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Migrant Worker Organizing in Indonesia

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Abstract

This article examines attempts by Indonesian migrant labor NGOs, migrant worker organizations and trade unions to promote the labor rights of Indonesian migrant workers employed overseas. In recent years trade unions in Indonesia have increasingly been forced to acknowledge the existence of overseas labor migrants. But NGOs have dominated migrant labor advocacy initiatives, and grassroots migrant labor organizations such as the Indonesian Migrant Workers' Union (IMWU) have developed independently of existing trade unions. Unions in Indonesia, like unions in other countries of origin, have been only marginally involved in migrant worker issues because of their physical boundedness within the nation-state and their focus on the formal sector. In other words, the fact that unions operate primarily at the national and sub-national scales and the difficulties they have had incorporating workers employed in less structured workplaces, and particularly in the informal sector, limits their capacity to assist or organize citizens employed outside the boundaries of the nation-state. This paper argues that unions must move beyond their traditional structures and spheres of influence in order to address the needs of overseas migrant workers, who represent an increasingly important union constituency in countries such as Indonesia.

Indonesia is a major country of origin of overseas migrant labor with an established history of non-governmental organization (NGO) activism around migrant labor issues. In contrast, trade unions have played almost no role in migrant labor advocacy campaigns, let alone made any serious attempt to organize overseas migrant workers. Unions' reluctance to devote resources to overseas migrant worker issues is partly explained by the current state of local unionism in Indonesia, as the trade union movement struggles to re-establish itself after a period of over three decades in which independent union activity was suppressed by Suharto's New Order regime (1967-1998). However, overseas migrant workers remain a low priority for trade unions primarily because they are employed outside Indonesia, where local unions have no influence, and little desire to become involved.

This article examines trade unions' attempts to overcome these constraints and respond to issues concerning overseas migrant workers and alternative models of migrant worker organizing, drawing upon interviews with key informants in NGOs, trade unions and migrant

worker organizations conducted in July 2003 and June-August 2005, participant observation in meeting involving trade unions and NGOs, and reports by international agencies and international and local NGOs and trade unions.¹ Follow-up research was conducted in September 2006. Having outlined the context of Indonesian labor migration, the article identifies two new trends in migrant labor organizing in Indonesia. The first, and more advanced, involves attempts to transform NGO-linked community-based migrant worker organizations into migrant worker unions, independent of established trade unions. The second involves attempts to engage established local unions in discussions and initiatives around international labor migration and instances of collaboration between migrant labor NGOs and a small number of unions. These trends, which are both in their infancy, offer a challenge to accepted models of worker organizing on many fronts. First, they challenge the sectoral boundedness of the trade union movement by reaching out to the large number of temporary migrant workers who will ultimately be employed in the informal sector. Second, they seek to overcome the physical boundedness of traditional trade unions within the nation-state, by working transnationally in response to the transnational character of temporary migrant labor. Thirdly, they offer a model where union membership is open to ex-workers and workers' families, as well as those whose plans to become workers can only be realized once they have left the sending country. Finally, they offer an example – however imperfect – of cooperation between unions and non-union labor movement organizations.²

Indonesian Labor Migration

Overseas labor migration makes an important contribution to the Indonesian economy, in terms of both remittances and job opportunities. Indonesia has a labor surplus economy, which is unable to accommodate a large percentage of its working age population. The general labor market situation, particularly high rates of open and hidden unemployment and low wages, act as push factors for international labor migration. As a result, overseas labor migration has become an important avenue for employment of Indonesian citizens.³ In contrast to the foreign nationals working in Indonesia, almost all Indonesians working overseas are employed in semiskilled or unskilled occupations. The destination-country demand for semiskilled and unskilled workers from Indonesia is borne out by the distribution of migrant workers placed overseas under government-sponsored schemes between the formal and informal sectors (Table 1). The concentration of Indonesian labor migrants in informal sector occupations reflects the large number of female labor migrants (between 70 and 80 percent of all Indonesian overseas labor migrants) employed as household labor in the Middle East and important Asian destinations such as Malaysia, Singapore and Hong Kong. The high demand for domestic workers is reflected in the job orders of registered labor sending companies. Of a total of 216,352 'orders' received in 2002, 134,308 (62 percent) were for domestic workers. A further 75,722 (35 percent) were employed in industrial

¹ The 2005 component of the research was commissioned by the Friedrich-Ebert-Stiftung. The majority of interviews cited in this article are not attributed directly because they were conducted under guarantees of confidentiality, so that they could be wide-ranging, and touch on sensitive issues such as inter-organizational politics.

² See Ford (2003a) for my arguments about the place NGOs in the Indonesian labor movement.

³ For an overview of the history of labor migration from Indonesia, see Tirtosudarmo (2004).

occupations, primarily in Malaysia, while the remaining 6,322 (3 percent) were employed in the Malaysian plantation sector.⁴ These statistics do not account for labor migration through unofficial channels, which is estimated to account for a majority of Indonesians working abroad (Hugo, 2002).

The Indonesian government has adopted a highly interventionist approach towards overseas migrant labor since the mid-1980s. It determines the process through which potential labor migrants can legally be recruited, trained, and managed, and issues licences to private sector companies (PJTKI, *Perusahaan Jasa Tenaga Kerja Indonesia*) to undertake those processes. Government policy has vacillated between prohibition and regulation, particularly with regard to flows of female domestic workers to the Middle East, where conditions are particularly harsh (for details of a series of policy changes on moratoria in 2003, see Solidaritas Perempuan et al., 2003). Generally, however, the government has been in favor of regulation rather than prohibition, because overseas migrant workers have become an important source of foreign currency income (Table 2).

Over the last two decades, the government's labor migration program has been criticized by NGOs and human rights agencies for being more focused on remittances than on the protection of migrant workers' rights, or in the case of criticisms made by some religious groups, the morality of the program.⁵ According to critics the focus on remittances has meant that the government has encouraged labor migration flows without implementing measures necessary to ensure the safety and well-being of Indonesian citizens employed overseas (Ford, 2003b; Solidaritas Perempuan et al., 2003). A related problem is the level of service provided by the Indonesian government to migrant workers in receiving countries. In contrast to the government of the Philippines, which has established a number of structures to support expatriate Filipinos, the Indonesian government has a poor record of consular assistance for Indonesian citizens working overseas. Some educational courses and crisis facilities are provided by embassies in some locations (such as Singapore), but there are no provisions for labor attaché positions, even in major receiving countries, and the Indonesian government has a patchy history of advocacy on behalf of migrant workers who experience difficulties while abroad (Abdul Rahman et al., 2005).

In addition, despite its emphasis on regulation, for many years the government ignored the need to deal with unofficial labor migration flows and, more recently, the large numbers of undocumented workers forcefully returned from Malaysia. These issues have become much more visible policy considerations since the humanitarian crisis in 2002, when hundreds of thousands of Indonesians were deported to the small town of Nunukan within a matter of months (Palupi and Yasser, 2002; Purwanto and Kuncoro, 2002).⁶ According to NGO

⁴ At the time of writing, complete data was unavailable for later years. However according to the table for 2004, the number of orders rose dramatically (886,437 orders between January and September).

⁵ Some Muslim groups have criticized state-sponsored labor migration because it leaves children without their mothers (in Islam, their primary care-givers) and forces women to leave the protection of their families and travel without appropriate male guardians, exposing them to physical or sexual abuse and the possibility of *zina* (sexual activity outside marriage).

⁶ For a detailed account of NGO and government responses to the Nunukan crisis, see Ford (2006).

activists the central government made some attempt in the period after the Nunukan crisis to address the problems highlighted by the mass deportation of Indonesians from Malaysia (Solidaritas Perempuan et al., 2003). However, NGO sources have since reported that after an initial burst of activity, many of these initiatives have failed to promote real change in government practice with regard to overseas migrant labor (Interviews, July 2005). Entrenched problems associated with the ongoing high level of demand (which encourages workers to use unregistered channels if access is limited or too expensive through government-sanctioned sending companies), lack of resources and political will, and extensive corruption, mean that the possibility of significant change in the near future is slim.

Table 1: Placement of Informal and Formal Sector Workers Overseas, 2003

Receiving Country	Informal Sector			Formal Sector		
	Male	Female	Total	Male	Female	Total
Asia Pacific						
Malaysia	340	9 831	10 171	56 694	22 574	79 268
Singapore	5	6 082	6 087	0	16	16
Brunei Darussalam	12	480	492	376	278	654
Hong Kong	1	3 473	3 474	0	35	35
Taiwan	52	288	340	1 255	335	1 590
South Korea	297	30	327	6 093	1 075	7 168
Japan	0	0	0	100	0	100
Total	707	20 184	20 891	64 518	24 313	88 831
Middle East & Africa						
Saudi Arabia	13 671	154 443	168 114	633	291	924
United Arab Emirates	20	1 343	1 363	78	34	112
Kuwait	48	12 113	12 161	61	46	107
Bahrain	0	88	88	0	0	0
Qatar	0	178	178	2	0	2
Oman	0	401	401	0	94	94
Jordan	0	226	226	0	0	0
Yemen	0	0	0	0	0	0
Cyprus	0	0	0	0	0	0
Total	13 739	168 792	182 531	774	465	1 239
North America						
United States	0	0	0	144	27	171
Total	0	0	0	144	27	171
EUROPE						
Netherlands	0	0	0	15	15	30
Italy	0	1	1	0	0	0
Total	0	1	1	15	15	30
Grand Total	14 446	188 977	203 423	65 451	24 820	90 271

Source: Adapted from Depnakertrans (2003e; 2004f).

Government regulation of migrant labor has also been criticized on procedural grounds (Interviews, July 2003). Until late 2004, the regulation of migrant labor was achieved through ministerial decrees and other government regulations rather than through legislation.⁷ Efforts to establish a law that dealt with migrant worker issues were initiated in 2002 after the Nunukan crisis, when the government failed to take effective measures to manage flows of deported migrant workers across the border from Malaysia. Shortly after the Nunukan affair, a bill on the Protection of Indonesian Migrant Workers and their Families was introduced in the parliament. In October 2004 Law No.39/2004 on The Placement and Protection of Indonesian Workers Overseas was finally passed. In addition to being cast in terms of protection for migrant workers rather than in terms of migrant workers' rights (as hoped for by the migrant labor NGO community), this controversial law has been criticized not only by migrant labor advocates for its failure to recognize migrant workers' rights as workers, but by labor sending companies, who launched a court appeal to have the law amended soon after it was passed (Interviews, July 2005).⁸

Another problem with the management of migrant labor flows has emerged since the implementation of decentralization policies after the fall of Suharto. During the last two decades of the New Order, and in the years immediately afterwards, all labor migration policy and regulations were determined at the central level. Although most aspects of regulation have remained centralized, opportunities for a new layer of government involvement have been created since regional autonomy was introduced in 1999/ 2000. Regional autonomy laws have given local governments the power to monitor labor migration flows and pass legislation concerning those flows. Since the regional autonomy laws were implemented, some sending provinces including East and Central Java and West Nusatenggara have issued regulations and policies concerning overseas migrant workers (Tirtosudarmo, 2001; 2004). However, it remains to be seen how effectively regional governments in either sending or transit provinces can regulate and/or finance programs that address the needs of migrant workers.

The implications of successive governments' failure to manage largescale official and unofficial labor migration flows from Indonesia to Asia and the Middle East have been well-documented by international and local NGOs (see, for example, Solidaritas Perempuan et al., 2003; HRW, 2004). These reports describe major problems at all stages of the labor migration process. Migrant workers are generally sourced from small villages by local agents who have connections to either registered or unregistered labor sending companies. These agents are most often known to the families of those recruited, and recruitment is most often realized through an informal invitation to work overseas. Before leaving Indonesia, migrant workers managed by registered labor sending companies are generally taken to a holding center, where their documents are prepared – and where migrant domestic workers are

⁷ Copies of laws and government regulations affecting migrant workers can be found at <http://www.nakertrans.go.id>.

⁸ One of the points raised by labor sending companies concerns Article 11, which states that Indonesian migrant workers can only be sent to countries with which the Indonesian government has written agreements. This provision is unworkable, as Indonesia has written agreements with only a small number of countries, specifically Malaysia, South Korea and Jordan.

supposed to receive training to adequately equip them for the tasks they are to perform once overseas. Although the centers are nominally monitored by the Department of Manpower and Transmigration, the system is highly corrupt: many of the holding centers are overcrowded and ill-equipped. Potential migrant workers are often forbidden to leave the centers, and are sometimes subjected to physical abuse or sexual harassment. Human rights activists and trade unionists who have attempted to contact potential migrant workers report that it is difficult to get any access to them (Interviews July 2003; July 2005). Trade unionists who gained some systematic access through a short-lived monitoring initiative (described below) report that the living conditions in the centers were ‘inhuman’ and that the equipment in the training centers used for migrant domestic workers was outdated and often inoperable (Interviews, July 2005). Migrant workers continue to experience problems through the physical process of migration. Migrant workers who are channeled overseas by unregistered migrant agencies are potentially at even more risk of abuse because of the lack of official controls on the labor migration process, particularly with regard to the conditions in holding centers and the means by which they leave for overseas.⁹ However, given the poor conditions in many official centers, the differences experienced by migrants leaving by official and unofficial channels may be overstated (Ford, 2001), as practices such as the falsification of identity, deprivation of liberty, overcharging and even extortion, are common amongst both registered and unregistered migrant labor sending companies.

Indonesians working overseas may also experience a wide range of problems once in the country of destination. For undocumented workers – including those who arrived with no documents, but also those whose contracts have fallen through, and those whose work visas have expired but have remained in the country – these problems revolve around their uncertain legal status. Without proper documents, workers have no avenues of protest against unfair working conditions and in some countries, such as Malaysia, they are constantly in fear of incarceration and/or deportation (see Ford, 2006). The conditions experienced by documented overseas migrant workers vary considerably from country to country and industry to industry. In most destination countries Indonesian migrant workers employed in formal sector occupations have some access to normal processes within the local industrial relations system. However, even then, basic labor rights are not necessarily met. For example, migrant workers are permitted to organize in some destinations, such as South Korea and Hong Kong. However, although migrant workers are not precluded from joining a union according to industrial relations law in other countries, like Malaysia, they are forbidden to do so by the conditions of their work visas. In addition, workers’ passports may be retained by the employer or the agent, and in many cases work visas are tied to a particular employer. This means that the migrant worker in question cannot simply transfer to another position if working conditions are unsatisfactory. They may also not be able to return home, as work contracts generally stipulate that if the contract is broken, return costs are the responsibility of the migrant worker.

⁹ While some unofficial migrant agencies traffic migrant workers into other countries with false papers or without documents, many other agents purchase ‘genuine’ travel documents from immigration officials (see Ford 2001; 2006).

The situation is even less clear for the large numbers of Indonesian women who are employed overseas as domestic workers. Although there is potential for abuse in all employment situations where the worker does not have full citizenship rights, foreign domestic workers face a whole set of extra challenges unique to the location and nature of their employment. Because their work is located in the private sphere (and therefore outside the ambit of most industrial relations systems) domestic workers are denied protection under labor laws (Chin, 2003; Huang and Yeoh, 2003; Lan, 2003b).¹⁰ Consequently, domestic workers have even less access to the freedom to organize and other basic labor rights than other temporary migrant workers. They also have less opportunity to do so, even where permitted, because they work in isolation, and have very limited opportunities to attend events outside their employers' homes (see, e.g., Abdul Rahman et al., 2005). Given the lack of regulation of the sector, domestic workers' conditions vary enormously. There is little agreement about what constitutes a fair workload for a domestic worker, and law enforcement agencies are reluctant (even if it was feasible) to monitor work situations within private homes because of the unclear status of the employer-employee relationship in that sphere. As a result, the conditions experienced by an Indonesian foreign domestic worker depend almost entirely on the goodwill of her employer. Issues commonly raised in reports about Indonesian domestic workers' conditions in host countries include long hours, few or no rest days, restriction of movement and communication, inability to practice their religion, and lack of privacy. Many domestic workers are forced to sleep in the kitchen or another common area of the dwelling, particularly in destinations like Hong Kong, Taiwan and Singapore, where space is limited (see, e.g., Lan 2003a). Because of the location of their work in the private sphere, domestic workers are particularly exposed to the possibility of psychological and physical – including sexual – abuse.

For some overseas migrant workers, returning to Indonesia is also problematic. Although the Indonesian government has mandated channels and processes for returning migrant workers, those channels are demonstrably corrupt. Returning workers face artificial exchange rates, threats of extortion and even physical violence at airports (for example, the notorious Terminal 3 at Sukarno-Hatta airport in Jakarta), seaports (such as Jakarta's Tanjung Priok and the ports in Riau and North Sumatra) and at land borders in Kalimantan (see Solidaritas Perempuan et al., 2003). Extortion and risk of harm continues until they reach their villages. Even there, their status is ambiguous (Silvey, 2006). Migrant workers return with significant financial resources, which can create conflict in kinship networks and the community more broadly, particularly if the returnee attempts to invest their money in a long-term project rather than spending it on consumer goods. Socially, returnees may have considerable difficulty readjusting to life in their village communities. Women labor migrants also face the stigma of having been outside the boundaries of community control for a significant period of

¹⁰ Hong Kong is a notable exception to this, see Sim (2003). Migrant domestic workers have their own registered unions and associations. One of these, the Indonesian Migrant Workers Union, is affiliated to the Hong Kong Confederation of Trade Unions (HKCTU). Representatives of the HKCTU argue that it is vital that foreign workers are drawn into local union structures despite some resistance from local union members (Interviews, November 2005). For a general discussion of the failure of industrial relations and immigration regimes to protect foreign domestic workers, see Ford and Piper (in press).

time. Reintegration is now a major concern for migrant labor NGOs, particularly as many returnees choose to engage in circular migration, which has serious consequences for family and community structures in sending villages (Interviews, Jakarta 2005).¹¹

NGO and Migrant Worker Responses

In Indonesia, the term ‘migrant labor NGO’ is commonly used to describe limited-membership advocacy organizations comprised primarily of middle-class activists who advocate on behalf of migrant workers. The term ‘migrant worker organizations’ refers to grassroots organizations comprised of former and intending migrant workers and migrant workers’ families. Although the division between migrant labor NGOs and migrant worker organizations is less definite than between local labor NGOs and unions or other worker associations, like labor NGOs more generally, migrant labor NGOs tend to consist of middle-class activists engaged on behalf of migrant workers, in contrast to migrant worker organizations constituted at the grassroots. In Indonesia, attempts to organize overseas migrant workers and promote their labor rights have come primarily from the NGO community and, most recently, from an Islamic philanthropic foundation (described below), rather than from established trade unions. Where migrant worker organizations have developed, they have emerged independently of the unions, generally through the efforts of returned migrant workers or as a result of sponsorship from international donors or migrant labor NGOs.

As the flow of migrant workers increased in the late 1980s, the difficulties faced by migrant workers in general – but especially by migrant women – became increasingly evident to civil society activists, particularly those in the women’s movement. Since then, NGOs have been the major actors in the migrant labor movement in Indonesia. The first migrant labor NGO in Indonesia, established in December 1990, was Women’s Solidarity for Human Rights (Solidaritas Perempuan untuk Hak Asasi Manusia, SP), one of a number of women’s NGOs to become involved with labor migration in the 1990s as a result of the rapid feminization of migration flows and the increasing visibility of cases of female migrant worker abuse (see Ford, 2003b).¹² There are now well over 100 NGOs that deal with migrant labor Indonesia-wide, although a 2005 survey by the Consortium for the Defence of Indonesian Migrant

¹¹ Other authors have offered a more positive assessment of returnees’ experience, see Sukamdi et al. (2001).

¹² Many former SP activists have gone on to engage in other forms of migrant labor activism. These include Tati Krisnawaty, one of the founders of SP, who now runs the section of the government-initiated National Commission on Violence Against Women that deals with vulnerable women, including migrant workers; Wahyu Susilo, who was a key player in KOPBUMI until recently, and is now associated with Migrant Care, a migrant worker rights advocacy NGO; and Yanti Muchtar, whose training organization Kapal Perempuan is now a key player in the Forum for Justice for Migrant Domestic Workers (FOKER – an association of migrant labour NGOs and migrant worker organizations with a particular focus on Indonesian domestic workers in Singapore). For more description of some of the key organizations at the national level, see Ford (2004a). It should be noted also that strictly speaking, Solidaritas Perempuan is no longer an NGO. In 1993 members decided to restructure as an association (*serikat*, also the word for union), which meant they adopted the open-membership structure of a mass organization in place of closed-membership structure of an NGO. In practice, it appears that the central structure of the organization continues to operate more or less like an NGO, and SP continues to derive most of its funding from traditional NGO donor sources (members pay dues, but these dues contribute only a small part of SP’s overall budget).

Workers (Konsorsium Pembela Buruh Migran Indonesia, KOPBUMI) confirms that migrant labor is the primary focus of a relatively small proportion of these organizations. In the 12 regions mapped in the survey, only 16 percent of NGOs involved in migrant labor issues identified migrant labor as their primary concern (KOPBUMI, 2005). The majority of regional and local NGOs working on migrant labor issues focus on individual cases of migrant worker abuse. Some, however, have sponsored migrant labor organizing initiatives, such as those described below. At the national level there are a number of organizations and networks, such as SP; Migrant Care; KOPBUMI; the Women's Movement for the Protection of Migrant Workers (GPPBM); and the Forum for Justice for Migrant Domestic Workers (FOKER) engaged in migrant labor advocacy work in Indonesia and abroad. In fact, cross-border collaboration has been a defining feature of migrant labor NGO activism: all major Jakarta-based NGOs and NGO coalitions have strong links overseas, and transnational networks such as the Migrant Forum in Asia (which has five Indonesian partners) and CARAM Asia (to which Migrant Care is also affiliated) have been extremely influential.

There currently are two main types of migrant worker organizations in Indonesia. The first group claims to be labor unions, while the second emphasizes their role as community organizations that have as much of a focus on the families of migrant workers as on potential and ex-migrant workers. In practice, the membership and activities of these groups are very similar. In addition to handling individual cases, they provide education and capacity-building, and are engaged in advocacy at the local, and sometimes the national and international, level. The Indonesian Migrant Workers Union (Serikat Buruh Migran Indonesia, SBMI), formerly the Federation of Indonesian Migrant Worker Organizations (Federasi Organisasi Buruh Migran Indonesia, FOBMI), is perhaps the most widely recognized migrant worker organization in Indonesia.¹³ SBMI/FOBMI, which was formally established in 2003, grew out of a network of grassroots migrant worker groups created in 2001 called the National Network of Indonesian Migrant Workers (Jaringan Nasional Buruh Migran Indonesia, Jarnas BMI). SBMI/FOBMI's formation was supported by KOPBUMI, which at the time was funded primarily by the American Center for International Labor Solidarity (ACILS).¹⁴ Founding members of KOPBUMI have suggested that ACILS had been the main instigator of the foundation of FOBMI, which lay outside KOPBUMI's original brief as an advocacy organization (Interviews, June 2005).

The majority of SBMI/FOBMI's key members are former migrant workers, but the organization targets intending and former migrant workers and their families. SBMI/FOBMI's branches were initially located in Banten, Cianjur, Cirebon, Wonosobo, Purwokerto, Banumas, Kebumen, Tulangagung, Blitar, Malang, Jember, Banyuwangi and Lampung – areas in Java and South Sumatra from which there are significant migration flows. SBMI/FOBMI provides counseling and other assistance to prospective and former

¹³ For the purposes of clarity, SBMI will be referred to as SBMI/FOBMI to distinguish them from the SBMI organizations associated with SP (described later), which will be referred to as SBMI-Solidarity.

¹⁴ Although it is no longer receiving support from ACILS, SBMI/FOBMI continues to receive some support from the Friedrich-Ebert-Stiftung and The Tifa Foundation, an Indonesian civil society organization funded by the Open Society Institute of the Soros Foundation.

migrant workers in their provinces of origin. According to reports presented at its 2005 Congress, the National Secretariat was involved in a number of one-off 'organizing' sessions and some pre-departure training in five provinces and in providing legal aid and practical assistance to 115 individual migrant workers during the period 2003-2005 (FOBMI, 2005a). In addition SBMI/FOBMI engaged in monitoring activities at the Sukarno Hatta airport, Tanjung Priok port and the hospital to which migrant workers are taken from Terminal 3 if they require medical assistance. FOBMI was also engaged in advocacy activities around the migrant labor law, the ratification of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and particular migrant worker cases. SBMI/FOBMI has engaged in a number of cooperative campaigns and networks in Indonesia with migrant labor NGOs and local trade unions, including FOKER and the United People's Alliance (Aliansi Rakyat Bersatu, ARB). It also has links with migrant worker organizations in Hong Kong, specifically the Indonesian Migrant Workers Union and the Hong Kong Coalition of Indonesian Migrant Workers Organizations, and has been a member of the Migrant Forum in Asia (MFA) since mid-2004.

In early 2005 FOBMI was considering the possibility of registering formally with the Department of Manpower as a union in order to strengthen its position as a representative of migrant workers – a strategy they subsequently attempted. They initially failed to achieve registration because they did not meet the standard definition of a 'union', but eventually were awarded union status by the government in mid-2006.¹⁵ In 2005, FOBMI was also weighing up the merits of joining an existing union federation. FOBMI changed its name to SBMI at its second congress in late June 2005. Shortly after the congress, SBMI/FOBMI activists argued that in the long term gaining union status was a priority, but said they planned to try to strengthen their internal structures before considering the possibility of affiliation with an existing union structure (Interviews, July 2005).

The other group of migrant workers organizations that claim to be labor unions are linked to Friends of Migrant Workers (Sahabat Pekerja Migran, SPM), a program of Poverty Purse (Dompot Dhuafa, the charity arm of Republika, a major daily newspaper). SPM concentrates on trying to organize Indonesian migrant workers in the Middle East and Malaysia, although it also has an office in Hong Kong. In December 2004 it organized a congress of migrant workers, at which the Indonesian Migrant Workers Federation (Federasi Pekerja Migran Indonesia, FPMI) was established. The congress was attended by current and ex-migrant workers from Malaysia, Hong Kong, Korea, Saudi Arabia and representatives of migrant worker groups in Sumatra, Java, Sumbawa, Kalimantan (SPM, 2004). To become a member of FPMI, organizations or individuals must be Muslim. Members must pay an affiliation fee and report monthly on their activities. Local organizational affiliates carry the name Indonesian Migrant Workers Union (SPMI).¹⁶ Although SPM/FPMI has many similarities

¹⁵ The congress records show that one of the purposes of revising the constitution was to improve SBMI/FOBMI's chances of successfully registering as a union with the Department of Manpower. When asked why the name change was necessary, members of the SBMI/FOBMI secretariat confirmed that they saw it as a positive step towards registration as a union (Interviews, July 2005).

¹⁶ The English translation for SPMI and SBMI are the same, but in Indonesian, they are differentiated by the choice of word used for 'worker.' SPMI is the abbreviation for Serikat Pekerja Migran Indonesia, while SBMI is

with the other migrant labor organizations described here, it is also different in a number of important ways. Most notably, it is an openly religious organization, and is funded through community contributions (via Dompét Dhuafa) rather than through international donors. It is also the only major migrant worker group not sponsored by a migrant labor NGO.

Other migrant worker groups do not claim to be labor unions, but rather migrant worker community groups. The main network of migrant worker community groups are the Indonesian Migrant Worker Solidarity (Solidaritas BMI) groups associated with SP. There are Solidaritas BMI groups in four locations in Java: Cianjur and Karawang in West Java; Salatiga in Central Java and East Java (consisting of a number of locations within East Java Province – see below). The fact that Solidaritas BMI groups do not claim to be migrant worker unions reflects SP's position that unions can only be formed in the receiving country, because that is where migrant workers are located (Interviews, July 2005). Solidaritas BMI-Jawa Timur (SBMI-Jatim), one of the most active organizations in the SBMI-Solidarity network, was established on 26 August 2000 with the support of Solidaritas Perempuan.¹⁷ It focuses primarily on policy advocacy at the regional area and community organizing in sending villages. SBMI-Jatim has developed a series of groups based in a number of sending villages in Lumajang and Madura, comprised of potential and ex-migrant workers and their families. Structurally SBMI-Jatim itself is an association of independent groups. Some of these groups have a system of dues, but others do not. SBMI-Jatim runs education sessions about topics such as labor migration, human rights, gender, microbusiness. SBMI-Jatim also has more limited activities in Probolinggo and, Situbondo, Bondowoso and Jember, such as community group discussions with groups including farmers, street vendors and groups associated with the mosques, aimed at encouraging members to think critically about migrant labor issues. Some regional NGOs also have *kelompok dampingan*, or community groups they support/are associated with. One example of this is Perkumpulan Panca Karsa (PPK), which consists of twenty community groups associated with an NGO called Yayasan Panca Karsa in Lombok. PPK, like other *kelompok dampingan*, have a less formal structure than either SBMI/FOBMI or Solidaritas BMI, and are less independent. However, some key national migrant labor activists have suggested that this group and others like it have the potential to develop into important migrant labor organizations (Interviews, July 2005).

Bringing in the Unions

In contrast to migrant labor NGOs, Indonesian trade unions have had relatively little involvement in migrant labor issues either domestically or internationally. Indonesia's trade union movement was essentially under state control under Suharto's New Order government from the early 1970s until its demise in May 1998.¹⁸ The number of trade unions has grown rapidly since the principles of the freedom of association and the right to organize were reinstated soon after the fall of Suharto, and there are now three main union confederations,

the abbreviated form of Serikat Buruh Migran Indonesia. *Pekerja* and *buruh* both mean worker, and are now largely used interchangeably. During the Suharto era *buruh* was a politically-charged term, with associations to the leftist labor organizations of the period before 1965. *Pekerja* was considered politically neutral.

¹⁷ SP continues to provide funding for SBMI-Jatim, although it is not the only organization to do so.

¹⁸ For discussions of unionism under Suharto, see Hadiz (1997), Kammen (1998) and Ford (1999, 2003a).

in addition to thousands of unaffiliated unions at the national, regional and local levels (Ford, 2004b). The first two, the Indonesian Trade Union Congress (KSPI) and the Confederation of AllIndonesia Workers Unions (KSPSI), grew out of the state-sanctioned union of the Suharto period. The third, the Confederation of Indonesian Prosperous Workers' Unions (KSBSI) was the most influential of three 'alternative unions established outside official industrial relations structures in the early-mid 1990s.

All three confederations have engaged with migrant labor issues to some degree. A migrant labor union federation, the Federation of Indonesian Migrant Workers' Unions, is officially listed within the KSPSI, but appears to be inactive (Interviews, July 2005).¹⁹ In contrast, although KSPI does not have any regular programs for overseas migrant workers, it has been invited to international meetings (for example, a meeting held by the Malaysian Trade Union Congress in April 2005) to represent the Indonesian labor movement in discussions of migrant labor issues, and has been involved in advocacy campaigns around Law No.39/2004 and the Nirmala Bonat case in Malaysia.²⁰ One of KSPI's member unions, the National Workers' Union (SPN) has been involved in some advocacy activities, and in an awareness-raising program on issues of trafficking aimed at SPN's members in the garment and textile industries, which was funded by ACILS (Interviews, July 2005). However, SPN is no longer involved in any programs related to overseas migrant labor, partly because of a lack of funding and partly because they are concentrating on 'core' union priorities involving local workers threatened by factory closures (Interview with SPN officials, July 2005). More recently ASPEK, KSPI's services sector affiliate, has established a help-desk project with its Malaysian counterpart as part of a broader migrant worker strategy to be implemented over the three years from 2006 to 2009. ASPEK reports that the help desk initiative has been well received by Indonesian migrant worker communities in Malaysia, and has since extended its services to migrant workers of other nationalities (Interviews, September 2006).

The third confederation, KSBSI, has a relatively long history of interest in issues surrounding migrant labor. A key NGO informant recalled conversations with the union's founder Muchtar Pakpahan on migrant labor issues long before the fall of Suharto, but noted that Pakpahan's interest had waned in the post-Suharto period, when his attention became increasingly diverted towards his attempts to establish a labor-based political party (Interview, August 2005). More recently, KSBSI had a migrant worker division from 2000 to 2003. At the end of 2003, FOBMI was invited to join KSBSI by the main person active in migrant labor affairs, but declined (Interview FOBMI representative, July 2005). The migrant worker desk was amalgamated with the Women's Department soon afterwards, and efforts to organize migrant workers ceased due to a prioritizing of activities, along with funding and logistical difficulties. The main figure in KSBSI's migrant labor activities has since left the

¹⁹ During fieldwork in 2005, numerous attempts were made to contact the Federation of Indonesian Migrant Workers' Unions. Other unionists and migrant labor NGO activists claimed that the Federation was inactive.

²⁰ Nirmala Bonat, a migrant domestic worker from West Timor, experienced physical abuse, including being burnt with a hot iron and scalded with boiling water, from her employer over a five-month period. There was public outrage in Indonesia and Malaysia when the case came to light in May 2004, forcing the governments of both countries to consider a Memorandum of Understanding that specifically dealt with Indonesian migrant domestic workers (Ford, 2006:241).

union, partly because of his disillusionment with its lack of support for migrant labor issues (Interview with former KSBSI migrant labor activist, July 2005). However, the major initiative involving trade unions in migrant labor issues was spearheaded by the former Minister for Manpower, Jakob Nua Wea, who simultaneously headed KSPSI. For a number of months in 2003-2004, a team of approximately 70 union representatives from a wide selection of unions (referred to as 'Tim 17,' or the Team of 17) were engaged to monitor conditions in labor sending companies' holding and training centers. The teams produced quite detailed reports of the facilities and conditions at a number of centers, but were disbanded and the monitoring function was returned to the Department of Manpower when Fahmi Idris became Minister for Manpower for the second time in October 2004 (Interviews with member of Tim 17, July 2005).

The trade union movement more generally has little – if any – interest in migrant labor issues (Interviews, July 2005). Most unionists interviewed commented on the difficulty of organizing workers employed overseas, arguing that the challenges faced by their unions in establishing a strong local presence made it impossible for them to look further afield. However, there are pockets of interest in migrant labor issues, particularly in some of the smaller trade unions. Two of the local unions most actively involved in migrant labor issues are the Association of Independent Unions (GSBI) and the Federation of All-Indonesian Workers' Unions – Reformation (FSPSI-Reformasi).²¹ Neither of these organizations has established migrant worker programs, but they have engaged in advocacy on migrant labor issues and have been supportive of SBMI/FOBMI. In both cases, the union members actively working towards engagement with migrant labor organizations have been women – in FSPSI-Reformasi's case, the long-standing advocate for women within the state-sanctioned union of the New Order period, Ari Sunarijati – perhaps a reflection of the dominance of female migrant labor working overseas.

Trade unions, migrant labor NGOs and migrant labor organizations also cooperate in sporadic advocacy campaigns which focus on the issues of both local workers and overseas migrant workers. SBMI/FOBMI in particular has been involved in a number of campaigns and networks with local unions including the Committee Against the Repression of Workers (Komite Anti Penindasan Buruh, KAPB) and *ad hoc* campaigns around May Day and other major labor-related events. Most other forms of union cooperation with NGOs and migrant labor groups has occurred either because it has been facilitated by international organizations (primarily the ILO), or because it has been initiated by migrant labor groups (primarily SBMI/FOBMI). The ILO has arranged a number of meetings where local unions, migrant labor NGOs and SBMI/FOBMI were present. These meetings were not designed to encourage particular cooperative initiatives, but rather to encourage discussion about migrant labor issues (Interview with ILO staff, July 2005). SBMI/FOBMI has also engaged in discussions with GSBI and FSPSI-Reformasi about the possibility of further cooperation

²¹ GSBI was formed from workers' groups associated with a prominent labor NGO, Sisbikum, in the late New Order period. FSPSI-Reformasi was a first-generation break-away from the official union soon after the fall of Suharto. When KSPSI was formed, SPSI-Reformasi was reduced to a membership of 12 now peripheral unions.

(Interviews, June-July 2005). When asked why SBMI/FOBMI was interested in working with these local unions, Dina Nuriyati, the outgoing Chair of SBMI/FOBMI, said that:

We wanted to ask for suggestions from local unions on how to strengthen migrant labor organizations and to develop a network. Migrant worker issues are becoming more complex and we don't want them just to be the province of the migrant labor NGO elite. We want unions to engage too because the problems faced by workers everywhere are basically the same (Interview, 29 July 2005).

Developments such as these suggest that awareness of migrant labor issues, and willingness to engage with migrant worker organizations and conduct advocacy on behalf of migrant workers, is strengthening in some parts of the local trade union movement. However, it should be noted that these initiatives are occurring on the margins of local labor activism, and have been promoted almost exclusively by women trade union activists with a personal interest in migrant labor issues, who acknowledge that their interest was not shared by the majority of their colleagues (Interviews, July 2005).

However, the position of SBMI/FOBMI and other migrant labor organizations is ambiguous in terms of unionism because they consist primarily of returned migrant workers, intending migrant workers and migrant families rather than currently-employed migrant workers, who are by definition located outside Indonesia. There is some ambivalence about the strategy of organizing different interest groups (potential migrant workers, ex-migrant workers and migrant workers' families) in the same organization amongst migrant labor groups themselves (Interviews, July 2005). At one level, this is a practical strategy, as it is beyond the capacity of local migrant labor organizations to organize any more than a few workers currently overseas, even where they would like to do so. At another level, however, this strategy creates a diffuse focus within migrant labor organizations and encourages a tendency to focus on ad hoc advocacy and individual cases rather than systematic organizing activities. In many ways this reflects their NGO links (and therefore exposure to NGO techniques).²² The composition and purpose of these migrant worker organizations is also the focus of considerable debate within the Indonesian migrant labor NGO and trade union communities (Interviews, July 2005). For trade unionists, the broad membership base of migrant worker organizations is perceived as a major obstacle to integration within the mainstream trade union movement – and even since SBMI received formal recognition as a union, even some mainstream unionists with an interest in migrant labor issues have referred to it as an 'NGO'. In other words, for those migrant labor organizations that claim to be unions, in particular, the nature of their membership constitutes the most significant barrier to full recognition by local unions, even if they have successfully registered with the Department of Manpower.

Conclusion

Since the early 1990s, Indonesian migrant labor NGOs have made a sustained effort to raise public awareness of migrant labor issues; assist individual migrant workers who face difficulties before their departure overseas, or on their return; and develop international

²² The exception to this generalization is FPPI. However, it remains to be seen how effective their alternative approach will be

networks. They have achieved significant results in all of these areas. Of particular note were the advocacy campaigns of the mid-late 1990s, which took place under the politically repressive Suharto regime and the solidarity groups (most notably the SBMI-Solidarity organizations) established in this period in defiance of the Suharto government's policy on grassroots organizations. Since the fall of Suharto, migrant labor NGOs, like other Indonesian labor NGOs, have had to come to terms with dramatic changes in the political landscape, and although newfound freedoms have made advocacy and organizing work easier, the new political climate has also led to increased fragmentation in the migrant labor NGO community.²³

Developments in the post-Suharto period have also led to increased complexity in migrant labor advocacy and organizing, particularly with regard to current attempts to reshape community-based migrant labor organizations as unions. Although this increased complexity may lead to the development of a more vibrant organizational community concerned with migrant labor, it brings with it the risk of increased duplication, competition and lack of overall vision amongst migrant labor NGOs and unhealthy competition between migrant labor NGOs and grassroots migrant labor organizations. However, perhaps the main weakness of the migrant labor movement is the absence of a truly effective organization for migrant workers. Despite some cooperative efforts between trade unionists and migrant labor activists, local unions have demonstrated no real interest in organizing workers employed overseas. SBMI/FOBMI has attempted to fill this gap; however, its structures remain embryonic, and its approach controversial, despite having formally registered as a trade union.

The fact that unions are involved at all in migrant worker issues is a significant and relatively new development in the Indonesian context, which challenges the sectoral and physical boundaries associated with traditional union organizing. However, where established local unions *have* attempted to engage in migrant worker issues they have encountered obstacles imposed by their own organizational structures, not to mention resistance from members who feel there are more important priorities at home. International initiatives, such as those described in the Introduction (this volume), offer two possibilities for migrant workers from countries of origin such as Indonesia. The first is meaningful engagement between union and non-union advocates for migrant labor rights, bringing together the transnational focus, advocacy techniques and cross-sectoral scope of migrant labor NGOs and the organizing experience and capacity of the unions. The second is the possibility of moving beyond international union initiatives on migrant labor issues towards transnational forms of unionism that bring together workers in countries of origin and destination. These processes required to achieve either of these aims are bound to be fraught, but unions have little alternative if they wish to engage meaningfully with the undeniably, and increasingly, important issue of temporary transnational labor migration.

²³ Likewise, although independent trade unionism is now possible, local unions have multiplied, but have not yet had time to consolidate or form effective national alliances.

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