the acceptance of migrant workers in the domestic labor markets. Naturally, governments of the AMS would have to correct the prevalent threatening perceptions of jobs being taken away from the locals, and reassure that equal employment opportunities are being given for both the local and migrant workers.

An interesting observation in ASEAN is the relative disconnect among the three pillars in terms of harmonizing labor mobility in the region. Of the three, only the economic and the socio-cultural pillars address migration in their blueprints albeit separately: the economic security through the MRAs and AFAS, which refer to the movement of businessmen, investors, and professionals in the market; and the socio-cultural pillar through the policies on the protection of the rights of migrant workers. The only regional initiative to protect migrant workers' rights is the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, which is a nonbinding commitment among the ten AMS. And this brings us to the question whether ASEAN could fully realize free labor mobility.

How will “fair” labor mobility look like?

Will there be, at the very least, a free labor mobility in ASEAN? Not now, or in the next five years. Sugiyarto and Agunias (2014) state that there could possibly be “freer” labor mobility instead, where skilled workers and professionals are better able to move across borders with less difficulty. Furthermore, this paper also interrogates for whom is ASEAN's migratory regime?

At best, the existing frameworks may offer pathways for mobility for very few, selected individuals possessing a high degree of skill. The MRAs for instance, could improve and increase the qualification standards within the region. Moreover, it could promote brain circulation, as the MRAs emphasize independent practice of the individual's profession across the region.

However, for the majority of the migrant workers who want to move, this may actually restrict their opportunities to do so, or relegate their options to less secure, unregulated avenues. Instead of encouraging mobility across levels, ASEAN's selectivity of who they want to migrate reflects the economic motivations, at the expense of accounting for the dominant migration patterns of the low-skilled migrant workers.

It is highly noticeable that lower-skilled workers are already limited by strict regulations that keep them within their current contracts and opportunities for upward skill mobility is severely restricted. The duration of their contracts dictates their presence in the country of destination, as long as they are needed they can stay, otherwise they are left without a choice but to go. For many contractual migrant workers, the state's control of their stay is governed by the terms of their contract: place of residence, nature of work, and length of stay.

Migration has largely been a unilateral political action as states are generally protective of their borders and who enters and stays within their borders. Hansen (2015) argues that states are generally rational, and for them to engage in international cooperation on migration, there has to be an incentive (to control migration) and a large degree of trust among whom they are entering into a cooperation. He contends that international (regional) cooperation over migration could only work in the presence of incentives. In this case, the establishment of an integrated economic community by ASEAN is a major motivating factor, albeit not necessarily the only one.

The problem is that not all states view migration as a public good, while migration in reality is governed by individual rational actors, as well as national and global institutions and entities. For the labor sending countries, this may be a good opportunity for their workers to negotiate better

working conditions, with national provision of their social security, recognition and protection of their rights as migrant workers, among others.

Migration is sure to continue, and will likely increase as the world becomes more globalized. ASEAN's relevance as a regional bloc should take into account the fact that ASEAN peoples will move and migrate on their own, and having effective immigration policies established will go a long way in effectively harnessing the economic potential of this large labor market. Otherwise, ASEAN people will prefer to move to countries offering better immigration and employment prospects, and likely to be outside of ASEAN. This creates a big loss for the integrated economic market that ASEAN is aiming for.

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