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Normative Coherence for Development and Regionalism: Gender equality in ASEAN's migration policies

Sandra Häbel RISC-RISE Consortium, South Africa.

Harlan Koff University of Luxembourg, Luxembourg; University of Helsinki, Finland; University of Johannesburg, South Africa; INECOL, A.C., Mexico. (Corresponding author).

Marie Adam University of Luxembourg, Luxembourg.

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Summary

Motivation: The United Nations 2030 Agenda recognizes regions as important actors in implementing the sustainable development agenda. At the same time, regions are often criticized for lacking effective implementation, especially in relation to gender equality.

Purpose: This study examines whether the Association of Southeast Asian Nations (ASEAN) implements its global commitment to gender equality at a regional level.

Methods and approach: We apply qualitative analysis of key ASEAN documents in order to determine how gender equality is implemented regionally. We particularly focus on frameworks related to female migrant workers in ASEAN.

Findings: The analysis shows that ASEAN is formally committed to improving gender equality at a regional level, however, female migrants often end up in unfavourable conditions and precarious work relationships without any institutionalized protection because ASEAN's gender equality initiatives are largely concentrated in the Cultural Community and absent from the Economic Community, indicating an absence of normative coherence for development with regard to gender equality.

Policy implications: This limited impact of emerging regional commitments to gender equality arises from incoherencies in ASEAN's normative governance

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framework which undermine normative coherence for development at the regional level.

Keywords: ASEAN, gender equality, migration, normative coherence for development, regionalism

1 INTRODUCTION

Observers of the Sustainable Development Goals (SDGs), such as Fukuda-Parr (2016) and Martens (2015), have noted that these are supposed to represent qualitative change from an indicator-based fight against poverty to a relationship-based vision of transformative development which meets the material needs of local communities while simultaneously addressing power imbalances in political and economic systems (see Koff & Maganda, 2016). This vision of development aims to improve the lives of people who have traditionally been disadvantaged in development, such as women, particularly female migrant workers (see Nhengu, 2020). Gender equality has been included in the 2030 Agenda for Sustainable Development through Goal 5 "Achieve gender equality and empower all women and girls." Achieving this goal entails more than simply integrating women in contemporary political, social, and economic systems as often suggested by gender-mainstreaming tools. Transformative development implies promoting equitable systems in which enfranchisement is prioritized. According to Bidegain Ponte and Rodríguez Enríquez (2016, p. 83), "[f]rom a feminist point of view, the issue of sustainable development implies thinking about new forms of sustainable production, consumption, and distribution patterns. It requires redistribution of wealth, power, work, and time."

The SDGs are part of a broadening normative approach to development at the international level (see Koff, 2017a) while implementation is carried out by nation states. Regions have not been prioritized in this system (Amilhat-Szary, 2020). Regional organizations have generally promoted themselves as normative actors in global affairs, supposedly promoting gender equality and human rights, but they do so while simultaneously pursuing macroeconomic interests in a globalized trade system (Häbel, 2018; Siles-Brügge, 2014) that often undermines normative commitments to the SDGs. This raises the following question to which this article responds: how normatively coherent is the development promoted by regional organizations, such as the Association of Southeast Asian Nations (ASEAN) with transformative change? Scholars such as Häbel (2020), Koff (2020), and Hu and Konrad (2021) contend that regional norms are often undermined by either economic or security interests. This article examines normative coherence for development in relation to gender equality in order to analyse regional commitments to transformative development as defined above.

This study focuses on ASEAN for two reasons. First, policy coherence for development (PCD) debates generally focus on the European Union (EU) or the Organisation for Economic Co-operation and Development (OECD) because these two organizations have championed PCD since the 1990s. Consequently, there is a Eurocentric bias in PCD discussions which this article attempts to mitigate. Second, because ASEAN established normative reforms in association with the SDGs as a means to supposedly promote what the organization has labelled 'people-centred' development (ASEAN, 2015), this analysis

examines the emergence of regional normative change as a positive response to the SDGs and the notion of transformative development.

This article is structured as follows. Following this introduction, section 2 presents the research design and methods. This is followed in section 3 by a critical literature review on gender equality, migration, and development, with particular focus on studies of female migrant workers. Section 4 presents normative coherence for development as a conceptual framework. Sections 5 and 6 are the analytical parts which first present ASEAN's normative bases and commitment to gender equality, and subsequently the (non-)implementation of gender equality in the case of female migrant workers. Section 7 concludes.

2 RESEARCH DESIGN AND METHODS

Applying normative coherence for development to regions is vital for the attainment of the SDGs. As stated above, regional organizations are largely ignored by the SDG framework, thus, virtually excluding a level of global governance. Regions, with the notable exception of the EU, are generally viewed as facilitators of trade or actors for maintaining balance of political power (Rüland, 2014). Consequently, a lack of normative coherence for sustainable development is inherent in the global system because regional economic agreements largely undermine the normative bases of the SDGs (Agnew, 2020; Shaw & Kabandula, 2020).

ASEAN can be considered a critical case within this discourse. Authors such as Nenghu (2020) and Graham and Graham (2019) have shown how many regional organizations have adopted EU norms and institutional structures without establishing functional systems of implementation. Conversely, ASEAN has maintained its own system of governance based on closed-door summits, but it has nevertheless implemented a wide range of regional policies, most notably the creation of the ASEAN regional Communities (Maier-Knapp, 2016). ASEAN has facilitated economic development among its member states, but it has only recently openly promoted sustainable development norms due to its inability to infringe upon their sovereignty (Häbel, 2018). Since 2008, ASEAN has attempted to rectify this situation by establishing key documents such as the ASEAN Charter (ASEAN, 2007) and the ASEAN Declaration of Human Rights (ASEAN, 2012). Even though critics contend that the organization's rules prohibiting the infringement of member-state sovereignty have de-legitimized these documents, they have established a normative framework for ASEAN, including gender equality (Tan, 2020). Consequently, normative coherence for development is timely and relevant to ASEAN's political aspirations during this period of transformation. ASEAN has chosen a strategic approach to regional integration that not only includes reforms for the promotion of regional economic integration and market liberalization, such as reducing tariffs, abolishing non-tariff barriers, and liberalizing trade in services (OECD, 2018), but also measures and commitments for establishing a "peopleoriented ASEAN" (ASEAN Charter Art.1), anchored in a normative framework. Through these instruments, ASEAN aims to create a vision of an "inclusive and non-discriminating society" (ASEAN Charter Art.2) within a "just, democratic and harmonious environment" (ASEAN Charter Art.1).

In order to assess ASEAN's normative coherence for development, this article examines the region's internal policies in relation to gender equality norms. These include key documents and declarations with a specific focus on the treatment of female migrant workers, such as: (1) the ASEAN Charter and the 2012 ASEAN Human Rights Declaration (AHRD), which are the general basis for ASEAN's greater normative commitments (see section 5.1); (2) the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ADMW), the 2010 Ha Noi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (DEWD, or Ha Noi Declaration) and the 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, which are more gender- and migration-focused affirmations (see section 5.2); and (3) the ASEAN Community Blueprints and the 2017 ASEAN Declaration on the Gender-Responsive Implementation of the ASEAN Community Vision 2025 and Sustainable Development Goals (see section 6.1) which complement the regional data set with concrete policy actions. 3 LITERATURE REVIEW: MIGRATION AND GENDER WITHIN THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

The history of female migration is well documented in academic literature (see Piper, 2003; Sacchetti, 2016). Scholars have noted how female migrants used to be primarily motivated by marriage or family reunification, whereas now, they are increasingly present on the global labour market as independent workers (Sharma, 2011). This trend is particularly marked in East and Southeast Asia, where international labour migration has become a "regionalized phenomenon" (Asis, Piper and Raghuram, 2019; Kwok-Leung Chan, 2018). The high percentage of women participating in this regional migration system indicates that the feminization of migration (defined as the demographic increase in the percentage of migrants who are women) has already progressed as a broadly accepted wealth-increasing strategy (Choo Chin, 2019). Not only do female labour migrants represent a significant share of all labour migrants, they also exceed their male counterparts in many Asian countries, such as Indonesia, Nepal, the Philippines or Sri Lanka, accounting for more than 60% of all Asian migrants (Sharma, 2011). Within ASEAN, female migrants account for nearly 50% of intra-ASEAN labour migration (UN Women, 2017). Considering these trends and their significance for economic empowerment as a potential driving force for gender equality, ASEAN, like other international organizations, considers migration as providing an opportunity for empowering women and pursuing gender equality (ASEAN Secretariat, 2017).

Unfortunately, the reality of female migration in ASEAN is more complicated. Searle and Koff (2020) have documented how migration in ASEAN (and Asia in general) is governed by a plurality of actors, each with different agendas. Studies on gender, migration and development highlight the negative impacts of economic actors, such as brokers, on female migration (see Deshingkar, 2019). Wee, Goh and Weoh (2019) illustrate how migration brokers aggravate the precarity of female domestic workers through a dynamic system of "chutes and ladders" in which they play a central role as power mediators.

For these reasons, the actual contribution of migration to women's empowerment in ASEAN remains doubtful. For example, the Hanoi-based Institute for Social Development Studies (ISDS) recently produced research on international labour migration and its impact on women's empowerment in Vietnam for the International Labour Organization (ILO) Report "More choices, more power: Opportunities for women's empowerment in labour migration from Viet Nam" (ILO, 2019). Conducted in 2018, this study analysed the living conditions of female migrants before, during and after migration, as well as the impact of labour migration for women's empowerment and their professional, social, economic, and personal development (ILO, 2019). The report shows that female migrants in ASEAN generally account for significant remittances to Vietnam despite their employment in informal or poorer sectors. More significantly, while migration materially benefited migrants and their families, the study indicated that it did not contribute to gender equality or the empowerment of women. 40% of married female migrants indicated that their husbands controlled the use of remittances, whereas female migrants were the principal decision-makers in only 16% of cases (ILO. 2019). These findings align with research on other parts of the world. Sacchetti (2016) indicates that family hierarchies in rural areas of Kosovo often prevent women from exercising control over financial resources that they send to their families as remittances or receive as part of Assisted Voluntary Return remuneration.

Of course, control over remittances is only one indicator of empowerment (Espinosa, 2018; Pardo Montaño & Dávila Cervantes, 2020). It is emblematic, however, of bigger discussions on female labour migration that are central to the 2030 Agenda for Sustainable Development. The mantra of the SDGs is "Nobody Left Behind", but the implications of this global commitment for migration remains contested. The SDGs finally integrated migration into global sustainable development paradigms (migration was omitted from the Millennium Development Goals, MDGs). It has specifically been mentioned in Target 10.7: "Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies." This target is part of SDG 10 which aims to "Reduce Inequalities Within and Between Regions."

Despite this inclusion of migration in the 2030 Agenda for Sustainable Development, scholarship on migration, gender and the SDGs remains critical of this target's potential for promoting transformative development. Adger et al. (2019) contend that this target reflects the political will of advanced industrialized states which "...frames migration as a temporary and unplanned phenomenon that needs to be managed, rather than as an inherent and longstanding part of sustainable development and social transformation" (Adger et al., 2019, p. e440). Similarly, Suliman (2017), contends that "the SDGs represent a normative framing of migration that sustains a problematic understanding of migration, and reproduces a vision of development that has long been implicated in the production of unequal and deleterious migrant mobilities" (Suliman, 2017, p. 415). Other scholars have built on this vision in different ways. Koff (2017a, 2017b) has indicated how framing migration in terms of management within the SDGs has contributed to securitization and normatively undermined potential linkages between migration and sustainability in both policy definition and implementation. Similarly, Nijenhuis and Leung (2017) argue that the framing of migration through the SDGs reinforces national logics, rendering ineffective sustainable development

strategies that should incorporate trans-local and de-territorial frameworks that reflect migration realities.

In terms of gender and migration, similar criticisms have been made of the SDGs. Piper (2017) applauds the inclusion of migration in the SDGs but expresses concern that it focuses only on the most extreme forms of human rights violations (such as trafficking) without addressing (gendered) workers' rights perspectives at all stages of migration. Holliday, Hennebry and Gammage (2019) contend that the 2030 Sustainable Development Agenda requires civil society input in order to provide a more profound (and better) understanding of the link between female migration and sustainable development.

The narrow conceptualization of migration within the SDGs has actually reinforced migration-management strategies at the global level. The 2018 Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195) is "the first inter-governmentally negotiated agreement, prepared under the auspices of the United Nations, covering all dimensions of international migration in a holistic and comprehensive manner." Despite this promise, the Compact reinforces the rights of states to determine who is a legal and illegal migrant and it reinforces border security logics through a strong focus on state sovereignty.

Similarly, the Global Forum on Migration and Development (GFMD) has focused its attention on traditional labour migration frameworks. Hennebry, Hari and Piper (2019) argue that the GFMD promotes gender-blind migration for development approaches, which highlight economic growth, at the expense of recognition of women migrants, neglecting their contributions to the global economy. This is especially concerning because the GFMD is the pre-eminent civil society forum for international discussions of migration and development. How can civil society promote gendered strategies for migration governance when the forum in which such discussions take place limits the bounds of migration debate?

In fact, the only normative framework through which migration is explicitly linked to transformative sustainable development is the Addis Ababa Action Agenda (AAA) for Financing Sustainable Development. This document explicitly recognizes migrants' financial contributions to inclusive and sustainable growth through remittances. More important, the plan does, in part, recognize rights-based notions of migration and development. Article 111 of the plan states:

We recognize that international migration is a multidimensional reality of major relevance for the development of origin, transit and destination countries that must be addressed in a coherent, comprehensive and balanced manner. We will cooperate internationally to ensure safe, orderly and regular migration, with full respect for human rights. We endeavour to increase cooperation on access to and portability of earned benefits, enhance the recognition of foreign qualifications, education and skills, lower the costs of recruitment for migrants and combat unscrupulous recruiters, in accordance with national circumstances and legislation. We further endeavour to implement effective social communication strategies on the contribution of migrants to sustainable development in all its dimensions, in particular in countries of destination, in order to combat xenophobia, facilitate social integration

and protect migrants' human rights through national frameworks. We reaffirm the need to promote and protect effectively the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their migration status. (United Nations, 2019)

Unfortunately, Koff's (2017a) study of diaspora philanthropy illustrated how EU and United States (US) securitization of development co-operation finance normatively undermined the AAAA, rendering it ineffective.

Consequently, the feminization of migration in fact engages with numerous systemic mechanisms that contribute to rights violations which are part of global migration dynamics. Many authors, such as Choo Chin (2019), have noted that restrictive immigration and visa policies of sending and receiving countries contribute to precarities that limit migrants' rights. Second, in conjunction with these legal barriers, many female migrants, especially those working in domestic service, turn to recruitment agencies to facilitate work and residence permits, which are often highly exploitative and sometimes even engage in trafficking (see Kwok-Leung Chan, 2018). Threats to women's well-being are numerous and they prevent female migration from contributing widely to transformative development. In general, this literature contends that nation-states are not implementing rights-based approaches to transformative sustainable development. This literature review, however, contends that implementation is not the main contributor to the problems that female migrant workers face. Rather, this article contends that the normative framework presented by international and regional organizations frames migration as a problem to be managed. As such, rights-based language present in international and regional directives is undermined by traditional market-oriented policy logics. This article addresses this issue through the analytical lens of normative coherence for sustainable development.

4 NORMATIVE COHERENCE FOR DEVELOPMENT: A CONCEPTUAL APPROACH

PCD was first proposed by the EU and OECD in the early 1990s as a tool for greater aid effectiveness (Forster & Stokke, 1999). Since then, it has been promoted by international organizations and their member states as a means to promote and achieve sustainable development. Currently, policy coherence for sustainable development (PCSD) is included as Target 17.14 under SDG 17 "Partnerships for the goals" (United Nations, 2015), and despite its lack of definitional clarity, the inclusion of a PCSD target is meant to highlight the importance of "whole-of-government-approaches" to sustainability (Larsson, 2018). As international organizations have promoted PCD/PCSD, academic perspectives have critically assessed the concept's terminology and empirical value. Earlier studies of PCD (Forster & Stokke, 1999; Hoebink, 2004; Picciotto 2005) unpacked the notion of "coherence" through typologies of coherences and incoherencies. These earlier studies aimed at dissecting the concept while largely disregarding its normative potential. Similarly, empirical studies have shown a lack of PCD implementation in policy arenas, such as security (Picciotto, 2004), trade (Grabel, 2007) and agriculture (Matthews, 2008). Carbone (2008) correctly contends that PCD can be pursued as both a means and an end and he illustrates how the EU and OECD have promoted PCD as the latter. In doing so, he underscores the technical rather than normative utilization and application of PCD. Similarly, Carbone and Keijzer (2016) argue that the EU has pursued the development of

institutional reform over policy effectiveness, highlighting again that PCD has been pursued as an end in itself rather than a means to achieve transformative development and normative change. Scholarship on PCD also recognises a "Northern" bias (Koff, 2020; Mbanda & Fourie, 2019) which limits its normative impact. All these studies clearly show the normative weakness of PCD as it has been practised to date. Koff and Maganda (2016) show how donor programme efficiency is prioritized over normative change and the pursuit of global equity in EU development water policies. Pilke and Stocchetti (2016) contend that because the EU applies a narrow definition of inequality in its development co-operation strategies, which limits their scope of action and transformative potential, the impact of policy tools such as PCD is reduced and therefore normative change based on human rights and gender equality is in practice not attainable. In addition to a narrow definition of inequality, the EU's systemic securitization of development aid undermines PCD implementation at the policy level (Koff, 2017b), particularly with regard to transformative norm-based development. Koff (2020) extends this inquiry to six African Regional Economic Communities through analysis that shows how they undermine sustainable development through policy strategies aimed at economic growth and trade liberalization. Häbel (2020) further clarifies such policy approaches through detailed examination of PCD implementation. She analyses normative coherence for development in different EU policy communities in Vietnam, whose diverging policy objectives often lead to sectoral separation of norms and non-interaction between communities.

This article adopts the definition of normative coherence for development as coherence between policy strategies and key democratic norms, such as those expressed in international agreements including the 2030 Agenda (Häbel, 2020; Koff & Maganda, 2016), national constitutions, or constitutional treaties in the case of regional organizations. Häbel (2018) has shown the relevance of this approach to ASEAN and EU-ASEAN relations in previous research. She contends that political and economic relationships between these regional organizations would reinforce their legitimacy if they implemented key regional norms present in the legislation of both bodies.

These studies all highlight the need for more normatively focused PCD in order for transformative change as promoted by the SDGs to occur. This article builds on these works by exploring normative coherence for development in ASEAN. It focuses particularly on gender equality and its relationship to migration.

5 ASEAN'S NORMATIVE BASES: NEW REGIONAL PERSPECTIVES ON GENDER EQUALITY

As stated above, ASEAN is currently undergoing a period of formal transformation in line with the change promoted by the SDGs and the process of negotiation that began in 2010. Scholars, such as Maier-Knapp (2016), Compton (2013), and Rüland (2014), have acknowledged the external sources of regional norms in ASEAN where nations have historically made policy decisions through discussion and consensus in member-state summits. Consequently, this so-called "ASEAN Way" has traditionally undermined the emergence of regional norms and limited the impact of regional decision-making in policy terms outside the scope of nation states (Tan, 2020). However, the 2007 ASEAN Charter (ratified by all member states in 2008) and 2012 ASEAN Human Rights Declaration, among

other regional documents, have codified regional norms and, although such documents have reinforced the principles of territorial integrity, sovereignty, and non-interference (thus hindering regional implementation), they established formal commitments to key norms including human rights, gender equality and sustainable development.

5.1 ASEAN's Normative Foundation: The ASEAN Charter and ASEAN Human Rights Declaration

Gender equality has been a long-standing and important question in ASEAN member states, where women are often expected to both adapt to new roles in modern economies and fulfil traditional family roles (Khuat, 2016). While the ASEAN Charter has not directly integrated women's rights and gender equality, several articles are relevant to these issues as they address bigger questions of inclusion. First, Article 2 establishes ASEAN's commitment to the United Nations, international law, and international human rights conventions, as well as ASEAN's commitment to promote an inclusive and non-discriminating society in its internal and external policies. Second, Article 1.11 of the Charter can be seen as an opportunity to promote gender equality as it emphasizes the promotion of "equitable access to opportunities for human development, social welfare and justice." This concept is further addressed in Article 1.13, mentioning the promotion of an inclusive and participatory "people-orientated ASEAN," which aims at creating an environment in which all citizens, including women, are not only encouraged to participate, but are also expected to benefit from the region's environment. In conjunction with Article 1.4 calling for a "just, democratic and harmonious environment," these measures can be understood as opposing discrimination of any kind, including gender-based discrimination and discrimination against migrants. Finally, the Charter also affirms ASEAN's commitment to sustainable development: Article 1.9 addresses the sustainability of the region's environment, resources, and cultural heritage, as well as the quality of life of the region's people.

While these norms relate to gender equality, it is not surprising that the Charter has been criticized for declaring regional commitments to women only indirectly. According to the Asia Pacific Forum on Women, "the charter speaks market-oriented language and presents content more related with governments and less people-oriented" (Asia-Pacific Forum on Women, 2013, p. 17). Nevertheless, while these articles do not address gender equality and women's empowerment directly, the call for equitable access, a just and democratic environment, and an inclusive and participatory region certainly requires respectful treatment of women and women's rights.

Similar to the ASEAN Charter, the ASEAN Human Rights Declaration (AHRD) also includes much indirect attention to gender equality and women's empowerment. As the AHRD's focus is on human rights, it emphasizes a multitude of key development concepts that are crucial for gender and migration, such as the principle of equality and anti-discrimination before the law (Art. 3 AHRD), and the jurisdictive prosecution for people against human rights (Art. 5 AHRD). More importantly, the AHRD also includes direct references to gender and migration, namely in its sections on "General Principles", "Economic, Social and Cultural Rights", "Right to Development" and "Cooperation in the Promotion and Protection of Human Rights".

As explicitly expressed through Articles 1 and 2 of the AHRD, ASEAN underlines its commitment to the principles of equality of all humans, irrespective of their gender, nationality, social origin or economic status: "All persons are born free and equal in dignity and rights. [...] Every person is entitled to the rights and freedoms set forth [in the AHRD], without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status." Through Article 4, the AHRD further emphasizes women's and migrant's rights by acknowledging these groups of people as being at risk to vulnerability and marginalization. These articles clearly indicate a willingness at regional level to promote norms and principles, including gender equality. Furthermore, ASEAN opposes smuggling and trafficking (see Art. 13 AHRD), which represents a severe issue in the region connected to human rights violations of women. Through these statements, ASEAN positions itself as a normative actor that not only acknowledges gender and migration-related issues within the region, but also upholds its responsibility and due diligence obligations towards women and migrants. Interestingly, however, norm implementation does not require uniformity. Rather, human rights implementation is executed with consideration to the underlying differences between member states from "political, economic, legal, social, cultural, historical and religious backgrounds" (Art. 7 AHRD). Both the Charter and the AHRD show that even in a rights-based environment national sovereignty and the ASEAN-way predominate.

Economic, social, and cultural rights of citizens living in ASEAN member states are of particular interest for the study of female labour migrants. Articles 26, 27, 30 (1) and 33 of the AHRD address the conditions of economic and social involvement of ASEAN's citizens and specify the rights to social security and insurance, and to free choice of employment within safe and just working conditions, which must meet the norms and principles of the ASEAN Charter, the AHRD, and the Universal Declaration of Human Rights (UDHR). The AHRD's sub-chapters on "Right to Development" and "Cooperation in the Promotion and Protection of Human Rights" clearly reflect a gender-responsive approach. Article 36 highlights a "people-orientated" (Asia-Pacific Forum on Women, 2013, p. 17) and gendered approach to development as a key instrument to not only narrow the poverty and development gap between and within ASEAN member states, but also to promote sustainable development. Women's empowerment and gender equality are therefore not only represented as goals, but are also considered important means to achieve multiple development objectives. Moreover, ASEAN promotes these development objectives, both internally externally through concerted foreign policy (Art. 39 AHRD).

5.2 ASEAN's Commitment to Female Migrant Workers: ASEAN Consensus, ADMW & Hanoi Declaration (DEWD)

Two declarations and one consensus currently shape ASEAN's position towards female migrant workers: the 2007 Declaration on the Protection and Promotion of the Rights of Migrant Workers (ADMW) (ASEAN, 2007) and the 2010 Hanoi Declaration on the Enhancement of Welfare and Development of ASEAN Women and Children (DEWD) (ASEAN, 2010a); and, most recently, the 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN, 2017a).

The 2007 ADMW defines how ASEAN migrant-receiving and sending member states should protect labour migrants' rights. Implementation, however, falls under the authority of respective member states. Furthermore, the provisions of the ADMW do not sufficiently address the management of undocumented labour migration. In other words, the ADMW excludes undocumented labour migrants from any protective measures. This becomes further apparent as ASEAN member states are requested to only intervene and cooperate closely "for humanitarian reasons, [...] to resolve the cases of migrant workers who, through no fault of their own, have subsequently become undocumented" (ASEAN, 2007), thus offering support to previously documented labour migrants in need, but not to those who migrated through illicit practices in the first place.

Despite these limitations, both receiving and sending states share normative responsibility for the well-being of labour migrants. According to the ADMW, receiving states should uphold human rights standards and labour conditions, and guarantee an accessible legal support system for migrants if their rights are violated. Sending states should in turn facilitate labour migration through legal recruitment systems, maintain protective measures during migration, and promote re-integration for returnees. Through this declaration, ASEAN member states also committed to "tak[ing] concrete measures to prevent or curb the smuggling and trafficking in persons by, among others, introducing stiffer penalties for those who are involved in these activities" (ASEAN, 2007).

From a gender perspective, the ADMW demands the adoption of measures in accordance with the United Nations' Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) (ASEAN, 2007). While the ADMW can thus be characterized as a gender-sensitive declaration to some extent, no explicit difference is made between female and male labour migrants, consequently excluding distinctive gender-related perspectives on vulnerability, marginalization, and human rights.

The 2010 Ha Noi Declaration better integrates concrete transformative commitments related to gender equality. Through Articles 1 and 2, ASEAN expresses its political will to enhance regional co-operation on gender-related issues, as it argues that protecting the wellbeing of (notably the most vulnerable) women represents a crucial element in tackling challenges that come with regional integration and globalization. Regional co-operation to promote gender equality and women's empowerment should be carried out by making use of already existing institutional mechanisms and by creating "planning, programming and budgeting, implementation, monitoring and evaluation processes at all levels in the region" (Art. 4 DEWD). Article 7 lays out concrete measures to end violence against women by strengthening gender sensitive legislations' and by investing in preventive measures "through intensifying training for policymakers, programme developers, implementers and service providers." A crucial reform put forward by the DEWD is the establishment of an ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), which is explicitly assigned to consult on human rights issues connected to women and children and is characterized as an "integral part of the ASEAN organisational structure" (ASEAN, 2010b, p. 5). The ACWC was established in 2010 and is comprised of two

representatives per member state. It publishes regular reports on the situation of women and children in ASEAN and it conducts workshops on women's and children's rights as well as awareness campaigns about ongoing issues. As a result of the on-going COVID-19 pandemic, the ACWC's Work Plan 2021–2025 strongly focuses on an inclusive recovery from the pandemic. The establishment of the ACWC further underscores ASEAN's commitment to norms, particularly to women's rights. ASEAN recognises the need for progress in relation to regional "development gaps, domestic violence and exploitation, climate change, poverty and gender discrimination" (ASEAN, 2010a). Furthermore, as stated by Articles 13 and 14, women's inclusion and participation in the decision-making process at all levels and in the labour market, as well as dispersing "gender-based occupational segregation," are seen as significant measures to promote women's empowerment. Last, according to Article 18, gender inequality is viewed as an issue that needs to be addressed within the educational system.

Following ASEAN's "vision of a caring and sharing ASEAN Community" (ASEAN, 2017a), the 2017 ASEAN Consensus emphasizes the rights of migrant workers as set out in international treaties and the obligation of member states to uphold those rights. However, respect for national laws and policies is emphasized alongside migrant rights. Article 40, for example, states the following: "The Receiving State will, in accordance with its national legislations, regulations, and policies, provide fair treatment to migrant workers in respect of [...] gender and nationality in the workplace." Thus, while this Consensus integrates a gender dimension and emphasizes migrant rights, albeit only for documented migrants, the recurrent mention of national policies and legislation leaves room to question the actual effectiveness of this commitment to migrant workers. However, ASEAN has attempted some steps to improve effectiveness by creating the ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007. This Committee is meant to ensure the implementation of the Declaration and to create an instrument to protect and promote the rights of migrant workers. Following the ASEAN Consensus, the Committee created an action plan for implementation for the period 2018–2025 including a selfassessment tool. Given the closed-door nature of ASEAN politics, detailed information about the Committee's progress is scarce. The 2017 Consensus is not legally binding but observers have indicated that it does carry moral weight because the Committee's work delivers on the 2007 Declaration's paragraph 22 which called for the development of an ASEAN instrument to advance the principles of the Declaration (Thuzar, 2017). The Consensus also forces the ASEAN Secretary-General to submit an annual report on the progress of implementing the Declaration's commitments to the Summit through the ASEAN Foreign Ministers.

As this section shows, ASEAN's current legislative and institutional measures aim to promote gender equality and an inclusive society through measures that combat gender-based discrimination, poverty and development gaps within member states, gender-based domestic violence, and segregated professional activities. The focus on these broad issue arenas seems to indicate an attempt to guarantee normative coherence for development. The effectiveness of these advances is examined in the following section.

6 FEMALE MIGRATION IN ASEAN: A NORMATIVE PCD ANALYSIS

Like other world regions, ASEAN is characterized by high levels of mobility between its member states. According to the regional organization, the total stock of international migrants in ASEAN is 9.9 million of which 6.9 million have moved between countries within the region. Furthermore, recent research shows that the share of migrant workers in the region is expected to rise as labour markets continue to integrate (see Searle & Koff, 2021). Women account for nearly half of all intra-ASEAN migration (UN Women, 2017) and approximately half of all remittances in the region, even though they earn substantially less than male migrants. According to the International Labour Organization (ILO, n.d.), there has been an increase in female labour migration because women must increasingly contribute to family income and destination countries within the region are characterized by increasing demand for migrants to fill feminized sectors of the workforce. This work is largely low-skilled and low-paid, and the largest concentration of workers is found in domestic work and home care. According to the ILO, there are over 53 million domestic workers worldwide, of whom about 21 million are located in Asia and the Pacific (ILO, n.d.). Despite the dearth of genderdisaggregated data in ASEAN, numerous studies on female migration within the region have highlighted the challenges that women migrants face. Reflecting the trends discussed in the literature review above, female migration in ASEAN is characterized by undocumented mobility and informal labour. According to a joint ILO-UN Women policy brief, "[t]his reflects a broader trend in ASEAN with women's vulnerable employment being higher than men's in seven of the eight ASEAN Member States for which there is data" (ILO & UN Women, 2015, p. 3). Moreover, the report acknowledges that recent ASEAN measures to protect women from labour exploitation have actually restricted access to regular labour, further pushing women into informal markets. The report also cites social factors as drivers of female irregular migration and employment, such as cultural pressures that put less emphasis on educating women and recognizing their skills, reducing the options available to them as well as access to accurate information and services which reduce decent work opportunities. ASEAN's own report on intra-regional female migration openly asks whether ASEAN's women and girl migrant workers, who are often employed in low-skill professions, will benefit from the region's expected increasing mobility and job opportunities (ASEAN Secretariat, 2017).

6.1 Normative coherence for development in relation to female migration within ASEAN's Communities system

As stated above, ASEAN has prioritized women's rights and gender equality in its new normative framework, and it has focused specific attention on migration. The organization has even promoted a 2017 pilot study entitled *Women Migrant Workers in the ASEAN Economic Community* in order to document the challenges that female migrants face and suggest guidelines to respond to these challenges. While these efforts indicate that ASEAN is addressing this issue within its new governance framework, it does not necessarily suggest that the regional organization promotes development that is coherent with these norms. This section examines this point through the study of the role of women and migrants in the ASEAN Communities.

The establishment of the ASEAN Communities and its three-pillar governance structure in 2015 has facilitated the operationalization of ASEAN's normative framework. ASEAN's

governance structure is now centred around a Political-Security Community, an Economic Community, and a Socio-Cultural Community. "One vision, one identity, one community" is ASEAN's catchphrase in its Vision 2025 aiming to "realize a politically cohesive, economically integrated, socially responsible, and a truly people-oriented, people-centred and rules-based ASEAN" (ASEAN, 2015). The ASEAN Community Vision enhances regional integration in accordance with the norms examined above; in particular, emphasizing transformative gender-responsive policy implementation throughout all three communities. The ASEAN Declaration on Gender-Responsive Implementation of the ASEAN Community Vision 2025 and Sustainable Development Goals precisely addresses this gender-responsiveness in all three ASEAN Community Blueprints.

Recommendations to enable gender-sensitive implementation can be categorized into three sections:

- Establish a monitoring and evaluation system for existing policies and enforce the
 assessment of data collection and key figures of gender inequality through "data
 disaggregated by sex, age, and socio-cultural and economic characteristics relevant in
 national contexts, to the extent permitted by their respective domestic laws and policies"
 (Art. B).
- 2. Promote gender equality and women's empowerment by boosting investments to reduce resource gaps and adopt gender-responsive budgeting.
- 3. Enable women and women's groups to gain equal access to the political level, to participation in the decision-making process, as well as encouraging ASEAN institutions and bodies to engage more closely with women's groups and organisations to "ensure the gender-responsive implementation of policies and plans and for the systematic mainstreaming of a gender perspective in the implementation of the ASEAN Community Vision 2025 and the 2030 Agenda for Sustainable Development" (Art. H).

Through these normative instruments (monitoring, investment, and participation), ASEAN has now established a well-developed framework for normative commitments to gender equality and women's rights. In principle, this commitment should indicate a strong normative coherence to addressing the challenges that female migrants face in ASEAN and its member states. Table 1 examines this premise. It summarizes an analysis of the blueprints published by ASEAN for each community. The table highlights whether migration or women are discussed in each community blueprint and under what terms. Through the presentation of this analysis, the table shows that the ASEAN Socio-Cultural Community does address the rights of female migrants. Specifically, this community has adopted a rights-based approach to migration and women, and it addresses female migration within the framework of protection for marginalized populations, the elimination of discrimination and the fight against human trafficking and exploitation. The normative coherence within this community is high because it intrinsically links female migration to social protections and quality of life. This commitment is mirrored in the Political-Security Community which addresses migration in terms of the promotion of the rights of migrant workers. Similarly, the Political-Security Community addresses gender through the promotion of women's rights, social protections for women and the further integration of women into humanitarian assistance and operations. Even though gender and migration are not as integrated as they are in the Socio-Cultural Community, they are addressed through rights-based language.

Table 1: Normative Commitments to Migrants and Women in ASEAN Communities

	Socio-Cultural Community	Economic	Political-Security
	,	Community	Community
Migrants	Enhance regional initiatives in	No mention	Co-operate closely with
9	accordance with the ADMW		efforts of the sectoral
	to improve the protection and		bodies in the
	promotion of the rights of		development of an
	workers and migrant workers;		ASEAN instrument on the
	Strengthen social protection		protection and promotion
	for women, children, youths,		of the rights of migrant
	the elderly, persons with		workers;
	disabilities, ethnic minority		wernere,
	groups, migrant workers,		
	vulnerable and marginalized		
	groups, and people living in		
	at-risk areas, including		
	remote, border and climate		
	sensitive areas; Reduce		
	vulnerabilities in times of		
	climate change-related crises,		
	disasters and other		
	environmental changes; An		
	inclusive community that		
	promotes high quality of life,		
	equitable access to		
	opportunities for all and		
	promotes and protects human		
	rights of women, children,		
	youths, the elderly, persons		
	with disabilities, migrant		
	workers, and vulnerable and		
	marginalized groups;		
	Enhance regional initiatives		
	and stakeholder participation		
	to promote the elimination of		
	all forms of discrimination–		
	institutionalized or otherwise-		
	exploitation, trafficking,		
	harmful practices, and		
	violence		
	and abuse against children,		
	women, persons with		
	disabilities, youths, migrant		
	workers, the elderly, and		
	victims/survivors of		
	trafficking in persons, ethnic		
	minority groups, and		
	vulnerable and marginalized		
	groups.		
Women	See above	Establish systems	Complete a stock-take of
		and mechanisms	existing human rights
		that will increase	5 - 5
	<u> </u>		<u> </u>

the engagement of women and youth in STI to promote entrepreneurship; Promote entrepreneurship and human capital development by creating a more conducive environment for entrepreneurship through the **ASEAN On-line** Academy; and enhancing human capital development for MSMEs. in particular youth and women.

mechanisms and equivalent bodies, including sectoral bodies promoting the rights of women and children by 2009: co-operate closely with efforts of the sectoral bodies in the establishment of an ASEAN commission on the promotion and protection of the rights of women and children; promote civil-military dialogue and coordination in humanitarian assistance: and expand the role and contribution of women in field-based humanitarian operations.

Source: The authors, based on analysis of blueprints for ASEAN Communities.

The most striking detail from the analysis presented in Table 1 relates to ASEAN's Economic Community. The blueprint for this community includes no mention of migrants or migration and it only addresses women in terms of human capital and entrepreneurship. The omission of rights-based approaches in the economic community indicates normative incoherence for gender equality. More importantly, the lack of protection for female migrants in this community undermines the Socio-Cultural, and Political-Security Communities' commitments to improve the quality of life for female migrants. While the latter communities integrate gender equality and protection for female migrants within their normative frameworks, such discussions are conspicuously absent from the Economic Community's blueprint, which would suggest that ASEAN is promoting a model of economic development that undermines the rights of female migrants. This point is highlighted in the literature on migration in ASEAN. Scholars, such as Yazid and Septiyana (2019) and Searle and Koff (2021), have noted that ASEAN's governance system for migration is incomplete because it focuses on explicit abuses, such as human trafficking and it promotes high-skilled migration, but it does not necessarily regulate low-skilled migration where many women participate as a result of the feminization processes described above. This observation is further highlighted by Kaur (2018), who argues that ASEAN does not properly address foreign labourrecruitment mechanisms, nor does it properly tackle exploitation and vulnerability of migrant workers, especially foreign domestic workers, who often experience frequent breaches of contract and fraudulent practices. Moreover, market-based approaches to development that ASEAN prioritizes have facilitated economic growth and higher salaries in many member states. Increased disposable income within ASEAN migrant-receiving states has increased

demand for domestic workers, paradoxically increasing opportunities for exploitation of vulnerable female migrants. This is addressed in the conclusion below.

7 CONCLUSIONS

Regional organizations, like ASEAN, generally must balance commitments to global norms, such as those included in the 2030 Sustainable Development Agenda, with the political and economic interests of member states. When these norms are not sufficiently implemented, blame usually falls upon the member states for prioritizing their own political and economic objectives, thus undermining the emergence of regional normative frameworks. This article addresses this narrative through a normative coherence for development analysis. Of course, non-interference in domestic affairs of member-states weakens the normative impacts of ASEAN's commitments to women's rights and gender equality. However, the analysis presented above indicates that normative coherence for development in ASEAN is a complex issue because of the unevenness of high-level political commitments to gender equality norms which have been written into the ASEAN governance system. ASEAN has indeed made progress towards greater recognition of gender issues as evidenced by expanding regional norms in this area. Regional protection for female migrants and gender-responsive policies have been operationalized within ASEAN's newest legislative frameworks as illustrated through the ASEAN Charter, ASEAN's Human Rights Declaration, its Declaration on the Protection and Promotion of the Rights of Migrant Workers, the 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers and the Ha Noi Declaration. However, ASEAN has simultaneously created a Community system characterized by a pillared governance structure which separates economic, socio-cultural and political-security issues. The previous section has shown how migration and gender issues have been categorically excluded from the economic pillar which is the heart of ASEAN's regional integration project. This creates major concerns regarding the actual value of ASEAN's political commitment to gender equality. It also symbolizes many of the shortcomings related to regionalism within the framework of the SDGs. While many regions have formally adopted political commitments to the 2030 Agenda, economic strategies tend to predominate over transformative change and global norms, such as those included in the SDGs are rarely incorporated into regional economic programmes.

Normative coherence for development is necessary for the achievement of sustainability as promoted by the SDGs. However, it cannot be pursued outside economic strategies which affect the lives of citizens. As long as regional organizations separate normative political commitments from economic strategies, they work against the establishment of transformative sustainable development, including gender equality and human rights. The general impact of human rights legislation, and women's rights directives in particular, is limited, not only because ASEAN member states do not implement these new regional instruments, but above all because ASEAN's economic community does not embrace normative commitments to gender equality, relegating them to policy arenas that fall outside the regional economic system. The positions of female migrants in Southeast Asian economies cannot improve if they are not addressed within the context of these very systems which have been described above. Normative commitments must permeate all three ASEAN governance communities if transformative gender equality and the empowerment of female migrants is to be seriously pursued. Gender-based policy logics across ASEAN policy frameworks, including the Economic Community, are needed to link

women's rights with economic development strategies. Normative coherence for sustainable development promotes these efforts and in doing so, it will support ASEAN's declared goals of establishing "a people-centred" community and promoting the attainment of the SDGs within its member states.

CORRESPONDENCE

Harlan Koff harlan Koff@uni.lu

DATA AVAILABILITY STATEMENT

The data that support the findings of this study were derived from policy reports and web sources from the Association of Southeast Asian Nations and other international organizations which are available in the public domain.

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