Enhancing the Migration Experience: Gendering Political Advocacy and Migrant Labour in Southeast and East Asia

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Enhancing the Migration Experience: Gendering Political Advocacy and Migrant Labour in Southeast and East Asia

Nicola Piper

Abstract:
In general, migrant workers suffer from greater levels of socio-economic and legal insecurities than national workers due to their status as non-citizens, and often as undocumented workers, and their relegation to unskilled and/or informal sector jobs. Moreover, the gender-segregated nature of labour markets means that migrant women dominate certain ‘sectors,’ which have traditionally been outside of the purview of conventional trade unionism and also excluded from labour laws. Therefore, the steadily increasing numbers of the “import” and “export” of foreign workers in general, and the feminization of migration in specific, have created a myriad of problems and challenges that require attention by governments, trade unions and NGOs in origin and destination countries. This feminization of migration contributes to the increasing need to address gender issues in the political organising of migrants, which so far has been largely neglected in academic inquiry. In an effort to contribute to filling this research gap, this paper aims to illustrate that the incorporation of migrant workers and labour relations, as well as the advocacy on behalf of migrant workers by trade unions and grass roots organisations, are gendered processes. Empirical examples and data from the context of intra-regional migration flows in Southeast and East Asia are utilized to support this analysis. This paper attempts to analyse political organizing of migrant labour from a holistic institutional set-up to assess the gender differences in terms of type, form, and influence migrant labour workers’ political activism takes.
About the Author

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In her research on international labour migration Nicola has been specifically concerned with governance and global politics; gender; political organizing of labour; NGOs and transnational activism; human rights; with empirical focus on Southeast and East Asia and to a lesser extent Europe.


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1. Introduction

The “import” and “export” of steadily increasing numbers of foreign workers in general, and the feminization of migration in specific, has created a myriad of problems and challenges that require attention by governments, trade unions and NGOs in origin and destination countries. These major challenges arise particularly in contexts where migration is characterized by widespread informalization, temporariness and/or illegality where migrants, as a result, are not organized politically. Migrant associations, trade unions and other civil society institutions have an important role to play in the empowerment of migrants, especially female migrants. This has been recognized by academics (see Ford and Piper, in press, for Asia; Basok, 2005, for Latin America) as well as policymakers (ILO 2004; GCIM 2005). These different types of organizations have their respective strengths and weaknesses, based on their organizational ‘histories’ and processes, offering different opportunities and posing different limitations for advocacy and labour organizing. In recent years, trade unions have begun taking a new approach to migrant workers, leading to some promising developments which include new strategies which have begun to emerge in the form of intra-organizational policy shifts or reform processes and inter-organizational alliances within and across borders. Part and parcel of these changes is the need to address gender issues in the political organizing of migrants which has come to the fore. This also constitutes an important area for academic inquiry which has so far largely neglected the political aspects of migration from a gender perspective (Piper 2006b).

As amply shown by existing research (Kofman, forthcoming; Boyd & Pikkov, forthcoming), the incorporation of migrants into the labour market is gendered, as are the processes and dynamics involved in political responses to the widespread non-recognition and violation of migrants’ rights. By drawing on the specific situation in Southeast and East Asia, this paper aims to illustrate the fact that the incorporation of migrant workers and labour relations as well as the advocacy on behalf of migrant workers by trade unions and grassroots organizations are gendered processes. The ways in which migrants engage as civic and political actors in the process of migration are often mediated by gendered norms, expectations, and opportunities for agency. In
addition, the gendered nature of organizational structures involved in the political struggle for the recognition of migrants’ rights does not only reflect gender segregated labour markets but also the gendered nature of law (Satterthwaite, forthcoming).

The issue of political participation points to the importance of collective action via institutions or organizations. In the realm of work, the labour movement through trade unions constitutes an important institution for the representation of workers’ interests and the right to organize or join trade unions is firmly established in international human rights law. Apart from the general problem of the erosion of workers’ rights globally, the additional problem for foreign workers, however, is their status as non-citizens. Trade unions have historically been rather anti-immigration, blaming foreign workers for low wages and deteriorating working conditions. Trade unions have historically also excluded women workers. In addition, many labour migrants in Asia work on short-term contracts and/or in an undocumented manner - conditions which pose a specific challenge to labour union organizing. The feminization of migration and women’s position in mainly informal, non-unionized jobs is another area that trade unions have long neglected or found difficult to address. As a result, the organizing of migrant labour, or the lack thereof, highlights serious limitations of conventional trade unionism. A number of scholars working on Asia have in fact argued that it is alternative organizations such as migrant associations or NGOs working on migrant issues that have taken on an important role in filling this gap (Wee and Sim, 2005; Asian and Pacific Migration Journal, Special Issue vol. 14, no. 9, 2006).

A holistic approach to migrant worker political organizing (in the sense of bringing trade unions and grassroots organizations together) is rare. But it is through such a holistic approach that gender differences - in a relational sense (as opposed to a focus on women) - in migrant worker organizing can be teased out. This paper, thus, attempts to analyse political organizing of migrant labour from a holistic institutional set-up to assess the gender differences in terms of the type, form, and influence migrant workers’ political activism takes. Empirical examples and data derive from the context of intra-regional migration flows in Southeast and East Asia.
2. Feminization of Migration

The scale, scope and complexity of international migration have grown considerably – so much so that states and other stakeholders have become more aware of the challenges and opportunities presented by human movements (GCIM 2005). This can also be observed in the Asian context. Of the world-wide estimated 185 to 192 million international migrants, nearly 50 million (or 29 per cent) were in Asia as of 2000 (UN 2004, cited in IOM 2005:1). The ILO estimates that about 22.1 million were economically active in Asia from among the 86 million migrant workers globally (excluding refugees) (ILO 2004:7). In Southeast and East Asian countries that admit migrants exclusively for temporary labour purposes, the share of independent women in the labour migration flows has increased sharply since the late 1970s (ILO 2003: 9). By 2000, 50.1 percent of all migrants in Southeast and East Asia were women (UN 2002), and in some cases women clearly dominate over their male counterparts, reflecting the decrease of traditional male jobs and the increase in female dominated jobs. This has led commentators to refer to this as the ‘feminization of migration’.

According to the 2006 UNFPA report on women and international migration, Asia as a whole, is one of the two regions in this world\(^1\) where there are still slightly more male than female migrants by the year 2005, but the number of women migrating from some countries in Asia has surpassed that of men (2006:23). Another UN report states that “female migrants are particularly underrepresented in Asia” (2006:33). Men, by contrast, migrate from almost all developing countries in Asia, whereas there are only three sources of countries from which the bulk of female migrants originate: the Philippines, Sri Lanka, and Indonesia. This is partly a reflection of the demand structure. Many jobs are in the construction sector, security services, or in specific service jobs as drivers in West Asia, and in the construction, plantation or shipyard sectors in Southeast Asia. The relatively low numbers of South Asian women (with the exception of Sri Lanka)\(^2\) migrating as domestic or factory workers has largely to do with the strict social norms.

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\(^{1}\) The other region is Africa.

\(^{2}\) See Nana Oishi (2005) and Dannecker (2005) for a more detailed discussion on women’s restricted mobility in South Asia.
imposed on lower and unskilled women restricting their mobility and the discursive construction of “protecting women” by banning their migration to work in certain jobs such as domestic and entertainment. Another reason is that statistics often capture only formalized jobs under temporary contract schemes. Women are mainly represented in these as domestic workers although they also migrate in other informal streams which are not captured by official statistics.

The feminization of migration in Asia is in fact usually associated with out-going flows from Indonesia, Sri Lanka and the Philippines where women make up 62-75 per cent of workers who are deployed legally on an annual basis (Asis, 2005).3 If, however, unauthorized migrants were factored in, the feminization of migration would involve more countries. Thai women, for example, are underrepresented in statistics of legal migration, but they predominate among irregular migrants or those presumed to be trafficked. Thailand has also been the destination for unauthorized migrant women, such as Burmese women working as domestic workers. There are, however, important gender variations with regard to unauthorized migration: in the context of Indonesia, most unauthorized migrants are men going to neighbouring Malaysia to work on plantations and in the construction sector. In the Philippines, men and women are more or less equally represented in unauthorized migration streams (Asis, 2005). In addition, if the increasing number of international marriages between Asians were included, the gendered landscape of migration within Asia would take on a different dimension.4

The demand for domestic workers and so-called ‘entertainers’ in E/SEAsia has also been an important driving force behind the feminization of migration. Changes are

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3 South Asia is mainly a labour exporting sub-region where women’s (official) mobility is subject to serious restrictions (with the notable exception of Sri Lanka). Hence, countries such as Bangladesh predominantly send male migrants. It has to be noted, however, that mobility is not limited per se but shaped by sector and skill level. In India and Bangladesh, for instance, skilled women’ migration is not limited, but there are limits on domestic workers. In all these countries, women internal migrants outnumber men because of marriage migration. In view of this, it is the specific nature of the mobility that is restricted and this is done through official controls (sex and domestic work) and unofficial (discursive limits on single female mobility because of social construction of femininity, gendered social order that increased women’s workload which is then not easily redistributed outside of the family because of patrilocality etc. I owe these insights to Dr. Parvati Raghuram (personal conversation, 27 September 2006).
gradually becoming evident not only with regard to the increased volume of female migrants, but also with regard to the diversified patterns of their migration, including source, destinations, working conditions and skill levels. The largest proportion of these women, documented and undocumented, continue to work in job categories characteristically assigned to female migrants such as live-in maids, care givers, entertainers, sex workers and other service employees (e.g., *Asian and Pacific Migration Journal* 2003). A smaller but substantial proportion of women work in the garment sector as well as agricultural and fish farm hands. It seems as if it is in particular women from South Asia – Bangladesh and Sri Lanka – who have been deployed in Malaysia and the Middle East as garment workers (Dannecker, 2005; Dias & Wanasundera, 2002; INSTRAW & IOM, 2000). Vietnam has become a source country of male and female factory workers in Korea and Taiwan and more recently also of a small number of domestic workers to Taiwan (Dang, 2000). Very little is known about Cambodian out-migrants who seem to be mainly destined for Thailand. Their flows are divided into short-term/range border crossing (typically seasonal agricultural workers, the majority of whom are women) and longer-term/range movements (mainly by construction workers, porters, factory and food processing workers, most of whom men) (Chan & Sovannarith, 1999). Fewer but increasing numbers of women migrate to other Asian countries as wives of male citizens (Piper & Roces, 2003). Recently, skilled and professional women have migrated in response to expanding employment opportunities in business, health, education, and services (Raghuram, 2000; Willis & Yeoh, 2000; Thang et al., 2002). But the overall numbers of skilled women moving within Asia appears to be small.

Short-term contract work (and it has to be noted that such contract work is both a characteristic of lesser skilled sectors such as domestic work as well as highly skilled workers in the IT sector) leads women to migrate and re-migrate repeatedly. Likewise, a considerable number of women manage to obtain extensions on their contracts adding up to a period of many years, if not decades, abroad. In the absence of family reunification policies in Asia, migrant families often become transnationally “split households”, either with one parent working abroad or both doing so in different

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*It might appear odd to include foreign wives into the discussion of economic migration, but as argued by Piper (2003) and Piper and Roces (2003), the two streams are inter-related.*
countries. Their mothers, while working abroad, experience a phenomenon referred to
as “transnational motherhood” (Hondagneu-Sotelo & Avila, 1997; Hondagneu-Sotelo,
2001; Hochschild, 2002). The reversed gender roles in which a wife becomes the
family’s breadwinner while her husband attends to the children and household, have
frequently resulted in marital conflict. Such role reversal has often challenged the
masculinity of men, especially those who are permanently unemployed in a stagnant
economy (Gamburd, 2001; Parreñas, 2001).

To sum up, the vast majority of migrants in Asia are low- or semi-skilled workers who are
participating in migratory systems with specific characteristics: labour migration is largely
contracted and mediated by employment agencies with the effect of increasing the
overall costs of migration; legal cross-border flows are of strictly temporary nature; partly
as a result of being tied to one employer, migrants are subject to widespread incidences
of abuse and rights violations; upon return, they are faced with uncertain reintegration
(ILO 1999).

Similarly to other parts of this world, migrant workers in Asia are highly represented in the
construction sector, in the manufacturing sectors for small firms or for sub-contracting
companies, in services, in agriculture (esp. on plantations), rice mills and fisheries. They
are typically provided low salaries with little or no benefits. Migrant women are largely
confined to traditional roles in the labour market, mostly in the health, entertainment and
domestic service sectors; in addition they can also be found working in factories,
especially in the garment sector. As entertainers and domestic workers, they are
inadequately addressed by labour legislation, and so are the so-called ‘trainees’ (mostly
male), a system commonly used in Japan and Korea to get around official policy of not
allowing the employment of unskilled foreign workers (Yamanaka and Piper, 2006).5 But
it has to be said that even in those sectors covered by labour laws in theory, unskilled

5 Domestic workers and trainees are explicitly excluded from national labour laws in most of the Asian
destination countries where this type of migrant worker occurs. Entertainment is completely invisible in
legislation - not even mentioned as a type of work to excluded.
migrant workers often have their employment and associational rights violated in practice (see below).

The characteristics of labour migration in Asia (temporary contract work in informal or sub-contracting sectors), thus, pose specific problems to the issue of protection and political representation of migrants’ rights by non-governmental organizations – which have an additionally difficult stance in Southeast Asian destination countries because of very restrictive political space.

3. Political Agency and Participation: An Organizational Framework

Participation is the opposite of passivity and social exclusion. Agency is the opportunity to make choices on life events - to define one’s goals and act upon them. One might be free to act or participate but not do so, due to lack of capability or lack of knowledge – a situation which can result in indifference. Agency can be exercised by individuals individually or collectively in form of group representation and is sometimes seen as related to rights, although it is not clear that having agency directly leads to having rights (as argued by Briones, 2006). In the context of migrant workers and women in specific, it is often the NGO environment which starts the process of collective representation (Courville and Piper, 2004).

Without access to an organization that can represent their interests, most people are – and remain - likely to be vulnerable to economic and social insecurity (ILO Socio-Economic Security Programme 2004). Having a meaningful organizational set-up through which influence on policy and the normative/legal framework can be channelled at all stages of the migration process (pre-migration, stay abroad, return migration) helps the promotion and implementation of migrants’ rights. The creation of an enabling environment can be achieved through institutions that empower workers through education, knowledge provision and so on. Awareness is only the first step, however. What is really significant is direct participation in ‘voice institutions’ (ILO Socio-Economic Security Programme 2004:339) and thus, self-organizing. In the context of migration this
means organizing by migrants themselves (or by former migrants). This, however, often proves to be difficult based on foreign workers’ legal and visa status as well as type of job – and the democratic space given to such self-organizing by destination countries (Piper, 2005a). In addition, there are important gender differences in terms of the extent to which organizing is possible and the form such organizing takes. I return to these issues below.

One way of establishing an analytical link between migration and the politicization of migrants’ concerns through non-governmental institutions is via the concept of governance. Governance issues have in previous studies typically been approached from one level or two levels only – i.e. supra-state or NGO level. Another strand of social science theorizing has been concerned with networks in a national and transnational setting. It is argued here that a normative agenda aimed at social justice for marginalized groups can only be successful if it takes an integrated approach to the various different levels of governance that exist. The principal categories of social theory employed to capture these different levels, therefore, are networks.

The concept of ‘network’, thus, serves as a link between migration studies and governance. Within migration studies, networks theory have mostly been approached from socio-cultural and/or spatial perspectives, whereby the political sphere has not yet received sufficient attention (Piper, 2006a; as also noted by Faist, 2004). Social movement scholars and political scientists working on advocacy networks, on the other hand, have investigated the transnational sphere of such network activities and the transnational nature of the issues advocated for, as well as the transnational form of such activism, but hardly beyond the context of NGOs neglecting trade unionism and thus collective political action. Migrant worker organizing has, therefore, not been looked

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at from a transnational nor trans-institutional perspective. Furthermore, it is precisely this perspective which allows us to assess gender differences.

From the viewpoint of foreign workers who are on temporary contracts and not permanent residents, let alone citizens, political participation takes on a different meaning and form. The crucial vehicles for their political organization are pre-existing trade unions and NGOs since self-organizing in the destination country is often difficult. As part of the global reconfiguration of economies, however, trade unions’ capacity to influence policies has been eroded in recent decades in countries where it was historically strong (such as Europe), and has been prevented from growing in many places where it was already weak (in much of Asia). The widespread de-unionization in recent years and erosion of the strength of freedom of association has pushed collective bodies such as unions to a more marginal role in social policy making. Unions are losing their appeal as labour markets become more flexible and informal, making it more important that trade unions represent workers in a more holistic manner, i.e. as citizens (ILO Socio-Economic Security Programme 2004).

There is a great deal of academic writing on the subject of trade union reforms and summarizing these goes beyond the scope of this article.\(^9\) Trade unions’ ambivalent stance on migrant labour has also been subject to some analysis (Kahmann, 2002; Briggs, 2001). Theoretically, the most interesting and relevant contributions as far as this chapter is concerned, has been the work by Waterman (2001) on social movement unionism and Johnston (2001) on ‘labour as citizenship movement’. The latter makes direct reference to immigrant labour, documented and undocumented. Johnston highlights the increasingly transnational workforce and transnational overlapping of societies which requires, according to him, a re-conceptualization of conventional perspectives on citizenship (as also argued by Piper and Ball, 2002). New approaches and strategies are needed to address critical problems faced by migrant workers in their role as foreigners as well as labourers in certain sectors that are associated with the

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\(^8\) For a full literature review, see Piper and Uhlin (2004).

\(^9\) Useful references can be found on 
http://www.crimt.org/2eSite_renouveau/Samedi_PDF/Cradden_Hall_Jones.pdf
“three Ds” (dangerous, difficult, dirty), epitomised by construction, agriculture, and domestic work. There is growing realization that ‘coalitions of organizations’ can exert far more influence than single organizations by themselves.

Waterman (2001, 2003) has developed the notion of ‘social movement unionism’ as a synthesis of trade-union theory with that of ‘new social movement’ theory, arguing that the crisis of trade unionism is rooted in the fact that the labour movement is still understood in organizational/institutional terms when it needs to be understood in networking/communicational ones (as new social movements have done). Both he and Johnston argue that although labour is not the only source for social change, it constitutes an important ally and would achieve its full potential if aligned with other democratic social movements. With traditional workers and unions no longer being the norm of political struggle for social justice, labour movements have to rethink their way of operating. Recent studies on migrant worker NGOs in the Southeast Asian context have argued on a similar line: that regular collaboration with trade unions would enhance NGOs’ advocacy efforts.  

The specific situation of many migrant workers highlights the importance of organizational representation and the formation of alliances as well as networks across space, institutions and issue-specificism (human rights, women’s rights, workers’ rights) to address the complexity of migrants’ rights. 

3.1. Female Migrants

Gendered analyses of trade union politics and their organizing, or non-organizing, of migrants in the context of settlement countries do not seem to exist. The issue

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10 To be precise, Waterman (2003) argues that social movement unionism should be reconceptualized in “Class+New Social Movement” terms.

11 These studies were presented at the workshop Migrant Labour in Southeast Asia held at the Asia Research Institute in Singapore (24-25 August 2005) in cooperation with the Friedrich Ebert Foundation which provided the funding for the fieldwork and the workshop. These country reports (by Alcid, Ford and Piper) have since been published in a special issue of the Asian and Pacific Migration Journal (2006).

12 See Piper (2006a) for a detailed discussion of the transnationalization of rights.
of women workers and (historically male dominated) trade unionism has been subject to some scholarly inquiry (see Fonow, 2003), but not from the specific perspective of migrant workers. A gender perspective to labour organizing, however, introduces an additional element to the problematic stance experienced by foreign labour. The few existing studies on civil society organizations' engagement with foreign labour have argued that it is not trade unions but NGOs which have taken on a vital role in supporting migrant workers in general and migrant women in specific (Ford and Piper, forthcoming). Political self-organizing has also been mainly in the form of grassroots organizations or associations rather than trade unions13 (Schwenken, 2003; Piper, 2006a).

In the Asian context, as pointed out by Yamanaka and Piper (2006), female labour's responses to oppressive conditions have been subject to much scholarly debate. As the result of rapid economic development under the tight control of development-oriented states and their industrial allies which have suppressed organized labour activities, factory workers (especially in export-oriented industries where women constitute the majority of workers) have found it extremely difficult to escape exploitative or abusive practices, let alone address them politically. Consequently, large scale labour disputes have rarely occurred in factories of multinational corporations in E/SE Asia (Chow, 2002a). Instead, it has been argued that the typically female labour force uses a variety of forms of resistance referred to as “weapons of the weak” (Scott, 1986) or “cultural struggles” (Ong, 1991, 1996).

Female workers in general, and more so migrant workers such as foreign domestic workers, are thus often portrayed as having little or no agency in the

13 In Asia, there is however one notable exception and this is Hong Kong where foreign domestic workers have been successful in setting up a union.
world economy. They are either viewed as passive victims of global power structures (emphasizing macro economic ‘demand and supply’ dynamics) or as isolated actors exerting micro agency through acts of ‘everyday resistance’ (Ford and Piper, forthcoming). Research on domestic worker activism in Asia tends to confine their attention to one country (typically the destination) which often results in the interpretation of such phenomenon as “local” with little influence on politics or policies (e.g. Abdul Rahman, 2005). However, when the transnational nature of their activism and the increasing incidences of transnational networking is taken into account, collective activism takes on a new dimension and force that can, and has, influenced national, regional and global policymaking to some extent (Piper 2005c). Such networking takes place via organizations and requires the possibility to establish such organizations – and thus is related to the issue of ‘freedom of association’.

4. Associational Rights and Protection Issues

4.1. Legal and Normative Framework

The right to organise or join trade unions or form other organizations is firmly established in international human rights law. The ILO’s latest Plan of Action on migrant workers – the outcome of the International Labour Congress in 2004 and its tripartite negotiation structure which includes trade unions – has revived a rights-based approach to migration. The freedom of association and collective bargaining is among the fundamental principles and rights at work championed by the ILO which are universal and applicable to all people in all States, regardless of the level of economic development. They, therefore, also apply to all migrant workers without distinction. Representation and having a voice at work are described as “important means through which migrant workers can secure other labour rights and improve their working conditions” (ILO 2004:72-73). In addition to the ILO norms and standards, the right to form and join trade unions is also enshrined in the International Covenant on Economic,
Social and Cultural Rights (hereafter: ICESCR) as well as in the 1990 UN Convention on the Rights of All Migrant Workers and Their Families (hereafter: CRM).

However, there are crucial differences and nuances with regard to the scope and extent to which migrants can organize themselves politically as set out by relevant covenants. The migrant worker specific ILO conventions, and the CRM Article 26 of the latter stipulates that all migrant workers (regardless of legal status) have the right “to take part in meetings and activities of trade unions and of any other associations established in accordance with the law” and “to join freely any trade unions and any such association as aforesaid”. The explicit right to form an organization, however, is confined to documented migrants, as stipulated in Article 40:

“Migrant workers and members of their families shall have the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests.”

The ICESCR in its article 8 refers to the “right of everyone to form trade unions and join the trade unions of his (sic) choice, subject only to the rules of the organization concerned”. Unlike the CRM, this Covenant, however, only refers to trade unions and not to ‘other associations’ which include civil society organizations.

Based on its tripartite structure including trade unions, the clauses on ‘freedom of association’ championed by the ILO relate to trade unions only. Unlike the CMR, the two migrant worker specific ILO conventions (no. 97 and 143) restrict the equality of treatment and opportunity in respect to trade union rights of those migrant workers lawfully within the territory of the destination country. This means the CMR goes the furthest with regard to ‘rights to institutional representation’ in terms of types of organizations, but the ICESCR takes associational rights one step further by extending this to all workers regardless of legal status, even though this right to self-organizing

15 For full text of the entire Convention, see http://www.ohchr.org/english/law/cmw.htm.
remains restricted to trade unions. This reflects two major issues: the dominant recognition of trade unions as the institution to represent workers as far as international law is concerned and the widespread reluctance to allow all foreign workers the right to organise regardless of migration status. This confirms general comments made on migrant worker specific instruments as well as other UN conventions about their reflecting the situation and concern of western countries more than of countries in the global South (Piper and Iredale, 2003; see Davies, 2004 on the 1951 Refugee Convention) as well as the priority of controlling migration rather than the protection of all migrants in their capacity as workers. Moreover, this has serious gender implications: problems specific to women migrants are more addressed by NGOs than trade unions. It is the latter, however, who have more clout in defining who is a legitimate worker which is largely related to the fact that the concept of ‘work’ derived from nineteenth-century definitions based on the experience of male industrial workers in the factories of Great Britain (Ford and Piper, forthcoming).

On the issue of protecting undocumented migrants, there has been a gradual shift in recent years (coming mainly from trade unions and NGOs) to treat migrants first and foremost as workers once they have entered the territory and are working at the destination, regardless of their legal status. More and more national trade unions take steps to offer some kind of protection to ‘sans papiers’ (Piper, 2005a). This development has become evident on the international level also, in the revival of a rights-based approach to migration by the ILO which includes irregular migrants. The most recent and ground breaking development in this regard, however, is the ruling by the Inter-American Court of Human Rights that clarifies that all migrants – documented and undocumented – are covered by the principles of non-discrimination, equality and equal protection in the host states where they live and work and must not be excluded from the protection of labour laws on the basis of their migration status. This, however, still leaves the issue of political organizing and impediments to associational rights.

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16 The concern with the ‘control of migration’ has recently experienced a discursive shift to the ‘management of migration’ (see Piper 2006c for full discussion).
4.2. Trade Unionism and the State

Unlike in other Asian countries such as Korea and the Philippines, in both Singapore and Malaysia, labour has in general been unable to make a significant contribution to political mobilization and democratization (Sing 2002). This has to be seen in the context of both countries’ paths towards economic development involving export-oriented industrialization (EOI) and in their quest to attract overseas investors. The EOI strategy was originally founded on a low-wage labour force and associated with state policy aimed at restraining labour costs and the reduction of labour’s bargaining power. This also explains why a national minimum wage has never been part of the legislated minimum entitlements available to workers (Peetz and Todd 2000). Industrial relations are, thus, characterized by a high degree of state intervention, particularly in controlling trade unions and collective bargaining in order to provide modestly priced and disciplined workers.

In Singapore, low level of labour activism has been described as the result of its state form classified as ‘developmental paternalism’ (Deyo 1997) backed up by a combination of legal constraints on civil society organizations and co-optive mechanisms to defuse political challenges through state-led organs. Union membership is relatively low compared to other industrialized countries. About 16% of the entire workforce was unionized in 2002. Moreover, since 1969, a partnership between the unions and the state has emerged, so much so that the labour movement in Singapore is said to have transformed from a wage-negotiating unit to a nation-building institution. Close collaboration exists between the People’s Action Party (or PAP, Singapore’s main political party), and the National Trade Union Congress (hereafter: SNTUC) with overlapping leadership. This strong interpenetration between the SNTUC and the government is not a secret, but openly and regularly publicized. This has let some commentators to describe the PAP-SNTUC relationship as symbiotic, whereas others would go further by arguing for “a clear subordination of the labour federation and workers to the state” (Sing 2002:26). The state has, thus, long played an important role in the SNTUC through provision of funds, personnel and policy initiatives (Sing 2002:

\[17\] It is always a PAP member who holds the important post of secretary general of the SNTUC.
As a result, the SNTUC has never raised strong objections to some draconian laws that restrict workers’ rights to strike or the autonomy of labour unions. Under the Trade Union Ordinance, the state has been empowered to grant or deprive trade unions of recognition etc. Registration of unions is compulsory and a registered union can at any time be de-registered (Sing 2002).

In Malaysia, the political system has been referred to as a ‘pseudo-democracy with authoritarian elements’. Control over its civil society has been described as one of the Malaysian state’s greatest manipulations (Sing 2002: 28). Malaysian unions have been weakened since independence in 1957, as a result of a general anti-union propaganda casting unions as ‘anti-development’ (Crinis 2002). Employer opposition to unionization of workplaces has been widespread and with the government reluctant to challenge such opposition, workers have been left largely unprotected (Peetz and Todd 2000).

Union influence has been circumscribed by laws on union recognition, the definition of issues subject to bargaining, freedom to strike, and dispute resolution. Union size and structure are heavily regulated through laws, such as the Trade Unions Act of 1959 and the Societies Act of 1966, which have dampened labour activism. Under the Trade Unions Act, the union can only represent workers in a particular trade or industry. This regulation has limited the power of unions and resulted in the Malaysian Trade Union Council (hereafter: MTUC) only registering under the Societies Ordinance. This prevents the MTUC from joining wage negotiations or assisting in any industrial action. Moreover, the Trade Unions Ordinance prevents office bearers or employees of political parties from holding office in trade unions. This measure has weakened political integration between parties and labor unions. Unions have, thus, remained politically feeble and vulnerable to state control (Suaram 1998).

Lacking political cohesion is also said to be related to the ethnic composition of Malaysian society which has apparently resulted in ethnic identity out-weighing class identity. Apart from political constraints, all major unions have also been faced with financial problems (Sing 2002). As a result of this web of problem areas, overall
unionization rate dropped to 10 percent in 1995 and has remained more or less at that level ever since (Ramasamy 2005).

4.3. Associational Rights for Migrants in Practice

Legally, temporary migrant workers often have the right to join trade unions which is, however, more often a theoretical right in practice. Even legal migrant workers face various tactics of employers and contractors to keep them out of trade union membership despite their legal entitlement to do so (of which they are often not aware). Migrant workers are typically concentrated in the informal sectors of the labour market doing unskilled jobs and working extremely long hours without much time off; they often have a high level of mobility by moving between jobs or even sectors; they work in great isolation as in the case of domestic workers or other women factory workers whose mobility outside of the workplace is highly restricted due to cultural restrictions, such as in the case of South Asian factory workers (Dannecker, 2005). Domestic workers face the additional problem that their remunerative activity is not even socio-legally recognized as ‘work’: most labour standards laws in Asia explicitly exclude domestic work from their coverage. Hence, established unions have never included domestic workers in their labour activism (with the rare exception of Hong Kong). The controversial issue of work in the sex industries is yet another matter entirely – this line of work is completely invisible. A related issue is that despite the legal right to join trade unions, unions rarely actively seek membership by migrants which leaves the latter often unaware of this option (and migrant workers are often not unionized in their country of origin either).

As a result of these factors, in many destination countries, organizing of foreign workers is very difficult. In the Malaysian case, e.g., migrants’ contracts typically contain clauses prohibiting (legal!) foreign workers to join an existing union or be politically active. This actually violates the national employment law. The Industrial Relations Act and Trade Unions Act govern the formal industrial relations system in the country and the law allows migrant workers to become members of trade unions (but not hold office), although in

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18 The exact wording in one contract for a Nepalese worker is “The Employee shall not marry with any Malaysian and shall not participate in any political activities of those connected with Trade Unions” (copy shown to the author during interview, June 2005, Kuala Lumpur).
practice, migrants are prevented from joining unions as stipulated in their contracts. The moment a migrant joins a union, the employer can sack this worker without being held accountable. Thus, the formal labour/employment system is weakened by the existence of an informal system. Even for ‘willing’ trade unions, this poses extraordinary obstacles.

In addition, in Southeast Asian countries, migrant workers are legally not allowed to set up their own organizations, with the notable exception of Hong Kong. In Singapore, e.g., any organization engaging in ‘political activity’ is strictly scrutinized. Intentions to advocate issues of rights have to go through a lengthy registration process and it is presumed that citizenship would be an issue. An entirely non-citizen group attempting to register a rights-based organization is unheard of. Malaysia has a more vibrant NGO sector than Singapore, even in the area of human and workers rights, but there are no NGOs set up by migrants themselves which is partly a reflection of the fairly large number of undocumented migrants. In such circumstances, migrants depend on concerned local citizens to extend support to foreign workers through existing NGOs.

5. Gender Advocacy and Organizing of Migrants

5.1. The Actors

Civil society organizations have for a long time filled an important gap by addressing labour issues (Gallin, 2000). Empirical evidence from the developing South acknowledges even more the importance and influence of non-traditional, non-union labour organizing (Ford, 2004; Hutchison and Brown, 2001). Not all of these NGOs concern themselves primarily with labour issues but all contribute to a complex web of activism supportive of marginalized workers who often are female and/or migrant (Ford, 2004). Along with broader human rights organizations, women’s organizations have emerged as particularly active in advocating for migrants’ rights in general and migrant women’s rights in specific. It is human rights and women NGOs that have been at the forefront of advocacy for migrant workers in Asian destination countries. As far as countries of origin are concerned, the Philippines stands out with regard to the breadth of associations set up by former migrants and/or ‘left behind’ family members of migrants which have been politically active for many years. Such organizations are beginning to
appear also in Indonesia. Trade unions, by contrast, have not given much attention to neither migrants nor gender issues.

Existing NGOs can be divided into two broad categories, ‘migrant labour organizations (understood as those run by migrant workers themselves) and NGOs involved in migrant labour (i.e. organizations which do not focus on foreign workers per se and which are run by concerned citizens, not the migrants themselves). The second type can be further classified into the following types of NGOs: 1. faith-based organizations, 2. worker/labour NGOs, 3. women’s rights organizations; and 4. human rights organizations. Destination countries in Southeast Asia and the region at large have at least one group of each type.

Unlike trade unions, NGOs engaged in migrant worker advocacy usually do not take a sector specific approach (although there are NGOs catering specifically to domestic workers) and often conceptualise migration as part of broader globalization processes establishing links to other issue areas such as trade, poverty, governance – and the sexual division of labour. In places where domestic workers constitute the dominant job category for foreign women, it is not surprising to find quite a few NGOs set up to exclusively assist foreign domestic workers (hereafter: FDWs). This is the case in Hong Kong and Singapore.

In Malaysia, interestingly enough, the most active and outspoken NGO, Tenaganita, started off as a women’s NGO but having been mostly called upon by a great number of male migrants, it could not refuse assistance and has gradually become a migrant worker NGO in practice. This is a reflection of the huge problems the large number of male migrants encounters in Malaysia: breach of contracts (non-payment or under-payment of wages) and hassle by security forces (police and immigration). But this is also a reflection of the fact that domestic workers in Malaysia seem to be more invisible than in city states like Singapore and Hong Kong. Furthermore, this reflects the general apathy of the local and national trade unions to reach out to migrant workers.

On the international level, the trade union movement has identified three types of migrant workers as particularly vulnerable: agricultural, construction workers (most of whom are
male) and domestic workers. The latter, however, has never been unionized in Asia (again, with the notable exception of Hong Kong). Local unions are mainly concerned with the rights of the workers occupied in a particular sector that is mostly part of the formal economy, of whom only a small percentage are women. With union advocacy for workers' rights being sector specific, this also has gender implications as the incorporation of migrant workers into the labour force is sex-segregated.\(^\text{19}\) However, it has to be said that even within a specific sector, there are nevertheless differences according to skill and hiring/working practices. Frost (2005) has shown that in the case of Nepalese construction workers in Hong Kong, most of them are day labourers and suffer from high levels of job insecurity and informal practices. They do not enjoy any assistance by trade unions.

Apart from sector-related problems, the availability or lack of political space for the setting up of institutions offers another explanation for the different types of organizations involved in migrant labour advocacy. Recent country studies on four major countries\(^\text{20}\) involved in labour migration in Southeast Asia – Singapore, Malaysia, Indonesia and the Philippines – have provided a detailed mapping of existing organizations and their strategies to promote and protect migrants. These studies have made a clear distinction between migrant worker associations (run by migrants or former migrants) and NGOs involved in assisting foreign workers. Self-organizing has been identified as particularly effective and this underpins not only the importance of ‘freedom of association’, but also ‘freedom to form political organizations’ of any kind – and the addressing of widespread direct and indirect violation thereof.

5.2. Issue Areas

Broadly, the main issues fought for by migrant worker associations and NGOs in Southeast and East Asia revolve around employment-related rights and improved working conditions. In the specific case of domestic workers who are locked into

\(^{19}\) This has also been observed by Basok (2006) in the context of Latin America.

\(^{20}\) See footnote 11, page 10.
informal interactions within the home, much of the activism has appealed to the “morals” of employers as reflected in campaigns such as “Dignity is Overdue” (Singapore, Malaysia). NGOs have called for standard contracts as a minimum protection and are also demanding the inclusion of domestic work in the coverage of national labour laws (more vocally in Malaysia; in Singapore there is disagreement among NGOs whether a uniform contract is to the benefit of all FDWs). In Malaysia, the trade union council and NGOs have begun to jointly call for the right of all workers to seek redress to put an end to under- or non-payment of wages and to create a ‘culture of payment of wages’. This includes a call for the right to stay by issuing foreign workers not just social pass visas but work permit visas to allow them to earn money while waiting for labour disputes to be resolved.

In the Philippines, activism for migrants’ rights has become particularly broad to include, e.g., the rights of family members left behind, rights to economic security ‘at home’, as well as absentee voting rights – a campaign which resulted in the passing of the Overseas Voting Bill in 2004. To assist returned migrants with reintegration has also become part of their advocacy agenda. Filipinos have emerged as the most widely and best organized group of migrants, to the extent that they are even engaged in ‘training’ other groups of migrants to become good activists (as it happens in Hong Kong) (Piper, 2005c). They have the most extensive networks ‘at home’ and ‘abroad’ - a reflection also of their being the most dispersed workforce in the world.

The International Confederation of Free Trade Unions’ (hereafter: ICFTU)21 Regional Organization for Asia and the Pacific (APRO) has recently organized a few regional consultations on the role of trade unions in protection migrant workers (ICFTU-APRO 2003). ICFTU-APRO’s Action Plan from 2003 includes two major recommendations: 1. establishing a migrant workers’ desk or committee; 2. recruiting migrant workers as union members. The first has been realized by some national centres, such as Singapore’s

21 The ICFTU is a global confederation of national trade union centres, each of which links together the trade unions of that particular country. Membership is open to independent trade union organizations which have a democratic structure. The ICFTU cooperates closely with the ILO and has consultative status with the UN’s Economic and Social Council. It has three regional offices in Africa, the Americas and Asia.
Malaysia’s TUC has a sub-committee/section on foreign workers but they do not have the funding for full time staff to work on migrant labour related issues, let alone for legal assistance (interview, July 2005, Kuala Lumpur). The second recommendation by ICFTU-A PRO constitutes still an underdeveloped aspect of trade union work in Southeast Asia (as elsewhere). But more recently, the MTUC has reaffirmed its commitment to assist and organise migrant workers, including domestic workers. In Thailand, trade union leaders have formulated the so-called Phuket Declaration resulting from an ILO workshop on migrant labour in August 2005 in which they declare (amongst other items) that “Thai Trade Unions should be committed to organise and recruit migrant workers”. Domestic workers, or any women specific job categories for that matter, are not highlighted in this declaration as especially vulnerable and thus in need of trade union action.

According to a recent questionnaire by the ILO sent out to trade unions around the world (to which 42 trade unions responded, among them NTUC Singapore), 16 unions replied affirmatively to the question whether they have a designated migration officer, two of which in Southeast Asia: Hong Kong and NTUC Singapore. The main responsibilities of such migration officers were mostly (1) training and information, followed by (2) policy advocacy, (3) individual assistance and lastly (4) recruiting members. NTUC Singapore’s designated migration officer is part of the ‘Migrant Workers Forum’ (MWF) which was set up in 2002, chaired by Mr. Yeo Guat Kwang.

Concluding Resolution, MTCU Conference on Migrant Workers, April 18-19, 2005, Petaling Jaya Malaysia. I thank Mr. Ragwhan, ILO Bangkok, for sharing this information with me.

I am grateful to Mr. Ragwhan at the ILO Bangkok office for sharing this document with me.
6. Political Alliances and Networks

6.1. The Activism: Transnational and Trans-institutional Networks

Within the existing literature on social movements and other civil society groups operating across state borders, there has been a tendency to deal exclusively with one kind of transnational group (such as transnational advocacy networks, transnational social movements, INGOs) and to treat the two major forms of ‘collective activism’ (social movements and NGOs) as different phenomena. Elsewhere, I (Piper and Uhlin, 2004,) have argued in favour of a focus on transnational activism by any type of actor to move beyond this divide and bridge research on social movements and studies of NGOs. Political activities that are referred to by ‘activism’ are: (1) based on a conflict of interests, (2) challenging or supporting certain power structures (i.e. public goals), and (3) involving non-state actors (2004:4). The focus on the actual activism links up to the network argument and allows us to link the trade union movement and other civil society organizations.

An interesting argument which has been emerging is that the labour movement can only achieve its full potential today in alignment, or merger, with other democratic social movements (‘social movement unionism’ or ‘citizenship unionism’). Participants need to be enabled to express themselves and act not only as workers but as members of a community (Johnston, 2001). In other words, struggles for labour rights are feeding into the larger citizenship movement that is a movement of women, the future of children and family relationships which cross borders. This links up with another argument made in addressing the root cause of trade unions’ loss of power in recent years: unions are urged to reflect upon their form of operating which is said to be still primarily organizational/institutional during times when both capitalism and the global NGO solidarity movement are adopting the network form (Waterman, 2003).

What has to be stressed in this regard is the need for national and transnational activist networks to achieve their full potential. “The key to successful campaigning abroad is a
strong movement ‘at home’” is the statement by a Filipino activist\textsuperscript{25} which shows that the success of transnational activism is linked to, or rooted in, a strong national movement. This is one of the major reasons why Filipinos are the most active and most successful in mobilizing migrant workers. The ‘list’ of their achievements ‘at home’ includes the ratification of the CRM in 1995, the passing of the Overseas Voting Rights Bill in 2004 and the anti-trafficking law in the same year (which is the most gender-sensitive in the world). Partly in response to activist pressure, embassy services have hugely improved over the years also. Abroad, activists who have raised awareness with regard to domestic worker issues, had successfully fought for the maintenance of the minimum wage in Hong Kong (but lost the battle finally in 2003). Indonesians have also become very active during the last few years in Indonesia itself as well as in certain key destinations in Asia, such as Hong Kong (Ford, 2004).

6.2. Impediments to Alliance Formation

The extent to which migrant worker associations are able to form alliances, in destination as well as origin countries, and assert sufficient pressure on governments to achieve change depends on many issues, gender roles being one of the more important. In countries such as Bangladesh, coalition forming between male and female migrant worker specific organizations or networks seems largely based on a strict understanding of gender roles. As Dannecker has shown (2005), gender norms and relations based on an ideal gender order of purdah severely restrict women’s mobility.\textsuperscript{26} Because there is a low level of “social legitimacy” with regard to women’s migration (Oishi, 2005), male Bangladeshi workers commonly stigmatise Bangladeshi women working and living abroad by claiming these women have a ‘loose lifestyle’ (Dannecker, 2005). They therefore exclude women from their support systems by establishing male-dominated networks.

\textsuperscript{25} Piper, interview, November 2003, Manila.

\textsuperscript{26} This might need qualifying because it seems as if South Asian women do participate in internal migration flows and this might therefore not be so much an issue of limited mobility per se, but the type of mobility in terms of jobs and destinations. In this context, it would be useful if international migration scholars were to engage with studies on internal migration.
With regard to women-to-women alliances, domestic work emerges again as a particularly vulnerable job category where forming alliances with other women’s organization is hampered by the contradictory processes of alliance formation between local women’s organizations and FDW groups (see Wee and Sim, 2005 for Hong Kong; and Lyons, 2005 for Singapore). In Hong Kong, middle-class women have largely failed to support FDWs’ successful campaigns (Wee, 2003), perhaps because opposition to the government’s proposal to lower the minimum wage is seen as an economic threat to working families who seek to minimise the costs of hiring a live-in maid.

This tension is clear in countries of origin such as Indonesia, where middle-class women engaged in activism on behalf of FDWs do not generally raise issues faced by domestic workers employed locally by women like themselves with the same vigour as they promote the interests of Indonesian nationals employed as domestic workers overseas. In destination countries such as Hong Kong, Malaysia and Singapore, where middle-class women almost always employ foreign workers, class thus intersects with ethnicity or non-citizen status. Even in Japan and Korea, where advocacy is conducted by concerned citizens, and thus on behalf of migrants rather than by the migrants themselves, the majority of citizens and women’s NGOs in these countries have remained aloof and indifferent to issues regarding the welfare and rights of migrant workers.

Yet despite these contradictions it would be wrong to depict all middle-class women as uninterested in the plight of all migrant women. Their active engagement in organizations that have included the plight of migrant workers and migrant women into their portfolio of activities have played an important role in both sending and receiving countries. A 2001 study of migrant education programs in six countries (Philippines, Indonesia, India, Hong Kong, South Korea and Japan) identified 248 groups which are directly involved or supporting migrants’ issues (AMC 2001). Women make up a large part of the activists and founders of these NGOs.

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27 This is largely because most labour migrants are undocumented (and foreign women work as entertainers rather than FDWs).
Class and ethnicity can also be issues hampering trade union organizing and collaborating with working class unions and middle-class NGOs. In the Malaysian context, it has also been argued that its ethnic composition has resulted in ethnic identity out-weighting class identity (Sing 2002). Class identity (or the lack thereof) and gender issues, therefore, add another layer to the complex obstacles to the political organizing of migrant workers.

6.3. Opportunities: Transnational, Trans-ethnic and Trans-institutional Networking

The forming of national NGO networks on migrant workers is quite rare. What seems more often the case is that NGOs gather on an ad hoc basis on a specific issue or the result of a specific event. Interestingly, they are often more active in regional networks rather than in national networks for which there are a variety of possible explanations (competition for funding and publicity locally, clashing of personalities and/or agendas etc.).

Among the migrant NGOs involved in transnational networking, there are two main types: networks set up in support of one nationality group or in support of migrant workers at large, regardless of nationality. The arguably most successful of the first category, in terms of its widespread grassroots support as well as overseas networking, is MIGRANTE International, a global alliance of overseas Filipino organizations. Membership based, staffed by activists who were formerly migrants themselves, and supported from the grassroots level, MIGRANTE has been vital in organizing Filipino migrants on a large scale. Among its objectives are to strengthen unity and organizations of overseas Filipinos and their families in the Philippines and to defend the rights and welfare of overseas Filipinos. It has 95 member organizations in 22 countries globally. By trying to address the root causes of migration in the Philippines, the NGO and its networks are addressing migrant workers’ rights "at home". Although also Philippine-based, another important network is the Migrant Forum in Asia (MFA) which is non-Filipino focused and thus clearly more regionally oriented. It is a 260+ membership organization covering the whole of Asia (West, South, Southeast, Northeast, and East),
including NGOs from sending and receiving countries.\textsuperscript{28} Its member-NGOs support any migrant workers, female and male, of any nationality in Asia. They hold regular regional meetings and exchange information (and also engage in lobbying) via email.

Another important regional network whose secretariat is located in Kuala Lumpur is CARAM Asia, which stands for Coordination of Action Research on AIDS and Mobility. It is not only concerned with domestic worker issues, but with larger health and other migration issues. Yet its work has been particularly influential with regard to FDWs. As a follow up to a regional summit on domestic workers in 2002, CARAM Asia launched a campaign to make FDW issues visible and expose the violations of their rights. It also seeks to bring about legal and extra legal protection of FDWs and lobbies for the recognition of domestic work as ‘proper’ work. To do so, it organized two consultative meetings with the UN Special Rapporteur for the Human Rights of Migrants. In addition, the network also produced a declaration called the \textit{Colombo Declaration} in 2002 at the conclusion of a regional summit on FDWs which was attended not only by NGOs but also by trade unions.\textsuperscript{29} This network has thus included trade unions in their activist endeavours. Whether trade unions attended these meeting purely to get information or in view of addressing FDW-related issues as part of their programmes and services remains to be seen.

Within trade unionism, the international structure of labour organizations has lent itself to ‘global solidarity networks’ whereby local workers have been politically active in support of workers in different countries (Herold 1995). These types of solidarity networks have, however, not been analysed by political scientists working on transnational political activism or by social movement scholars. This does not necessarily mean that transnationalism is not part of the unions’ way of operating. When looking at the various statements made by international unions or federations, one can observe a trend towards greater awareness of the need for collaboration between migrant sending and

\textsuperscript{28} For more details, see [www.mfasia.org](http://www.mfasia.org).

\textsuperscript{29} For wording and more details, see [caramasia.gn.apc.org/page.php?page=regional_summit/](http://caramasia.gn.apc.org/page.php?page=regional_summit/).
receiving countries’ unions since the late 1990s. At the level of national or local unions, however, a recent ILO survey has shown that hardly any union has ever sent a delegation to countries of migrant origin to discuss protection issues with local unions (Johansson, 2005). This might have to do to some extent with lack in resources. The NTUC in Singapore has recently begun to have meetings with the MTUC in Malaysia and migrant worker organizations in Indonesia. Philippine based trade unions have sent organisers to Hong Kong to assist with the setting up of domestic worker unions there. For this type of transnational cooperation, however, there is often not enough funding available and many unions find it difficult to justify the spending of national workers’ membership fees on such transnational issues.

New initiatives are nevertheless on the horizon: Two recent declarations by the MTUC and Thai trade unions (see also below) include in their ‘action plan’ the promotion of close cooperation with unions in sending and receiving countries. The MTUC document recommends that sending countries should “develop a system for networking and information exchange between sending and receiving countries”. As laudable as these rhetoric statements are, it is yet to be seen whether resources will be made available to turn rhetoric into transnational action.

Another element of transnational networking involves trans-institutional networking, i.e. alliances or coalitions formed between trade unions and civil society organizations domestically as well as across borders. Global policy statements by international unions have mentioned the need to collaborate with civil society organizations (but to a lesser degree than collaboration with unions across borders), and the above mentioned ILO survey confirms that some unions do collaborate with migrant worker organizations nationally. There is, however, far less evidence of trade unions networking

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31 Personal interview, Kuala Lumpur, April 2005.
transnationally with organizations other than trade unions. A notable exception is Hong Kong where a Philippine trade union has been involved in local organizing of domestic workers into a union with support by the HKCTU. Interesting to note is that in specific context, transnational networking with NGOs can actually be preferred by trade unions to working with local NGOs. This is the case with the NTUC in Singapore. A recent study has shown that there is very little trust between the national union centre and local NGOs based on different styles and the fact that the NTUC (being close to the government) cannot be seen cooperating with explicit human rights organizations (see footnote 5). However, the SNTUC has good working relationship with the Migrant Forum in Asia (MFA), a regional NGO network based in Manila, and through this network, initial meetings have taken place in Indonesia and Malaysia between trade unions and NGOs.

7. Gender Migrant Politics: Concluding Remarks

Generally speaking, migrant workers suffer from greater levels of socio-economic and legal insecurities than national workers due to their status as non-citizens, and often as undocumented workers, and their relegation to unskilled and/or informal sector jobs. As a result, foreign workers on the whole are politically under-represented and relatively voice-less. The gender-segregated nature of labour markets means that migrant women dominate certain ‘sectors’ which have traditionally been outside of the purview of conventional trade unionism and also excluded from labour laws. In theory, freedom of association and legal protection is, thus, more available to male than to female migrant workers. In practice, however, the violation of freedom of association is widespread in most South-East Asian countries where labour activism generally has historically had a tougher stance than in the industrialized North. In East Asian destination countries, one major obstacle to trade union engagement is the undocumented status of many migrant workers.

Trade unions’ political weakness means that the active organizing of any workers, let alone migrants, has been poorly developed. NGOs have, therefore, been vital players in the struggle for workers’ rights. The extent and effect to which woman migrants’ issues have been the focus of NGO (and union) activism depends largely on the opportunity for
self-organizing of the migrants. In Asian destination countries, this is a very rare phenomenon. On the political/activist level, broader coalition building and extensive networking between human rights, women and worker organizations extending to lawyers and consumer associations across origin and destination countries is needed. Academically, more in-depth studies could explore the obstacles and opportunities to do so.

I have argued elsewhere (2006a) that the increasing levels of international labour migration and the political activism surrounding foreign workers - especially when seen from a transnational perspective – have the potential to reinvigorate labour activism in general by highlighting the global connections between local and foreign workers. Apart from transnational networking, however, it is equally as important for the various organizations involved in worker advocacy to form alliances trans-institutionally and trans-ethnically. Freedom of association and the right to self-organise for all workers could be the common political framework to “make labour a whole”.32

The starting point of this chapter was to provide an integrated analytical framework on political activism on behalf of and by migrant workers from a gender perspective by investigating trade union and NGOs’ political and legal positioning against the backdrop of the dominant migration patterns in Asia. This was supported by a snap-shot of empirical examples. I argued that the concept of the governance is a useful tool to bridge migration studies with studies on political activism, especially via the notion of ‘networks’.

The academic literature on gender and migration has begun to engage with migrant worker activism from a social movement perspective, but more detailed studies on the gender and sector dynamics from a holistic viewpoint (i.e. engagement by civil society organizations and the trade union movement) are needed. As it stands now, the focus in the existing literature has been on one type of job category (e.g. domestic work) and often in the context of one specific (usually the destination) country. There are no in-

depth studies on the political dynamics within a specific sector, let alone cross-sectoral studies conducted from a multi-country and trans-institutional perspective which would help to further explore gender differences. There are many context specific differences and particularities requiring detailed studies on the specific dynamics in, and across, countries of origin and destination to fully explore the linkages between institutional politics and empowerment of migrant workers.

Despite the many structural and legal constraints that many migrants are facing, the few existing gender analyses of political participation and behaviour of migrants have highlighted migrants’ role as political agents when politics is understood in the broad sense. Transnational citizenship and human rights activism are important components of ‘alternative’ politics. Migrants’ role in transformative politics and linkages to global networking, alliance-building across the boundaries of nation-states, class, and gender, and the empowerment of migrants in general and migrant women in particular, however, is not yet fully understood. Such a comprehensive research agenda would inform, and lead to, a workable policy agenda.
8. Bibliography


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