Female migrant workers, especially the foreign domestic workers (FDWs) who comprise the majority of women migrants in Asia, are generally portrayed as having little or no agency in the world economy. Scholars of Asian migration have traditionally conceived of female migrant workers as either passive victims of global power structures (emphasising macroeconomic ‘demand and supply’ dynamics) or isolated actors exerting micro agency through acts of ‘everyday resistance’, while regulatory international political economy (RIPE) scholarship has largely failed to consider them at all. But while substantial evidence exists that reveals the extent to which the human and labour rights of FDWs are violated in East and Southeast Asia (Piper and Iredale 2003), it is wrong to portray these workers as either passive bearers of the weight of global structures or simply the objects of transnational advocacy campaigns (Keck and Sikkink 1998). Although FDWs are clearly subjected to structural oppression and are often objectified by well-meaning non-governmental organisations (NGOs), a significant number of FDWs attempt to mediate their experiences of work not only personally, but in conjunction with other migrant workers. When combined with the campaigns of middle class activists associated with NGOs acting both within national boundaries and across them, these attempts at defiance constitute an informal regime that interacts with – and has the potential to influence – the formal industrial relations and immigration regimes that seek to control and regulate foreign domestic labour at the national and international levels.

This chapter focuses on FDWs’ collective activism and middle-class campaigns in sending and receiving countries in East and Southeast Asia around foreign domestic worker issues. The chapter begins with a brief overview of female labour migration in East and Southeast Asia followed by a discussion of the formal regimes that seek to regulate it. It then proceeds to discuss the informal regimes that have emerged both within and across national borders since the 1980s, using examples from several countries in the region. The final section focuses on the implications of interactions between the formal and informal regimes associated with foreign domestic labour. The chapter concludes that although serious obstacles continue to hinder migrant worker groups’ and migrant labour NGOs’ campaigns, these groups are engaged in an increasingly important form of transnational collective action.
that enables defiance and provides a mechanism through which to attempt to influence the formal regimes that regulate the personal and working lives of FDWs.

**Female labour migration in East and Southeast Asia**

Since the 1980s, large-scale labour migration has played a key role in the rapid development of East and Southeast Asian countries and their economies (e.g. Stahl and Appleyard 1992). By the early 1990s, labour migration had grown to the point that nearly all countries in the region were involved in either the sending or receiving of migrant labour, or in both (United Nations 2003: 2). For the governments of peripheral countries such as the Philippines, Indonesia and Thailand, rising demands for contract labour first in the Middle East from the mid-1970s and later in East and Southeast Asia provided a timely boost to sluggish economies and low foreign exchange reserves. Meanwhile, the importation of large numbers of migrant workers from poorer neighbouring countries provided a solution, in the short-run at least, to the shortage of labour experienced by industries and households in the core economies of Singapore, Malaysia, Hong Kong and Taiwan. Yet although sending and receiving countries in the region have become increasingly structurally dependent on this extremely flexible type of labour (Stahl 2000), migrant workers are largely left out of the equation when labour relations and industrial restructuring in the Asia Pacific region are discussed in the literature. Likewise, examinations of labour market flexibility largely neglect the contribution of short-term contracted labour performed by non-citizens (e.g. Gills and Piper 2002). With the notable exception of Hewison and Young (2006), more general RIPE analyses of the political economy of East and Southeast Asia also rarely discuss the issue of migrant labour in a region that collectively constitutes the largest labour exporter in the world, producing massive flows of documented and undocumented foreign workers every year (e.g. Rodan et al. 1997).

Migrant labour’s position within regional economies cannot, of course, be divorced from regional patterns of capitalism and the labour regimes embedded in them, nor from their gendered nature. Domestically, patriarchal gender ideology and a strong sense of hierarchy in the countries of the region produce employment opportunities and entitlements segregated by sex. Migrant labour is affected in the same manner. Male migrants have been mobilised mainly in productive jobs in construction and manufacturing industries, while female migrants are largely concentrated in reproductive jobs in the household and the commercial service sectors (Yamanaka and Piper 2004). By the year 2000, more than two million women were estimated to be working abroad, accounting for one third of approximately six million migrant workers employed in Asia. Recently, skilled and professional women have begun to migrate in response to expanding employment opportunities in business, health, education and services (see e.g. Raghuram 2000); however, these middle class professionals constitute a tiny minority of female labour migrants, the majority of whom are overwhelmingly working class. Although a small but substantial proportion of working class migrant women are employed as assembly line workers and agricultural and fish farm hands (see e.g. Battistella and Asis 2002), the largest proportion of women migrating for work-related reasons, both documented and undocumented, are employed in a narrow range of reproductive labour-
related occupations as live-in maids, caregivers, entertainers, sex workers and other service employees (e.g. Piper and Yamanaka 2003).

The transfer of foreign women within Asia to work as housekeepers and nannies has important implications for the construction and practice of household labour in both sending and receiving countries. East and Southeast Asian receiving countries are very different from Europe, where the trend towards an increasing presence of FDWs has to be understood in relation to analyses of the contraction of the welfare state (Kofman 2004). The expansion of the middle classes in Asian receiving countries by the 1990s brought with it increasingly strident household demands for domestic workers, not least because of the lack of European-style public welfare services. The ready availability of FDWs freed local middle class women from their household tasks, enabling them to participate in the labour market without questioning persistent assumptions about housework being women’s work – a solution to labour market pressures which validates existing gender relations and the division of labour in the private sphere (Chin 2003). In sending countries, female labour migration also perpetuates gendered understandings of household labour by creating a ‘care chain’ as departing women hire domestics to take care of their households while they work abroad (Ehrenreich and Hochschild Russell 2002). This hired woman typically comes from a poorer, non-migrant family with children of her own, and her absence from her own home creates a demand for care for her children. Since she cannot afford to pay a domestic worker this demand is typically met by her own oldest daughter (or another female member of the family), who takes on the household care work while the mother is away. The daughter or female relative thus represents the bottom of the global care hierarchy, whose household care work is diminished in value by virtue of being local and unpaid, and therefore totally outside the scope of formal labour regimes.

The main reason FDWs accept jobs abroad as maids is economic: the relatively high wages offered overseas allow them to save money to pay for the education of children, health services of various family members, housing, and household commodities. There is, however, increasing evidence that women also exercise agency by migrating to escape difficult family relations, violent marriages, or the stigma of divorce or single parenthood (e.g. Scalabrin Migration Center 2004). FDWs are usually employed on two-year (often renewable) contracts that tie them to one specific employer, but many women remain overseas for several years. The main problem FDWs experience is separation from their families, in particular, their children, in households where they are satisfied with their employment conditions. However, more serious problems related to the nature of their work do occur quite frequently. Working and residing in private homes, live-in maids incur the risk of suffering violation of contract terms and abuses by employers and family members with few formal avenues available for recourse (Human Rights Watch 2004, 2005).

**Regulatory regimes and FDWs**

Both local and foreign domestic workers are effectively denied legal protection in many jurisdictions (Chin 2003; Huang and Yeoh 2003; Lan 2003) because their work is viewed as an extension of the unpaid services ‘naturally’ provided by women. And because the work done by FDWs lies outside of sectors ‘normally’ regulated by industrial relations regimes,
FDWs themselves do not conform to the concepts of ‘work’ and ‘workforce’ associated with those regimes. These concepts, derived from nineteenth-century definitions based on the experience of male industrial workers in the factory towns of Great Britain, have little room for migrants or women employed in formal sector occupations, let alone for female migrant workers employed outside the formal sector. It is not surprising, then, that FDWs are regulated by not one, but rather a whole range of formal regimes, each of which attempts (or fails) to deal with a particular aspect of FDWs’ work or status as temporary migrants.

Most important among the regimes that seek to regulate FDWs are those concerned with industrial relations and immigration internationally and in sending and receiving countries, along with bilateral structures that seek to control labour migration flows. There have been attempts to include migration into the trade agenda of the World Trade Organization (WTO), although to date the General Agreement of Trade in Services (GATS) negotiations on the ‘movement of natural persons’ (Mode 4) in the ‘service sector’ has excluded unskilled workers, including FDWs. There is no global coordinating mechanism or commonly agreed upon framework to guide policy making on migration, leaving the international regulatory framework that protect migrants patchy and poorly developed (Ramamurthy 2003). However, regional and national regulatory mechanisms are theoretically informed by the global norms established by the United Nations (UN).

**International structures**

Migrant workers are recognised by the UN as a group that requires special protection. One of the UN’s major initiatives on migrant workers is the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRM). The ICRM is unusual in its usage of the male and female forms of personal and possessive pronouns (he/she, his/hers), thus making all rights provided applicable to men and women, but it does not address gender-specific needs of migrant workers in any way (UN General Assembly 2004; Cholewinski 1997). As noted in Truong’s (1996: 32) discussion of protective mechanisms for female migrant workers, the ICRM has recognised female migrant workers, but not in their role as ‘reproductive workers’ – a term with which Truong refers to jobs in ‘sex-affective services’ and the ‘care-taking economy’.

Within the UN’s standard setting structure, it is in fact the International Labour Organization (ILO) and United Nations Development Fund for Women (UNIFEM) which have most explicitly expressed a commitment to gender equality dimensions of migration and women’s rights. The two relevant ILO conventions (Nos. 143 and 97) do not refer in any detail to female migrants’ specific vulnerabilities, but the ILO’s Gender Programme has published numerous reports on women migrants in various countries; its Migration Section has also given much attention to migrants’ rights with specific reference to gendered perspectives to such rights; and ILO reports have explicitly mentioned domestic work as a particular ‘sector’ prone to abusive and exploitative practices (ILO 2004; see also Esim and Smith 2004). Likewise, UNIFEM has paid special attention to domestic service, which is not surprising given that domestic labour is the most female-dominated form of work worldwide. UNIFEM runs a regional project entitled ‘Empowering Migrant Workers in Asia’ from its Bangkok
office aimed at adapting the Convention on the Elimination of All Forms of Discrimination
Against Women (CEDAW) to migration.

The effectiveness of these international instruments depends on how widely they are adopted,
and how successfully they are implemented at the national and sub-national levels. For
example, the ICRM only came into force in September 2003, having finally reached the
required minimum number of ratifications. Furthermore, unlike CEDAW, the ICRM has only
been ratified by a small number of countries, all of which are exporters of migrant labour (in
the Asia Pacific). And although CEDAW has received much wider support, it is yet to be
seen how successful UNIFEM’s program will be in strengthening female migrant workers’
rights through its application.

**Immigration regimes**

FDWs’ immigration status is heavily regulated in both sending and receiving countries.
Receiving countries in East and Southeast Asia practice a legal permit system on a long-term
basis only for highly skilled or professional migrants. Unskilled migrant workers (who
constitute the majority of foreign labour) are permitted to work under labour contract policies
which stipulate clear limits on the duration of their employment and the industries in which
they can be employed. In many receiving countries, the policies under which FDWs and other
migrant workers are employed are periodically altered to meet changing labour market
demands or on the basis of political or social considerations. Malaysia, for example, has a
long history of attempting to regulate flows of Indonesian workers into both the Peninsula
and Malaysia’s eastern states in response to changing economic conditions and political
pressures associated with race. Meanwhile, the Taiwanese government allowed women to be
employed as domestic workers and carers after 1992, but officially suspended the use of
foreign workers for domestic labour in 1996, although foreign workers continued to be
brought in as carers for small children and the elderly. Receiving countries even regulate the
extent to which FDWs are permitted to integrate into the host society. For example, in
Singapore and Malaysia regulations include a prohibition on marrying local citizens.

Immigration regimes within receiving countries are only partially successful in regulating
female migrant labour, not least because the effectiveness of border/entry controls varies
dramatically. For example, Malaysia has an ongoing problem with undocumented workers
from Indonesia and elsewhere, which it has attempted to address through punitive measures
such as detention and mass deportation (Ford 2006) – a problem not faced to any significant
extent by neighbouring Singapore. Similarly, despite policies mandating the return of
unskilled migrants to their countries of origin upon expiry of their contracts, many migrant
workers exercise agency by prolonging their employment and residence in the receiving
country – either by overstaying (and thus slipping into a state of ‘illegality’) or by being
given extensions of their work permits. Other migrants engage in a long-term cycle of
contracts, either in a particular receiving country or in a range of countries: a practice which
meets the letter, but not the stated aims, of the immigration regimes concerned. Regulations
concerning the sectors and/or occupations in which migrant workers are employed after
arriving in the country are also problematic. As Loveband (2003) demonstrates in the
Taiwanese case, formal restrictions on the type of work undertaken by female migrant
workers are extremely porous in practice, with many Indonesian women in particular continuing to undertake both domestic work and duties in their employers’ small businesses in addition to (or instead of) working as carers. In Hong Kong, some FDWs circumvent regulations concerning the nature of their employment by working for several employers on an hourly basis instead of living-in with a single employer – an arrangement which gives them more freedom (Wee and Sim 2005). Ironically, this entails giving up their legal status by opting for unauthorized work.

Sending countries have also set up immigration procedures in an effort to control which workers go abroad, how they get there, and what they do once overseas. As early as 1974, the Philippine government recognised the importance of labour migration to the state economy and established the Philippine Overseas Employment Administration to promote contract labour emigration (Lindio-McGovern 2003). The Indonesian government followed suit, adopting a strongly interventionist approach towards overseas labour migration in the 1980s (see Ford 2006). The efficacy of these systems varies considerably. Most Filipino labour migrants leaving for destinations which have formal recruitment schemes do in fact depart through official channels, although there is evidence of migrants using unofficial channels to circumvent lengthy, expensive bureaucratic procedures. In contrast, the Indonesian government’s migration regimes control a relatively small proportion of overseas labour migration: it is estimated that more labour migrants leave through unofficial channels than official channels, particularly those travelling to destinations within Southeast Asia (Hugo 2002). Sending countries’ approach to the protection of their citizens working overseas varies dramatically. The government of the Philippines has become the most active protector of its migrant nationals by legislating the most comprehensive laws, at least on paper, enhancing migrant workers’ rights. Its first major legislative achievement was the ratification of the ICRM in 1995. In order to appease the public outcry over the controversial case of Flor Contemplacion – a Filipina domestic worker executed in Singapore in the same year for allegedly killing another Filipino domestic worker and the child of the latter’s employer (Hilsdon 2000) – President Fidel Ramos ratified the ICRM and legislated a domestic law, the Overseas Migration Act (RA 8042), to implement the ICRM. Indonesia signed the ICRM almost a decade later in September 2004.

Individual countries’ attempts to control the flow of migrant workers are sometimes complemented by bilateral agreements (BLAs) between particular sending and receiving countries. For example, the Malaysian government has negotiated agreements concerning overseas labour migration with a range of countries including Indonesia, the Philippines, Thailand and Bangladesh. In the Philippines, bilateral agreements have been widely promoted as a mechanism for ensuring more humane treatment of migrant workers after the execution of Flor Contemplacion brought a heightened awareness of, and political sensitivity about, migrant worker abuse. However, relatively few BLAs have been signed given that the overseas employment program has been operating for over a quarter of a century. There are just fifteen such agreements between the Philippines and labour importing nations, only two of which are with countries outside the Middle East, one of which is Malaysia. The BLAs in place are typically dominated by labour importing countries’ concerns, such as quotas and bureaucratic procedures, and hardly ever include protective clauses, let alone guarantees of
migrant worker rights. More importantly, they generally make no reference to (or even specifically exclude) FDWs. For example the Memorandum of Understanding (MOU) which was signed by Indonesia and Malaysia in May 2004 did not deal with FDWs (Human Rights Watch 2004), although another MOU dealing specifically with Indonesian FDWs working in Malaysia was signed in 2006. Standard diplomatic channels are also sometimes used to address domestic workers’ concerns. The Philippine government has stationed labour attachés in crucial labour receiving destinations. In Singapore, the Philippine embassy is known as being ‘interventionist’, unlike its Indonesian counterpart (Abdul Rahman 2005); Filipino bureaucrats also raised objections to the Hong Kong government in 2003 when domestic workers were faced with a wage cut. However, severe budgetary constraints mean that sending country embassies find it extremely difficult to assist the large number of their migrant nationals in trouble, leaving most advocacy on behalf of FDWs to middle class, feminist NGOs based in receiving countries.

**Industrial relations regimes**

NGOs’ prominence in campaigns for FDW rights in receiving countries is at least partially explained by the fact that FDWs are excluded from those countries’ industrial relations systems. As national employment acts or labour standards laws almost never recognise domestic work despite the high visibility of FDWs (e.g., Ford 2003), FDWs have few formal channels for seeking recourse in case of disputes over wages, working hours and conditions. Even in contexts such as Malaysia, Taiwan and Singapore where formal contracts for migrant workers exist, there is often a clause which explicitly excludes FDWs from national labour standards. In Taiwan foreign workers in industries such as construction and manufacturing are covered by the Labour Standards Law, but women working as carers are not (Loveband 2003). In Singapore FDWs do not fall under the Employment Act – not because they are non-citizens, but because of the nature of the work they perform (Yeoh et al. 2004). Although FDWs can in theory launch a civil court case if the problem is a matter pertaining to a contract (such as non-payment), in practice they have very limited access to the legal system because of the costs associated with engaging a lawyer and the fact that it is impossible for FDWs to testify if they have already been sent home. An exception to the exclusionary industrial relations policies that characterise most receiving countries in East and Southeast Asia is Hong Kong. Like Singapore, Malaysia and Taiwan, Hong Kong admits migrant workers on a strict contract system, but unlike FDWs in these countries, FDWs in Hong Kong are covered by the Employment Ordinance, which specifies their wage and leave entitlements (Wee and Sim 2005).

Although the ILO (2004) recognises female migrant workers as among the most vulnerable groups of foreign workers, FDWs have little access to trade unions in receiving countries in the region other than Hong Kong. The fact that non-state actors concerned with migrant labour in both sending and receiving countries in the region are typically NGOs (along with formal and informal groups comprised of FDWs themselves) rather than trade unions reflects the history of unionism in the region (Ford 2004). Trade union structures in East and Southeast Asia are modelled on those of Europe and North America (Ariffin 1989), and women and migrant workers have traditionally occupied a marginalised position within
unions. When women did become a focus for union organising in the latter part of the twentieth century, organising efforts concentrated on women employed in the formal sector, not women employed in informal sector occupations. Where trade unions have become more inclusive of migrant workers (traditionally seen as a threat to union members’ interests) in contexts such as the United Kingdom (Avci and McDonald 2000) the United States (Watts 2003) and Australia (Nicolaou 1991), they have focused on immigrant workers employed on long-term contracts in the formal sector.

FDWs are excluded, too, from the industrial relations systems of sending countries, partly because of the type of work they undertake, but mostly because industrial relations is defined as an activity which takes place on a national scale (see Andrew Herod in this volume), and thus excludes citizens who are employed overseas. In both the Philippines and Indonesia, FDWs fall under the umbrella of the same government department as industrial relations (in Indonesia’s case, the Department of Manpower and Transmigration), but is handled by a separate section of the department from that which deals with industrial relations. Trade unions in sending countries have also paid little attention to overseas migrant workers. For example, the single official Indonesian union categorically excluded overseas migrant workers before the fall of President Suharto in 1998. Although migrant labour divisions have been formally established by some trade unions since restrictions on trade unionism were lifted in mid-1998, most migrant labour activism remains the province of NGOs.

Informal FDW regimes

Given these ambiguities surrounding formal representation, FDWs are largely left to seek to mediate the structures that dominate them by informal means. Research from both sending and receiving countries suggests that fluid and dynamic processes are emerging among FDWs as they develop increasingly individual autonomy and engage in both everyday resistance and collective action (Piper and Yamanaka 2003). However, existing studies of FDWs’ collective activism and of NGOs’ activities on their behalf often confine their attention to one destination country, which explains why migrant labour activism has been largely interpreted as a ‘local’ phenomenon with little influence on macro and meso politics (e.g., Abdul Rahman 2005). A different picture emerges when FDWs’ agency and the agency of NGOs engaged in advocacy concerning FDW-related issues is recognised, and the nature of their activism is mapped not only within but across borders. It becomes clear that it collectively constitutes an informal regime which has the potential to interact with (and influence) the formal regimes regulating FDWs in the region.

Collective identity

One of the reasons why so much emphasis has been placed on FDWs’ individual acts of ‘everyday resistance’ rather than their collective activism is because FDWs often have limited opportunities to meet with their peers. However, another is the fact that analyses of FDW agency have been strongly influenced by critiques of the expectation raised by some feminist scholars that feminisation of the transnational industrial workforce would result in growing female working class solidarity. These critiques point to the plurality of subject positions occupied by women workers in peripheral contexts, drawing on ethnographic case
studies that suggest factory women rarely construct identities or organize themselves in terms of collective or global interests, but rather engage in individual and even covert acts against various forms of control (Ong 1991). In contexts where industrial workers are employed within national boundaries, solidarity is linked to kinship and gender rather than class. For migrant workers, the issue of solidarity is further complicated by national and ethnic identity. As observed by Pinches (2001), for example, Filipino overseas workers (FOWs) are not simply workers – they are workers whose identities are founded in the Philippines. Pinches claims that the particular class experience of Filipino migrant workers tends to find expression in assertions of ethnic or national solidarity. The heightened politicisation of the hardships associated with overseas employment appears to have welded the identity of FOWs to that of all Filipinos. With the extensive state-led labour export policies and rising numbers of FOWs, certain types of jobs have become synonymous with Filipinos (such as domestic and ‘entertainment’ work) – arguably leading to the stigmatisation of Filipino ethnic identity in its entirety. This is especially evident for migrants who experience contradictory class processes as part of their cross-border mobility (such as a teacher taking on a job as a maid). Pinches argues that the international tendency to identify all Filipinos with FOWs led some middle class nationalists to agitate for better state protection of FOWs to elevate the image of Filipinos as a whole. According to this reasoning, pro-migrant activism appears to be rooted in a strong sense of nationalism, rather than explicitly in class. It must be noted, though, that many middle class activists have incentives for becoming politically active on behalf of migrants that have nothing to do with nationalism (see e.g., Courville and Piper 2004).

Class is an important factor in determining the geography of collective activism around FDW issues in the region. In particular, it manifests itself in the often contradictory processes of alliance formation between local women’s organisations and FDW groups. This tension is clear in sending countries 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. Class intersects with national identity in receiving countries such as Hong Kong, Malaysia and Singapore, where middle class women almost always employ foreign maids. In contrast to Japan and Korea, where advocacy is conducted by concerned citizens – and thus on behalf of migrants, rather than by the migrants themselves because most labour migrants are undocumented (and foreign women work as entertainers rather than FDWs) – the majority of citizens and women’s NGOs in these countries have remained aloof from, and indifferent to, issues of the welfare and rights of migrant workers. For example, in Hong Kong, middle class women have largely failed to support FDWs’ successful campaigns (Wee 2003), possibly 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.

Yet despite these contradictions the middle class women active in these organisations have played an important role in both sending and receiving countries. A 2001 study of migrant education programs in six countries (Hong Kong, India, Indonesia, Japan, Philippines and South Korea) identified 248 groups which are directly involved in supporting migrants’ issues (AMC 2001). Many of these migrant labour NGOs spend much of their time and
efforts on service provision and immediate problem-solving rather than political advocacy or organising (Piper 2003), but their efforts to advocate for migrant women’s rights have been influential at local, national and transnational levels in East and Southeast Asia.

**Activism abroad**

As cross-border labour migration flows accelerated and feminised from the 1980s onwards, many NGOs and other voluntary associations emerged that sought to address the needs and problems of migrant workers in receiving countries. As suggested above, activism on behalf of FDWs and other labour migrants takes multiple forms. Activism is primarily the domain of concerned citizens who campaign on behalf of migrants in contexts where political activism by foreigners themselves is impossible for a variety of reasons (for example migrants’ legal status or the availability of political space), while in other contexts, migrant workers organise themselves. A third model is that citizens of FDWs’ country of origin organise migrant workers in the receiving country, often in conjunction with NGOs in the sending country.

Hong Kong is one of the best researched examples with regard to NGO foreign worker activism, not least because FDWs and activists from FDWs’ countries of origin have established a significant number of highly-visible NGOs and migrant worker organisations. Filipinas have played a particularly important role in the Hong Kong context. By 1984, United Filipinos Against Forced Remittance had been established (Constable 1997). Later this organisation became instrumental in the formation of the NGO coalition, United Filipinos in Hong Kong (UNIFIL), which is comprised of about 25 NGOs that monitor the working and living conditions of Filipino domestic workers in Hong Kong (Law 2002). Under its organisational umbrella, UNIFIL has successfully helped Indonesians, Sri Lankans and Indians to organise independent domestic worker unions. It has also spearheaded vigorous campaigns addressing Hong Kong immigration policies, fees imposed by the Philippine government, and changes to Hong Kong’s minimum wage for domestic workers (Law 2002: 212). In contrast, in Singapore, NGO support for migrants has been comparatively muted, especially in the case of church-based organisations which have preferred to avoid human rights issues since 1987 when sixteen activists were arrested under the Internal Security Act (Yeoh and Huang 1999). In early 2003, however, an organisation called The Working Committee Two was formed (later known as Transient Workers Count Too), which has engaged in both public and closed-door meetings campaigning about domestic workers’ issues, primarily about ‘Sunday Off’ and ‘Dignity Over Due’, a campaign addressing various types of abuse (see Lyons 2005). Their less confrontational style has been quite successful, resulting in compulsory orientation for first time employers implemented by the Ministry of Manpower and the setting up of a special unit offering conciliatory services (Abdul Rahman et al. 2005).

**Activism at home**

As noted by one Filipino activist, ‘The key to successful campaigning abroad is a strong movement “at home”’ (interview by Piper, Manila, November 2003). As this statement suggests, Filipino domestic worker activism in Hong Kong and elsewhere is influenced by many factors in their country of origin. Filipino citizens have long fought for human rights,
specifically the rights of the poor and indigenous people, and for protection of the environment (Silliman and Noble 1998), and the Philippines has a long history of feminist activism. Migrant worker activism in the Philippines grew out of this grassroots democracy movement. From the onset of the government’s efforts to promote labour exports in 1974, Filipino NGOs (along with the Catholic Church) have been heavily involved in public policy debates and campaigns. Filipino NGOs have been able to work in a comparatively open political system and even to have access to elite allies within the government. Although close connections with the government have created many frictions and conflicts in government-NGO relations, they indicate the centrality of labour migration issues in Philippine politics and the ability of NGOs to influence governmental policy making (Villalba 1997).

Although Indonesia has a less developed system of migrant labour advocacy than the Philippines, it is nevertheless home to many tens of migrant labour NGOs (interview by Ford, Jakarta, June 2003). Many of these are organised under the most prominent migrant labour umbrella organisation, the Consortium for the Defence of Indonesian Migrant Workers (KOPBUMI, Konsorsium Pembela Buruh Migran Indonesia). KOPBUMI has been extremely active in promoting migrant labour issues through the local media, and in advocating for changes in Indonesia’s labour law, for example, for a bill on the Protection of Indonesian Migrant Workers and their Families, which was introduced to parliament in 2002. In the same year, migrant labour NGOs filed a citizen’s lawsuit against nine government officials, including President Megawati Soekarnoputri, in relation to the humanitarian disaster at Nunukan (Ford 2006). It has also sponsored the formation of the Jakarta-based Federation of Indonesian Migrant Worker Organisations (now the Indonesian Migrant Workers Union), whose local affiliates attempt to provide counselling and other assistance to prospective and former migrant workers at the local and provincial level (Ford 2004).

**Activism across borders**

The proliferation of NGO networks in Asia in the past two decades reflects the growing role that NGOs now play nationally and regionally in response to issues concerning migrant labour (Piper 2003; Ball and Piper 2006). Since the 1990s, two regional networks have emerged: the Migrant Forum in Asia (MFA) and the Coordination of Action Research on AIDS and Mobility (CARAM Asia). The MFA is a network of migrant support and advocacy groups based in South, Southeast and East Asia which focus on supporting migrant workers and their families. CARAM Asia, on the other hand, works with South and Southeast Asian NGOs mainly in the areas of migration and HIV/AIDS, but recently also on broader migration issues such as their ‘domestic worker campaign’.

These transnational advocacy networks (TANs) have provided vital support for migrant labour NGOs in a range of countries. For example, in 2003 an Indonesian consortium of migrant worker organisations filed a court petition in order to pressure the Indonesian government to implement a Migrant Worker Bill modelled after the Philippines’ Republican Act 8042 (interview by Piper, Jakarta, April 2003). In another example, staff from the Centre for Indonesian Migrant Workers have been seconded to the Asian Migrant Centre in Hong Kong. In addition to providing support for migrant labour NGOs, transnational networks have been used for other forms of migrant worker activism. In the Philippines, the 2003 enactment of the Absentee Voting Rights’ Bill (RA 9189) could not have been achieved without the
rallying of overseas Filipinos’ support and financial donations, through the extensive transnational networks that connect worldwide efforts on behalf of more than five million Filipino overseas workers. This non-exhaustive list of examples shows that TANs constitute important informal channels through which FDWs express their everyday political agency that reflects the cross-border nature of their position within regional labour markets – channels that, along with activism in sending and receiving countries, constitute an informal regime that is capable of influencing the formal regimes which regulate foreign domestic labour.

**Implications for formal regimes**

The role of formal immigration and industrial relations regimes is to regulate and exploit migrant labour – which means from the receiving countries’ point of view, keeping foreign workers temporary and disposable; and from the sending countries’ point of view, exporting as many workers as possible and reaping the largest possible benefit from their remittances. RIPE analyses of these formal regimes’ impact on flows of foreign domestic labour may recognise their porousness. However, they seldom acknowledge the means through which FDWs and NGOs advocating FDWs’ rights actively defy, and work to promote changes in, those regimes.

The informal regimes built up through FDW activism and migrant labour NGO activities on behalf of FDWs described above have the potential to influence the formal regimes upon which RIPE analyses focus. In sending countries such as Indonesia and the Philippines campaigns by migrant labour NGOs and ex-migrant workers have forced governments to put measures in place to improve the conditions of FDWs before they leave for overseas contracts and on their return, and to revisit labour migration policies (e.g., Ford 2006; Iredale et al. 2005). In Hong Kong, the receiving country in which informal regimes of migrant labour activism have been strongest, migrant worker organisations and migrant labour NGOs have succeeded in having FDWs incorporated in the formal industrial relations system, overcoming the barriers to unionisation imposed by nationality, temporary status and the nature of domestic work itself (interviews by Ford, Hong Kong, November 2005). A coalition of Hong Kong-based NGOs, through its member-unions the Indonesian Migrant Workers Union (IMWU) and Asian Domestic Workers Union (ADWU) drew on international resources to achieve this, filing a formal complaint with the ILO accusing the Hong Kong government of violating ILO Convention 97, of which Hong Kong is a State-party (Piper 2005).

It must be noted, however, that the extent to which the potential of these informal regimes is realised in particular places at particular times is often piecemeal and context-specific. In other words, patterns of FDW and NGO activism are themselves strongly influenced by another type of formal regime: the legal and policy regime regulating civil society activities in particular receiving countries. A strong contrast is evident, for example, between Singapore and Malaysia on the one hand and Hong Kong on the other. Political organising by, or on behalf of, FDWs is not always possible where governments do not make space for activism within civil society more generally, as in Singapore and Malaysia. In Malaysia, NGO activists’ advocacy of foreign workers’ rights has been a controversial and dangerous
activity, subject to prosecution under Malaysia’s infamous Internal Security Act and other punitive legislation. An example of this is the Printing Presses and Publications Act under which activist Irene Fernandez was charged in 1996 for publishing a document describing the experiences of migrant workers held in Malaysian detention camps in the previous year (Anon. 1996). In neighbouring Singapore, state controls on civil society mean that FDWs have little opportunity to organise at any more than the most informal of levels. In contrast, in Hong Kong, the government has been much more tolerant of civil activism aimed at helping migrant workers and even of contentious advocacy for their labour rights (Constable 1997; Ogaya, 2003; Law, 2003). State regimes of control over civil society also influence the level of activism around FDW issues in sending countries. The vibrancy of Filipino domestic worker activism in Hong Kong and elsewhere reflects political conditions in the Philippines, whereas although Indonesia’s New Order regime (1967-98) was surprisingly tolerant of NGO advocacy on FDW issues, the New Order’s long history of suppressing civil society activism clearly affected FDWs’ willingness and ability to act collectively.

The collective agency of FDWs and FDW advocates in the face of such country-specific constraints plays itself out in a number of different ways. In Malaysia, engagement with transnational activism sustains localised NGO activism ‘from the outside in’ (Weiss 2004). In Singapore, NGOs avoid the framing of their activism as related to human rights, but try to appeal to employers’ moral behaviour (Lyons 2005). Another way through which ‘local’ obstacles to organising can be at least partially circumvented is through TANs which target international regulatory regimes. In this regard, migrant labour NGOs have made significant progress. For example, in June 2004 representatives were invited for the first time to take part at the last ILO annual congress, where they were able to make statements on issues of concern to FDWs and other migrant workers. Their input was built into the final Plan of Action, which highlights the need for a rights-based approach to migration. Examples such as this demonstrate TANs’ ability to affect the international system of norms against which national systems are measured. When combined with the support TANs provide for local migrant labour NGOs and migrant worker organisations through solidarity actions, and even financially, TANs’ presence on the global stage makes them a very important component of the informal regime centred around FDW-related activism – a regime that, as demonstrated in this chapter, has significant potential to influence formal immigration and industrial relations regimes.

**Conclusion**

The intra-Asian movement of migrant workers constitutes an extremely significant phenomenon not just numerically, but in terms of regional geopolitics and human rights. As such, it is not surprising that issues surrounding FDW-related concerns have become a focus for widespread NGO activism in East and Southeast Asia, or even that migrant labour NGO networks have succeeded in affecting changes internationally and in particular sending and receiving country contexts. What is more difficult to explain is how RIPE analyses can ignore the effects of informal regimes, such as that comprised of local and transnational migrant labour NGO initiatives, on the formal regimes that regulate FDWs.
In this chapter, we have simultaneously emphasised the informal, ‘everyday’ nature of national and transnational activism by, and on behalf of, FDWs and identified the highly significant role that activism plays in bringing FDW concerns onto the agendas of national, regional, and global policy-makers. In doing so, our discussion moves beyond conventional approaches favoured in RIPE to highlight everyday actions that provide a means to defiance for seemingly small actors. Using the examples from East and Southeast Asia, we have demonstrated that this activism collectively constitutes an informal regime which, although partial and fragmented, has the potential to influence the formal immigration and industrial relations regimes that seek, or fail, to regulate the movement and employment conditions of FDWs. These examples suggest that it is necessary to consider the impact of this informal regime in order to draw accurate conclusions about the nature and regulation of labour migration.

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