Chapter 1
Present-Day Migration in Southeast Asia: Evolution, Flows and Migration Dynamics

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1.1   Introduction

Although Southeast Asia has a long history of migration—which has been researched and written about extensively—the complex nature of people movement within and from the region has grown significantly in recent years. In 2019 there were an estimated 10.1 million international migrants in the region (UN DESA, 2019), a five-fold rise since the 1990s (ILO, 2020a). Increasingly, Southeast Asian countries are having to deal with compound mixed migration flows of labour migrants crossing national borders (primarily irregular) and forced migration including environmental displacement and asylum and refugee flows. Driven by poverty, economic disparities, persecution and exclusion, the region stands out globally at a time when intra-regional movements in other parts of the world are declining.

Thailand, Malaysia and Singapore remain major destinations with migrants from Cambodia, Indonesia, Lao PDR and Myanmar. The Philippines continues to be one of the world's largest origin countries sending migrants globally and having an economy reliant on remittances. Whilst such movements of people are a symptom of the region's rapid economic growth raising challenging policy dilemmas, the absence of protection mechanisms has never been starker, particularly with the on-going humanitarian crisis posed by the irregular maritime flows of Rohingya fleeing Myanmar and Bengalis from the Bay of Bengal and the evolving violence in Myanmar following the February 2021 military coup.

However, too simplistic a picture of migration in Southeast Asia perilously masks the complexities and diversity of mobility within the region. Urbanisation, wealth disparities and aging populations could soon create an imbalance between the supply and demand of labour. Continuing humanitarian or environmental crises

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illustrate the urgency for governance, policies and intergovernmental cooperation to address protection, migrant rights and border management. Challenges in managing these disparate migration flows are compounded by escalating vulnerabilities faced by irregular workers, Internally Displaced Persons (IDPs) and stateless populations. For example, in 2017, Southeast Asia reportedly hosted 3.37 million 'persons of concern' (defined by the UNHCR as including asylum seekers, IDPs, refugees and stateless persons). Inexorably linked to this mixed migration is the variation in political and democratic systems found in countries in the region which creates tests bilateral relationships in a region that prides itself in 'non-interference' and the respect of each other's sovereignty.

This chapter is also being written during the COVID-19 pandemic which has closed borders and stopped people movement in all parts of the world. The sudden loss of work is creating serious strains on the livelihoods, health and rights of migrants in the region, many of whom were already vulnerable due to their undocumented legal status. Public attitudes towards migrant workers in several destination countries in Southeast Asia has never been particularly good, but they are now being blamed for bringing in the virus which is exacerbating discrimination and resulting in draconian government responses.

Yet there are also opportunities for policy solutions to better match the region's evolving context. For many of the Southeast Asian countries, migration entails both emigration, immigration and transit migration presenting a significant and integral factor to development in the region. Currently, most agreements and policies within ASEAN deal primarily with movements of skilled labour or in the case of the ASEAN Declaration on Migrant Workers, have limited focus on the rights of migrant workers.

This chapter aims to explore these mixed migration flows within Southeast Asia by reviewing key literature on migration within the region and providing critical insights into the analysis of the available information. As most of the secondary data on migration in Southeast Asia is primarily descriptive in nature, this chapter aims to make a more theoretical contribution to analysing migration in the region. The first section explains how migration has evolved in the region over recent decades by examining the different depictions and mixed migratory flows. Recognising that there are underlying drivers and evolving determinants, the chapter then attempts to theorise what is currently fueling migration and how it significantly contributes to social and economic changes in the region. The section on the impact of the COVID-19 pandemic in Southeast Asia illustrates the health and safety concerns that migrants can face and therefore the importance of effective migration governance. The chapter then analyses the different responses, or lack thereof, of ASEAN to such highly complex situations. It concludes by assessing the usefulness of the current policies and mechanisms as well as the need for a more regional and rights-based approach to migration.

1.2   The Last Two Decades and the Evolution of Migration in the Region

In recent history, migration has played a crucial role in shaping and reacting to the socio-economic context of Southeast Asia. Higher performing economies within the region have long attracted migrants from much poorer countries or those at different stages of their economic development and over the last two decades the number of intraregional migrants has increased by approximately seven million with three million of these going to Thailand (Testaverde et al., 2017). Since 1995, the number of the world's migrants from Southeast Asian countries has increased from 6 to 8% (UN DESA, 2019). The region has also experienced the feminisation of migration. UN DESA (2019) shows that whilst women now account for 46.8% of all intra-ASEAN migrants in 2018, the number of women migrating across borders has significantly grown since 1990 (there were 1,365,512 in 1990 while in 2019 this number rose to 4,772,358). Interestingly, since the 1990s, the number of migrant women registered in Singapore and Thailand has increased whilst for Malaysia and Indonesia it has been decreasing (The ASEAN Secretariat Jakarta, 2017).

In 2019, according to UNESCAP (2020), intraregional migrants made up over 92 per cent of the migrant population of Southeast Asia. Most of the migrants come from Cambodia, Lao PDR and Myanmar and migrate mainly to Thailand. Indonesia, the Philippines, and Vietnam (the region's other lower-middle-income economies) tend to send migrants outside of the region. The majority of the Filipino migrants go to North America or the Middle East whilst for the Vietnamese, North America is the main destination. Malaysia sends migrants both within and outside the region whilst Singapore and Thailand, receiving countries for migrants, send nearly all their migrants outside of the region. Unchanged in the last two decades are the four main migration corridors that exist in the region: the Thailand corridor attracting migrants from the sub-Mekong region countries of Cambodia, Lao PDR and Myanmar; the Singapore corridor leading from Indonesia and Malaysia; a more diverse Malaysian corridor for migration from Indonesia, Myanmar, Singapore, and Vietnam; and the facilitation of Filipino migrants by their government to fill service sector labour gaps within the region, East Asia destinations such as Taiwan and Hong Kong and further afield to North America, Europe and the oil rich countries of the Gulf. Paul (2011) uses the term "stepwise migration," to explain migrant movement on a hierarchical progression across countries as they make their way toward their preferred destination.

Working conditions, workplace benefits and overall treatment of migrants in Southeast Asia has always depended upon whether they travelled through a regular migration channel or if they crossed borders irregularly. In general, regular migrants earn more (albeit not significantly more but at least the minimum wage) and may work less days with a potential range of additional benefits (e.g. paid annual leave, sick leave, public holidays and even maternity leave). Nevertheless, conditions and

work practices in destination workplaces have historically still been highly demanding and the wages low. The term 'the 3D professions' (Dirty, Dangerous and Demeaning) was first coined in Asia in relation to the labour done by migrants (Martin, 1996).

Voluntary migration with regular legal status within the region is primarily to manufacturing jobs which has been the economic powerhouse behind a number of the national economies in Southeast Asia. However, with the higher costs, the complexities of applying and the longer time needed to obtain legal documents versus the similarity in wages paid to regular or irregular migrants, a greater number of migrants (in the Mekong sub-region at least), choose to migrate undocumented. Undocumented migration (often more temporary and low skilled) is a significant feature of Southeast Asia and contributes to the vulnerabilities and dangers that irregular workers and forced migrants face (Testaverde et al., 2017).

Descriptions of migration within the region can be misleading though and the long borders between Thailand and its neighbouring countries betray the darker side of migration. Beyond the traditional economic and non-economic supply and demand factors within Southeast Asia, there is an important distinction between 'choice and no choice migration' and even in choosing the least bad option. Regularized migrant workers mostly migrate by choice. However, for many migrants themselves, determining if their migration resulted from a free choice is open to debate. Generally, migration by choice is considered any regularised migration undertaken by an adult where they have the opportunity to return home at any time without facing punishment or a penalty. Presuming that many migrant workers would prefer to stay in their home towns and near their families than travel for work, it may be questioned if migrant work is voluntary in Southeast Asia if it is due to severe economic hardships in their own country. This is a similar concern raised by de Haas, who is a theorist of the aspirations-capability framework (an analytical tool to understand the multi-dimensional factors that shape outcomes for migrants and their families), who argues that "only if people have a real choice to stay would it be adequate to talk about 'voluntariness' and only those who have aspirations as well as capabilities can be seen as 'voluntarily mobile'. If people could move but do not want to, they are 'voluntarily immobile'…… Whenever people migrate against their intrinsic desire, they can be called 'involuntarily mobile'" (de Haas, 2014 cited in Bircan et al., 2020, p. 19). Some researchers are wary about labelling migrations in any distinct categories as decisions to move are always part of larger groupings of socio-political and cultural factors. Such hypotheses show the importance of empirical research on the agency of migration in Southeast Asia.

Regardless, migrant workers travelling under some form of debt bondage, Internally Displaced Persons (IDPs), trafficking victims and refugees are clearly considered non-choice migrants. The most significant number of 'non-choice migrants' in Southeast Asia is that of refugees and IDPs. There is a long history related to this in the region as past data from UNHCR shows that whilst in the 70s and 80s, Vietnam, Cambodia and the Philippines were the main sources of refugees, over more recent decades, the major source country in the region for refugees is Myanmar. Burmese ethnic minorities such as the Chin, Karen, Shan and Mon, have

moved to Thailand across land borders with more than 97,000 so called 'displaced persons' living for decades in camps along the Thai border and an approximate 5000 within Thailand's urban areas (UNHCR, 2021). Whilst the Rohingya have had a difficult past of persecution and movement, it was after the independence of then Burma from the British (1948) that tensions between the government and the Rohingya grew and over subsequent decades, they have been fleeing from the country's policies and practices of discrimination and violence. In May 2015 there was a global outcry following the Bay of Bengal migrant smuggling and trafficking crisis during which mass graves with the bodies of migrants and refugees from Myanmar and Bangladesh were found in Southern Thailand. Thousands more were being abandoned at sea. In mid-2017, 640,000 Rohingya refugees fled violence in Rakhine State in Myanmar and crossed irregularly to Bangladesh, many with the intention of travelling to Southeast Asia (including Malaysia, Thailand and Indonesia) and beyond (ISCG, 2017).

Large populations of IDPs are mainly found in Myanmar and Thailand. In the latter, as of 2019, 41,000 are said to have been moved due to the conflict in the three most southern provinces (The Internal Displacement Monitoring Centre, 2019). IDPs and stateless populations in the region are known to face particular oppression, discrimination and exclusion. Other forced displacement occurring in the region has been as a result of mega projects such as construction of dams, plantations, land grabbing and other large infrastructure projects. An emerging trend is people displaced from areas because of environmental degradation and climate change. For example, in both 2015 and 2016, severe drought affected 50 of the 76 provinces in Thailand which seriously affected farmers' livelihoods. Flooding in Cambodia in recent years has also pushed many farmers to seasonal migration in Thailand (Sun, 2019). The largest displacement in Southeast Asia from disasters was in the Philippines, which saw 3.8 million forced to move at the end of 2018 (the largest number globally) due to volcanic eruptions and flooding caused by monsoons and landslides (IOM, 2020).

Unfortunately, Southeast Asia is infamous for human trafficking as the same geographical, cultural and socio-economic realities that lead to migration can also be risk factors of trafficking. Exploitation in the region occurs in many ways, e.g. prostitution, forced begging, forced marriage and the trafficking of workers in numerous industries and sectors (Kumar, 2016; Yea, 2014). In recent years, 25% of global victims assisted by IOM have come from ASEAN countries (ASEAN Studies Program, 2017). The criminality and hidden nature of human trafficking makes the accuracy of data on the issue infamously inaccurate. Southeast Asian countries are predominantly origin, transit or destinations for trafficked victims whilst the type of exploitation largely determines the trafficking flows. The most extensive flows of human trafficking can be found in the Greater-Mekong Sub-region (GMS: Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam), following the usual labour migratory routes. For example, the large commercial sex sector in Thailand brings women from Myanmar, Lao PDR and Cambodia although across the region men and women are trafficked into the fishing sector, the poultry industry, garment or construction work, agriculture, domestic work or forced begging.

The phenomenon of bride trafficking is also a concern in the region as gender imbalances in countries such as China, Korea, and Taiwan create a demand for brides from ASEAN countries. Fang (2014) estimated that there could be around 30 million bachelors in China by 2020 heightening vulnerabilities of bride trafficking of young women from Cambodia, Lao PDR, Myanmar and Vietnam.

The scale and scope of human trafficking in Southeast Asia is due to the limited safe and legal pathways to migrate as migrants and refugees are often left with no choice but to use smugglers and brokers in crossing international borders. Over the decades, a well organised smuggling and trafficking industry has developed that draws in migrants from across the region driven by the multiple factors mentioned above. Migrants have traditionally relied on smugglers especially as it is often the cheapest and easiest option. Smugglers and traffickers are involved as recruiters, transporters and employment brokers and within Southeast Asia have often depended on corrupt officials when crossing borders or obtaining falsified travel or work documents. As such, many migrants can end up in debt bondage that increases their vulnerability to exploitation.

The different evolving forms of migration that characterise ASEAN countries have historically been influenced by the wider socio-economic and political context. The next section examines what is behind these large movements of people as there is a need to better understand the underlying drivers of migration and mobility within the region.

1.3   From the Past to the Present: Prevailing Dynamics of Migration in Southeast Asia

Economic disparities within the region lead to a predominantly one-way flow of migrants to a select few countries with others experiencing more minor migration in comparison. This neoclassic perspective has long been used in studying international migration. Ravenstein's original 'push and pull' theory states that migration is a "mechanism that establishes regional spatial-economic equilibrium, i.e. migrants move from low income to high-income Areas" (Ravenstein, 1885, cited in Amaral, 2020). The ease of crossing land borders; the presence of existing diaspora networks; shared linguistic, cultural or religious roots; and the lower level of costs of mobility (especially within the Mekong sub-region) illustrate the continuation of the traditional 'push' and 'pull' factors of wage differentials and employment opportunities (Fong & Shibuya, 2020). Sanglaoid et al. (2014) found that the main determinant of migration to Thailand from ASEAN countries are the significant gross domestic product (GDP) differentials between Thailand and its neighbours. Jajri and Ismail (2014) evidenced that migration to Malaysia from Indonesia, Thailand, and the Philippines was supported by migration economics as decisions to move were due to the wage ratio between the countries, exchange rate fluctuations and the unemployment rate in the source countries. As such, decisions to

migrate are usually made as a family livelihood strategy rather than seen as in the best interest of the individual (Fong & Shibuya, 2020). The positive and negative connotations associated with migration are not static and are further influenced by social, cultural political and institutional factors (de Haas, 2007). Kneebone (2012) also posits that beyond economic aspects, the labour market in ASEAN is influenced by a legacy of colonial practices of indentured labour as seen particularly in Malaysia and Indonesia for example. This view is also backed up by 'World Systems Theories' which were prominent in the 1960s and 70s as they identified the historical connections and trading routes with colonial relations (Tomanek, 2011).

Countries with a larger youth population also fuel migration. Like in most of the developing world, in Southeast Asia migration is also a cultural norm viewed as the transition from childhood to adulthood (Punch, 2014). Perceived as important social markers that are related but not defined by chronological age, youth transitions such as migration are fluid and interconnected. Furthermore, they are often rooted in traditional cultural practices and historical notions and linked to cross-border networks of kinship or ethnicity (Basir, 2020).

As in other world regions, young people's migration in Southeast Asia is motivated primarily by family poverty, household economic crises and a lack of job opportunities in their communities of origin (Peou, 2016; Beazley, 2015). The vulnerabilities of child or youth migrants, especially those traveling undocumented, has always placed them at significant risk of exploitation. Child labour has also long been a concern in the region; girls mainly as domestic workers or factory workers, boys as factory or construction workers, fishermen or other daily casual work. Although this scenario is very common, Huijsmans and Baker note that in Southeast Asia 'reducing young people's involvement in migration to absolute poverty or the absolute lack of employment would be an oversimplification which falsely reduces the young people concerned to mere pawns in structurally determined games' (Huijsmans & Baker, 2012, pp. 941–942). In fact, Huijsmans' extensive academic writing on child migration in Southeast Asia highlights the importance of agency, culture and networks as has also been acknowledged by sociological theorists of migration systems and networks theory by analysing the intra-regional socioeconomic relationships and bonds within families between sending and destination countries (Tomanek, 2011). Nevertheless, as child migration is rarely seen by policy makers and NGOs as voluntary, it is too often theorised as cause and effect of poor or irresponsible parenting being a prelude to child trafficking (Whitehead et al., 2007).

Whilst youth are filling the supply of migrants in Southeast Asia, it is the aging populations in many of the region's other countries which is causing the demand as shrinking labour forces rely on additional employment needs from migrants from countries with younger populations. This determinant is likely to become even more significant in the future as Singapore and Thailand, for example, have significantly older median ages than their migrant sending countries (Testaverde et al., 2017).

Migration systems and networks theories also highlight the role of immigration policies of both the receiving and sending countries as key determinants (O'Reilly, 2012). Visa waivers, guest worker programmes, bilateral or regional agreements

tend to favour the higher-skilled foreign workers as per the trade integration measures adopted as part of the ASEAN Economic Community (AEC) and the AEC Blueprint 2025. Unfortunately, the AEC ignores low-skilled workers which is the majority of ASEAN migrants who are either undocumented or working in the informal sectors. Although countries such as Malaysia, Singapore, and Thailand need low skilled workers to fill labour gaps, xenophobia can fuel government's reluctance to fully address the migration system and the policies of destination countries can be at odds with the rights and protection needs of migrants. Within Southeast Asia, this significantly hampers the potential benefits that come from better socio-economic integration (Fong & Shibuya, 2020).

In terms of theories, there is increasing attention to gender (there are a number of studies in Southeast Asia looking at women now). This reflects contemporary approaches to migration theory that use feminist and gender approaches to highlight the significant gender dimensions at play within migration in Southeast Asia (Amaral, 2020; O'Reilly, 2012) which can put women and girls at risk of discrimination and exploitation (particularly within the informal sectors). Girls are socialised since birth to fulfil the role of 'dutiful daughters' by prioritising family care and support (Statham et al., 2020; Chan, 2017; Fresnoza-Flot, 2017; Anderson et al., 2017). This expectation may lead them to drop out of school and seek work even far away from home in order to support their parents and younger siblings.

The magnitude of gendered migrant flows can be significant. In the Philippines for example an estimated 100,000 women migrate as domestic helpers or carers every year (Cortes & Pan, 2013) whereas in Singapore, one in eight households reportedly employ a foreign maid (Tuccio, 2017). The likelihood that women leave home for work is also correlated with living in communities with a history or culture of migration. In countries where female out-migration is very common such as the Philippines and Indonesia, studies on children left-behind have shown that one of the effects of parents' migration is that girls 'are socialised to transnational migration from a young age' (IOM, 2020, p. 49).

Gender issues are often rooted in traditional cultural practices and notions surrounding migration. In Indonesia, for example, the practice of *merantau* (wandering) refers to males' involvement in migration, usually for work and to improve social status (Beazley & Ross, 2017). Similarly, in Lao, the expression *pai thiaw* (going around/travelling) is used to describe young men mobility (Huijsmans, 2010) whilst women's independent mobility is viewed less positively over assumptions of socially inappropriate sexual behaviours (Huijsmans, 2010; Kusakabe & Pearson, 2015).

1.4   Old Vulnerabilities, New Threats: COVID-19

As of May 2021, the CSIS (2021) reported 161,288,384 confirmed cases of COVID-19, including 3,347,154 deaths. Southeast Asia has not been spared with 3,659,425 confirmed cases and 72,589 deaths. Three quarters of the new cases of

persons infected by COVID-19 in Singapore in mid-2020 were found among migrant workers (Petcharamesree, 2020) and the third and largest COVID-19 surge at the end of 2020 in Thailand was amongst the large Myanmar migrant population of Samut Sakorn (AP, 2020). Increasingly, narratives are blaming 'outsiders' and foreigners for bringing the virus in which is exacerbating the stigma and discrimination that migrant workers are facing.

As borders have closed, the media coverage has shown migrant workers restricted to live in cramped and ramshackle dormitories or housing with poor hygiene and ventilation. Over populated dormitories and accommodation in Malaysia, Singapore and Thailand became a major vector for spreading the virus (adding to the economic pain they were already experiencing) illustrating the dangers of uncontrollable health related outbreaks among migrants (Newland, 2020). In the densely populated Thai border camps, 90,000 refugees from Myanmar have become even more marginalised as restrictions on movement in and out of the camps have drastically reduced livelihood opportunities (The Border Consortium, 2020). At a time when citizens are being advised to social distance, migrants and refugees are forced together in confined spaces.

Groups of migrant workers have suffered significantly from the COVID-19 lockdown and the loss of employment. Gender based violence levels have been shown to rise during humanitarian crises and hotlines responding to incidences of violence in Singapore and Malaysia have reported increased calls by up to 57 percent, including from women migrant workers (ILO & UN Women, 2020). In Thailand, social security for migrant workers especially those in informal sectors such as domestic work, agriculture, is non-existent and they are not eligible for unemployment benefits (ILO, 2020b). Rural Khmer women working in urban karioki bars and massage parlours were given no government support when these entertainment centres were closed down (Blomberg, 2020). In many destination countries in the region, an ILO rapid assessment found that migrant workers often had contracts terminated suddenly, were required to take sick leave or unpaid leave or for those kept working, reduced pay or uncertainty over when they would get paid (ILO, 2020c). Remittances sent home by migrants to the region was expected to fall by 13% (World Bank, 2020) which is ruinous to their families and communities back home. Since the closure of borders and the loss of mobility, there has been an increase in countries denying entry to drifting boats carrying Rohingya refugees (Nanthini, 2020). Migrants already in detention centres or prisons where infections can easily spread are at particular risk from the virus; in May 2020, Malaysia for example reported its second cluster of coronavirus infections at a detention center for undocumented migrants (Reuters, 2020) whilst in March 2021 Thailand's detention centres saw nearly 300 immigrants test positive for COVID-19 (Carter, 2021).

Global pandemics such as COVID-19 bring health and safety concerns and the differentiation of nationals with non-nationals to the fore in migration governance. Migrants vulnerability to catching the virus and their economic vulnerability are closely aligned. States need to recognize and provide health services, right to freedom of movement and expression, access to proper information, right to adequate housing and right to social security or recompence regardless of citizenship. Migration governance is a further stress test during humanitarian crises. Moving

beyond specific contexts, events or depictions of migration, governance issues evolve with changes in policies and political power, the impact of civil society and increasing regional or international interconnectedness.

1.5   Responses of Duty-Bearers and Stakeholders: Conundrums and Challenges

To a large extent, the migration flows and dynamics discussed in this chapter are a reflection of the migration policies found in the region. The options available to migrants are greatly determined — directly or indirectly — on state regulations developed by policy makers and influenced by tensions between international human rights obligations, economics and border security. However, the regional nature of these issues means that problems cross borders and one country's poor migration management can affect other parts of the region. In these instances, it is thus a regional problem requiring regional solutions.

The way that ASEAN deals with migration in the region is demonstrative of these inherent tensions. ASEAN's policies proactively focus on the freer movement of skilled labour although as a World Bank report in 2017 stated, "overall, migration procedures across ASEAN remain restrictive. Barriers such as costly and lengthy recruitment processes, restrictive quotas on the number of foreign workers allowed in a country and rigid employment policies constrain workers' employment options and impact their welfare" (Testaverde et al., 2017, p. 57). The current system of temporary work permits brings with it a further number of problems and challenges as existing policies such as the Temporary Foreign Worker Programme (TFWP) and work permit actually restrict migrant mobility making it complicated to change jobs or to migrate with family (Basir, 2020). Irregular migration and human trafficking is generally dealt with through the criminal legal framework (more often than not as 'illegal immigrants') and even less attention is given to refugees and asylum seekers who are referred to by a number of ASEAN member states as 'displaced persons'. Partly this is because there is limited ability for asylum seekers to lodge an application for protection in the region as UNHCR and IOM have significantly restricted mandates. Indonesia, Malaysia and Thailand further lack a national legal protection framework with only the Philippines and Cambodia having ratified the 1951 Refugee Convention and the related 1967 Protocol. Furthermore, not many of the countries in the region are parties to ILO or are IOM member states, all suggesting a low commitment to further certain human rights of various groups of migrants.

On the other hand, many more states in the region have signed on to the 2000 anti-trafficking and anti-smuggling protocols which seem to raise fewer policy conundrums and are more aligned with the regions focus on criminality within migration. The Bali Process is a forum of ASEAN Member States Plus 3[1] which

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[1] Plus 3: China, Japan and South Korea

deals with issues of migration including those who move irregularly. Established in 2002, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (otherwise called "Bali Process") is a voluntary and non-binding regional consultative process co-chaired by the Governments of Australia and Indonesia. Its' aim is to promote adherence to the UN Convention against Transnational Organised Crime (Organised Crime Convention) and two of its supplementary protocols, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Due to its political structure, it is not able to directly promote principles under the 1951 Refugee Convention and its Protocol and overall policies and laws are left to the will and whims of national governments (Petcharamesree, 2015).

In reality, the regional responses to humanitarian crises and related forced migration have been limited and dealt with unilaterally by the countries affected (i.e. Thailand, Malaysia, Indonesia and Myanmar). Serious protection needs have been unmet. In 2015 for example, the case of 100 Uighurs and their return to China by Thailand was a high-profile case of likely refoulement (Lefevre & Hariraksapitak, 2015). The Rohingya maritime crisis of recent years has already seen a reduction in the rescue-at-sea obligations and more pushback operations under the guise of countering people smuggling. Responses to the May 2015 Rohingya crisis were mainly from countries outside the region with Turkey, Japan and Australia pledging money to IO and UN agencies, and Qatar and Saudi Arabia (identifying the Rohingya as a Muslim minority group) giving financial assistance to Indonesia and Malaysia to provide support.

All of these challenges and concerns beg the question as to why countries in the region do not officially invoke ASEAN mechanisms in order to improve the region's approach to migration? The ASEAN Intergovernmental Commission on Human Rights, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children as well as the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection of the Rights of Migrant Workers ("Declaration on Migrant Workers"), have not as yet monitored migrants' human rights situation. Although the 2007 ASEAN Declaration on Migrant Workers was a step forward in the recognition of the role of migrant workers in the region, its standards are less than the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), focusing on state obligations more than the rights of migrant workers. The ASEAN declaration is not legally binding so its implementation is left to the discretion of states. Furthermore, whilst 'obligations' or the standards on sending states in the Declaration are more clearly articulated, those of receiving states are much less defined. In 2017, ASEAN adopted the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, an instrument that is supposed to ensure the implementation of the ASEAN Declaration on Migrant Workers. In contrast to the Declaration, the Consensus mentions for the first time "undocumented migrants" recognising that there are circumstances that might render a regular migrant to become irregular without the migrant's knowledge or intention. However, any protections are still

subject to the national laws, regulations and policies of the concerned ASEAN Member States. State sovereignty is generally viewed as the main obstacle in getting the obligations of sending and receiving states shared (Kneebone, 2012). Indeed, ASEAN's respect of state sovereignty, 'non-interference' approach and decisions based on consensus is viewed as hampering any united and coordinated responses although crises in Myanmar and the COVID-19 pandemic are possibly a wake-up call for the region.

With regard to a regional framework to combat human trafficking (in which there seems to be more political synergy), ASEAN did adopt the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) in 2015 (ASEAN, 2015). ACTIP has produced several positive aspects regarding trafficking in persons although in reality it is less advanced than other anti-trafficking regional instruments (e.g. the Council of Europe Convention against Trafficking in Persons). The primary benefit is that it has required all ASEAN members to acknowledge the scale and scope of human trafficking and to respond with a regional legal framework. However, the Convention has significant loopholes as although it is a legally binding mechanism it again prioritises national sovereignty over regional concerns, thus rendering it largely ineffective; somewhat sadly a default position in the region. As such, to a certain extent, the slack is being picked up by collaboration amongst IOs and civil society organisations in the region. Whilst intergovernmental cooperation within the region on migration is selective, the role of civil society organisations remains robust.

The tendency by governments in the region to view all forms of migration as a securitised issue exacerbates the negative connotations of migrants being viewed as a threat to societal identity and security. Growing nationalism, the post 9–11 fight against terrorism, the COVID-19 pandemic and a rise in authoritarianism in the region is triggering political reactions of negative discourse and policy measures based on fears and xenophobia. The 'ASEAN Way' of consensus building, non-interference and diplomacy has become a euphemism for avoiding difficult issues and deferring regional decision making. Many countries in the region put the onus of establishing the lawful status on the actual migrant. The state follows the somewhat default position of 'illegal worker' with the migrant viewed as a menace and in need of criminalisation and a tougher migration regime. However, the reality of the large number of irregular migrants in Southeast Asia is in fact a symptom of the lack of coherent, rights-based and consistent migration policies.

1.6   Conclusion: Questioning the Normative Narrative

Since the start of the millennium, intra-regional migration in Southeast Asia has expanded rapidly. Individual characteristics such as education and gender traditionally influence the supply and demand side of migration. Within the region, the largest proportion of migrants work within the manufacturing, fisheries or construction sectors. Women are more often employed in more informal sectors

such as hospitality, domestic and agriculture work and migrants from ethnic minority groups are more likely found in agriculture work which pays substantially lower than other sectors. Major gaps in working conditions exist between regular and irregular workers and women as well as men migrants in all sectors.

Post the adoption of the ASEAN Economic Community Blueprint in 2015, the freer flow of skilled workers and goods and capital will inevitably have a knock-on effect by accelerating the mobility of both high and low-skilled workers. Indeed, internationalization and cosmopolitanism is resulting in more people identifying themselves as 'global citizens' rather than solely having national ties. For example, in a global survey carried out in 2014, 89% of ASEAN people surveyed (higher in the Philippines and Malaysia) considered themselves global citizens (Inglehart et al., 2014a, b). This growing trend towards multiculturalism and cosmopolitanism is only fueling an increasing desire within the region to migrate. Whilst these intentions do not necessarily sit well with the nationalistic and political boundaries of ASEAN Member States, the different level of economies and wealth in the region dominates and suggests longer term implications. Esipova et al. (2011) developed a Potential Net Migration Index that measured the proportion of those who'd like to migrate. Given this opportunity, only Singapore and Malaysia were likely to have a growth in adult population, Thailand would remain the same whilst for the remaining ASEAN economies, free movement would result in a reduction of the adult population (for example, 31% in Cambodia and 14% in the Philippines).

Thus, the importance and urgency of transnational governance of migration is clear. Whilst calls for more international cooperation have been around for decades, the most recent addition to the global governance toolkit on migration is the Global Compact for Safe, Orderly, and Regular Migration adopted at the end of 2018 which agrees on a broad set of principles and commitments. The specific focus of the GC is strengthening of borders and eliminating irregular migration and smuggling. The Sustainable Development Goals (SDGs) also includes Target 10.2 which aims to "facilitate orderly, safe, regular and responsible migration and mobility of people including through the implementation of planned and well-managed migration policies". The narrative of both is very much on 'safe' and 'orderly and regular' and the links to legal channels of movement. Interestingly, data collected from Cambodian, Burmese, Laotian and Vietnamese labour migrants returning from Thailand questioned this assumption as regular migrants can experience similar or even worse working conditions and financial debt than irregular migrants (Bylander, 2019; Molland, 2012). Similarly, the findings of an ILO and IOM study (Harkins et al., 2017) did not show that regular migration necessarily equated to better migratory outcomes. Considering the roles of non-state actors (e.g. employers, employment agencies, the transport sector and also civil society organisations, international organisations and other formal and informal community and kinship networks), it has been somewhat controversially argued that more de-centralised, less orderly governance may in fact produce better results for migrants in the region (Triandafyllidou, 2020; Bylander, 2019). Indeed, more specific instruments and governance from ASEAN are not likely to help as long as the preferred principles of non-intervening and sovereignty of states remains. The collaboration with non-state

actors to find and promote innovative solutions that are acceptable to states should therefore be promoted in order to lead to more effective regional governance and cooperation.

As this chapter has shown, the significant and diverse movements of people in Southeast Asia and the substantial populations of migrants in all categories suggest governance locally, nationally and regionally needs to begin with a baseline of more inclusive, rights-based policies. More evidence-based data (requiring greater collaboration between researchers and policy makers) should be used to inform decisions, guide policies and build transparency in migration systems in both sending and receiving countries in Southeast Asia. Such evidence-based data needs to be based on in-depth analytical studies that theorize patterns of migration in the region as opposed to simply collating case studies into descriptive reports.

Despite the plethora of research and academic writing on the issue of migration in Southeast Asia, its complex and evolving nature illustrates that further research is always needed. For example, how politics, corruption, civil unrest and migrant smuggling impact on the decision-making processes and policies of a state. The events in Myanmar and the region wide impacts of COVID-19 are a reminder of the dangers that migrants and refugees can suffer as a result of political suppression and a lack of political will to try to solve regional challenges. Governments in the region seem to have limited ability to address complex cross-border economic and social factors yet regional agreements and cooperation could help maximize the benefits of intra-ASEAN migration. The absence of a rights-based approach and a protection infrastructure for migrants in the region is unfortunately indicative of an attempt to maintain the status quo of non-interference. At best, a pragmatic (if not proactive) regional approach to migrants' rights is needed to deal with both the on-going and more sudden movements of people to keep migrants safe and to ensure either mutual benefits and shared responsibilities between both sending and receiving countries in Southeast Asia.

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