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Migration Governance through Transnational Connectivity? The Asian Inter-Parliamentary Caucus on Labour Migration

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Series Editors

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Abstract:

This paper will analyze a process that attempts to democratize the governance of migration within and from Asia through connectivity from below: the Asian Inter-Parliamentary Caucus on Labour Migration. The caucus was initiated by the Migrant Forum in Asia (MFA), the major regional network of migrants' rights organizations, in 2007. Since 2008, meetings have been held in parallel to the ASEAN Inter-Parliamentary Assembly (AIPA). In order to reach beyond annual meetings, in 2014 the process was formalized with two major goals: to promote the cause of migrant workers in the respective national parliaments and to collectively engage at the regional and global levels in the development of agreements and legislation. This multilayered strategy will be analyzed by identifying the actors involved and the underlying strategies. Case studies focus on Cambodia and Bangladesh.

Keywords:

Labor Migration, Parliamentarians, Transnational Governance, Connectivity, Cambodia, Bangladesh

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Introduction

Connectivity through intraregional labor mobility has become one of the defining characteristics of Asia and its sub-regions. However, the policy field is characterized by a glaring governance deficit due to the transnational and temporary dimension of labor migration: countries of origin might introduce legislation to protect the rights of their citizens, but these are difficult to implement while the migrants are abroad. And while countries of destination face this implementation challenge to a lesser degree, they are effectively governing citizens of other states, often in a unilateral matter. If there are bilateral agreements, these are often developed by the executive institutions with little involvement by parliamentarians or civil society. This raises questions of sovereignty and transnational democratic participation, where actors might try to circumnavigate national boundaries in order to address a lack of adequate governance.

The emerging literature on regional migration governance within and from Asia analyzes multiple levels of policy formulation and engagement, and a variety of stakeholders. Within this field, however, one dimension has so far received limited attention: the role of parliaments and parliamentarians in a national and transnational/regional context. This paper focuses on one such process: the Asian (before: ASEAN) Inter-Parliamentary Caucus on Labour Migration (from here on: migration caucus). It thus addresses two dimensions of ASEAN connectivity. First, connectivity within the region through labor migration, and second, the connections parliamentarians form to tackle this issue. It also addresses the scope of connectivity with regard to labor migration, as the expansion from an ASEAN to an Asian caucus of labor migration shows.

This paper is based on extensive fieldwork in several Southeast Asian Countries (including the Philippines and Cambodia) and at regional and global migration events, as well as interviews and document and literature analysis, and is structured as follows: First, I will provide a brief overview of labor migration and the state of ASEAN migration governance. The following section will situate the caucus within the literature on inter-parliamentary institutions. The main section will discuss the multiple levels of engagement of the caucus and its place in the fragmented governance structure in the region. In line with the typology formulated by Gerring (2004), the case study of the migration caucus is a single unit that is studied over time, but also over space, since I will also focus on two distinct country cases: Cambodia, where parliamentarians belong strictly to the opposition and were active while

the caucus had ample resources, and Bangladesh, where the parliamentarians involved are close to the government and engagement started after the external funding for the regional caucus was cut. The conclusion will discuss preliminary findings and the caucus' potential for democratizing ASEAN migration governance.

Connectivity through Labor Migration and the State of ASEAN Migration Governance

The concept of connectivity has gained increasing prominence in ASEAN policy and development discourses (Fünfgeld 2019; Itakura 2014; Mao & Müller 2020; Müller 2018, 2020; Rüländ 2019, 2020). When it comes to connectivity within ASEAN, the physical movement of people, primarily in the form of labor migration between the member states, is certainly among the defining features. But there seems to be little space for that aspect in the major documents on ASEAN connectivity. When the “Master Plan on ASEAN Connectivity 2010” was published, the first stated goal was to “bring peoples, goods, services and capital closer together” (ASEAN 2013: i). But the connection of peoples received only limited attention and was seen from a very narrow perspective: while the development of mutual recognition arrangements (MRAs) for higher-skilled migrants (Fornalé 2018)¹ was a major item on the agenda, the report took an otherwise cautious, if not outright negative, perspective on migration, warning against the security issues brought about by “illegal immigration.” It hence stressed the importance of border management policies and rather technical Customs, Immigration and Quarantine (CIQ) mechanisms. The “Master Plan on ASEAN Connectivity 2025” followed in the same vein, while dedicating even less space to the issue; “mobility” here refers to tourism, students and skilled workers (ASEAN 2016: 61–62)

One reason for this neglect can be seen in the “pillarization” of ASEAN. The ASEAN Economic Community (AEC) and the Master Plan are located within the economic pillar, as are medium- to high-skilled migration, while so-called low-skilled migration² is seen as part of the socio-cultural pillar. And while even the provisions for high-skilled labor remain in a nascent stage, with MRAs covering only around one percent of total employment in the region (Asian

¹ See also the 2017/2018 double Special Issue of EJEAS 16(2) and 17(1) on “Challenging State Sovereignty in the Age of Migration,” edited by Piper, Rother & Rüländ (2018).

² The term “low-skilled migrant” is contested. While the term may be an accurate description for the categories of employment, the same does not necessarily hold true for the migrants themselves. “De-skilling,” where for example university graduates seek employment as migrant domestic workers due to the better pay, is a common observation. To avoid conflicting terminology, in this paper I will use the terms as applied by ASEAN.

Development Bank & International Labour Organisation 2014), the broader issue of labor migration is characterized by an outright governance deficit (Rother 2018a).

This stands in stark contrast to the increasing scope and relevance of labor mobility within Southeast Asia. A recent World Bank report, “Migrating to Opportunity,” was published with the programmatic subtitle “Overcoming barriers to labor mobility in Southeast Asia” (Testaverde *et al* 2017). It points out that ASEAN was one of the few global regions in which the share of intraregional migration increased between 1995 and 2015. There are now 6.89 million intra-regional migrants in the region, 96 percent of which reside in Malaysia, Singapore and Thailand. This number is expected to increase further, with low-skilled migration continuing to make up the majority of people on the move, making a significant contribution to economic development in the region (Asian Development Bank & International Labour Organisation 2014). This potential notwithstanding, the issue remains a “blind spot in ASEAN’s vision, which has chosen to free up the movement of capital and investments while glossing over the issue of migrant labor in its midst. Many ASEAN states prefer to deal with labor migration bilaterally, finding the issue too sensitive for domestic constituencies. Many destination countries see the economic benefit they get, but are much less willing to afford social and rights protection to foreign migrant workers” (Son 2017).

There have been some steps towards governance of labor migration within ASEAN. The “Declaration on the Protection and Promotion of the Rights of Migrant Workers,” considered a milestone at the time, was adopted by the ASEAN heads of state in Cebu, Philippines, in 2007, and was a response to the widespread abuse and exploitation of migrant labor. However, hopes that it would be quickly followed by a legally binding instrument remained unfulfilled in two regards: first, it took no less than 10 years for a follow-up document to emerge, and second, this turned out to be only “morally binding.” On 14 November 2017, the Heads of State of all ten ASEAN Member States signed the “ASEAN Consensus on the protection of the rights of migrant workers” (the “ASEAN consensus”) in the City of Manila, Philippines. While the member states lauded the consensus as a further landmark, migrant rights activists such as Sumitha Shaanthinni Kishna, Co-Coordinator of the Migration Working Group Malaysia, pointed out that it contradicted the intention of the declaration, which called for a legally

binding instrument. Instead, it subjected all major policies to national laws, regulations and policies and omitted a monitoring and reporting mechanism.³

Why is there a need for a regional framework in the first place? I argue that such a framework, provided that it is comprehensive and binding, could address the very “uneven” state of migration governance in ASEAN (Rother 2019) with regards to, first, the “objects” of governance (differentiation between so-called high-skilled and low-skilled); second, the resources and bargaining power of countries of origin and destination; and, third, the progress and depth of governance contributions from the top-down (state-led initiatives) and bottom-up (representation or self-organizing of migrant workers). There is also an issue of democratic representation at the heart of this question with migrant workers being at risk of severely lacking representation of their rights and interests even by the standards of a region where the *de facto* granting of labor rights has been very limited (Caraway 2009). The most obvious form of representation for migrant workers would be through their respective states of origin.⁴ However, when it comes to bilateral negotiations with countries of destination, the countries of origin often lack the necessary bargaining power. This is due to factors such as lack of resources, political dependencies and the unevenness of supply and demand of “low-skilled” workers. Since the national economies of the countries of origin often depend to significant degrees on the financial remittances sent home by migrant workers, they tend to weigh the value of migrants’ rights against the need for a steady flow of labor exports. There is also unevenness with regards to the level of engagement with migrant civil society. Some states, such as the Philippines, are comparatively open to input and consultations (Chavez & Piper 2015), while others tend to ignore migrants’ voices or even react with hostility towards their interventions.

Some authors argue that such shortcomings in national policies might be addressed at the regional level. Allison-Reumann claims that “regional-level strategies can contribute to the protection of Association of Southeast Asian Nations’ (ASEAN’s) low and unskilled migrant workers” (Allison-Reumann 2017: 427), while Quayle sees potential in the “soft practices” of ASEAN that could “function as place-holders, or trail markers, staking out space and indicating the direction until such time as a more propitious climate has emerged” (Quayle 2015: 424). While bilateral agreements tend to reflect the unevenness between countries of

³ Interview, 6 December 2017.

⁴ The following lines draw from Rother (2018b).

origin and destination outlined above, this could be addressed by negotiating them “within the context of multilateral or regional agreements that provide a strong framework to ensure that government-to-government arrangements conform to international standards” (Kneebone 2010: 387).

The actual objects of the attempted governance, migrants and their self- and support organizations, have only limited access to these processes. With regards to ASEAN, Gerard speaks of “sanctioned spaces” which “provide limited means for CSOs to contest policy, largely as a consequence of controls over who can participate and on what terms” (Gerard 2014: 282).

One exception is the ASEAN Forum on Migrant Labour (AFML). While this process is part of the regional organization, it is also supported by an external actor, the International Labour Organization (ILO). The influence of the organization is very notable with regards to its fundamental tripartite structure where all member countries have three sets of representatives: government, workers and employers (Standing 2008: 360). In addition, civil society is present in the AFML not in the form of observers but rather as delegates. While this may seem like a higher degree of representation on paper, it is tainted by the fact that governments play a major role in the selection of civil society representatives, including having the prerogative to deny them accreditation. Further participants in the process are the ASEAN Secretariat and international organizations whose main functions are to provide resources. In sum, while the AFML has potential, in particular with regards to the monitoring mechanism of its policy recommendations, it remains a space for the informal exchange of good practices and the selection of participants lacks transparency (Rother 2018b).

As a response to the limited access to ASEAN policy spaces, migrant civil society in the region has started to create its own independent processes, thus establishing a form of “alternative regionalism from below” (Rother & Piper 2015). These processes consist of the advocacy of networks such as the Migrant Forum in Asia (MFA) (Piper & Rother 2020), participation in events such as the ASEAN Civil Society Conference/ASEAN Peoples Forum (ACSC/APF) (Gerard 2013; Rother 2015) and even the formulation of an independent civil society proposal for an ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers (Samydarai & Robertson, Jr 2009). They are also characterized by increasing interaction with parliamentarians in the region.

Inter-Parliamentary Connectivity

“International parliamentary institutions (IPIs) have become an established feature of international politics” is the assessment of a very recent article by Rocabert et al (Rocabert, Schimmelfennig, Crasnic & Winzen 2019: 607). The authors contrast this statement with their observation that while scholars of international politics have more recently started to focus on the inclusion of stakeholders and civil society in interstate policy making, “Parliamentary institutions, however, have received hardly any theoretical and empirical attention” (ibid: 608). In a similar vein, a stocktaking of interest in the role of IPIs by Costa, Stavridis and Dri (2013: 1) comes to the conclusion that it “remains extremely limited, especially if one considers their growth in the international relations of a globalizing-cum-regionalizing world.” This stands in marked contrast to the proliferation of such processes, with around seventy IPIs currently existing worldwide (Šabič 2013: 20). The Inter-Parliamentary Union (IPU), founded in 1889, is seen as the first of these organizations and since then IPIs have displayed a significant variety in form and function. This has made it challenging to come up with an encompassing definition. For Šabič, IPIs are “institutions in which parliamentarians from different countries cooperate, with a view to formulating their interests, adopting decisions, strategies or programs, which they implement or promote, formally and/or informally, in interactions with other actors, by various means such as persuasion, advocacy or institutional pressure” (Šabič 2008: 258).

This rather broad definition is very suitable for the purpose of this paper, since the migration caucus represents a less common form of IPI. A typology by Cutler distinguishes four types of IPI - “congress,” “assembly,” “parliament” and “legislature” - which refer to stages of institutional development (Cutler 2001: 215).⁵ A less linear typology uses two categories of IPI: International Parliamentary Organs (IPOs), which are organs of international governmental organizations composed of parliamentarians, and International Parliamentary Associations (IPAs) (Šabič 2008: 258). While the first category is quite clearly defined, Šabič points out that IPAs can be organized in many different ways, from highly structured to loose types of organization. Importantly, they can also be initiated by non-profit organizations as in the case of the Network for Nuclear Disarmament, which emerged from a Global Security Institute program (Šabič 2008: 258).

⁵ For another well-argued typology of IPIs see Kraft-Kasack (2008).

Yet working outside international governmental organizations comes at a price. While IPAs may have either decision-making power, such as in the case of the of European Parliament, or at least some form of influence on the decision-making process, in contrast “as self-constituted groups of parliamentarians and therefore ‘outsiders,’ IPAs have virtually no direct influence on intergovernmental decision-making processes” (Šabič 2008: 262). They might have a consultative role, though, and try to increase their influence or at least visibility through cooperation with NGOs or the private sector. Depending on their organizational structure, choice of issues and the selection of participants, IPIs can add legitimacy to governance processes beyond the nation state and ultimately have a democratizing potential. This can happen by either adding a democratically elected body to the process or by highlighting issues or causes that otherwise would not be represented in the decision-making process, for example the interests of transnationally marginalized groups such as migrant workers.

International Parliamentary Institutions in Southeast Asia

The above-mentioned potential for IPIs to achieve legitimacy and democratization is by no means a given. Quite the opposite, it is an ideal that is rather rarely achieved in practice. Using the case of the ASEAN Inter-Parliamentary Organization (AIPO) that was established in 1977 and re-named the ASEAN-Inter-Parliamentary Assembly (AIPA), Rüländ argues that the process had only limited democratizing effects on Southeast Asian regionalism (Rüländ 2013). AIPO/AIPA was launched at a time when parliaments in ASEAN were particularly weak – which comes as little surprise, considering that none of the member states were democratic and the election process was far from free and fair (Rüländ, Jürgenmeyer, Nelson & Ziegenhain 2005). The explanation Rüländ provides for the establishment of an IPI in undemocratic times is rather sobering: He sees Indonesia’s deliberate search for international legitimacy and respectability as the motivation to “provide a democratic façade and conceal authoritarian practices behind a smiling face” (Rüländ 2013: 171). Furthermore, the perks that come with being a member of such an assembly could be used as rewards for political compliance. In sum, Rüländ sees AIPA as a manifestation of “deeply entrenched corporatist norms” (Rüländ & Bechle 2014: 61), its main function being to act as a (unidirectional) “transmission belt mobilizing support for ASEAN’s official policies and bringing in line with these policies the national legislatures which often exhibit a more critical stance towards issues of regional cooperation than the government bureaucracies” (Rüländ 2013: 183).

Deinla makes a more positive assessment of AIPA and sees it as a space for the regional socialization of parliamentarians which “has also generated other initiatives of like-minded legislators to campaign actively for democratization, human rights and the rights of the marginalized” (Deinla 2013: 19). Besides the Migration Caucus, to be discussed below, Deinla refers to the ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) as a forum that was created in 2004 through interaction in AIPA, informal gatherings of legislators, and cooperation with civil society organizations in the region. She stressed that these are not part of AIPA and have no existing working relationship with either AIPA or ASEAN (ibid).

This Myanmar-specific caucus has over the years evolved into the very active network of ASEAN Parliamentarians for Human Rights (APHR). This network was formed in 2013 with “the objective of promoting democracy and human rights in all ASEAN states. It represents a regional response to human rights concerns, utilizing the specific characteristics and abilities of parliamentarians and other influential persons to advocate for the protection of human rights throughout ASEAN.”⁶ The mission statement emphasizes its close links to civil society and points out that its members are among the “most progressive” parliamentarians in the region, which can be seen as a clear indicator that they are more likely to stem from the ranks of the opposition. The group organizes an annual member forum (since 2016) and has initiated several fact-finding missions. One conducted in August 2017 used Malaysia as a case study for “Examining Human Rights in the Context of ASEAN Regional Migration.”⁷

The ASEAN/Asian Migration Caucus

While APHR thus also addresses the issue of migration from a human rights perspective, the Migration Caucus was set up earlier to specifically deal with migration. The seeds of the Asian Inter-Parliamentary Caucus on Labour Migration were planted in Manila in 2007, when the Migrant Forum in Asia and the Friedrich-Ebert-Stiftung organized an informal workshop for parliamentarians entitled “Labor Migration in Southeast Asia: What Role for Parliamentarians?” This initial program “brought together members of parliament, parliamentary staff, CSO representatives, and the academe from across Southeast Asia.”⁸

⁶ <https://aseanmp.org/about-aphr/history/>, (accessed 17 June 2020).

⁷ https://aseanmp.org/wp-content/uploads/2017/09/APHR_Malaysia-Fact-Finding-Mission-Report_Sep-2017.pdf, (accessed 17 June 2020).

⁸ <http://asianparliamentarians.mfasia.org/who-we-are/>, (accessed 17 June 2020).

As fits the definition for International Parliamentary Associations (IPAs), the Migration Caucus was instigated by non-governmental organizations. In 2007 the Migrant Forum in Asia (MFA) and the Friedrich-Ebert-Stiftung (FES) organized an informal workshop for parliamentarians in Manila around the theme “Labor Migration in Southeast Asia: What Role for Parliamentarians?” Attendance was not exclusive to parliamentarians but was also open to their staff, CSO representatives, and the academe from the region. This was followed by meetings held as parallel processes to AIPA in Singapore (2008), Bangkok (2009), Hanoi (2010), and Phnom Penh (2011), with the organizers stressing the bipartisan nature of these gatherings. There was also a special thematic gathering in Manila in May 2011 on the eve of the International Labour Conference (ILC) in Geneva, where the landmark Convention 189 on “Decent Work for Domestic Workers” was agreed upon.

In the same year, the parliamentarians decided to formalize the caucus and move it from the AIPA-orientated annual gatherings and information exchanges to continuous engagement with the goal of protecting and promoting the rights and welfare of migrant workers and members of their families. The caucus moved its engagement beyond ASEAN/AIPA in another regard as well: by changing the name from “ASEAN” to “Asian caucus” and by including parliamentarians from South Asia. The caucus thus spans two regional organizations, since for the South Asian parliamentarians the South Asian Association for Regional Cooperation (SAARC) is the major regional organization (Michael 2013). But the core objectives, as stated in the founding document, aim beyond the regional organizations with the goal of establishing multi-level advocacy:

- to promote the cause of migrant workers in our respective national parliaments;
- to collectively engage at the regional and international levels in the development of agreements and legislation; and
- to acknowledge the need to consider national, economic, and human security in the management of migration issues” (Migration Caucus 2011).

These planned and executed activities span the local/grassroots level (field visits), the national level (exercising parliamentary oversight functions to monitor the programs of national governments), the regional level (organizing seminars, targeting ASEAN and SAARC, cooperating with the APHR; but also the Colombo Process and the Abu Dhabi Dialogue) and link these levels with global issues and advocacy. The latter is highlighted in the statement establishing the migration caucus (2011), in which the goals listed include “urging national

governments to ratify ILO Convention 189, 'Decent Work for Domestic Workers,' and to engage in parliamentary debate on the 'UN Convention on the Rights of All Migrant Workers and Members of their Families,' as well as core conventions of the ILO, in particular Conventions 87 and 98, and migrant worker conventions, 97 and 143." There is also engagement with the Global Forum on Migration and Development (GFMD).

One of the field visits undertaken by members of the Advisory Committee of the Migration Caucus representing fifteen countries went to Malaysia in April 2014. As an outcome, eighteen issues and recommendations were highlighted in a statement, among them the high level of corruption and exploitation in the country on the one hand, and the lack of protection on the other. The delegation called for three immediate measures, among them more transparent Memorandums of Understanding (MOUs) between Malaysia and countries of origin, moving forward with the "ASEAN Migration Framework Instrument" (still negotiated at the time, now the "ASEAN consensus") and, regarding abuse by private recruitment agencies, that "Malaysia should consider a government to government (G2G) approach in the recruitment of migrant workers. This would minimize recruitment costs and exploitation of migrant workers by outsourcing companies and private recruitment agencies and labour brokers."⁹

The advocacy also includes the interregional level, since in 2015 FES organized an exchange between experts and parliamentarians from Europe and Asia in Brussels and Berlin to better understand the issues confronting migrant workers in the two regions. Such activities are part of the action plans developed from the annual assembly. After these events, however, FES did not continue its financial support of the caucus. Several attempts by the author to obtain a statement from FES on this decision remain unanswered. While no more annual assemblies have been held as a result, joint and individual advocacy has been continued with resources now coming either from MFA or from the parliamentarians' own budgets.

The caucus is also open to former parliamentarians whose "role is to create public awareness and feed the information to their allies in parliament."¹⁰ Members of the caucus can also start independent projects such as, for example, a fact- finding mission to Saudi Arabia initiated by the former Philippine congressman Walden Bello which exposed the "sex for flight

⁹ http://mfasia.org/migrantforumasia/wp-content/uploads/2014/04/statement_and_recommendations_14-16apr2014.pdf, (accessed 17 June 2020).

¹⁰ Interview, MFA, 12 July 2017.

scheme” in which staff members at the Philippine embassy in Riyadh asked abused migrant domestic workers to have sex with Middle Eastern men in exchange for a return ticket to the Philippines.¹¹

This was a bottom-up initiative in which an individual member linked its advocacy to the caucus, thus keeping the momentum of the caucus going. Conversely, the caucus can also influence developments on the national level, as will be discussed in relation to two cases: Cambodia and Bangladesh.

Linking Advocacy: The Case of Cambodia

Cambodia is a country where the caucus and its national members have been particularly active. Ms Mu Sochua, a human rights activist, former Minister of Women and Veterans' Affairs and member of parliament for the Cambodia National Rescue Party (CNRP) has been among the most active members of the migration caucus. Her recent fate highlights the risk opposition parliamentarians in ASEAN face: on 3 October 2017, she had to flee the country based on warnings she would be arrested. In November of the same year her party was dissolved and she had to serve a 5-year ban from politics. When she tried to return to Cambodia with opposition leader Sam Rainsy in November 2019, she was detained by Malaysian authorities since Phnom Penh accused her of seeking to return home to stage a coup against longtime leader Hun Sen. The Malaysian Prime Minister Mahathir Mohamad cited the ASEAN principle of non-interference in neighbors' affairs and announced that she would be deported to a third country.¹²

A year before she had to flee the country, Sochua had started an initiative pushing for Cambodian migrant workers' right to register and vote in elections. Through her visits to Thailand in 2016 and discussions with Thai officials and the Cambodian government, about 10,000 migrant workers registered to vote from September-November 2016.¹³ In an email interview she stated:

¹¹ Caroline Howard, “3 'sex-for-flight' victims tag Riyadh labor official,” available at: <http://news.abs-cbn.com/focus/06/25/13/3-sex-flight-victims-tag-riyadh-labor-official>, (accessed 17 June 2020).

¹² “Malaysia detains Cambodian opposition leader Mu Sochua,” available at: <https://www.aljazeera.com/news/2019/11/malaysia-detains-cambodia-opposition-party-vice-president-report-191107023137281.html>, (accessed 17 June 2020).

¹³ Penchan Charoensuthipan, “No problems for Cambodians returning after voter registration,” available at: <http://www.bangkokpost.com/news/politics/1096992/legal-cambodian-workers-may-return-to-register-for-vote>, (accessed 17 June 2020). “Cambodian workers allowed to return to the election without being fired,” available at: <http://www.posttoday.com/politic/456959>, (accessed 17 June 2020).

“The political right of migrant workers cannot be denied. First, this right must be included in government agreements and MOUs. The freedom of association is a fundamental human right. My colleagues and I travel to Thailand regularly to inform Cambodian migrant workers of their rights and the Cambodian law and procedures regarding voter registration periods, election process, etc.... We provide them advice on how to organize to travel back to Cambodia to register to vote. We arrange for them to get proper documents to register to vote. During deportation we raise our concerns with the concerned ministries and embassies.”¹⁴

The caucus in general and MFA in particular have supported the work of Ms Mu Sochua with Cambodian migrant workers as well helping her establish contacts with their key representatives in Thailand, South Korea and Malaysia. The focus of her advocacy has been on political rights, protection, deportation and rehabilitation. Ms Mu Sochua lived in the United States as an exile from the Khmer Rouge for 18 years and in 2016 was a guest on the Voice of America monthly radio show on migrant workers. Regarding the challenges she faced in her advocacy on the national level, she stated:

“For Cambodia, the opposition is very active but heavily scrutinized. We are facing loads of legal actions. Unless there is political will, the rights of migrant workers will remain at the bottom of the priority list. This is why caucuses on migrant workers are very important. The voices of migrant workers must be raised at all levels.”¹⁵

Ms Mu Sochua has also been a member of the ASEAN Parliamentarians for Human Rights and pointed out that this network and the migration caucus coordinated their efforts on publications, visits, conferences and statements. She criticized the ASEAN mechanisms for migrant workers as ineffective because there are clear divisions between governments, on the one hand, and civil society and trade unions, on the other, because the actions of ASEAN are usually non-binding and because the regional organization adheres to its non-interference policy. Regarding the lack of governance on migration, she states:

“The full protection and representation of migrant workers is the main concern. The economic implications on the sending and receiving countries are enormous but yet the

¹⁴ Interview, Ms Mu Sochua, 20 July 2017.

¹⁵ Interview, Ms Mu Sochua, 20 July 2017.

governments have not included this contribution to the policies. Cambodia received US\$1.5 billion as remittances in 2016. Migration for work is a regional as well as global issue.”¹⁶

After her 2019 detention in Malaysia, the APHR responded immediately with a statement calling for her release “and an end to Cambodia’s relentless assault on dissent.”¹⁷ The statement had the support of several present and former parliamentarians who had also been active in the migration caucus such as Charles Santiago, Malaysian MP and APHR Chair, and the above-mentioned Walden Bello, who stated: “Hun Sen is so afraid of losing power that he has waged an unrelenting and systematic attack on the opposition. The large-scale crackdown on dissent and refusal to let opposition leaders return to their country should be a wake-up call to the international community that Cambodia is in a democratic crisis.”¹⁸

While the issues at hand did not specifically relate to migration, this engagement nonetheless underlines that the APHR seems to act as a somewhat broader structure that continues the work and addresses the issues of the migration caucus.

Continuing Advocacy: The Case of Bangladesh

The caucus also continues to have influence on the national level. With regular meetings of the caucus currently lacking the necessary resources, strengthening action at the national level is central to the MFA’s strategy to build a foundation for future networking: “Parliamentarians may come and go, so you have to establish a structure at the national level.”¹⁹ This is in line with the UN Office of the High Commissioner for Human Rights’ (OHCHR) recent initiative of “strengthening the interaction of parliaments with the national and international systems, and placing them as an active part of the national human rights system” (Roberts Lyer 2019: 195). Bangladeshi parliamentarians are particularly active in this regard and an MFA representative highlighted the interplay between the national and regional levels in this case:

“In Bangladesh, a national labor migration caucus was set up through the initiative of our members of the Asian inter-parliamentary caucus. The establishment was made possible through the active collaboration of the MPs with civil society. National level activities include

¹⁶ Interview, Ms Mu Sochua, 20 July 2017.

¹⁷ <https://aseanmp.org/2019/11/07/cambodia-mu-sochua-immediate-release-end-assault-dissent/>, (accessed 17 June 2020).

¹⁸ Ibid.

¹⁹ Exchange with MFA representative during the GFMD in Quito, Ecuador, 24 January 2010.

raising issues in the parliament about the situation of migrant workers, requesting feedback from concerned officials/ministries about certain issues that they received from migrant workers or CSOs, acting as resource speakers in MFA/members programs.”²⁰

This initiative was launched under the name “Parliamentarian Caucus on Migration and Development of Bangladesh” on 21 March 2017.²¹ It has since then engaged in numerous initiatives from the grassroots to the global level. There is a close link to civil society, in particular to the Welfare Association for the Rights of Bangladeshi Emigrants (WARBE), a long-term MFA member. As with the ASEAN/Asian caucus, external funding is involved in international networking, such as meetings with the UN NGO committee on Migration in New York,²² the United Nations’ High Level Political Forum on SDGs in New York,²³ or the aforementioned GFMD and its side events in Quito.²⁴ This funding stems primarily from PROKAS (Promoting Knowledge for Accountable Systems), a program funded by the UK Department for International Development (DfID) designed to support the government and civil society initiatives to improve transparency and accountability in Bangladesh.²⁵

The vision of the Parliamentarian Caucus is to establish “an all-party united parliamentarians’ caucus, working together irrespective of political party affiliation, to ensure equal rights for migrant workers, their family members and the vulnerable community, by advocating, enacting and monitoring the migration process, promoting safe migration in laws and budgets in Bangladesh.”²⁶ The objectives include the recognition of the contributions of Bangladeshi migrant workers to national development, the need to “consider national, economic, and human security in the management of migration issues in home, transit and

²⁰ Interview, MFA, 12 July 2017.

²¹ “Launching of National Parliamentarian Caucus on Migration and Development,” available at: <http://warbe.org/launching-of-national-parliamentarian-caucus-on-migration-and-development/>, (accessed 17 June 2020).

²² “Bangladesh Parliamentarians Meet UN NGO Committee in NY,” available at: <https://migrationnewsbd.com/news/view/32248/49/Bangladesh-Parliamentarians-Meet-UN-NGO-Committee-in-NY>, (accessed 17 June 2020).

²³ “Bangladesh Push for Collective Global Process to Achieve SDG 16,” available at: <https://www.migrationnewsbd.com/news/view/32153/49/Bangladesh-Push-for-Collective-Global-Process-to-Achieve-SDG-16>, (accessed 17 June 2020).

²⁴ “PGA on Migration, Development, Human Rights Held,” available at: <https://migrationnewsbd.com/news/view/32244/49/PGA-on-Migration-Development-Human-Rights-Held>, (accessed 17 June 2020).

²⁵ <https://www.britishcouncil.org/bd/en/prokas>, (accessed 17 June 2020).

²⁶ Email exchange with British Council’s issue-based project manager and gender and social inclusion advisor Shirin Lira, 27 February 2020.

destination country” and “to collectively engage at the national, regional and international levels in the development of decent migration friendly agreements and legislation.”²⁷

An ambitious work program has been pursued in the comparatively short time since the inception of the caucus, including inter-parliamentary exchange visits and organization of events such as a multi-sectoral national Consultation on The Global Compact for Safe, Orderly and Regular Migration (GCM).²⁸ This might be partly due to the set-up of the caucus which, unlike the Cambodian case, for example, is not focused on members of the opposition but rather aims to have a broader membership and enjoys support from parties close to the government. It is yet to be seen, though, if this level of activity can be maintained after the end of the PROKAS funding in 2021, and whether the Bangladeshi caucus will by then have developed into a strong foundation for a continuing Asian inter-parliamentary caucus or whether it might face challenges similar to the larger caucus due to reduced funding. The project manager from the British Council is optimistic in this regard, since the initiative to start the caucus came from within the parliament and the donors are not providing office space or other infrastructure but are rather supporting the structure that is being developed in the parliament – “building capacity through dialogue and an environment where they can speak and learn about the issues.”²⁹ In the future, this structure could also provide some seats for former parliamentarians who could play a key role, since they have “more time, knowledge and skills”³⁰ at their disposal. And for the active parliamentarians, there might be an intrinsic motivation as well, since involvement in the multi-level caucus and the public policy dialogue at the grassroots level could also translate into more votes from the constituency.

Conclusion

The ASEAN/Asian migration caucus clearly falls under the category of International Parliamentary Associations (IPAs). Having an established civil society organization such as the MFA serving as the organizational hub brings some benefits: independence, easier access to migrant organizations in the countries of origin and destination, links to global advocacy,

²⁷ Ibid.

²⁸ “Consultation on Global Compact for Safe, Orderly and Regular Migration,” available at: <http://warbe.org/consultation-on-global-compact-for-safe-orderly-and-regular-migration-on-09th-october-2017-at-cirdap-auditorium-dhaka/>, (accessed 17 June 2020).

²⁹ Web meeting with British Council’s issue-based project manager and gender and social inclusion advisor Shirin Lira, 24 May 2020.

³⁰ Ibid.

and independence from the corporatist, in some cases repressive, attitudes of their governments towards critical parliamentarians. But this independence comes at a price, as the withdrawal of FES, which instigated the process, shows: losing this funding meant that no further annual assemblies could be organized in the following years.

But, as this paper has documented, the advocacy of the caucus has nevertheless continued. Here, the ongoing work of the associated civil society network guarantees some form of continuity. Some of the advocacy, such as fact-finding missions, could also be carried out under the framework of the affiliated ASEAN Human Rights Caucus.

There is no denying that increasing labor migration within (and beyond) ASEAN can be seen as an indicator of connectivity: connectivity of the peoples involved but also of the relevant policy issues and governmental, parliamentary and regional political bodies involved. In particular, with regards to low-skilled labor migration, it has been shown that the ASEAN policy framework is characterized by a glaring governance deficit. Parliamentarians have the potential to establish links and build bridges between vivid civil society and (particularly in countries of destination) unresponsive governments. The case of Ms Mu Sochua has demonstrated this potential, while at the same time making obvious the risks and dangers oppositional and critical parliamentarians in the region continue to face.

The evolution of the caucus from ASEAN to (Southeast and South) Asian also highlights the challenges and shortcomings of linking migration governance primarily to regional organizations. By its very nature migration does not stop at the borders of the “imagined communities” of regions. Members of the caucus therefore have been active in fact-finding missions in destination countries such as Saudi Arabia or in inter-regional fora such as the Abu Dhabi Dialogue.

Regarding the democratizing potential of the caucus, I would argue that it does offer this potential if one applies a low threshold perspective on democratization (which is appropriate for the region). By advocating for transnationally marginalized groups such as low-skilled migrant workers and making their voices heard, the caucus’s members can serve as a “reverse transmission belt,” by bringing issues from the bottom up into the policy arena. As long as more established bodies such as AIPA are not responsive to the cause of the caucus, however, its impact on the actual policy level is likely to remain rather low. Considering the weak position of AIPA, even a more formal interaction might bring only limited results, concrete policy recommendations of the caucus notwithstanding. The caucus’ main partner

at the moment, then, seems to be civil society, particularly in the form of the MFA, and outside donors, resulting in the benefits and hindrances outlined at the beginning of this section. The strategy for now seems to be to move back to the national level and try to establish a sustainable caucus architecture there, such as in the case of Bangladesh, in order to lay stronger foundations for a revived Asian inter-parliamentary caucus. The engagement with the global level which the Bangladeshi caucus so actively seeks might also have positive repercussions for regional dynamics in the longer run.

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List of Abbreviations

ADB	Asian Development Bank
ACSC	ASEAN Civil Society Conference
AEC	ASEAN Economic Community
AFML	ASEAN Forum on Migrant Labour
AIPA	ASEAN Inter-Parliamentary Assembly
AIPMC	ASEAN Inter-Parliamentary Myanmar Caucus
AIPO	ASEAN Inter-Parliamentary Organization
APF	ASEAN Peoples Forum
APHR	ASEAN Parliamentarians for Human Rights
ASEAN	Association of Southeast Asian Nations
CIQ	Customs, Immigration, Quarantine mechanisms
CSOs	Civil Society Organizations
FES	Friedrich-Ebert-Stiftung
GCM	Global Compact for Safe, Orderly and Regular Migration
GFMD	Global Forum on Migration and Development
ILC	International Labour Conference
ILO	International Labour Organization
IPAs	International Parliamentary Associations
IPIs	International Parliamentary Institutions
IPOs	International Parliamentary Organs
IPU	Inter-Parliamentary Union
MFA	Migrant Forum in Asia
MOU	Memorandum of Understanding
MRA	Mutual Recognition Arrangements
NGO	Non-Governmental Organization
OHCHR	Office of the High Commissioner for Human Rights
SAARC	South Asian Association for Regional Cooperation
WARBE	Welfare Association for the Rights of Bangladeshi Emigrants



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