



ASEAN's Role in Fulfilling Migrant Workers' Human Security from Human Trafficking

¹Abel Josafat Manullang

Universitas Padjadjaran, Indonesia

E-mail: abeljosafat@gmail.com

ABSTRACT

Globalization has brought along countless innovations and development to human activities at all levels. The ease of transportation and communication, along with the growing interdependence among states, have also allowed migrant workers to grow. Unfortunately, it also brought along new types of threats to the society, one which is the transnational crime. One type of transnational crime in particular, human trafficking, has been one of the threats to migrant workers' security. The article begins with describing how human trafficking has been one of the transnational crimes that threatens migrant workers and how unilateral state measures have been insufficient to tackle it. Moving on from that, ASEAN's identity as a central actor in Southeast Asia and the Indo-Pacific also makes it a good option for states to resort to it. This is also to say that as unilateral states measures to tackle transnational crimes are insufficient, states may resort to work together in multilateral frameworks provided by ASEAN. Moreover, ASEAN has also proved to be suitable in overcoming human trafficking as shown in its past works in that regard, like its cooperation with Australia in the ASEAN-Australia Counter Trafficking. Aside from that, ASEAN's character as a regional entity makes it capable of bringing states in the region to work together.

Keywords : *ASEAN; Transnational Crime; Human Trafficking; Migrant Workers; Human Security*



INTRODUCTION

Numerous opportunities have arisen as a result of globalization. Many actors in the international system, from the individual to state level actors, now find themselves in a world that has grown a stronger link between its components as apparent in the strong state to state ties which even exceeds traditional boundaries. Aside from adjusting to a new world, it is also important to take notice of the many problems that are now present as a result of globalization. The urgency to do so is also caused by how traditional means to tackle such issues are now no longer sufficient to fit the bill.

The dynamics of globalization, as apparent in the many opportunities and problems it brings along, is also present in Southeast Asia or specifically among ASEAN (Association of Southeast Asian Nations) member states. ASEAN is composed of almost the entirety of Southeast Asia. In the globalizing world and region, ASEAN has somewhat been benefited as now it is an ever important goal for its member states to maintain and strengthen their interconnectedness. In its road to attain that target, ASEAN has also taken notice of another fruit, albeit rotten, that globalization carries along, that is the growth of transnational problems. One of the notable ones is human trafficking or trafficking in persons. What is meant by it is the act by criminal groups that engage in human trade (either for sexual exploitation, organ harvesting or other purposes) for profit.

This is because this problem also threatens migrant workers which plays a considerable role in strengthening economic interconnectedness among ASEAN member states. The importance of migrant workers can be seen in the attention given by ASEAN to provide them with secured and safe mechanisms or guidelines for its member states. In itself, migrant workers can be considered as a component in the growing economic interconnectedness or even integration among ASEAN member states. Even by limiting their role to a domestic scale, they are still important as they contribute to the national economy through the income they earned abroad. Many ASEAN member states have had this problem of human trafficking among migrant workers within their respective sovereignties, from the likes of the Philippines to Indonesia. Each state has attempted to tackle the problem on their own, however, considering the problem's nature as a transnational social problem and how the issue is still present, single states measures are not sufficient.

In general, the issue of human trafficking has been something that many in



ASEAN member states take notice of. The growing importance to learn more and construct a solution to this transnational social problem can be attributed to the existence of ASEAN. In this regard, it is no surprise that many attempts and efforts have been undertaken to deal with the issue in ASEAN, a regional entity that is composed of almost all states in Southeast Asia. The many attempts to tackle human trafficking can be seen in the many reports ASEAN have released in its attempt to maintain regional security (at least in the context of transnational social problems) and interconnectedness. The same can be shared in many academic works, both made by researchers in and outside of Southeast Asia or ASEAN member states. However, as mentioned in the beginning, many of them are still limited to human trafficking in general, like the one written by Jaya Anil Kumar (2016) or another specific issues like a research on child trafficking made by Yvonne Rafferty (2019). With that laid out, the article is made to bring more light and focus into migrant workers and the threat of human trafficking in ASEAN.

It is against that backdrop of threats posed by human trafficking towards migrant workers that this article is written. The article will focus on the questions regarding human trafficking as an evergrowing problem in ASEAN member states, especially towards migrant workers. In regard to that issue, ASEAN's growing centrality as a regional actor in the region, especially among its member states, would be elaborated as a means to tackle the aforementioned issue. Moreover, ASEAN's past attempts to address human trafficking would also be discussed. In answering the aforementioned questions, the article does so through laying out literature reviews of past researches, continued with the research methods and discussion segment where the research questions shall be answered which later would be closed with a conclusion to restate the results.

LITERATURE REVIEW

In writing the article, the writer uses two articles in its literature review. The first article is written by Yvonne Rafferty with the title of *The Identification, Recovery, and Reintegration of Victims of Child Trafficking within ASEAN: An Exploratory Study of Knowledge Gaps and Emerging Challenges*. Despite focussing on child trafficking as variation of human trafficking, the article overall still deliberates upon the issue within ASEAN. The research focuses on the way current ASEAN instruments to tackle child trafficking have been rather inadequate. Through the use of primary and qualitative data,



the research elaborates its findings through evaluating and pointing out the performance of relevant ASEAN instruments. Explanations to provide understanding of the issue are laid out through explaining the many stages or aspects ASEAN has worked on (like victim identification and reintegration) and the commitment ASEAN has to deal with the issue. Moreover, the mistakes ASEAN has made in its effort to deal with child trafficking is also laid out through elaborations on points like ASEAN's lack of a unified definition of child, failure to keep up with the many ways child trafficking are done nowadays to ASEAN's failure to identify the future victims (ASEAN prioritizes girls instead of boys with the perception of how they tend to end up in a lot more areas/industries). The article posits that the recovery and rehabilitation of victims (both in literal and legal terms) are rarely taken care of. The relevant measures that should be provided towards the victims are like the assistance to psychological and legal services (either to rehabilitate the victims or to advocate for their respective rights) to reintegration schemes to reintegrate them back to the society.

The second article is titled *Assessing Criminal Justice and Human Rights Models in the Fight against Sex Trafficking: A Case Study of the ASEAN Region* which is written by Cheah Wuiling (2006). Similar to the previous article, this article examines another variant to human trafficking called sex trafficking. The article begins by explaining the current global and ASEAN measures in dealing with sex trafficking that has proven to be inadequate. In response to the condition, the writer posits the need to develop a new way which is multidisciplinary in nature, to combat sex trafficking. The article discusses how ASEAN member states, through the example of the Philippines and Malaysia, have started to develop a more multidisciplinary solution in dealing with human trafficking.

METHOD

In answering its research questions, the article uses the qualitative research method. The qualitative research method is a research method that begins with the determination of the research questions that is followed by data collection and interpretation along with concluding the research (Bryman, 2012). The secondary data are gathered from past relevant studies, official documents along with numerous media coverages. Moreover, the article also uses concepts like transnational crime and human security in elaborating the answers. The research questions the article answers would first



be on how human trafficking has been a problem towards migrant workers in ASEAN member states, why ASEAN member states should resort to ASEAN in tackling the issue and what makes ASEAN a suitable forum in combatting human trafficking.

RESULT AND DISCUSSION

The Rotten Fruit of Globalization: Human Trafficking

To understand human trafficking especially as another instance of transnational crimes, it is important to also understand globalization. Globalization can be understood as a process of growing intensity, extensity, velocity and deepening impacts of worldwide interconnectedness. The underlying cause to the growing worldwide interconnectedness as apparent in the state to state or even individual to individual interactions that pay no mind to traditional boundaries can be credited to the technological advancements in the communication, transportation and information sector. Because of that, it is no surprise that the world appears to be growing more and more closer yet at the same time things remain the same. Another trait of globalization is the impacts it gives to other actors, aside from governments or states, that allow them to perform with a bigger capacity. Entities that have grown as a result of globalization are the likes of MNC (Multinational Corporations), individuals and other sanctioned entities and activities. However, it is also to underline the way globalization also increases the capacity of unsanctioned activities or groups which we would better know as transnational crimes.

Human trafficking is a transnational crime that's done through the trade of human for a vast options of other illegal puposes. Like other transnational crimes, human trafficking does not solely rely on the use of violence or coercion, rather it also utilizes deception (like in tricking their victims how they can offer them good education or job opportunities abroad) (Weitzer, 2014). We can take crimes like human trafficking, piracies of intellectual properties, drug trafficking and even terrorism as some examples of transnational crimes. Human trafficking itself does not exist in a vacuum as a crime, rather the many purposes it has in its conduct also bring numerous other impacts that make it all the more urgent to deal with. In general, human trafficking can be done for one common end, that is the procurement of profit. In attaining the profit the trafficking groups would traffick their victims (which have a wide range of categories on its own) for a wide range of markets that has their own type of crime (sexual exploitation, modern slavery, organ



harvesting, etc) (Perley, 2017). Similar to other transnational crimes, it is difficult for states to deal with it on their own insofar that it is hard for them to declare themselves as states that are free of such crimes. This is because the nature of transnational crimes makes it possible for the perpetrators to involve numerous states as their bases of operation (Willets, 2014). One state may be used as the hunting ground while the other states would be used for other necessities (“storing” the victims, a transit zone and many other uses).

Human Trafficking towards Migrant Workers among ASEAN Member States

As the region that houses the many members of ASEAN, Southeast Asia has been one of the many regions that has tasted the fruits of globalization, both the good and the rotten ones. Migrant workers can be considered as one of the groups that has been benefited by globalization yet at the same time, it has also been threatened by transnational crimes, the rotten fruit of globalization. The kind of issues brought around by globalization, in particular human trafficking, can be considered as a non-traditional security threat which is complex and transnational in nature (Caballero-Anthony, 2018). Speaking in general, human trafficking has been one of the growing concern of ASEAN member states for some times. So much so that there have been numerous attempts to address the issue which would be discussed in the subsequent discussion point. In understanding the way human trafficking as a type of transnational crime, threatens the work of migrant workers, it is also important for us to know

The way human trafficking affects the security of migrant workers can be seen in how they operate. Many people fall victim to human trafficking a result of the deceitful tactics the traffickers apply. In this case, it is important to note how the field of migrant occupations has been known, especially for those who are marginalized, as a field that can bring them better income than what they can get within their countries (Qiao-Franco, 2021). We can see how this condition is present in many ASEAN member states as they are still struggling to deal with other social problems like poverty that entails a vast network of other measures. Not only that, given how most of the ASEAN member states are still considered as developing countries which at times could find themselves to problems that disrupt their national stabilities and are also characterized with limited resources or instruments to properly address non-traditional threats. The circumstances are also made worse with the presence of corrupt officials, especially at the local level, which



indirectly allows such crimes to grow (Wickramarathne, 2016). It is in such social settings that transnational crimes like human trafficking can thrive. The perpetrators could easily trick its victims into believing that it possesses the opportunity for them to get a better living abroad. Given the lack of information and awareness of such a threat, it is again not surprising to find how so many people, especially the marginalized ones, have fallen victims to such a scheme.

The threat posed by human trafficking does not only present for states' national security, but it is also a threat towards human security, especially in regard to victims. Human security, in contrast to national security, is another dimension of security that puts humans as the referent object. Human security encompasses other kinds of security that are related to its main concept like food security, economic security, personal security, community security, political security, and other kinds of security which focuses on the human dimension. In regard to human trafficking, that particular crime heavily threatens the migrant workers in the personal security. Similar to transnational crimes, the fulfillment of human security would also entail measures that differ from its traditional counterpart (national security). Hence, apart from transnational crimes being something that endanger states' sovereignties, it is also important for states to realize the threat it also poses for its people in the midst of globalization (Acharya, 2014).

A Beacon of Assistance: ASEAN's Centrality in Southeast Asia

Tackling transnational social problems would certainly require new measures. If we are to compare traditional measures states have been using in dealing with social problems within their respective sovereignties, it can be learned that they are domestic in their conduct. What is meant by domestic here does not necessarily refer to the scope of the steps taken, but rather in the way those measures are made. Many states, including ASEAN member states, have attempted to deal with the nascent transnational crimes through using their own capacity and capabilities. However, as explained before, they are not up to the task. Not only states must consider working with other states to tackle the problem but they also need to widen their perspective of the scope of the issue at hand. Uniting the many views many states have in regard to one problem is indeed a daunting task. Fortunately, in the case of many states in Southeast Asia, they have a forum or a regional actor they can rely on. That regional entity is none other than ASEAN.



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ASEAN has been considered as one of the rising international actors in the contemporary international system. The growing prominence can be seen in the way ASEAN has been involved in not only the development of Southeast Asia but also in the Indo-Pacific as one of the thriving regions in the world (Yadav, 2022). There are many examples of the recognition towards ASEAN's centrality, from how the US (one of the global powers) have maintained good relations and participated in many ASEAN programs to China's (the world's rising global power) good ties (in both political and economic aspects) with ASEAN member states despite numerous ups and downs. As previously hinted, the Indo-Pacific and Southeast Asia have been considered as one of the most important regions in the world as a result of the countless natural resources there and the many rising powers of all scales, from giants like China to regional powers like ASEAN and Australia. With that in mind, it is no surprise that many global powers seek to have those in the region have good ties with them. For the case of ASEAN, it would not only apply to the major member states, but it would apply to every member state.

Unfortunately, ASEAN is still considered a growing power instead of one that has reached a proper or matured state. This can be seen in the many deadends ASEAN has met in dealing with high policy issues that involve high political stakes. One of such cases is the South China Sea dispute. In dealing with that case, ASEAN's incapacity can be seen in how it has not gained much progress in interacting with China. Not only that, ASEAN has also shown signs of disunity in dealing with such issues where in the case of the South China Sea dispute, ASEAN finds its member states sharing different positions. The two factors combined, along with other factors, would result in the issue remaining unsolved to this day.

Despite the bleak progress ASEAN has faced in regard to high policy issues, ASEAN is still capable to solve other types of issues, including those that cover transnational crimes like human trafficking. Apart from the international reputation ASEAN has garnered, another important point to why ASEAN is suitable to assist its member states in tackling human trafficking lies in the identity that has been forged by ASEAN itself. It is no surprise that many states, including ASEAN member states, would be hesitant to reach other states out to cooperate in non-traditional issues like human trafficking. For this, ASEAN is present to be a forum for its members to share their view and deliberate upon such issues. ASEAN member states would also find it in their interest



to bring any initiative to deal with the issue directly to ASEAN especially because of the good chance it has for other states to also be on board. This is to say because security (at least the individual or human security of the migrant workers in the regional level) is something that needs the involvement of every stakeholder. Given the interest of each member state to put an end to the issue and how the issue does not have a high political stake, ASEAN should be the go to options for the member states. Moreover, the historical ties shared among ASEAN member states should also erase any hesitancy that may arise should any member states wish to bring the issue forward.

The Past Legacy and Countless Doors to Open in the Future

Apart from its past attempts to address the issue, ASEAN also has many opportunities it can utilize to that end. While it is true that ASEAN has met difficulties to align its member states' interest in high policy issues like matters of national security, the issue of human trafficking fortunately can be considered as a separate matter from the former one. By that, the nature of the issue would provide less problems when it is brought forward in ASEAN meetings. This is to say because with the absence of high political stakes, most if not all member states would find themselves in the same page to tackle the issue of human trafficking towards migrant workers.

ASEAN has made some concrete result in uniting its member states to deliberate on the human trafficking matter. Two ASEAN products that were composed as a result of joint agreement among the members on human trafficking are the ASEAN Convention against Trafficking in Persons (ACTIP) and ASEAN Plans of Action against Trafficking in Persons, Especially Women and Children. The former, ACTIP, made its entry into force 2 years after its creation back in 2015. The latter product on the other hand acts as a complement instrument for the ACTIP (ASEAN, 2015). However, aside from the general or specific effort (on human trafficking towards women and children), there has not been any specific one that is aimed at migrant workers. This absence should motivate the states or central governments to deliberate upon the condition and change such an absence.

As previously mentioned, the nature of human trafficking would require states to look beyond their domestic borders. In this sense, the same also applies to ASEAN as a regional actor in Southeast Asia. In tackling transnational social problems and crimes like human trafficking ASEAN also needs to work along other actors in the international



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system. Such awareness has been taken into consideration and in fact, ASEAN has also taken the initiative on it. Such initiative is apparent in its collaboration with Australia as a regional actor and ASEAN's neighbor in the Indo-Pacific under the framework of ASEAN-Australia Counter Trafficking (ASEAN-ACT). In regard to migrant workers, the framework has made way for multi-sectoral partnerships to effectively address the issue. One of such ways is through the launching of grant programs to fund groups that support and advocate the rights of human trafficking victims as well as providing findings necessary for relevant policy reforms. An example of it in relations to migrant workers is the partnership with Migrant Forum Asia in the Philippines and Labour Protection Network in Thailand (ASEAN-Australia Counter Trafficking, 2021). Scaling back our perspective to the general level, the ASEAN-ACT also makes way for tackling human trafficking through three ways. First is through enhancing the regional level capacity considering the need to cooperate with numerous actors in the region. Second is by enhancing national level capacity which is also needed as before jumping to interstate or regional collaboration, states must possess adequate capacity and capability. Finally, ASEAN-ACT also supports the development of inclusive public policy and dialogue which would allow governments to broaden their horizon through the involvement of the public.

Thinking outside the government to government scheme is also important, especially as globalization also gives ways to other actors, notably non or even sub state actors, to engage in the international system. In the case of ASEAN, it is important to note the opportunities and potentials provided by cities as one of the rising actors in the effort to tackle human trafficking. As a background, ASEAN has acknowledged the rise of cities as a partner in international affairs. Two instances where ASEAN does so are available in the ASEAN Smart Cities Network and ASEAN Initiative on Environmentally Sustainable Cities (AIESEC) that deal with urban problems and sustainable cities respectively (Martinus. 2020). Despite the absence of a concrete ASEAN cities framework on human trafficking, the aforementioned past works can certainly give us clearer image of the potential within city involvement. Aside from the importance of multi sectoral collaboration, cities also has their lion's share of interest to engage in the regional level effort to tackle human trafficking, especially towards migrant workers. Specifically, cities that happened to be the base of operations by the trafficking groups (like those who share



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borders with cities from other states) have in the best of their interest the eradication of threats emanating from them.

In addition to shining lights on many new opportunities, existing demands to improve the work and impact of current instruments should also be kept in mind. While it is true that ASEAN has codified numerous measures to deal with human trafficking, they have come short of their target in many occasions (Rafferty, 2019). One of the vital stages in the entire framework to deal with human trafficking is the preventive and recovery stage. Unfortunately, ASEAN falls short in that stage as they still mainly focus in the efforts to simply punish the perpetrators rather than laying out the groundworks for a better preventive measures (that would hinder any future human trafficking practices) and efforts to rehabilitate & recover the victims (ensuring the fulfillment of their rights). Nonetheless, with the consideration of ASEAN's centrality and importance for its member states, the many doors to open along with other matters to improve are still attainable targets that would benefit ASEAN as a whole should they put more resources into fulfilling it.

CONCLUSION

Human trafficking has been one of the most elusive transnational crime and a threat towards migrant workers in the region. Being one of the nascent and growing threats, it demands a new way for governments to combat it. Not only that, the transnational nature of human trafficking also makes it difficult or even impossible for states to handle by themselves. Given how human trafficking also threatens the migrant workers or the field of migrant labours, it is imperative for states to figure out a comprehensive way to combat it. For states in Southeast Asia, specifically ASEAN member states, they can rely on a forum or regional entity called ASEAN. As a central regional actor in the region, ASEAN, through the cooperation among its member states, has developed numerous instruments to tackle the issue. One important point to draw is how they are multilateral in nature (making it possible for member states to work with each other to combat human trafficking). Moreover, ASEAN also has a lot of areas it can work on to combat human trafficking towards migrant workers. From enhancing the existing instrument to developing new measures that involve a wide range of actors between and within ASEAN member states itself. The many works to do to combat human trafficking towards migrant workers as a means to fulfill their human security



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would certainly require a lot of resources. Fortunately, ASEAN member states should be able to work together for this end as the eradication of such a threat would not only benefit certain ASEAN member states, but rather, it would benefit every state in the region along with the region as a whole.



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