

## Regional Approaches to Labor Migration: MERCOSUR and Association of Southeast Asian Nations in Comparative Perspective

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### Abstract

In the past two or three decades, intraregional migration has become a predominant feature of the Association of Southeast Asian Nations (ASEAN) and Southern Common Market (MERCOSUR). In both continents, low and semi-skilled labor dominates intraregional migration and the majority of them are employed in informal sectors in an irregular status. Facing with rather similar challenge regarding intraregional labor migration, the two regional blocs have never the less adopted quite different approaches on labor migration. This paper compares the MERCOSUR and ASEAN legal frameworks on labor migration with the focus on the rights to reside and to employment as well as the protection of migrant labor's rights. Examining the shortcomings, the innovation, and the good practices of each regional approach to labor migration, the paper aims to draw useful lessons for the purpose of strengthening regional frameworks on labor migration.

**Keywords:** Association of Southeast Asian Nations; Equal Treatment; Labor Migration; MERCOSUR; Regional Cooperation; Residence

### 1. Introduction

MERCOSUR (or MERCOSUL) is a subregional intergovernmental cooperation setup in 1991 by Argentina, Brazil, Paraguay, and Uruguay under the Treaty of Asunción. After Venezuela's accession in 2012 and Bolivia in 2016, MERCOSUR is now comprised of six member countries. Chile, Colombia, Ecuador, Peru, Guyana, and Suriname are associate members, a status allowing them to participate in different meetings and become party to certain agreements. Under the context of democratic transition after decades of military regimes and severe economic problems in South America, MERCOSUR's project to create the "common market of the southern cone" was expected to strengthen the democratic process and stimulate economic development (Schelhase, 2011). The common market includes, among others, free movement of goods, services, and factors of production. Mobility of labor was not explicitly mentioned in the founding treaty, but it was progressively developed not only as part of the factors of production but also with a social and human rights dimension from 2000 onward.

At the time of its establishment in 1976 by Indonesia, Malaysia, Philippines, Singapore, and Thailand, the Association of Southeast Asian Nations (ASEAN) primary objective was the promotion of regional peace and stability. In the near timeline of MERCOSUR's creation, ASEAN started to engage in cooperation in the economic field with the establishment of an ASEAN free trade area in 1992. The Association was later joined by Brunei (1985) and, after the end of cold war, by Vietnam, Lao People's Democratic Republic (PDR), Myanmar, and Cambodia. Since 2003, ASEAN leaders have agreed to deepen regional integration, by establishing the ASEAN Community comprising three pillars. Different aspects of labor migration were, thus, brought into the regional sphere under the ASEAN Economic Community (AEC), the ASEAN Sociocultural Community as well as the ASEAN Political and Security Community.

MERCOSUR and ASEAN are based on a relatively loose structure of intergovernmental cooperation, without transfer of national sovereignty to supranational institutions. They are both comprised of countries with economic asymmetries including high-income, upper-middle-income, and low-middle-income countries<sup>1</sup>. Low and semi-skilled labor dominates intraregional migration in both regions, and they face similar challenges on irregular and informal migration.

The paper compares the MERCOSUR and ASEAN legal frameworks on labor migration with the focus on the rights to reside and to employment as well as the protection of migrant labor's rights. Examining the shortcomings and innovative initiatives in these regional legal frameworks, the paper aims to draw useful lessons from the experience of both organizations.

The paper presents the labor migration situation in MERCOSUR and ASEAN in Part 1. Part 2 examines MERCOSUR's legal framework on labor mobility. Part 3 then explores the ASEAN approach to labor mobility and protection of the rights of migrant labor. Based on comparative study, Part 4 proposes some developments for the purpose of achieving a people-centered regional labor mobility framework.

### 1.1. Migration patterns in MERCOSUR and ASEAN

In the past two or three decades, intraregional migration has become a predominant feature of both ASEAN and MERCOSUR. According to the Organization for Economic Co-operation and Development and the Organization of American States, in 2015, migrants from countries in the region represent 63% of foreign-born residents in South America (around 3.2 million of a total 5.1 million migrants) (Acosta, 2016). All countries are both sending and receiving countries. However, Argentina has the largest share of regional migrants, hosting 63% of all migrants from MERCOSUR member countries and 38% of all migrants from Latin America. Paraguay and Brazil follow as the main destination of intra-MERCOSUR migration. Venezuela receives 31% of Latin American migrants but only 2.5% of the total intra-MERCOSUR migrants (United Nations, 2017).

In the Southeast Asia, statistics indicates that the number of intraregional migration has increased by >50% since 1990 (UNDESA, 2016). Even if there remain unaccounted flows of migration due to a large proportion of irregular migrants as well as to heterogeneous data collecting systems in both sending and receiving countries, it is estimated that currently 6.9 million ASEAN nationals have migrated to other countries within the region (Harkins, Lindgren, and Suravoranon, 2017). Singapore, Brunei, Thailand and Malaysia are net receivers of intraregional migration, while the rest are net senders. Malaysia, Singapore, and Thailand are the main destinations, hosting 95% of the total amount of intraregional migrant labor (Testaverde, et al., 2017). Thailand has the largest share of ASEAN migrant labor, originating mainly from Myanmar (80–90%), Cambodia, and Laos PDR. Malaysia receives 30% of ASEAN migrants, most of which come from Indonesia, while Singapore hosts about 22% of them, primarily from Malaysia (United Nations, 2017). These migration patterns can be explained by the disparities in economic development between receiving and sending member states as well as ethnic and linguistic affinities and geographical proximity.

In both regions, high-skilled labor represents a small portion of intraregional migration since they migrate in general to the more developed countries outside the region. In ASEAN, high-skilled labor constituted approximately 5% among temporary workers in ASEAN in 2000–2001 (Manning and Bhatnagar, 2014). Their migration is linked to foreign direct investment and intracompany transfers, and Singapore and Malaysia, as international business hubs, are the main destinations (Iredale, et al., 2010).

Low and semi-skilled labor dominates intraregional migration. They are mainly employed in informal sectors, especially domestic work, agriculture, fishing industries, and construction. A large number of workers who migrate among the member states are in an irregular status.

<sup>1</sup> According to World Bank classification for 2018 fiscal year, ASEAN features two high-income (Singapore and Brunei), two upper middle-income (Malaysia and Thailand) and six lower middle-income (Cambodia, Myanmar, the Philippines, Indonesia, Vietnam and Lao PDR), while Mercosur is comprised of one high income economy (Uruguay), four upper-middle income economies (Argentina, Brazil, Paraguay, Venezuela) and one lower middle-income (Bolivia) (<http://data.worldbank.org/about/country-and-lending-groups>)

National migration legislation is in general restrictive. Despite the establishment of regular channels of entry and employment, labor migrants still take a high risk to opt for irregular channels for many reasons. One is the high cost of legal recruitment of low-skilled labor for both migrant workers and employers. Such recruitment is generally subject to various fees and requires several intermediate agencies in both the receiving and sending countries. Moreover, the work permit generally ties migrant labor to a specific job sector, employer, and workplace. In consequence, those who change job, employer, or workplace or those who do multiple jobs became irregular migrants (Kanapathy, 2008).

In both MERCOSUR and ASEAN, there are also important outflows of migrants beyond the regional framework. Labor from Latin American migrates to the USA and European countries, especially Spain. From ASEAN, the Philippines export its labor to Arab countries and China, while East Asia is the destination for labor from Thailand and Vietnam (Ramji-Nogales, 2017) (ILO and ADB, 2014).

The migration patterns of MERCOSUR and ASEAN member countries, both intra- and extra-regional, influence significantly the regional approaches to labor migration in the two continents.

## 1.2. MERCOSUR's framework on labor migration

In the post-colonization period, South American countries adopted a very open immigration policy which aimed to attract European immigration. The objective was to increase the population in South America's vast territories as well as to contribute to the development of the receiving countries. This openness was reflected in South American Constitutions and Immigration Laws which granted immigrants favorable rights to residence and to naturalization as well as equal treatment with nationals regarding, for instance, labor and property rights (Giupponi, 2011). However, during the 1920's, changes in economic, political, and social circumstances resulted in a more restrictive and discriminatory migration policy in South American countries. This restrictive trend was accentuated during the 1970–1980's when most countries in the region fell under military dictatorship (Giupponi, 2011).

Reflecting restrictive national approaches to labor migration at the time of its establishment, labor mobility was not (expressly) included as one of the MERCOSUR's objectives. The aims of MERCOSUR, as stated in the Treaty of Asunción, are, among others, to bring about “the free movement of goods, services and factors of production among its member states through, inter alia, the elimination of customs duties and non-tariff restrictions on the movement of goods, and any other equivalent measures” (article 1). If mobility of labor, as a productive factor, can be considered part of the common market project, in practice, MERCOSUR's liberalization nevertheless had primarily focused on trades in goods and establishment of a custom union (Schmidt, 2008).

In the beginning of the 2000's, the shift in migration trends in South America entailed a shift in MERCOSUR's approach toward labor migration. Starting from the 1970's, the political instabilities and economic crises motivated the emigration of South Americans outside the region, especially to the US and Spain. A large number of South Americans also migrated to other countries in the region, with almost 2 million migrating inside the region in 2000 (Arcarazo and Geddes, 2014). The problem was that the majority of South American migrants, both intraregional and outside the region, were in an irregular migratory status. The previous approach, based on criminalization of irregular migration as well as unilateral regularization initiatives, did not succeed in addressing the issue.

MERCOSUR member states agreed that solutions to the problem should be found at the regional level. This renewed approach is characterized by a more open migration policy which refuses to criminalize irregular migration. It also emphasizes the positive aspects of migration and greater respect of migrants' human rights. (Arcarazo and Geddes, 2014). MERCOSUR's approach is reflected in the 2004 Santiago Declaration on migratory principles, adopted by MERCOSUR member states as well as Bolivia, Chile, and Peru. This Declaration also serves as the basis of MERCOSUR's negotiation with the European Union (EU) for a future migratory agreement between the two regional organizations. It states that: “MERCOSUR must reaffirm before the rest of the world their belief of working toward a

new migratory policy, based on the ethical dimension of the respect to human rights;” “the migratory regularity of the migrant is the only way for him to achieve his full integration into the reception society;” and “the treatment given to nationals of the Member and Associated States in third countries should be reciprocal to that given to the nationals of these countries in our territory” (MERCOSUR, 2007).

The specialized forum on migration was set up within the framework of the meeting of interior ministers in 2003. The Forum was given the missions, among others, to present proposals and recommendations on migratory legislation and policy, to develop an agreement or recommendation drafts for the consideration and approval of the Meeting of Interior Ministers, and to follow and evaluate the results of the migratory agreement adopted in the framework of MERCOSUR (MERCOSUR, 2007).

Regarding the right to entry and residence of high-skilled labor, the Council of the Common Market (CCM) Decision No 16/03 simplifies the issuance of a visa for a total of up to 4 years for business executives, management employees, authorized representatives, scientists, researchers, artists, athletes, professors, journalists, and highly specialized workers (Fuders, 2010).

The adoption of the Residence Agreement in 2002 represented a significant step which has transformed the migration regime in MERCOSUR. Its main purpose was to resolve the situation of irregular migrants within the region while deepens the integration process. The agreement provides that nationals of MERCOSUR member states and associate states may reside for 2 years in another state if, besides proof of identity, they can prove a clean criminal record. This procedure applies for both migrants who intend to move and those who already have resided irregularly in another party state. After 2 years of effective residence, the permit may be transformed into a permanent one if applicants can prove that they have sufficient resources to sustain themselves in the territory of the host country (Maas, 2015). As a result of the Agreement, nearly 2 million South Americans were granted a temporary residence permit in one of the nine signatory countries between 2004 and 2013 (Acosta, 2016).

The beneficiaries of the Residence Agreement, whether temporary or permanent, as well as their family members have the right to perform any labor activity, either employed or self-employed in the host member state, under the same conditions as the nationals of that state. They shall enjoy equal treatment regarding civil, social, cultural, and economic rights and freedoms with nationals of the host country. These rights include, for instance, equal working conditions, equal social security, the right to transfer remittances, and the right of the migrants’ children to equal education with nationals.

Other important instruments concerning the protection of labor migrants’ social rights include the 1997 Multilateral Agreement on Social Security and the 1998 Social and Labor Declaration. The Multilateral Agreement on Social Security concerns a coordination mechanism of national social security systems. It provides that migrant workers and their family members should be entitled to the same rights and subjected to the same obligations as national workers. It also allows a totalization of the period of insurance and contribution in a signatory state for the purpose of benefit entitlement (Pucheta, 2014). To process retiree benefits, a single database for Social Security Institutions was set up to develop and implement a data transfer and validation system. Under this agreement, MERCOSUR has moved from a multitude of bilateral agreements on social security toward a regional framework, which provides the same treatment to all MERCOSUR nationals independent of their country of origin. As for the 1998 MERCOSUR Social and Labor Declaration, it lays down minimum standards of labor, individual, and collective rights that member states must respect. These include, for instance, the right to non-discrimination and equal treatment in employment and occupation, a prohibition on forced labor, child labor protection, freedom of association, collective bargaining, and the right to strike (Pucheta, 2014).

Surpassing the original common market project, MERCOSUR member states have agreed on the gradual establishment of MERCOSUR citizenship (Decision 64/10 of MERCOSUR CCM). MERCOSUR citizenship will be comprised of a set of fundamental rights and benefits which shall serve the objectives, among others, to implement a policy of free circulation of people and equal rights. The MERCOSUR’s approach reflects consideration of migrants, not only as labor but also as citizens who belong to the same regional community.

There remain, however, challenges regarding the implementation of MERCOSUR’s agreements in practice. The change at the regional level requires legal adaptation at the national level, which

happened relatively slowly. In the absence of supranational authorities, the agreements are not applied uniformly by the signatory states. Regarding the 2002 Residence Agreement, for instance, Argentina applies the agreement to all 11 countries in South America without requiring reciprocity, while Chile excludes migrants from Ecuador, Peru, and Colombia who represent a large number of migrants in the country. More importantly, in the absence of a clear definition and scope of the right to equal treatment, discrimination regarding access to welfare benefits remains in practice (Arcarazo and Geddes, 2014).

### 1.3. ASEAN framework on labor migration

From an organization focusing mainly on security issues during the Cold War, ASEAN in 2003 redirected its goal toward deepening regional cooperation. The Declaration of ASEAN Concord II (Bali Concord) states that ASEANs aim to establish the ASEAN Community which will comprise of three pillars: AEC, ASEAN Political-Security Community, and ASEAN Socio-Cultural Community. The issue of intraregional mobility has been formally brought into the regional sphere, mainly under the economic pillar. ASEAN envisages free flows of skilled labor as one of the core elements of the forthcoming single market and production base. Workers' mobility is treated as part of a liberalization of trade in services, specifically under Mode 4 of the GATS framework of cross-border services supply (the presence of natural persons), where professionals, either employed or self-employed, from one member state move temporarily to another member state to provide services. A migrant's access to the labor market (as an employed person) is not included in the AEC.

Mutual recognition arrangements (MRAs) have been made the principal tool to facilitate the flow of skilled labor in ASEAN, by allowing the recognition of qualifications of professional services suppliers acquired in one member state by other member states. At present, eight MRAs - engineering, nursing, architectural, accountancy services, medical practitioners, dental practitioners, surveying, and tourism professionals - have been concluded (Aimsiranun, 2017). Nevertheless, according to the AEC Blueprint, which provides a roadmap outlining the necessary economic measures to achieve the ASEAN single market and production base, the flow of skilled labor will happen solely "according to the prevailing regulations of the receiving country."

This implies that, despite the existence of MRAs, access to national labor market remains dependent on the national law and regulations. The flow of skilled labor is not as such liberalized. National regulatory measures can continue to hinder or even prohibit access of migrants of other member states to a national labor market. For instance, Thailand's 2008 Foreign Employment Act and 1979 Royal Decree continue to prohibit foreigners from being employed in 39 professions which are reserved for Thais, including those covered by the MRAs such as civil engineering, architectural work, and legal or litigation services (Aimsiranun, 2017).

The mobility of low-skilled labor which represents the majority of intraregional migration is simply absent from the economic integration plan. Their right to move, to reside, and to work is left to national discretion. In general, ASEAN Member States use a work permit and a quota system to regulate the inflows of foreign labor. Foreign labor and employers are also subjected to various administration fees. Migration policy is designed mainly to protect national labor and to answer the market's need. The restrictive national frameworks have resulted in a continuing/increasing number of irregular migrants. To address the problem, the main receiving countries, such as Thailand and Malaysia, have concluded non-binding bilateral agreements with the sending countries. These MOUs have provided for temporary regularization of migrants as well as arranging for legal migration channel for migrants. However, many migrant workers still opt for the irregular channels since the MOU procedures for recruitment of workers are quite complicated, lengthy, expensive, and requiring contact with many authorities or agencies.

The issue of migrant labor rights is under the agenda of the ASEAN Socio-Cultural Community. According to the American Society of Concrete Contractors (ASCC) Blueprint 2025, the aim of ASCC is to "improve the quality of life of its people," by working toward "an inclusive community that promotes high quality of life and equitable access to opportunities for all and promotes and protects

human rights.” The important milestone in terms of migrants’ protection includes the adoption of the ASEAN declaration on the protection and promotion of the Rights of Migrant Labor (Cebu Declaration) in 2007. The declaration aims to promote “the full potential and dignity of migrant workers in a climate of freedom, equity, and stability” (article 1) as well as the respect for “the fundamental rights of migrant workers and family members” (article 3). It also provides for member states’ obligations, for example, to facilitate migrant workers’ access to social welfare services (article 7), to promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions (article 8), and to provide adequate access to the legal and judicial system for migrant workers, especially in the case of discrimination, abuse, exploitation, or violence (article 9). The declaration calls for cooperation between the receiving states and sending states to resolve the cases of undocumented migrant workers but does not go as far as imposing their regularization. The declaration even insists that “nothing in the present Declaration shall be interpreted as implying the regularization of the situation of migrant workers who are undocumented.”

The ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Labor or the ACMW was established in 2008. Its mission is to develop effective mechanisms to safeguard the rights of migrant workers. As for the ASEAN Forum on Migrant Labor (AFML), it is a regional tripartite platform which brings together the governments, workers’ and employers’ organizations, and civil society stakeholders for discussion on key issues of migrant labor. The annual AFML develops recommendations to implement the 2007 declaration on the protection and promotion of the rights of migrant workers.

After almost 8 years of negotiation, ASEAN Member States was adopted, under the Philippines’ chair, the ASEAN Consensus on the protection and promotion of the rights of migrant workers in 2017. The objective is to give effects to the 2007 declaration. The inclusion of the civil society and stakeholders’ group in the negotiation process as well as the drafting of both documents have led to progressive ideas in the draft proposal. However, the sensibility regarding the issue has resulted in explicit confirmation that the realization of principles recognized in the declaration will happen only “in accordance with the laws, regulations, and policies of respective ASEAN Member Countries.” After an unsuccessful push, the major sending countries, Indonesia and the Philippines, ceded that the documents would not be legally binding. As demonstrated, the difficulties during the negotiation process on the issue of access to shelter, medical and legal services for undocumented workers and families of migrant workers, and the effective protection of irregular migrants as well as migrant labor’ families remain the challenge in ASEAN (Thuzar, 2017).

#### **1.4. MERCOSUR and ASEAN approaches: Progress and challenges**

Both MERCOSUR and ASEAN function on the basis of intergovernmental cooperation, and the decisions of their principal organs are adopted by consensus. To push successfully for a deeper cooperation, it is essential for the member countries to find a uniting cause. The existence of leading countries that can advance the cause and can influence the rest of the group is also important. In MERCOSUR, the will to address the problem of irregular migration, not only intraregional but also outside the region, has positively supported a move from the national to the regional approach. By ensuring respect of migrant labors’ rights, whether they are nationals of MERCOSUR’s members, and irrespective of the regularity of their migratory status, it is suggested that MERCOSUR wants to set an example and expects reciprocal treatment from the destination countries for their migrants outside the region (Arcarazo and Geddes, 2014). To fulfill this objective, a consistent regional framework allows more visibility on the world stage. In addition, in MERCOSUR, the development of a common framework is facilitated by the existence of leading countries that can influence the changes at regional level. The adoption of MERCOSUR’s innovative measures, such as the 2002 Residence Agreement, is the result of a combined effort, as well as the balance of power between Argentina and Brazil.

MERCOSUR’s approach toward labor migration is more inclusive since it concerns all migrant labor without distinction between their skills. The approach can also be considered more universal than ASEAN’s approach since it is extended beyond nationals of a member or an associate state also to

include third countries' nationals. MERCOSUR's framework ensures migrant labor's access to various rights, including the right to reside and to work, as well as equal treatment and social protection. The MERCOSUR Residence Agreement is even more generous than the EU provisions since the temporary residence permit is not subjected to the requirement of sufficient resources as in the case of the EU2 and the permit can be transformed into a permanent one after 2 years. MERCOSUR's general initiatives through the residence agreement have the merit of regularizing migrants who currently have an irregular status as well as providing an effective lasting solution to the problem.

While each MERCOSUR member and associate member both send and receive intraregional labor, the labor flows in ASEAN are very asymmetrical; the three main destination countries, which are Thailand, Malaysia, and Singapore, host almost the totality of ASEAN migrants. In ASEAN, the opposition of interests between the sending and receiving states has resulted in a very restrictive regional framework on labor migration, with weak legal protection for the most vulnerable migrants. Low-skilled labor is simply excluded from the project of the ASEAN single market, and the mobility of high-skilled labor is closer to facilitation rather than liberalization. Further, the protection of migrant labor's rights under the framework of the ASEAN Socio-Cultural Pillar appears rather timid. It is important to note that the issue of irregular migrants is absent from both the ASCC blueprint and the 2007 Declaration on the Protection and Promotion of the Rights of Migrant Labor. Nevertheless, progressive ideas and principles on the protection of migrant laborers' rights have been advanced through established dialogues and fora on labor migration, especially the ACMW and the AFML. However, the efforts of the civil organizations and stakeholders to set up a more protective regional standard have had a rather limited impact on the final ASEAN legal framework and policy (Nonnenmacher, 2017). The divergence of interests between the sending and receiving states in ASEAN has resulted in both the moderation of the rights proposed and the refusal to make the agreements binding. The constant affirmation that the declared progressive principles are applied in accordance with national laws and policies leads to confusion whether principles agreed at the regional level would be overridden by contrary national measures. ASEAN governments appear to be very jealous of their sovereignty when the regulation of the inflow of migrant labor as well as their rights are concerned. If cooperation is considered necessary, the member states prefer a bilateral approach to a regional one. The problem is that the national and bilateral frameworks do not sufficiently take into account the rights of migrant labor, especially the most vulnerable workers who are in an irregular status.

For both organizations, the most significant challenge concerns the implementation of the agreed regional goals and frameworks. MERCOSUR member states have succeeded in establishing an exemplary framework on labor migration. Nevertheless, the legal adaptation at the member state's level has happened relatively slowly and not necessarily uniformly. MERCOSUR member states, sometimes, fail to incorporate the measures into their national system. Only an estimated 70% of secondary MERCOSUR law has been incorporated by all member states (Schmidt, 2008). In ASEAN, the challenge in pushing for the implementation of soft laws/morally binding declarations is greater. In absence of clear direct applicability of binding instruments, such as the ASEAN Charter, it seems difficult for ASEAN migrants to invoke any rights or protection from the regional instruments. Contrary to the AEC, there is no system of scorecards to track the progress of implementation of ASEAN measures under the ASCC. The ASEAN Secretary General can only report to the meeting of heads of governments/states united in the form of the ASEAN Summit. The sanction for not implementing a decision adopted in the framework of ASEAN is unlikely to happen since the Summit decides on the basis of consensus. An effective mechanism for enforcement, especially the establishment of the regional court, would be more than welcome.

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- 2 Directive 2004/38/EC (of 29 April 2004 concerning the right of citizens of the Union and their family members to move and reside freely within the territory of the EU and EEA member states) subjects the right of EU citizen to reside in another member state for the period superior than 3 months to the condition that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence

## 2. Conclusion

Faced with the challenge to improve the situation and the protection of their nationals, who migrate for work both inside and outside the region, MERCOSUR member and associate states have chosen a regional framework. The open approach to labor migration, the development of the social dimension of a mobility regime, and the project of MERCOSUR citizenship, all go in the direction of a closer and people-centered integration. This has earned MERCOSUR recognition as an example of good practice on the world stage.

On the contrary, ASEAN has not yet found an acceptable regional common ground on the issue of labor migration. It is not to be denied that the sharp and remaining contrast between sending and receiving states in ASEAN renders extremely difficult a consensus on the issue of labor migration. It is nevertheless equally important to underline the insufficiency of the current protection offered at national and bilateral levels, especially toward the most vulnerable categories of migrants. Migrant workers' significant contribution to the economy of the host member states, especially in the context of aging societies, should justify adequate protection of their human rights.

What is really problematic is the reluctance of the ASEAN Member States to move beyond national perspectives for a greater common regional cause. If the majority of the people in ASEAN might not consider ASEAN matters, it is possibly due to the limited impacts ASEAN has had on their daily life. The realization of the vision of an ASEAN Community that is "people-centered" and "a caring and sharing society which is inclusive and harmonious where the well-being, livelihood, and welfare of the peoples are enhanced," as stated in the ASEAN Socio-Cultural Community Blueprint (ASEAN Secretariat, 2009), requires a renewed approach which surpasses national interests. The concept of "community" requires sharing not only welfare but also, and more importantly, difficulties.

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