

PCCGM-1 | BATCH 1, YEAR 2019

MIGRATION IN THE ASEAN AND PHILIPPINE CONTEXT

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Course Outline

INTRA-ASEAN LABOUR MIGRATION

(causes, trends, consequences of the current existing labour migration policies in the region)

01 02



MIGRATION IN ASEAN

("asean integration", regional policies on migration in asean, challenges to the regional policies on migration in asean)

MIGRATION GOVERNANCE IN THE PHILIPPINES

(r.a. 10022 (2009) - migrant workers and overseas filipinos act, challenges to the philippine labour migration response)

03 04

REGIONAL AND NATIONAL LEVEL POLICY RECOMMENDATIONS

(regional-level and country-specific policy advise/s)

ASEAN Countries



MYANMAR



THAILAND



CAMBODIA



SINGAPORE



INDONESIA



LAOS



VIETNAM



MALAYSIA



PHILIPPINES



BRUNEI

WHY FOCUS ON ASEAN LABOUR MIGRATION?

NET EXPORTER OF LABOUR IN THE GLOBAL MARKET

- intra-asean migration is continuously on the rise.

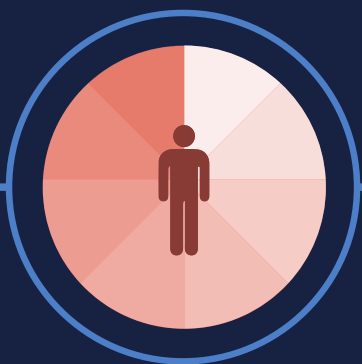
BROUGHT SUBSTANTIAL ECONOMIC BENEFITS TO THE REGION

COUNTRIES IN THE REGION ARE A MIX OF COUNTRIES OF ORIGIN AND DESTINATION



MAIN CAUSES OF INTRA-ASEAN LABOUR MIGRATION

3 STRUCTURAL DETERMINANTS:



demographic
transition



large income differentials
between economies in the
region



humanitarian
impulses & porosity
of borders

APPARENT TRENDS OF INTRA-ASEAN LABOUR MIGRATION



FEMINIZATION OF MIGRATION

(women are placed in jobs that are often associated with patriarchal stereotypes of female docility, etc.)



IRREGULAR MIGRATION

(linked to asean governments' unwillingness to effectively manage migration and to employers' desire for easily available and exploitable workers)



MIGRANT COMPOSITION

(labor movement in the region has large been composed of low-to-semi-skilled workers)



CONSEQUENCES OF THE GENERAL THEME OF EXISTING LABOUR MIGRATION POLICY

- Decisions have been more focused on: (1) short-term planning, (2) focusing on safeguarding existing ethnic balances, and (3) facilitating high-skilled migrants and much less of the large numbers of low-skilled.

ASEAN MEMBER STATES' NATIONAL POLICIES ON MIGRATION ARE NOT FORWARD-LOOKING.

It is unclear whether they will be able to prevent unforeseeable shifts.

GROWING TREND OF DEMOCRACY & RULE OF LAW MAKE IT HARD TO IGNORE HUMAN RIGHTS.

Low-to-semi-skilled workers are especially vulnerable to a myriad of mistreatments and an abundance of human rights violation.

MIGRATION GOVERNANCE IN ASEAN

"ASEAN INTEGRATION AND IDENTITY"

The vision of ASEAN Member-States is to deepen the sense of ASEAN identity among its citizens & to *"lift the quality of life of its people through cooperative activities that are people-oriented, people-centered, environmentally, and geared towards the promotion of sustainable development"*.



MIGRATION GOVERNANCE IN ASEAN

"ASEAN INTEGRATION AND
IDENTITY"

ASEAN has made big efforts to advance mutual trade and investment flows to the benefit of their 640 million inhabitants. **HOWEVER**, it hasn't been entirely inclusive in its march forward.



MIGRANTS HAVE LARGELY BEEN LEFT OUT OF ASEAN INTEGRATION PROCESS.



- **MAJOR POLITICAL FACTOR IN THE REGION**
- **THE REGION IS BASED ON THE MANTRA OF NON-INTERFERENCE.**
Making common policies on a tricky issue like migration is challenging.

IT'S PERMISSIBLE FOR COUNTRIES' SENTIMENTS TO DIFFER ON TECHNICALITIES BUT THERE SHOULD BE ASEAN-WIDE AGREEMENTS ON HUMANITARIAN ASPECTS OF LABOUR MIGRATION.

Region's Response to the Growing Phenomenon of Labour Migration



1

ASEAN FRAMEWORK ON SERVICES (1995)

- Validates various Mutual Recognition Agreements (MRA) (specifically in engineering, nursing, architecture, medicine, dentistry, tourism, surveying, and accountancy - the sectors with existing MRAs as of 2018)
- Allows negotiations through government-to-government arrangements, facilitating regional mobility, allowing for mutual protection of interests of migrants and sending & receiving states

Region's Response to the Growing Phenomenon of Labour Migration



2

DECLARATION ON PROTECTION & PROMOTION OF RIGHTS OF MIGRANT WORKERS (2007)

- Recognizes the important contribution of migrant workers in both home and host countries; underscored efforts that are needed to protect fundamental rights, promote welfare, and uphold dignity of migrant workers
- Principles stated in the declaration have yet to be operationalized but it is slowly being realized through various ASEAN member-states' efforts and agreements

Region's Response to the Growing Phenomenon of Labour Migration



3

ASEAN PLAN OF ACTION FOR COOPERATION ON IMMIGRATION MATTERS (2012)

- ASEAN member-states' governments' desire to combat drug trafficking, human smuggling, and terrorism have led to attempts at multilateral cooperation to prevent illegal migration.
- It encourages skilled migration and facilitates free movement between ASEAN countries.

Region's Response to the Growing Phenomenon of Labour Migration



4

ASEAN ECONOMIC COMMUNITY BLUEPRINT (2015)

- Despite the region's clear aspiration to create an effective framework to facilitate movements among skilled professionals within the ASEAN community, progress has been slow due to the following:

A. Challenge in portability of professional and academic qualifications between educational institutions, employers, and countries.

Region's Response to the Growing Phenomenon of Labour Migration



4

ASEAN ECONOMIC COMMUNITY BLUEPRINT (2015)

B.

Restricted access to the ASEAN labour market due to various ASEAN member-states' national-level barriers (i.e. constitutional provisions reserving particular occupations for nationals, complex & opaque requirements, etc.)

C.

Social, cultural, and economic differences (i.e. per capita income between countries, differences in religion, language, education, etc.) discourage intra-ASEAN movement in the region.

CHALLENGES TO ASEAN'S LABOUR MIGRATION RESPONSE



- Too much focus on the mobility of professional skills
- ASEAN member-states' national policies on migration contradict the provisions and requirements of ASEAN's plans

WHY FOCUS ON THE PHILIPPINES?

LARGEST SOURCE OF MIGRANTS IN THE WORLD

BENEFITS OFWS BRING IS LARGELY REFLECTED IN THE COUNTRY'S ECONOMY

A COUNTRY IN ASEAN THAT HAS SOME GOOD PRACTICES THAT COULD BE UPSCALED AND REPLICATED

(especially in other labour-sending countries that are still developing labour migration laws and policies in asean)



LABOUR MIGRATION GOVERNANCE IN THE PHILIPPINES

MIGRANT WORKERS AND OVERSEAS FILIPINOS ACT

(ENACTED IN 1995/R.A. 8042 AND
AMENDED IN 2009/R.A. 10022)



LABOUR MIGRATION GOVERNANCE IN THE PHILIPPINES

GOVERNANCE STRUCTURE



Philippines Overseas
Employment
Administration
(POEA)



Overseas
Workers' Welfare
Association
(OWWA)



Department of
Foreign Affairs
(DFA)



National
Reintegration Center
for OFWs

R.A. 10022

MAIN COMPONENTS OF THE LAW



**ENTRY LIMITATIONS
APPLICABLE TO
STAKEHOLDERS**



**REGULATION ON
FEES AND
EMPLOYMENT
STANDARDS**



**MONITORING AND
REDRESS**

R.A. 10022

Aim and Action/s



AIM

- promote commitment to international conventions and agreements to protect Filipino migrant workers; address lack of justice; better regulate recruitment

ACTION/S

- examples of the law/s that has been implemented since R.A. 10022 enactment and amendment: *recruitment caps, standard employment contract for domestic workers, labour attaches in consulates & embassies, legal assistance fund for filipino migrant victims, etc.*

CHALLENGES TO PHILIPPINES' LABOUR MIGRATION RESPONSE



- Lack of provisions for better protection to returnees, current, and future migrants
- Some monitoring systems are not properly implemented resulting in direct consequences to Filipino labour migrants

POLICY RECOMMENDATIONS

REGIONAL-LEVEL

- Make bureaucratic processes related to labour mobility easier to navigate
- Accept that in some cases, recognition of qualifications (of professionals) need not be totally reciprocal. There just needs to be assurance for reasonable compensating measures.
- More investment need to be made in national training and education systems of ASEAN member-states



POLICY RECOMMENDATIONS

NATIONAL-LEVEL (PH)

- No matter how comprehensive the the country's migration law/s might be, the characteristics of the institutions and individuals implementing them largely determine whether success of the policy will be achived or not.
- Provide for better monitoring system of employees operating under the governance structure of labour migration in the PH



MIGRATION IN THE ASEAN AND PHILIPPINE CONTEXT

For any plan and policy to work, governments must internalize the fact that policies are dynamic. It requires continuous revision, improvement, and negotiation. The goal for better implementing labour migration policies in ASEAN must be to assure its full implementation, scale them up, and commit a ton load of political will to try and incorporate the essence of these plans at the highest level of governance.

Papademetriou, D., Sugiyarto, G., Mendoza, D., & Salant, B. (2015). *Achieving Skill Mobility in the ASEAN Economic Community* (pp. 13-16). Mandaluyong, Philippines: Asian Development Bank. Retrieved from <https://www.adb.org/sites/default/files/publication/178816/skill-mobility-asean.pdf>