

Norm Contestation and Regional Governance: The Politics of Social Security Portability in ASEAN

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Abstract

This article analyzes the dynamics of conflicting norms regarding the portability of social security for migrant workers in ASEAN, particularly the political tensions between sending and receiving countries. In line with global norms, sending countries such as Indonesia and the Philippines promote portability as a fundamental right for migrant workers. Conversely, receiving countries such as Singapore and Malaysia are more cautious, viewing it as a labor issue, not a fundamental right. The research aims to analyze how these divergent interpretations shape ASEAN's regional governance of migrant protection and to identify the underlying political and normative factors that influence the process of regionalization. Using Antje Wiener's theory of norm contestation, this study, through qualitative methods, demonstrates the gap between global expectations and normative practices in ASEAN. The findings reveal a persistent gap between global expectations and ASEAN's normative practices. While ASEAN has made progress in formalizing cooperation, the implementation remains fragmented and state-driven, reflecting competing interests between economic pragmatism and human rights advocacy. In conclusion, the regionalization of social security is not simply a matter of applying international standards to a regional region, but rather a political negotiation shaped by competing state interests.

Keywords: ASEAN; migrant workers; norm contestation; portability; social security



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Received: 15-10-2025 | Revised: 30-12-2025 | Accepted: 30-01-2026 | Published: 05-02-2026

DOI: <https://doi.org/10.26905/j-tragos.v4i1.16301>

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Published by the Department of Public Administration, Faculty of Social and Political Sciences, University of Merdeka Malang, Indonesia.

Introduction

Global norms, with their increasingly complex diversity, play a significant role in shaping the global political and social order. In international relations studies, the examination of norms has evolved into a significant subject, reflecting the need to understand transnational activities and the dynamics of ideas within the global political landscape (Yunazwardi, 2024). Nevertheless, the journey of global norms from one context to another is rarely seamless. As they travel, they encounter local realities that resist, reinterpret, and reshape them in ways that reflect unique political, cultural, and historical contexts (Fehl, C., & Rosert, 2020).

In Southeast Asia, among the ten members of ASEAN, the diffusion of global norms in the region involves a protracted process of acceptance and localization. While global norms are not always rejected, in this process, ASEAN tends to redefine global norms to align with regional norms derived from the ASEAN Way and ASEAN Values (Sundrijo, 2021). This dynamic can be seen in several global norms, such as the norms related to small arms (Capie, 2008), Responsibility to Protect (R2P) norm in the Myanmar conflict (Capie, 2012), cyberspace governance norms (EG Tan & Ang, 2022), gender justice and LGBTQ+ rights (Langlois, 2025),

and human rights protection norms (Raharja, 2022). For this reason, norm regionalization in ASEAN often generates divergent interpretations from international standards.

A key contemporary human rights issue reflecting this dynamic is ensuring the portability of social security for migrant workers. Social security portability is defined within this study as migrant workers' ability to keep, transfer, and receive the social security benefits they have earned when they switch jobs, sectors, or nations (Holzmann & Koettl, 2012). It enables migrant workers to access the social security benefits to which they have contributed, both while employed in another country and upon returning to their own country (Taha et al., 2015). These social protections include access to health insurance, work-injury compensation, unemployment protection, old-age pensions, survivor benefits, and maternity protection. In the context of migration, portability ensures that migrant workers do not lose their social security entitlements because of cross-border mobility (Syofyan, 2023). In the context of international migration, portability functions as a safeguard against the loss of social security rights solely due to cross-border mobility. The principle of social justice underlying portability is based on the concept that workers who have contributed to social protection systems should retain their entitlements despite migration (G. Pasadilla & Abella, 2012). Scholarly literature normatively frames social security portability as a fundamental human right, not merely a technical (Goldblatt, 2014; Krennerich, 2014; Kothari, 2014). As a result, portability is viewed in this study as a transnational concept that enables social security benefits to accompany workers across different countries, safeguarding their entitlements throughout the migration process.

Comparative scholarship suggests that the development of social security portability across regions has been neither linear nor uniform. In the Southern African Development Community (SADC), for instance, social security systems largely remain nationally oriented and weakly coordinated, resulting in limited practical portability for migrant workers (Millard, 2008). Nonetheless, scholars note an emerging normative shift marked by the recognition of principles such as non-discrimination, solidarity, and freedom of movement, as reflected in instruments like the Protocol on Freedom of Movement of Persons and the Social Charter of Fundamental Rights (Mpedi & Nyenti, 2017). A markedly different trajectory can be observed in the European Union, where social security portability has evolved beyond normative recognition into a legally binding and institutionalized regime. Through EU regulations, core principles such as equal treatment, aggregation of contribution periods, and the cross-border payment of benefits regardless of residence are effectively enforced (Holzmann, 2018). In Latin America, regional commitments have also developed in a more progressive direction, particularly through multilateral arrangements such as the MERCOSUR Multilateral Agreement on Social Security and the Ibero-American Multilateral Convention on Social Security. These instruments illustrate a gradual shift from declaratory norms toward legal and institutional consolidation, albeit at a different pace than in the European context (Fornalé, 2017).

Discussions on social security portability in Southeast Asia are closely tied to the massive intraregional dynamics of labour migration within ASEAN. Statistics show that the number of migrant workers in the area totals around 9.2 million, of which 7.1 million are from

fellow ASEAN member countries (ASEAN Secretariat, 2022). According to the *ASEAN Migration Outlook 2020*, the ASEAN countries with the highest proportions of migrant workers relative to their total populations are Singapore (37.1 per cent), Malaysia (15 per cent), Thailand (5.2 per cent), and Brunei Darussalam (25.5 per cent). In contrast, Indonesia and the Philippines constitute the principal labour-sending countries in ASEAN (ASEAN Secretariat, 2022). Intra-regional mobility patterns in ASEAN illustrate the significance of migrant workers' access to social security as a fundamental rights issue, rather than just an administrative problem.

Under these conditions, the loss of social security entitlements due to cross-border movement has become a structural issue inherent in labour mobility across Southeast Asia. The development of ASEAN's involvement in protecting migrant workers and social protection has been a gradual process through regional agreements. Beginning with the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (2007), followed by the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (2017), the ASEAN Declaration on the Portability of Social Security Benefits for Migrant Workers (2022), and the ASEAN Guidelines on the Portability of Social Security Benefits for Migrant Workers (2024). These agreements combine to place social security portability within ASEAN's overall migration management system and offer the historical and institutional background for why portability has become a significant regional issue. These agreements combine to place social security portability within ASEAN's overall migration management system and offer the historical and institutional background for why portability has become a significant regional issue.

Literature Review

The idea that social security is a basic human right is not new. It has been affirmed in some of the world's most influential international agreements. These include Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Articles 22 and 25 of the Universal Declaration of Human Rights (United Nations, 1948), and ILO Conventions No. 102 and 157 (Vyshnovetska et al., 2020). However, in spite of this well-established international agreement, its interpretation at the regional level is plagued with ambiguity, thereby hindering clear and effective implementation. ASEAN official reports and recent regional data indicate significant disparities in the coverage of social security benefits for migrant workers across member states, underscoring the fragmented nature of social protection and the challenges of ensuring effective portability across the region (ASEAN Secretariat, 2024). Existing studies argue that this ambiguity is primarily driven by the divergent political interests among ASEAN member states (Bal, C. S., & Gerard, 2017). Migrant-sending countries, such as Indonesia and the Philippines, consistently advocate for social security portability as an integral component of migrant workers' human rights, framing cross-border social protection as a fundamental entitlement. On the other hand, major receiving countries, Malaysia and Singapore, tend to approach the issue from an economic and labor-management perspective (G. O. Pasadilla, 2011). As a result, the social protection landscape for migrants in the region remains highly fragmented and is predominantly governed by bilateral agreements (Ramesh, 2014; Cook & Pincus, 2014; Talleraas, 2019; Paul,

2017). This polarization of understanding not only reflects conceptual differences but also serves as an entry point for analyzing the broader political dynamics behind the adoption of global norms into ASEAN's regional policy.

The existing literature has made significant contributions to understanding the mechanisms and technical challenges of social security portability. However, they focus predominantly on practical policy and institutional dimensions. These previous studies tend to concentrate on administrative hurdles and policy design, yet they have largely overlooked the underlying dynamics of norm contestation emerging from the competing political interests between migrant-sending and receiving nations in ASEAN. This divergence of interests, as we argue in this article, generates a fundamental tension that complicates the very formulation of the portability norm. The contestation is clearly manifested in regional documents, such as the 2022 ASEAN Declaration and the 2024 ASEAN Guidelines, wherein the social security portability norm is framed primarily to enhance labor mobility rather than as a full-fledged assertion of human rights. Therefore, in this article, we examine in what way the definition of the social security portability norm for migrant workers in ASEAN is contested.

To analyze the dynamics of these competing political interests, we employ the theory of norm contestation as developed by Antje Wiener (2017). Wiener centers on contestation not merely as a matter of compliance with international norms, but as a process through which global norms are debated, reinterpreted, and implemented divergently, often due to conflicting political interests. According to Wiener, norm contestation theory explains the essential relationship between the 'is' and the 'ought' in global governance (Wiener, 2017). This contestation does not happen without context, but it is deeply influenced by the interactions among actors with various backgrounds and interests.

In the study of International Relations, norms are recognized as shared standards of appropriate behavior among both state and non-state actors in the global arena. Norms create a shared understanding of which actions are considered legitimate or proper in a specific context (Björkdahl, 2002). As Acharya (2004) explains, global norms are not taken in without resistance; they are reshaped to align with regional and national values and interests through what he calls norm localization. In other words, local or regional actors rarely accept global norms as they are. Instead, they filter, adapt, and modify them to align with existing values, cultures, and political and economic interests.

Furthermore, Wiener's theory about norm contestation (2017) grants a broader framework for explaining norms. It not only explains how norms are accepted or rejected and the role of actors, but also underlines contestation and definition. Although not directly developing Acharya's arguments on norm localization, Wiener's approach helps explain how and why norms are contested within the regional environment, yielding effects that diverge from international expectations.

Method

In this study, qualitative methods were employed to address the research questions, with a focus on normative and institutional analysis. This method was selected due to its applicability to analysing intricate phenomena, encompassing institutional dynamics and norm development within international policy (Creswell, 2014). As a component of the research methodology, a literature review is undertaken, a vital step in comprehending prior research and establishing the study's direction. A literature review, as defined by Fink (2005), as cited by Abdulai and Ansah (2014), is a systematic method for researching, exploring, and combining the scientific work of researchers, academics, and practitioners. In line with Hart (2019), a literature review serves several purposes, such as distinguishing current research from previous studies, identifying key variables relevant to the topic, synthesizing information to gain new insights, and establishing relationships between ideas and practices (Zulkifli, 2023). This review aims to understand the context of the topic, strengthen arguments, broaden knowledge, and comprehend the structure of the research.

Meanwhile, the social security portability norm was studied using secondary data from ASEAN documents, revealing conflicting views among member states. Reliance on secondary data is a common practice in policy research and institutional studies, which use official documents to map and understand policy developments within their specific contexts (Yin, 2014). Given this study's emphasis on norm contestation at the regional level, official documents and prior studies are not merely background material. Instead, these sources are used as empirical evidence to uncover competing normative claims and power relations among member states.

The data collection utilized secondary data sourced from two main categories. First, a literature review of relevant academic literature encompassing reputable journal articles, policy reports, and national and international publications. This literature review was used to map conceptual differences, normative developments, and empirical findings related to the portability of social security for migrant workers. Second, the source was official ASEAN documents selected by considering three criteria. First, the documents were normative instruments adopted through an intergovernmental consensus mechanism. Second, the selected documents explicitly addressed the protection of migrant workers and social security, either directly or indirectly. Third, the documents represented key stages in ASEAN's regional approach to protecting migrant workers from 2007 to 2024, enabling analysis of continuity and change in the formulation of normative language over time. Examining ASEAN Documents provides a relevant normative basis for analyzing the development and interpretation of portability norms in the ASEAN context.

The analysis process within this study utilised the Norm Contestation theory, which was proposed by Antje Wiener. This theory is utilised to investigate how global norms are discussed, understood, and modified within the ASEAN regional framework. Newman (2014) notes that research theory is used to investigate problems and offer a conceptual framework for grasping the phenomena being examined. Selecting the right theoretical framework is a vital starting point for constructing scholarly research claims.

Results and Discussion

Analysis of official ASEAN documents, incorporating the 2022 ASEAN Declaration and the 2024 Guidelines on Social Security, reveals a contestation over the understanding of the social security portability norm within the region. The findings of this study reveal that the norm is not uniformly interpreted but is instead divided into two opposing interpretations grounded in two divergent perspectives, i.e. : (1) a normative human rights-based approach, which argues portability as a fundamental rights of migrant worker that needs to be secured internationally; and (2) a pragmatical economic approach, which considers portability as just technical issue of workforce and economic efficiency (see table 1). This polarization of approach not only reflects conceptual understanding but also serves as an entry point for analyzing the complexity of a wider political dynamics behind the adoption of global norms into ASEAN’s regional policy.

Table 1. Positions regarding Social Security Portability as a Human Right

Country Positions On The Portability Norm	Countries
Pro-Portability	Philippines, Indonesia, Vietnam, Cambodia, Laos, Myanmar
Cautious/Reluctant	Singapore, Malaysia
Duality	Thailand
Others	Brunei Darussalam

Source: Processed by the author from multiple references, 2026.

The Interests of Labor-Sending Countries

Concerning labor-sending countries, the implementation of the social security portability norm for migrant workers is a vital concern to guarantee the protection of the social rights of their people working overseas. Migrant workers, who commonly deal with vulnerable working conditions like low wages and restricted social protection, require a mechanism that permits them to obtain their social security rights even when they work abroad (Hall et al., 2011). Their position is grounded in international human rights law and aims to incorporate global norms into the regional context.

The portability of social security for migrant workers encompasses various crucial aspects of social protection, including not only pensions but also health security, work injury, and death benefits. For labor-sending countries like Indonesia and the Philippines, health rights are classified as a primary requirement. It is commonly known that migrant workers often work in vulnerable conditions, with limited wages and restricted access to adequate healthcare (ASEAN Secretariat, 2021). Therefore, sending countries demand that their migrant workers would have access to appropriate health services in the receiving country, given the health risks they face. This insistence has the potential to create transactions in negotiations, because the recipient country bears the fiscal burden of foreign citizens (Hall et al., 2011). However, for Indonesia and the Philippines, this is crucial for negotiation. They argue that the

migrant agreement's exclusion of health insurance contradicts the principle of protection outlined in the ASEAN Consensus (Adiba & Viani Puspita Sari, 2023).

In addition, work injury compensation, along with death benefits, is also an essential element of social security portability. Migrant workers who face workplace injuries or pass away while employed abroad often lack full access to work injury insurance or sufficient death benefits in the receiving country (Wijayanti, 2023). Sending countries view these protections as an obligation of the receiving country to protect migrant workers who have made notable contributions to its economy. Indonesia and the Philippines strive to ensure that their migrant workers receive comprehensive social protection, not only covering pensions but also potential accidents or health risks that may occur during their employment abroad (Sari, 2023).

In this context, providing protection to citizens abroad has become a foreign policy priority for labor-sending countries like Indonesia. It demonstrates the state's commitment to ensuring the safety and welfare of its citizens, regardless of their location. By advocating for social security portability, Indonesia, for instance, signals its role as a responsible state that upholds the rights of its workers and takes active steps to provide comprehensive protection, thereby reinforcing its image as a protector of its citizens' well-being even outside its borders (Adiba & Viani Puspita Sari, 2023). The political struggle is clearly demonstrated by the decade-long impasse between the 2007 Cebu Declaration and the 2017 Consensus. Negotiations stalled for years because Indonesia and the Philippines refused to endorse drafts that excluded undocumented workers and family members, a position directly opposed by Malaysia and Singapore (Gerard, 2018). The Indonesian government confirmed this persistence upon signing the Consensus (Hanani et.al., 2025), stating that Indonesia had fought for the protection of migrant workers and their families throughout the negotiation process to ensure their inclusion (Ministry of State Secretariat, 2017). Philippine officials similarly insisted on rights-based provisions despite resistance from receiving states (Auethavornpipat, 2019). Ultimately, the 2017 document represents a pragmatic compromise: although sending countries succeeded in retaining 'social security' on the agenda, the agreement adopted a conditionality clause in Article 9. This clause subjects all rights to 'national laws and policies' (ASEAN Secretariat, 2017).

In this context, Laos, Cambodia, and Vietnam, despite having smaller numbers of migrant workers compared to Indonesia and the Philippines, equally continue to advocate for the rights of their migrant workers (Sundrijo & Safitri, 2023). Myanmar, despite its complex political situation, also has a significant number of migrant workers, particularly in neighbouring countries like Thailand. For Myanmar, social security portability is not just an economic issue; it is also a symbol of the recognition of migrant workers' rights in the context of its domestic human rights struggle (Myanmar News Agency, 2024). Consequently, Myanmar urges ASEAN countries to accept social security portability as a fundamental right for migrant workers. Brunei Darussalam prefers to take a neutral position or to have no clear political stake in this contestation. As a country with a relatively small number of migrant workers, Brunei Darussalam prefers not to be directly involved in the debate on social security portability in ASEAN. Participation in the national social security fund in Brunei Darussalam is only permissible for workers with permanent resident status (Srinivas, 2021).

Table 2: Social Security Benefits for Migrant Workers in ASEAN

Social Security Benefits	BN	ID	CA	LAO	MA	MM	PH	SG	TH	VN
Old-Age		Yes	Yes	Yes			Yes		Yes	Yes
Invalidity		Yes	Yes	Yes			Yes		Yes	Yes
Survivor		Yes	Yes	Yes	Yes		Yes		Yes	Yes
Medical		Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes
Sickness	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Maternity	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes
Work Injury	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Unemployment				Yes			Yes		Yes	
Family							Yes		Yes	

Source: ASEAN Secretariat, 2024.

Note: BN (Brunei), ID (Indonesia), CA (Cambodia), Lao (Laos), MA (Malaysia), MM (Myanmar), PH (Philippines), SG (Singapore), TH (Thailand), VN (Vietnam).

In Conclusion, the sending countries are concerned with extending the scope of social security for their migrant workers to cover more benefits compared to receiving countries, which tend to be more cautious in providing broader social protection to migrant workers. The normative argument of the sending countries can be synthesized as follows: Social security is a universal and inalienable human right that is inherent to the individual worker, not to the geographical location of their employment. To advocate for social security portability is to promote fair and equitable treatment in line with international standards (HRWorld, 2025). These positions illustrate how labour-sending countries such as Indonesia and the Philippines trying to translate global human rights norms on social protection into concrete policy demands at the regional level, particularly in negotiations with major receiving states.

The Interests of Labor-Receiving Countries

Presenting a competing ideology, labor-receiving countries frame social security not as a universal human right, but as a negotiable, employment-related privilege. Their approach prioritizes state sovereignty, non-intervention, and national law as the supreme authority (Doyle, 2014). This principle is familiar as it is reflected in the ASEAN consensus and the ASEAN Way, which indicates that the normative contestation over social security portability in ASEAN is still dominated by labour-receiving countries. Wiener (2017) explains this as a form of power in normative contestation, where the political and economic power possessed by certain actors influences decision-making outcomes.

Migrant-receiving countries have a primary interest in keeping labour costs low and using social policy as an instrument of immigration control to prevent permanent residency. Another key interest is safeguarding fiscal sovereignty and domestic policy from external intervention (Goh, C., Wee, K., & Yeoh, 2017). This is evident in the specific policy designs of major destination countries, which serve as the empirical basis for their refusal of binding portability. For Singapore, the foundation of its policy is the explicit exclusion of foreign workers (those without Permanent Resident or PR status) from its national social security

system, the Central Provident Fund (CPF). The CPF Act clearly states that contributions are mandatory only for Singapore Citizens and PRs (Board, n.d.). This exclusion is not an oversight but a fundamental policy choice. The Singaporean government also faces significant domestic political pressure related to job competition, population density, and the use of public resources. Maintaining a clear distinction in social rights and benefits between citizens and foreign workers is, therefore, a political necessity (Wang, 2024). Similarly, Malaysia reflects this stance through a selective adoption of norms, strictly prioritizing economic utility over universal rights. As indicated in Table 2, the state provides Work Injury coverage to sustain immediate workforce productivity but maintains limited and differentiated access to old-age protection (EPF), reflecting concerns over long-term fiscal liability. In practice, this approach has placed receiving countries such as Malaysia and Singapore in direct tension with labour-sending states, as efforts to preserve fiscal sovereignty and labour market flexibility constrain the recognition of portability as a rights-based obligation.

Thailand's Strategic Ambiguity

Amid the polarization between the sending and receiving blocs, Thailand's position is unique, given that it served as a country of origin, a destination, and a transit country for migrants (Kaur, 2010). This triple identity represents three different interests, which further naturally create internal policy debates and contradictions. On one hand, there is a strong impetus to protect the rights of Thai workers employed abroad. This interest naturally aligns Thailand with principles such as equal treatment and portability of benefits, as its own citizens stand to gain. As a sending country, Thailand stands to benefit from arrangements that facilitate continuity of protection for its own migrant workers. Formally, Thailand's social security system, through its Social Security Fund (SSF), is more inclusive than Singapore's. Legally registered foreign workers are entitled to become SSF members and receive the same benefits as Thai workers, including sickness, invalidity, death, child allowances, old-age pensions, and unemployment (G. Pasadilla & Abella, 2012).

Thailand seeks to balance its triple roles and facilitate regional and sub-regional dialogue. Thailand has been careful not to translate this inclusiveness into a firm regional commitment to social security portability as a binding right. Rather than advocating enforceable obligations, Thailand has positioned itself as a facilitator of dialogue and technical cooperation. This is evident in its active involvement in ASEAN meetings and initiatives on migrant social protection, often conducted in collaboration with international organizations such as the ILO (ASEAN Secretariat, 2021). These efforts focus on information-sharing, coordination, and confidence-building, rather than the establishment of binding regional standards. Ultimately, Thailand's active facilitation of dialogue, while simultaneously managing its own complex domestic interests, perfectly embodies the strategic ambiguity that makes it a pivotal actor in this regional contestation.

The Arena of Contestation: A Deliberate Compromise on Social Security Portability in ASEAN

The ASEAN documents addressing social security portability for migrant workers should not be seen as implementation failures, but rather as products of a deliberate political compromise. This process does not signify the successful localization of global social security norms, but rather indicates ongoing contestation of norms, where rights-based interpretations are acknowledged in theory but limited in practice. ASEAN's approach to formulating protections for migrant workers is marked by a series of documents that, despite becoming progressively more specific, consistently maintain a non-binding character and an absolute deference to national sovereignty. The development, i.e., from general declarations to more detailed consensuses, and eventually to technical guidelines, does not demonstrate a consistent enhancement of commitment. This result is firmly grounded in complicated deal-making interactions and ASEAN's primary diplomatic principles, which favor consensus and non-interference over binding legal enforcement (Gerard, 2018). Ultimately, these documents facilitate the economic benefits of controlled labor mobility while diminishing human rights duties to the principle of national sovereignty. Key features, including the economic framing of social security and the strategic ambiguity of non-binding agreements, are the deliberative results of a contestation between the political interests of the labor-receiving country and the protection agenda of the labor-sending country (Auethavornpipat, 2019).

The main characteristics of ASEAN's regional norms are that they are not legally binding. An analysis of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers, in this case, reveals the repeated use of subordination clauses like "in accordance with the national laws, regulations, and policies of the receiving state." That phrasing provides the receiving countries with substantial authority to define, limit, or abolish migrant workers' rights through national law. This hierarchy of priorities is further exposed through a discourse study of how these documents frame human rights against economic contributions. Human rights are consistently shown in aspirational, non-binding language using phrases like "promoting" decent and humane work, indicating goals to be pursued instead of duties to fulfill. On the other hand, the ASEAN Guidelines on Portability of Social Security Benefits for Migrant Workers explicitly highlight how migrant workers "fill labor gaps, stimulate economic activity, and enhance productivity." This ambiguity grows even clearer when comparing ASEAN documents to global standards such as the ILO Convention. While the ILO defines portability comprehensively to include all social security branches (health, old-age, work injury, etc.), ASEAN has refrained from establishing a common operational definition.

The gap between global and regional norms stems from an imbalanced power contest, where political-economic interests and national sovereignty dominate the principle of portability of social protection. Historically, ASEAN was not founded with the primary goal of protecting human rights, but as a political alliance to maintain regional stability against the threat of communism (Ciorciari et al., 2012). The principles of non-intervention and consensus-building, central to the ASEAN Way, have cultivated a regional political culture that fiercely protects national sovereignty. This institutional DNA dictates the negotiation process for any

regional document. According to former ASEAN Deputy Secretary-General Michael Tene, every document for adoption must be circulated to all ASEAN Member States (AMS) for corrections, input, and approval (Michael Tene, personal communication, May 28, 2025). This circulation process is where the contestation and negotiation over norms, including social security portability, take place. Consequently, the norm is never explicitly rejected but is instead modified or its implementation is indefinitely postponed through non-binding instruments.

The contestation over the modification of norms is particularly evident in the debate surrounding social security portability, where the interests of two distinct blocks of ASEAN member states are in tension. Key destination countries, including Malaysia and Singapore, accommodated more than 7.1 million international migrants in 2019, predominantly from within the ASEAN region (ILO, 2022). With regard to social security, these states are incentivized to restrict the application of binding portability norms, which would entail new legal obligations and diminish their policy flexibility in governing foreign workforces. In contrast, principal sending countries such as Indonesia and the Philippines firmly push for the adoption of such norms to safeguard the welfare of their expatriate workers.

This dynamic, analysed using Wiener's theory of norm contestation, illustrates a process of meaning negotiation among actors with varying power levels. Norms are not rejected outright, but are instead shaped through a process of reframing to accommodate non-binding regional policies. In the formulation of policies and norms, differences in power and interests are inherent (Hurd, 2016). Consequently, its implementation in ASEAN, therefore, depends heavily on each country's power, political agenda, and domestic interests.

Despite the imbalance power relations, sending countries actively engage in what Wiener (2020) refers to as "proactive contestation". This is an effort to critically engage with a norm, aiming to clarify its meaning or agree on limited implementation. The ASEAN diplomatic process, which results in non-binding declarations, is a classic example. Sending states push for rights-based language, while receiving states ensure the inclusion of clauses protecting their sovereignty. The outcome is a compromise where the norm is rhetorically acknowledged, but its legally binding implementation is deferred. A key strategy for this is leveraging the ASEAN chairmanship. For instance, the Philippines initiated the 2017 ASEAN Consensus, Cambodia adopted the 2022 Declaration on Portability, Indonesia facilitated multi-stakeholder dialogues in 2023, and Laos issued the 2024 Guidelines. Through these initiatives, sending states strategically advance the norm, ensuring it remains on the regional agenda even if its full realization is constrained by the region's political realities.

This institutional process is shaped by an asymmetrical tug-of-war between labor-sending and receiving states. Receiving countries do rely on migrant workers to fill labor shortages. However, for sending countries, labor migration is crucial for addressing poverty and unemployment (Basir, 2020). This transcends economic considerations and further creates a political power hierarchy. With exclusive control over labor market access, receiving states hold dominant bargaining power to formulate policies that prioritize domestic interests, including on the issue of social security portability (Asis & Maningat, 2022). In conclusion, the adoption of social security portability norms in ASEAN cannot be separated from the

asymmetrical power relations among its member states. These differences in power and interest directly influence how a norm is interpreted, negotiated, and implemented. This is why the application of norms is often uneven and highly dependent on the political will of each country. This political tension is empirically reflected in ASEAN's preference for non-binding declarations and guidelines, which accommodate divergent state interests without imposing enforceable regional obligations on receiving countries.

Conclusion

The debate over social security portability in ASEAN reveals a complicated situation where global norms clash with established regional political circumstances. The regionalization of norms within ASEAN often leads to interpretations that diverge significantly from international standards, at times even diminishing the essence of the norm itself. As a result, global norms embraced by ASEAN are generally inherently compromising, strategically ambiguous, and favor political consensus over full adherence to universal principles. Although this norm has been acknowledged in various international agreements, including the ICESCR and ILO Convention, and has secured a place in official ASEAN documents, in reality, its interpretation and enforcement remain widely different among the member states.

Using Antje Wiener's theory of norm contestation (2017), we conclude that the obstacles to the full implementation of these global norms are not simply due to legislative gaps. Instead, they arise from divergent interpretations and competing priorities among state actors. Wiener's theory reveals that international norms are not adopted passively, but they also become the focus of active political battles, starting from their meaning. The discussion on social security portability is a clear manifestation of this. The substance of this norm is constantly influenced in a dynamic environment of political negotiation. This contestation leads to a key paradox: ASEAN adopts a human rights framework that is recognized globally, yet it also yields to national sovereignty through flexible and non-binding interpretations. Thus, the implementation of the norms was fragmented and inconsistent in the region. Its success depends on the political will of distinct countries. The primary challenge for the social security portability norm in ASEAN lies not in its official presence within documents but in the far more difficult task of building real and fair agreement on the norm's essential significance.

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