

## 6 Labour migration flows and regional integration in Southeast Asia

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### Introduction

This chapter will explore recent tensions in the Indonesia-Malaysia bilateral relationship and the issue of migrant workers, particularly Indonesian migrant labour in Malaysia. The first part of this chapter examines the contours of regional integration in Southeast Asia. The second part examines why, in the receiving country of Malaysia, Indonesian migrant workers are regarded as a national security threat. The third part will extend this discussion by examining the way in which the issue of Indonesian labour migration can be more accurately categorised as a *human* security issue, rather than, in the case of Malaysia, a *national* security issue. The difference in categorisation arises because Indonesia appears more determined than Malaysia to seek a regional solution to the migrant labour issue. The differing emphasis, it will be argued, is to some extent a reflection of Indonesia's successful transition to democracy. The final section of the chapter will address the argument that the transformation in Indonesia's regional behavioural norms has not necessarily triggered a deepening of regional integration with better social outcomes for migrant workers.

The issue of labour migration flows between Indonesia and Malaysia can be approached in a regional integration theoretical framework that examines the diffusion of democratic norms throughout the region. Many scholars have examined the impact of regional organisations on democratic transition and the consolidation of new democracies (see, for example, Pevehouse 2005; Schimmelfennig & Sedelmeier 2005; Featherstone & Radaelli 2003). Less research has been conducted on the influence of democratisation on regional integration and the development of regional understandings that can strengthen human rights protections for the most vulnerable in society, such as migrant workers. It is widely assumed that a pluralistic and democratic political order provides the best conditions for non-government groups to thrive and influence government decisions on regional decision-making. However, democratisation does not necessarily translate into greater regional integration and the strengthening of migrant worker protections. For Southeast Asia, a key lesson from Europe is that, on

the one hand, democracies are more likely to take part in regional integration projects than autocracies, but, on the other hand, democracies may also be averse to the deepening of regional integration (see Rüländ 2009).

An alternative explanation, with similar conclusions, can be derived from Snyder's 'nationalist elite persuasion' hypothesis (Snyder 2000). According to Snyder, new democracies are particularly susceptible to nationalist appeals, which can hamstring efforts to develop deeper regional integration. Two factors can account for this phenomenon: the historical legacy of the colonial experience and the mode of democratic transition. Rüländ (2009) explores Snyder's approach in the context of Indonesia and the problematic relationship between its democratic consolidation and its regional behaviour. According to Rüländ, the Indonesian case is particularly illuminating, as both the colonial experience and the mode of democratic transition have ensured that Indonesia's democracy is susceptible to a strong nationalist rhetoric. In relation to the impact of colonialism, many observers have commented on the strength of Indonesian nationalism, which first emerged after several centuries of often-harsh Dutch colonial rule (see, for instance, Anderson 1991). The fight for independence was bloody and deeply traumatic, with a great deal of human and material loss. As a consequence, nationalist ideology tends to be deeply entrenched in the collective memory. Indonesia's strong nationalist orientation has also meant that in the postcolonial era, all political parties or non-government groups have tended to espouse a nationalist rhetoric, even parties representing political Islam (Rüländ 2009). In the post-authoritarian era, Indonesia's foreign policy is also squarely framed by a strong nationalist rhetoric (Clark 2011). Subsequently, Indonesia's bilateral relations with its immediate neighbours, such as Malaysia, are often subject to populist appeals and fear-mongering amongst competing political elites (Usman & Din 2009; Efantino & Arifin 2009; Susilo 2009).

### **Regional integration and Indonesia-Malaysia relations**

Moves towards developing regional integration or, rather, more formalised intra-regional co-operation on cross-national issues such as labour migration are often limited by the need to reconcile differences in history, culture, religion and politics (see Fawn 2009). As a result, understanding domestic cultural and political factors in regionalism, while necessary, is complicated by both elements being both a major driving force and an obstacle to regionalism. Democratisation – or the lack thereof – is one such factor.

For example, while the Association of Southeast Asian Nations (ASEAN) has been relatively successful in the fields of security and economics, in terms of democratisation, Southeast Asia has long held a reputation of being the 'most recalcitrant region' according to Emmerson (1995: 227), steeply resisting both democratising processes and their comparative analysis (Case 2009). Although Emmerson (2008) now looks on democracy's advance in Southeast Asia with greater optimism, there is very little agreement within the region on cultural and political issues, which underpin processes of democratisation and governance (Jetschke & Rüländ 2009; Dösch 2008a). Some of these issues include the environment, human rights and labour migration, all of which are important human security concerns (Katsumata 2009; Dösch 2008a; Arifianto 2009). Issues such as trans-border haze pollution and population movements within Southeast Asia, which can also be regarded as regional problems, also have an impact on regional integration (Caballero-Anthony 2008; Tay 2008).

Understanding the link between democratisation and the differing political attitudes of member countries of ASEAN, such as Indonesia and Malaysia, is also crucial for understanding the degree of regional integration in the region. Yet domestic politics, and for that matter, domestic political attitudes, are often neglected as a key element of understanding Southeast Asian regional dynamics (Dösch 2008b). In regards to labour migration, the contrasting attitudes of Indonesia and Malaysia can to some extent be explained by the varied levels of diffusion of democratic values at the domestic level, which then flows through to the regional level of decision-making. In practice, more democratic countries such as Indonesia have been more active in introducing liberal agendas to ASEAN diplomacy, including calls for 'political reform' and greater involvement of more non-governmental actors in regional decision-making (Katsumata 2009; Sukma 2008, 2009). For Indonesia, the challenge lies in developing regional policies to address the key human security issues such as the provision of migrants' rights in the sending and receiving countries in the region.

At the height of Indonesia's democratic transition period, say between 1998 and 2004, its ASEAN neighbours were becoming increasingly circumspect. Besides regional annoyances, such as the perennial smoke rising from Indonesian forest fires spreading to neighbouring countries (Tay 2008), Indonesia's self-styled role as a 'normative power' was regarded by fellow ASEAN members as a dual threat: 'it nurtures apprehension about Indonesian hegemony in ASEAN and, especially in non-democratic ASEAN member states, fears of an erosion of domestic political stability' (Rüländ 2009: 379). Yet in recent times, almost all nations in the region have ben-

efited from Indonesia's transition to democracy, this democracy being to some extent has been 'projected' onto the region (Sukma 2008, 2009). On the one hand, Indonesia has been relatively frank and robust in its criticisms of ASEAN, urging its members to seriously consider the benefits of 'political reform', widely regarded as a euphemism for democratisation. On the other hand, Indonesia has rediscovered a strong international orientation above and beyond the immediate Southeast Asian region. In 2010 in an Independence Day speech, the President of Indonesia, Susilo Bambang Yudhoyono (SBY), declared that Indonesia is now ready to embrace an 'all directions' foreign policy where Indonesia can achieve its aim of 'a million friends, zero enemies' (*sejuta kawan, tanpa musuh*) (Yudhoyono 2010). Paving the way for these statements was the country's success in its role as Southeast Asia's sole representative on the influential G20 and its hosting of the 2009 United Nations Climate Change Conference. Indonesia has earned itself great kudos for establishing the annual Bali Democracy Forum, with its goal of nurturing the practice of democracy and good governance among the countries of the Asia-Pacific region. Indonesia has also given much greater consideration to its self-perceived 'global obligations', such as the adoption of international human rights standards, and has been increasing its contributions to global efforts to mitigate climate change and support more sustainable paths to development. Indonesia also pressed ahead with its ongoing involvement in the global war on terrorism.

Proving the Indonesian saying that 'one can whistle while one walks' (*bersiul sambil berjalan*), Indonesia's more global foreign policy orientation has not come at the cost of its commitment to the immediate region. Indonesia's support for ASEAN has remained steadfast and, if anything, has strengthened. This was particularly manifested during Indonesia's successful chairing of ASEAN in 2011, when Indonesia enjoyed a number of notable successes, namely as a mediator in the escalating border tensions between Thailand and Cambodia and, after several years of mentorship, overseeing Burma's initial steps towards democratic reform. Relations between the leaders of Indonesia and Burma are now quite close, and the Indonesian media proudly claims that Burma's recent steps towards democratic progress came about almost exclusively as a result of the influence of ASEAN, which was sparked into action by Indonesia's guiding hand (see, for instance, Riady 2012).

Considering Indonesia's preeminent role in ASEAN, examining Indonesia's testy relationship with Malaysia is useful for a number of reasons. It has often been argued by scholars studying the international politics of Southeast Asia that Indonesia and Malaysia are cornerstone members

of ASEAN and are thus at the very heart of questions of regional security (Liow 2006). Furthermore, it has often been acknowledged along the corridors of power in ASEAN that, together with Singapore, Indonesia and Malaysia form the 'security core' of Southeast Asia. The Indonesia-Malaysia bilateral relationship also reveals a great deal about the domestic politics of each nation. In relation to this, it is worth pointing out that the Indonesia-Malaysia bilateral relationship has seldom been harmonious, with tensions sometimes breaking out into open conflict (Weiss 2010). This should come as no surprise. Indonesia is the largest Muslim country in the world with a population of over 240 million, whereas Malaysia is a small country and has a population of about 30 million. Indonesia is courted by the United States and Australia and, as mentioned earlier, is a member of the prestigious G20. Although according to the Freedom House, Indonesia is more democratic than the soft-authoritarian Malaysia, it is also much poorer than the latter. This has caused many Indonesians, particularly those who have worked in Malaysia, to feel envious of Malaysia's economic success (Bayuni 2010). Yet Malaysia's economic success is highly dependent on migrant labour, and Indonesians constitute approximately 65 per cent of all low-wage migrants in Malaysia (Chin 2008: 290). In this regard, Malaysia has a record of mistreating Indonesian migrant workers, and many Indonesians resent Malaysia's policies towards Indonesian workers (Arifianto 2009; Weiss 2010; see also chapter 5 of this volume).

In recent years, growing anti-Malaysia resentment amongst the Indonesian population has led to a widespread public outcry against Malaysia as well as calls to temporarily halt the flow of migrant workers from Indonesia to Malaysia (Lazuardi 2009; Efantino & Arifin 2009; Usman & Din 2009). Adding more fuel to the fire, in 2008 and 2009 the Indonesian media claimed, incorrectly, that Malaysia had lodged intangible cultural heritage claims with UNESCO for shared Indo-Malay cultural forms including textiles, songs, dances, cuisine and traditional musical instruments (Suditomo, Pudjiarti & Dimiyathi 2009). In a classic tit-for-tat, rumours emerged that the melody of the Malaysian national anthem was based on the tune of an old Indonesian song (Rizal & Rafiq 2009). There was also the charge that a recent Malaysian tourism campaign was based on footage of Indonesian cultural forms. It could be argued that the recent testiness of bilateral relations between Indonesia and Malaysia is overblown. For many, the deeper historical roots to the Indonesia-Malaysia enmity lie in the events of 1963-1966 when Indonesia launched its anti-Malaysia policy of Confrontation (*Konfrontasi*), involving a series of confrontational policies and actions in response to the formation of the Malaysian nation-state (Mackie 1974; Jones

2002). Others have highlighted the ongoing border dispute over Ambalat, the oil-rich area off the coast of Malaysia's Sabah State and Indonesia's East Kalimantan, as a major source of conflict (Liow 2006; Efantino & Arifin 2009). Indeed, Rüländ claims that the Ambalat territorial dispute is currently the most vexing problem in Indonesia-Malaysia relations (Rüländ 2009: 392). But the Ambalat controversy and the cultural heritage spats are most probably mere symptoms, albeit serious issues in their own right, of an underlying issue: the treatment of Indonesian migrants as a security threat to Malaysian society. This issue, more than any other, has negatively affected the relationship between migrants, citizens and governments of Indonesia and Malaysia. It also reveals a great deal about both the domestic politics and regional orientation of the two countries, with important implications for the relationship between democracy and regional integration. As we shall see, Eurocentric regional integration theory, which tends to highlight the causal links between democracy and regional integration and vice versa, is not easily transferable to the Southeast Asian context.

### **The world's second biggest transnational migration centre: Southeast Asia**

Within the last few decades, transnational labour migration has become a contentious political issue in many countries across the globe, none more so than in the United States, where the border with Mexico is the busiest transnational migration centre of the world. The second biggest is Southeast Asia, with Malaysia as the epicentre. Migrant workers now constitute a fifth of the total workforce in Malaysia. Moreover, Malaysia is one of the world's top receiving countries for undocumented migrants, second only to the United States (Arifianto 2009). Estimates of the population of undocumented migrants range from two to four million people (see chapter 5 in this volume). As Chin (2008: 286) observes, if added to the number of documented workers, the transnational migrant population in Malaysia may well constitute nearly half of the total labour force in the country.

Existing studies on transnational migration in Southeast Asia have tended to view it primarily from the perspectives of labour, human rights or gender. In recent years, there is a small yet growing body of work on labour migration as a security problem between Indonesia and Malaysia, with an emphasis on how Malaysian politicians have shifted their treatment of Indonesian migrants from a policy of tolerance to one that considers them a security threat against Malaysian society (Chin 2008; Arifianto 2009; Liow

2003). This chapter takes these few studies analysing labour migration from a security perspective one step further by suggesting that, coupled with differing levels of democracy in the region, the labour migration issue in Southeast Asia has important implications for regional integration.

The recent securitisation of Indonesian migrant workers in Malaysia has emerged as a bitter surprise to many Indonesians, low-wage workers and politicians alike, as for much of the early twentieth century Indonesian workers were welcomed in Malaysia, mainly because they shared the racial, linguistic and religious background of the Malays (see, for example, Raharto 2007; Ford 2006; Arifianto 2009; chapter 5 in this volume). After independence, the Malaysian government continued to encourage the migration of Indonesian workers to Malaysia. Because Indonesians were perceived as being able to assimilate easily into Malaysian society, many thought that the Malays' electoral strength could be strengthened over that of other Malaysian ethnic groups (see chapter 5 in this volume). By the late 1990s, there were approximately two million Indonesian migrants working in Malaysia, over half of whom were undocumented.

From the early 1970s, economic factors went hand in hand with the political motivation behind Indonesian migration to Malaysia. As manufacturing grew, Malaysia experienced a wave of urbanisation, which gave rise to labour shortages in the agricultural sector. Overseas workers, mainly from Indonesia, helped fill the labour shortages, first in the agricultural sector and then in the manufacturing sector in the late 1970s and 1980s. Since the Asian economic crisis, Malaysia has experienced an immense construction boom, especially in and around Kuala Lumpur. As Kaur has discussed in chapter 5, Indonesians and other migrant workers were essential in providing the labour to keep up with this demand. However, with the increase in the number of Indonesians entering Malaysia over the years, particularly in the years immediately after the Asian economic crisis, fears grew that these Indonesian migrants would significantly disturb or even rupture the fabric of Malaysian society. The Malaysian government and media increasingly highlighted the fact that the influx of Indonesian labour into Malaysia had coincided with an increase in crime rates, particularly in the late 1990s. Unfortunately, Malaysia's increasing intolerance of the criminal activities of 'illegals' has led to much social prejudice against legal Indonesian workers as well.

In the last decade, the Malaysian media and government in particular have become more vitriolic in their attacks on Indonesian migrant 'troublemakers' (see, for example, Raharto 2007; Ford 2006; Arifianto 2009). Consequently there has been a sharp turnaround in policy since 2001, with

a marked anti-Indonesia stance. In 2001, the Malaysian government enacted a new Immigration Act, and the mass deportation of undocumented foreign workers began, with almost 400,000 Indonesian workers being forcibly repatriated. The 'Hire Indonesian Last Policy' was also introduced. Following the 9/11 terrorist attacks and the Bali bombings of 2002, there were growing fears that the illegal Indonesian migrant worker network could provide yet another channel of Islamist terrorism. By 2002, Indonesian workers in Malaysia had become demonised as regular perpetrators of crimes and potential perpetrators of terrorist activities, all of which, according to Malaysian media and political discourse, threatened Malaysian national security (Arifianto 2009). In numerous interviews with Indonesian migrants and migrant workers in June and July 2010, it became clear that Indonesians were being treated as second-class citizens in Malaysia. To this day, they continue to be seen by Malaysians as the so-called Indonesia security threat.

### Indonesia's desecuritisation of the migrant labour issue

Malaysia's securitisation of the Indonesian labour migrant issue has been greeted with dismay in Indonesia. Numerous protests have been held outside the Malaysian Embassy in Jakarta, criticising Malaysia for its degrading treatment of Indonesian workers. Malaysian flags have been burned and Jakarta newspaper headlines have reminded Kuala Lumpur of the dangers of a new *Konfrontasi*, referring to the armed conflict between Indonesia and Malaysia over North Borneo from 1963-66. In 2009 a large group of *preman* (pseudo-militia) in Jakarta declared an invasion on Malaysia, accompanied by sweepings against Malaysian citizens in the city. Indignant Malaysians responded to Indonesia's aggressive stance by referring to Indonesians with the pejorative and derogatory term 'Indons', which is perceived by many Indonesians as the equivalent of referring to African Americans as 'negroes'. As Arifianto (2009) observes, this term sets Indonesians apart as a separate and inferior ethnic group compared with the Malays. Even worse, Malaysians have coined terms such as *Indonesial* or *Indonesialan* (where the Malay word *sial* or *sialan* – damn or damned – added to Indonesia means 'damned Indonesian(s)'). In Indonesia, the term *Malingsia* (a pun combining two words, *maling* and Malaysia, which can be glossed as 'Mal-Thief-sia') has also stormed into the popular consciousness. It is in this context that three books promptly emerged on the shelves of Indonesian bookstores in 2009: *Ancaman Negeri Jiran: dari "GANYANG MALAYSIA" Sampai Konflik*

*Ambalat* (The Threat of a Neighbouring Country: From 'Crush Malaysia' to the Ambalat Conflict); *Ganyang Malaysia: Hubungan Indonesia-Malaysia Sejak Konfrontasi Sampai Konflik Ambalat* (Crush Malaysia: Indonesia-Malaysia Relations Since the *Konfrontasi* to the Ambalat Conflict), and *Maumu Apa Malaysia? Konflik Indo-Malay dari Kacamata Seorang WNI di Malaysia* (What do you Want, Malaysia? The Indo-Malay Conflict from the Perspective of an Indonesian Migrant Worker in Malaysia) (Lazuardi 2009; Efantino & Arifin 2009; Usman & Din 2009).

More recent yet no less inflammatory are Taufik Adi Susilo's *Indonesia vs Malaysia: Membandingkan Peta Kekuatan Indonesia & Malaysia* (Indonesia vs Malaysia: Comparing the Strengths of Indonesia and Malaysia) and Wawan H. Purwanto's *Panas Dingin: Hubungan Indonesia-Malaysia* (Hot and Cold: Indonesia-Malaysia Relations), both published in 2010. A rare Malaysian perspective is documented in Karim Raslan's 2010 book *Ceritalah Indonesia* (Telling the Indonesian Story).

The popular jingoistic imagining of Malaysia as racist and ungrateful, as described in the books above, has not resulted in Malaysia emerging as a threat to Indonesia's national security. Of course, in response to the latest Ambalat cross-border incursion, some politicians reportedly joined the *gerakan ganyang Malaysia* (movement to 'crush' Malaysia). Others such as Chozin Chumaidy (PPP), Jeffrey Massie (PDS), Permadi (PDI-P), Yusron Ihza Mahendra (PBB) and Soeripto (PKS) recommended the use of force should diplomatic means not lead to solutions acceptable to Indonesia. Others demanded that the Malaysian ambassador be recalled. President Susilo Bambang Yudhoyono pointedly stated: 'We will not sacrifice our sovereignty, our rights and our territory' (Rüland 2009: 393). Yet at the same time he urged restraint, despite the heated public debate. Both sides subsequently expressed their firm intention to resolve the Ambalat dispute peacefully and in line with established ASEAN norms of conflict resolution. The Indonesian navy took steps to de-escalate the tensions in the area, and the foreign ministry stepped up efforts to enter into negotiations with the Malaysians. Apparently, even fourteen rounds of government negotiations could not defuse the conflict (Rüland 2009: 393). Nevertheless, Indonesia's overblown reaction to Malaysia's provocations is probably little more than an expression of hurt pride, albeit combined with a strong dose of nationalist sentiment.

Indonesians are keenly aware of their role in Malaysia's development and industrial success, and Malaysia's treatment of migrant workers has not been appreciated in Indonesian circles, particularly because Indonesians expect some measure of sympathy from their Malay counterparts who

are widely regarded as *bangsa serumpun* (of the one tree or racial stock) (see chapter 5 in this volume). As a result, the harmonious *gotong royong* (mutual help) spirit that defined relations between the two countries in the early years after *Konfrontasi* seems to have disappeared (Liow 2006). For many Indonesians, the *persaudaraan* (familial or sibling) relationship often mentioned by politicians from both countries and the awareness that both are fellow members of ASEAN seem not to have ensured any extra effort from Malaysia (Arifianto 2009). Considering that the two 'kin states' have long been regarded as 'blood brothers', Indonesia expects Malaysia to show much greater sensitivity and even deference to its much larger neighbour (Liow 2006). Although this is patently not forthcoming, it would be wrong to suggest that Indonesia has 'securitised' Malaysia. Instead, if anything, Jakarta has tended to 'desecuritize' the situation by pulling back from foreign-policy brinkmanship and focusing on what many politicians regard as the real issue – the human security of Indonesian workers in Malaysia. It is for this reason that the heated cultural contestations between the two countries, as well as the ongoing border incursions, have been quite easy for the Indonesian government to ignore.

Instead, the Indonesian government has focused on government-to-government negotiations, developing bilateral agreements and the possibility of enlisting regional intervention. In terms of the former solution, a great deal of tension over the migrant worker issue dissipated after the breakthrough bilateral agreement of 2004, which imposes a minimum wage for Indonesian migrant workers (Arifianto 2009). It also provides procedures to recruit Indonesian migrant workers and requires employers of migrant workers and the brokers who brought them to Malaysia to pay for their transportation costs to and from Malaysia. Agreements of this type have been criticised by NGOs and activists, who argue that there are many shortcomings and many unaddressed issues. According to Alex Ong, the Malaysia country director of Migrant Care (an NGO fighting for the rights of Indonesian migrant workers in Malaysia), these agreements are mere token gestures, and Indonesian migrant workers remain as disempowered as ever (Ong 2010). Yet when Indonesian citizens experience problems in the Middle East, references are often made to the fact that little can be done for them via official channels (Bangun 2010). Effectively, the government's consistent argument is that a form of bilateral memorandum of understanding (MOU) is needed. Indonesia's MoU with Malaysia, modest as it is, is considered best practice.

Critics have pointed out that these forms of agreements, accords and MOU are not perfect, as many workers, particularly undocumented work-

ers, continue to be mistreated, beaten, threatened, exploited and deported on a daily basis (Bangun 2010). Moreover, the Indonesian government has proven that it is prepared to forego considerable remittance earnings from migrant workers, estimated to be USD 7.1 billion in 2010, by enforcing moratoria on the sending of migrant workers until their rights and conditions are significantly improved in the receiving country (Hamzirwan 2010). Demonstrating its willingness to take a stand, the Indonesian government enforced a moratorium on Indonesian migrants travelling to work in Malaysia between June 2009 and April 2010. This was used as an opportunity for Jakarta to lobby Kuala Lumpur to ensure more humane treatment of Indonesian workers, particularly in the informal sector, such as domestic maids and helpers. Subsequently, before the moratorium was lifted, a bilateral accord aimed at improving the conditions of Indonesian migrant workers was signed (Balanta Budi Prima 2010). This agreement formalised the right of Indonesian domestic workers to one day off work per week as well as the right to retain their passports rather than hand them over to their employer. Legal rights for Indonesian workers and their Malaysian employers were also agreed upon. During the same period, plans were reportedly afoot to develop the so-called 'Indonesian Social Security Programme', which would formalise discussions on ensuring that Indonesian workers are met at the airport by their employer, have automatic access to legal assistance, are registered on an online system, have access to counselling and a 24-hour call centre, and have automatic insurance (Bangun 2010).

Of equal importance is ASEAN's step toward the enactment of a regional agreement, through the Cebu Declaration on the Protection and Promotion of the Rights of Migrant Workers, adopted in January 2007. It called for ASEAN members to develop a common standard or charter on migrant workers' rights that would apply to all ASEAN members. The goal was to promote the welfare of migrant workers and to improve their access to avenues of justice (Arifianto 2009). However, the Cebu Declaration contains a number of limitations. Typical of statements issued by ASEAN, the declaration was short on specifics and contained some escape clauses that gave room for member countries to interpret it in their own way (Arifianto 2009: 626). Furthermore, it is phrased in terms of the sending-country's obligations (as well as ASEAN commitments) rather than in terms of the individual rights of migrant workers. These obligations are, moreover, subject to the prevailing laws, regulations and policies of the respective sending and receiving states. Nevertheless, the commitment of ASEAN to develop a legally binding charter on the protection and promotion of the

rights of migrant workers as well as the adoption of the Cebu Declaration are themselves significant developments (Cholewinski 2010: 288). It was, after all, the first time ASEAN had developed a common framework for the promotion of migrant workers throughout Southeast Asia. Of course, there is a long road ahead before ASEAN members can fully agree to the terms of such an agreement, and tensions between labour-sending countries, such as Indonesia, and labour-receiving countries, such as Malaysia, will no doubt persist.

Ultimately, Indonesia's transition to democracy, accompanied by an increasingly international outlook, appears to be resulting in a more concerted effort to deal with regional human security issues such as the treatment of migrant labour. The deepening of democracy in Indonesia has also ensured that the Indonesian government is more prepared to incorporate Track II and Track III input from NGOs into its regional decision-making. This is a significant development, as some grassroots migrant-labour NGOs have worked hard to become bodies that can speak directly for migrant workers. As described by Ford and Susilo:

NGO workers have begun to use the legal system to put pressure on the government to better meet the needs of the country's migrant workers. For example, in 2002 they organised a class action lawsuit against the Indonesian government following the deportation of almost 140,000 undocumented migrant workers from the Malaysian state of Sabah. Up to 70 deported migrant workers died in the border town of Nunukan and thousands more suffered from serious illnesses, including dysentery and malaria because of the simple fact that the Indonesian government was unprepared for their arrival. The court recognised the government's negligence in the first instance before the decision was overturned on appeal. Even though it failed, this initiative set an important precedent for Indonesian public law, with civilians beginning to use the legal system to sue the state for deliberate failures to provide essential public services. (2010)

Subsequently, the Indonesian government has actively incorporated the opinions and input of NGOs and other non-governmental actors in the regional decision-making process (Oratmangun 2009). Indeed, committed as it is to the key principles of democracy, the government has little choice. Moreover, as part of a newly democratic nation, Indonesian citizens are becoming increasingly well-informed about Indonesia's regional engagement. Indonesian citizens and NGOs, frustrated by being continuously locked out

of the elite 'talk-fests' of ASEAN's summit diplomacy, are also increasingly articulating their desire to participate in intra-regional political diplomacy (Suryodiningrat 2004; Sukma 2008).

In addition to Indonesia's apparent commitment to democratic public deliberation processes, in signing the Cebu Declaration the Indonesian government sent an emphatic signal of its readiness to 'regionalise' the labour migration issue. Academics and NGO lobbyists have consistently warned the government that the transnational migrant labour issue is now a regional issue, as it is unnecessarily straining diplomatic relations between labour-sending and labour-receiving nations in the region, as we have seen in the last decade between Indonesia and Malaysia (Arifianto 2009). The best way to avoid potential conflict between labour-sending and labour-receiving countries, they propose, is to regionalise the issue, so that a common standard can be applied to the recruitment of migrant workers and the protection of their rights from abusive employers and premature deportation. It is also intrinsically important that Indonesia's labour-migration problems with Malaysia are generally regarded as a regional human security issue rather than a national security issue, as in Malaysia, because a human security framework has the potential to raise the issue above and beyond the domestic sphere and the neo-nationalistic vagaries of competing political voices. As with the recent transformation of Indonesia's foreign policy orientation, however, this change in focus does not necessarily contribute to an enhancement of regional integration. Despite the previously discussed benefits of Indonesia's more outward-looking foreign policy orientation, other countries in the region continue to raise their eyebrows. On the one hand, nearby countries such as Singapore and Malaysia remain stoically bemused by Indonesia's at-times-painful political transformation, even though the hard truth is that Indonesia is now Southeast Asia's only truly democratic nation. On the other hand, Indonesia's neighbours are fearful of an ASEAN without Indonesia's full participation or engagement, as they have much to lose from a devalued ASEAN.

Regional circumspection notwithstanding, in the post-New Order period, Indonesia has concentrically expanded its foreign policy outlook beyond its immediate region and has kept a close eye on maintaining the approval of the United States. Therefore, efforts to develop a regional solution to the migrant labour issue through democratic public deliberation, in both the domestic and the regional context, cannot be examined without full consideration of the transformation of Indonesia's domestic political situation, which clearly has regional reverberations.

## Conclusion

In Southeast Asia, the links between democracy and regional integration, and vice versa, are not immediately discernible. Democratisation in the founding countries of ASEAN, such as Indonesia, the Philippines, Thailand and, less markedly, Malaysia and Singapore, has not triggered a deepening of regional integration. Political diversity in the Southeast Asian region, especially differences in the degree of democratisation, is a key reason why this has not occurred. As a consequence, important regional issues, such as very large intra-regional migrant-labour flows, epitomised by the large numbers of Indonesian migrant workers in Malaysia, have failed to find a regional solution. Yet Indonesia's successful transition to democracy has led to stronger efforts to seek a regional solution to the complex issues of human security in the region. The human rights of Indonesian migrant workers are now an issue that the Indonesian government is more determined to deal with both domestically and regionally as it becomes more democratic and broadens its regional foreign policy orientation.

Democratic Indonesia's enlightened approach to human rights has been stymied by its neighbours' intransigence. Malaysia, the principal receiving country of Indonesian migrant workers, continues to regard the migrant worker issue as a *national* security issue rather than a *regional* human security issue, which is more likely to be solved through regional decision-making. Moreover, Malaysia and other key ASEAN members, such as Singapore, regard Indonesia's calls for political reform in ASEAN and other examples of regional muscle-flexing with apprehension, as changes to the regional status quo could quite easily have a negative impact on the integrity of ASEAN as a whole and the domestic stability of each ASEAN member.

Indonesia's push for political reform in the region, coupled with its increasingly pro-active foreign policy orientation, has not triggered greater regional integration in Southeast Asia. In relation to this, there is an old joke that meetings are held to ensure that nothing changes. True to that adage, Indonesia's key regional partners, including Malaysia and Singapore, are becoming increasingly determined to ensure that any change in the region – if it occurs at all – follows the so-called 'ASEAN way' and all it stands for, including consensus decision-making and non-interference in the domestic politics of member countries. Consequently, Acharya's prediction that regional cooperation in Southeast Asia will not necessarily be strengthened by the emergence of democracy in the region (2003) fits in nicely with the arguments made in this chapter. Such strengthening of regional cooperation will be hindered, first of all, by the differing degrees

of democratisation in Southeast Asia and, secondly, by Indonesia's desire to overcome ASEAN's many limitations through a rather unsubtle process of democratic projection, which arises, no doubt, from its own domestic political change. While Indonesia's vibrant democratic progress has encouraged the government to push the envelope in the region, the soft-authoritarian democracies of Malaysia and Singapore, not to mention the democratic backsliders of Thailand and the Philippines, have ensured that democracy has not yet become the golden key that opens all locks. As Missbach argues in the next chapter of this volume, even in Indonesia, democracy does not guarantee the human rights of transit migrants, who are, on the whole, treated with disdain.

