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How unpopular policies are made

Examples from South Africa, Singapore, and Bangladesh

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Abstract: In this paper we consider four factors that shaped the development of migration policy intended to protect the rights of vulnerable migrant women. They are: the role players in the policy change process, the debates that shaped the policy change, the role that research played and the political context in which the policy change took place. Based on case studies from Bangladesh, South Africa, and Singapore, we trace the drivers of policy change in these contexts and how the gendered vulnerability of the intended beneficiaries impacted the policy process. Our research showed that policy development is shaped by complex socio-political conditions. Understanding these conditions can help to make policy change advocacy more effective and contextually relevant.

Keywords: migration policy, migrant domestic workers, trafficking, 3-Is framework, advocacy coalition framework, process tracing

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1 Introduction

In recent years migration policy-making has emerged as a field of specialist knowledge (Collinson, 1993; Guiraudon, 2000; Betts, 2011). Within this emerging literature, there are two omissions that this paper contributes to addressing. Firstly, while some work has been done on gender dynamics in migration governance (for example, Oishi, 2005), the scope of this has been limited (Piper, 2006). Overall, in spite of gendered policy-making being a well-developed field outside of migration studies (see for example, Swers, 2013; Ball, 2012), scholarship on migration policy-making has been slow to attend to gender in the policy process. Secondly, much research on migration policy to date has been done in Europe and North America. This research has led to the development of useful theories and frameworks on how and why specific policies are made. Examples of these include Sabatier's Advocacy Coalition Framework (ACF) (2014) and research on how global norms affect national policy-making (Betts and Orchard, 2014; Risse et al., 1999, see also Birkland, 2014). However, there remains a lack of information and theorizing on how policy is made and implemented in postcolonial contexts (Piper, 2006), with some authors identifying a 'theoretical lag' and empirical lacuna in Asia (Asis et al., 2009). Given that political and legislative arrangements differ dramatically in different country contexts, as do social norms and public expectations that drive policy change, evidence from more diverse contexts can benefit the development of these frameworks.

In this paper we consider four factors that shaped the development of migration policy intended to protect the rights of vulnerable migrant women. Based on case studies from Bangladesh, South Africa, and Singapore, we trace the drivers of policy change in these contexts and how the gendered vulnerability of the intended beneficiaries impacted the policy process. Our research showed that policy development is shaped by complex socio-political conditions. Understanding these conditions can help to make policy change advocacy more effective and contextually relevant.

We employ the method of structured comparison to study three policy processes, conducted by the Refugee and Migratory Movements Research Unit (RMMRU) at the University of Dhaka in Bangladesh, the Asia Research Institute (ARI) at the National University of Singapore, and the African Centre for Migration & Society (ACMS), at the University of the Witwatersrand in South Africa. All three case studies employed the qualitative method of process tracing to map out the roles of key actors and institutions in influencing the policy under investigation (for more detail see Koh et al., 2016, De Gruchy and Palmary, 2016 and Ashraf, 2016). Through a thematic and comparative analysis of all three studies, four common factors emerged as key to shaping the policy-making process in the three countries, albeit with varying impact and nature. We propose that by paying attention to these aspects of policy-making, researchers and advocacy organisations will be able to better understand, influence, and predict policy-making in similar postcolonial contexts.

2 The case studies

The findings from Bangladesh are based on a case study on the Domestic Workers Protection and Welfare Policy (DWPWP), which was approved by the Bangladeshi government in 2015 (see Ashraf, 2016, for further details). While Bangladeshi activists have championed the rights and protection of domestic workers since the 1970s, concerted advocacy for domestic workers began in 2006 when they were excluded from the Labour Act of that year. Most domestic workers in Bangladesh are young women, often under the age of 18, who migrate from rural to urban areas

in search of employment. The vast majority take up work that involves living in the home of their employer, which potentially exposes them to long working hours, high levels of abuse, and acts as a barrier to workers being able to access help or mobilize. In many cases, domestic workers are relatives of their employers which makes the relationship between work and family obligation complex as we will go on to describe.

The case study for Singapore investigated the mandatory weekly day off policy for foreign domestic workers introduced by Singapore's Ministry of Manpower (MOM) in 2012 (see Koh et al., 2016 for a fuller account). Singapore, a country with an ageing population, a high rate of formal employment for both men and women, and a growing proportion of dual-income families, is largely reliant on transnational, feminized migrant labour to fill the care deficit for the elderly and the young in the domestic sphere. Excluded from Singapore's main labour law, the Employment Act, state policies have also ensured that foreign domestic workers – women recruited mainly from less developed countries in the region such as Indonesia, the Philippines and Myanmar – are regulated as a transient workforce via a system of renewable two-year work permits that preclude permanent settlement, marriage to Singaporean citizens and permanent residents, pregnancy and giving birth in Singapore. This creates a context in which there are significant concerns about the human rights and welfare of migrant women working in the privatized domestic sphere, leading civil society groups to focus advocacy work on campaigning for a better protection for these workers.

The South African case study is based on research into the Trafficking in Persons Act, which came into effect in 2015 (for the full report see De Gruchy and Palmary, 2016). South Africa signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol) in 2000, and ratified it in 2004, at which point concerns about the country as a place of 'origin, destination and transit' for trafficking were gaining momentum. Throughout the early 2000s, organisations and individuals were mobilized by claims of vast numbers of women and children being trafficked for purposes of sexual exploitation. However, it was only in the build up to the 2010 FIFA World Cup held in South Africa that Parliament started to deliberate a Bill to specifically target trafficking, amidst concerns that women would be trafficked for sexual exploitation during this major sporting event (Bonthuys, 2012).

3 The context in which policy is made: what policy and for whom?

The three case studies showed that the drivers of policy change were shaped by the type of policy being made and its intended recipients. Most significantly, in all three case studies, the policy had visible gendered contours and was intended to impact on a group of women deemed vulnerable. This gendered vulnerability of the policy focus had three main consequences that were common across the case studies.

Firstly, policies offering protection or additional services for migrants were often 'unpopular' policies among the electorate and citizens. Congruent with other research done on this matter, citizens and policymakers often adopted 'deservingness' frames to construe political attention and resources as being unfairly redistributed towards migrants (see, for e.g., Chauvin and Garcés-Mascareñas, 2014; Holmes and Castañeda, 2016; Yoo, 2008). In this context, the protectionist nature of the policy cannot be divorced from the control and regulation approach adopted in most migration policy formulated in view of securitization. Indeed, as other authors have noted, protection and regulation often slide into one another (see, Dunn et al., 2010 for illustrations). This ambivalent tension between the vulnerability of the intended beneficiaries of the policy and the presumed risks that they bring to the host society is one that has shaped the nature of the

advocacy messages. In other words, migrant rights have not been a popular cause in any of the three countries, where, as we will show, notions of protection were frequently trumped by concerns about creating security risk or financial burdens for the state.

Secondly, across the case studies, the gendered nature of the policies was evident in the debates that took place. These included debates about whether women's domestic labour constituted work at all as well as a moral emphasis in the discussions. In addition, the marginalized nature of the policy beneficiaries meant that their own voices were largely absent from the policy debates. These points are fleshed out in more detail below. It will suffice to say that gender and vulnerability were contextual factors that shaped the policy process.

4 Methods

In all three studies, process tracing was the overall method that was used. Defined by Collier (2011) as 'the systematic examination of diagnostic evidence selected and analysed in light of research questions and hypotheses' (p. 823), process tracing is a qualitative method through which claims can be made about the social and political phenomena that influence policy-making. In the case studies, documentary analysis and key informant interviews with identified stakeholders were used to inform stakeholder mapping and, ultimately, process tracing. Once initial stakeholders had been identified through documentary analysis, snowball sampling was used to identify appropriate key informants involved in the policy process. The use of both documents and interviews acted as data triangulation. Stakeholder mapping then allowed researchers to isolate who the key actors were in the process and what institutional mechanisms they used to mobilize policymakers (Hesse-Biber and Leavy, 2011).

5 Findings

In this section we propose four drivers of policy change in the three case study contexts. We argue that the focus of these policies on gendered vulnerability influenced these four drivers of policy change. The drivers we describe below are: 1) which role players were involved. Here we consider the relative influence of different groups including international actors, local civil society, the impact of coalitions and civil servants. 2) the debates that emerged. 3) the role of research and what kinds of knowledge and research influenced the policy and 4) the political context in which the policy change occurred. We show that each of these drivers played a part in propelling change but in deeply contextualized ways and we argue that attention to these policy influencers can be used by those advocating for or developing new policy to have a greater impact on the process.

5.1 The role players involved in policy change?

In each of the case studies the actors involved in making and shaping policy were a complex mix of international and local actors. In keeping with other approaches to process tracing, we map out these stakeholders in this section (Gauvin, 2014).

International actors

One of the commonalities across all the case studies was the role of international actors in the policy-making process (see also Krut 1997; Keck and Sekkink, 1999 for more). This influence was very particular in that, in all three cases, there had been some attention to the issue from local organisations and civil society groups for a very long time prior to the policy change. However,

the introduction of international pressure both increased the speed of policy development by the state and created heightened public debate on the topic through campaigns and lobbying. In this way it can be argued that international pressure played the role of catalyzing change, or providing what the ACF calls an 'external perturbation or shock' (Jenkins-Smith et al., 2014).

In the case of Singapore, the abuse of domestic workers and advocating for a 'Sundays off' had been on the agenda of NGOs since 2003. However, a Human Rights Watch report (Human Rights Watch, 2005) that brought international spotlight on the exploitation of migrant domestic workers in Singapore, the demotion of Singapore to the Tier 2 Watch List in the United States' Trafficking in Persons (TiP) Report in 2010, and source countries' increasing demand for better employment conditions for their overseas workers acted as a catalyst for policy change. In the South African case, the catalyst was also a combination of being demoted to the Tier 2 Watch List in the TiP report (in 2005) and the build up to South Africa hosting the FIFA World Cup, which brought with it increasing anxiety around a presumed increase in trafficking during major sporting events (Bonthuys, 2012). In the Bangladesh case, the catalyst was the exclusion of domestic workers (as well as other informal workers) from the Labour Act (2006), which sparked frustration among rights groups and galvanized advocacy. For both South Africa and Singapore, the connection of the campaigns to international counter-trafficking interventions was significant for its ability to draw on pre-existing definitions of the problem and debates. For example, South Africa's concern that the World Cup would bring with it an influx of trafficking victims echoed concerns from previous major global sporting events, to the extent that the numbers of potential victims put forward by civil society ahead of the event was the exact number used prior to the FIFA World Cup in Germany in 2006 (Bonthuys, 2012).

Thus, it can be argued that, whilst international pressure does indeed play a role in policy change, it was not a singular determinant of it, nor was it responsible for putting the issue onto the policy-making agenda. Rather, international pressure played the role of catalyst in a context where there were already local NGOs and activists working on an issue. This does not necessarily suggest a close working relationship between local NGOs and international organisations, and, in fact, this relationship varied a great deal across countries. In South Africa some members of the anti-trafficking coalition did indeed work closely with international organisations or were part of them. However, in Singapore there is a great deal of social and state skepticism towards the 'foreign influence' of international organisations. This led to local civil society organisations selectively eschewing explicit alliances with international organisations in order to retain their credibility.

Furthermore, countries' international reputations acted as a driver of policy change in a context where the focus on gendered vulnerability meant potential reputational damage for a country. For example, in Singapore, forces of international pressure came not only from global bodies such as the UN but also from the embarrassment of being portrayed in international media outlets as uncivilized and backward. In South Africa, key informant interviews suggest that the country's image as a beacon of human rights protection on the continent meant that the demotion to the Tier 2 Watch List was a particular global embarrassment thus galvanizing policy change. In all three countries, a concern with international reputation was mentioned as a reason for why policy was developed. It is frequently assumed in the literature that global advocacy pressure results in positive change for migrant workers at local and national levels. Indeed, in all three cases the motive of international organisations was to protect vulnerable groups. However, the assumption that issues framed as human rights issues, and supported by international civil society, are 'good' and 'progressive' meant that many of the claims made by civil society were not critically interrogated (see for example, Risse et al. 1999, and Betts and Orchard, 2014). For example, in the South African case it was argued strongly by some human rights organisations that trafficking legislation might be deflecting attention from more broad-based labour protections that are needed

in the country, and that the legislation may result in increasing human rights abuses against sex workers.

International Conventions and treaties are often recognized as providing leverage for NGOs when advocating for human rights. However, ratification of a Convention can mean very little when it comes to its implementation (Betts and Orchard, 2014). The three case studies in this report exemplify this. For example, whilst South Africa did ratify the Palermo Protocol as early as 2004, it took a further 11 years for national policy to be implemented even though national policy is a requirement of the Protocol. On the other hand, neither Bangladesh nor Singapore ratified C189 when it was published in 2011 on the understanding that they could not commit to implementing its provisos. This indicates the tenuous relationship between Convention ratification and the actual implementation of the rights promoted and protected by the Convention. It further suggests that there are national norms that shape what signing Conventions means symbolically.

Local actors: who influences policy change?

In all three case studies, the actual women for whom the policy was being developed were largely absent from the policy development processes and debates. The degree of and reasons behind this absence varied. For example, in Singapore, domestic workers were involved mainly as part of state-led focus groups in the build-up to the implementation of the day-off policy. The absence of migrant domestic workers from advocacy debates is due to a confluence of reasons: foreigners are barred from promoting political causes in Singapore under the Public Order Act and are punished with deportation and incarceration when they go on strike or make any other kind of 'political' gesture (Sim, 2015); migrant domestic workers enter Singapore on a visa under which conditions they can be repatriated at will, rendering workers wary of explicitly participating in a political process which might result in deportation; and an additional host of other regulatory policies that render migrant women neither 'seen' nor 'heard' (Yeoh and Annadhurai, 2008). In the South African case no trafficking victims were involved in the policy process in any way. Nevertheless, in all three cases, men and women, who were significantly more powerful than the group that the policy was intended to benefit (on the basis of economic and other resources at their disposal and their citizenship status) largely advocated for and developed the policy. This had a notable impact on the nature of the messages that circulated in the advocacy and, to return to the 3-Is framework, the ideas that were dominating the debates; a point we return to in the next section. For example, it meant that the difficulties faced by employers became a dominant debate in the Singapore case – far more than the concerns of domestic workers. In the South African case, images of young women and children, with accompanying text indicating that the person in the picture could be someone you loved, were evoked to show the horror of trafficking. Most significantly it shows that policy can be made with very little input from the groups it is intended to impact.

Coalitions

In all three cases, at the moment when the policy process began in earnest, NGOs and other interested parties formed coalitions. In Bangladesh, the Domestic Workers Rights Network (DWRN) emerged in 2006 and comprised 11 national trade unions and eight NGOs who focused on labour rights and domestic worker rights. In Singapore, the coalition was somewhat smaller, but consisted of three key NGOs which launched the day-off campaign. In South Africa, starting in 2004, various NGOs, some of which already had a long history in South African civil society, started to mobilize around trafficking. Whilst there was a definite affinity between NGOs, it was only in 2011 that the National Freedom Network (NFN) was founded and an active coalition of anti-trafficking campaigners formed.

Although being pro-trafficking or in favour of the abuse of domestic workers was not a position taken in any of the cases, there were nevertheless groups that objected to the specifics of the policy in question. In Bangladesh, the objection came from the Bangladesh Employers Federation (BEF), whose primary concern was that the policy was unrealistic given socio-economic conditions and the inability of employers to pay more for domestic help. A similar argument was put forward in Singapore, in which the private family unit (including migrant domestic workers), instead of public institutions, is expected to manage the work and the expense of round-the-clock care (Yeoh and Huang, 2009; Teo and Piper, 2009). In South Africa, dissenting arguments were that the nature and extent of trafficking was unknown and that much of the information informing policy development was incorrect. Thus, there were significant lobby groups contesting the form and content of the policy if not the principle.

There is one clear advantage to NGOs forming coalitions that was evident in these case studies: coalitions allowed NGOs to work on different phases of the policy change depending on their particular skills. Organisations with legal expertise were able to have an impact on the draft legislation, while service-oriented organisations with experience in providing direct services to migrant workers, and advocacy-oriented organisations well-versed in fostering 'transformative' civil society spaces, bring other strengths to the coalition (Yeoh and Annadhurai, 2008). For example, the DWRN in Bangladesh has extensive experience working with government and in policy development. In 2008, they met with the Secretary of Labour and were tasked with developing a domestic workers' code of conduct, which the Labour Ministry then revised in keeping with existing laws. This was the foundation of the DWPWP. Even within this coalition, organisations such as the National Bangladesh Women Lawyers Association and the Bangladesh Legal Aid Services Trust were able to play a more central role in the drafting policy than other organisations due to their expertise and experience.

Civil servants

Civil servants themselves carry a number of complicated subjectivities into the process of policy-making: beyond their office, they occupy a number of different roles and positions. Additionally, they interpret and translate the rhetoric and meaning of governmental agendas policy-making in ways that are varying, relational, and complicated (Lipsky, 2010). In the South African case, one of the Members of Parliament (MP) who was involved in the Parliamentary Committee tasked with developing the Act, was an active member of the anti-trafficking movement. In Singapore, the driving impetus behind the weekly day-off policy was to create legislation that reflected what civil servants viewed as 'broad social consensus' rather than the agenda of a 'niche' group, resulting in a concessionary day-off policy tempered by a 'buy-out' clause. In Bangladesh, there were civil servants who advocated for the passing of the DWPP. However, key informants in the research also referred to an 'invisible force' shaping policy-making, namely the bureaucrats who employ domestic workers and therefore had an investment in limiting their rights. In addition, MPs and bureaucrats were able to undermine some of the evidence that NGOs confronted them with by questioning the NGOs' motives. For example, there were concerns in the South African case study, in particular, that NGOs had alternative financial motives that might influence the data they presented to the state. MPs argued that NGOs' own funding rested on trafficking being a big problem and, therefore, their motivations may be self-interest rather than the rights of a vulnerable group.

5.2 The debates that emerged

In all three of the case studies, the central messages used for advocating for policy change were shaped by gender.

As a consequence of the focus on gendered vulnerability, the resulting public debates about the policy were framed by concerns over the morality of the intended beneficiaries of the policy. This phenomenon, observed across all three countries, resonates with research around moral panics (Cohen, 1980; Critcher, 2008). Moral panics invariably turn conversations about groups of people who deviate from normative social practices (for example by selling sex) away from being about their protection or inclusion in society and towards identifying and eliminating their perceived deviance. In the South African case study, much of the debate on trafficking centred on women in sex work, in spite of there being many other potential trafficking victims. The moral focus of much of the debates was exacerbated by the fact that several of the awareness campaigns were led by religious organisations whose anti-sex work position was shaped by their moral and ethical stance against recognizing sex work as legitimate work. In the case of the day-off policy in Singapore, there were concerns that if female domestic workers were given a day off they may use that time to act in inappropriate and 'immoral' ways such as 'falling pregnant'. In this way, the gendered nature of the policy meant that the debates set up migrant women's rights in conflict to social norms or morality, and the resultant policy was shaped by a broad discourse on appropriate gendered behaviour as much as one regarding the needs and rights of female workers.

In addition, the gendered nature of the policy resulted in debates about the nature of women's work and whether it constituted 'real' work. In Bangladesh, the fact that domestic work arrangements are frequently made between and within families means that they are popularly construed as a domestic rather than an employment arrangement. In Singapore, importing feminized domestic and care labour into the home further ossifies the gendered household division of labour despite the increasing participation of Singaporean women in the formal labour force. In this gendered mode of labour substitution, domestic work is typically considered 'women's work' and not 'real work'. In this vein, until five years ago, the Singapore government had rejected calls to prescribe minimum employment terms and conditions for domestic workers for fear that this would inevitably lead to 'rigidities and inconvenience' for many families (Migrant Forum in Asia, 9 March 2006). Similarly, the discussions surrounding the Trafficking Act in South Africa were constantly framed by debates about the sale of sex and whether selling sex could ever be construed as 'real' work. This took place in a context where there was significant activism aimed at decriminalizing sex work which argued that sex work was unlike any other form of paid labour. Therefore, each of these policies focused on policymaking where the appropriateness of state regulation was questioned on the basis of the view that such labour was deemed personal. For the two case studies on domestic work, there were extensive debates regarding whether and what kinds of domestic work actually constitute work and should thus be entitled to legal protections and, given the 'unique nature of domestic work' (Koh, et al., 2016), what role the state should play in regulating domestic work. In the case study on trafficking in South Africa, the debates were often conflated with debates around the nature of sex work, whether it can be considered work, and whether it should be legal or illegal, formal or informal.

Importantly, the case of Bangladeshi domestic workers, the focus was predominantly on internal domestic workers moving from rural to urban areas, while both of the other case studies focused on international migrants. It is significant to note that this did not affect the gendered vulnerability discourse so evident in the policy-making process. In other words, the debates on morality labour and gender were similar regardless of whether the policy beneficiaries were international or internal migrants. This is not to say that migration status did not matter at all and, in the case of Bangladesh, it is noteworthy that the Domestic Workers Protection and Welfare Policy explicitly excluded international migrants.

Those who argued against the policy, or specific aspects of it, were typically concerned that implementation would not be feasible or would be too expensive. In South Africa, the Department of Home Affairs in particular was anxious that the trafficking definitions not be broad enough to

allow a 'back-door' for economic migrants to enter the country. In Bangladesh there was an emphasis on the policy being impractical because of the additional expense that employers would incur. In the Singapore case, the concern was that employers would be unable to cope without domestic workers given their reliance on them for subsidized care. Thus, given that the population groups that the policies intended to protect were largely unskilled and transient, there were extensive debates that focused on the economic costs of their presence in a city or country as well as the 'burden' they constituted for the state and citizens.

In all cases concessions were made by the coalitions. For example, in Bangladesh the policy was passed, but without reference to registration of domestic workers, minimum wages, or employers' responsibility for education and skills training. In addition, the policy excludes international domestic workers. In Singapore, the concession was that employers and domestic workers could mutually agree to pay extra in lieu of a day off if they so wished; however, since workers are saddled with high loans at the beginning of their contracts and lack bargaining power vis-à-vis employers and agents, this negotiation—meant to be neutrally conducted—is often in reality weighted against the workers' interests. In South Africa, there was a decision that the Department of Social Development would be responsible for determining whether someone was indeed a victim of trafficking (rather than relying on the victim's account) and, therefore, whether they were entitled to apply for asylum or obtain state support. Thus, although opposing positions were taken, concessions were a reality in the creation and implementation of the policies. In all cases policy change could only take place by providing some degree of reconciliation between the proponents and opponents of the policy change.

5.3 The role of research

Research was used by advocacy coalitions and policy makers to effect change albeit in ad-hoc and occasionally problematic ways. In each country, a number of studies had been conducted on the topic in question. In Singapore, for example, Human Rights Watch released research on the abuses faced by domestic workers in 2005. Similarly in Bangladesh, local NGOS that were members of the DWRN conducted research that highlighted the abuses faced by domestic workers. In South Africa, there were key studies which focused on the extent and nature of trafficking, particularly one commissioned by the National Prosecuting Authority which was explicitly intended to guide the policy process (Human Sciences Research Council, 2010).

There are three noteworthy lessons about the way research was used for policy change. Firstly, the research was often questioned and contested. For example, in Singapore, the then-Minister of Manpower secured an interview on the BBC to argue that the Human Rights Watch report misrepresented and exaggerated the extent of 'maid abuse' in Singapore, and that the standards of research were flawed (Mulchand, 2005). These debates about the credibility of research were perhaps the most intense in South Africa. There was no doubt that some of the research (including that commissioned by the National Prosecuting Authority) was extremely flawed and there was some doubt about whether any research had in fact been done or whether popular mythologies had simply been written in the form of research. On two occasions Africa Check (an organisation that checks the accuracy of claims made, particularly in the media) has dismissed the numbers of trafficking victims cited as unestablished[1]. In response, organisations producing some of this research argued that those challenging it were denying trafficking. Similarly, in response to civil society research reports and statements about the injustices faced by migrant workers, the Ministry of Manpower often quotes a government survey which finds that 'nine out of ten foreign workers

[1] See https://africacheck.org/reports/are-30000-kids-trafficked-into-south-africas-sex-trade-every-year-the-claim-exaggerates-the-problem/

are satisfied in Singapore' (Ministry of Manpower, 2014), hence pitting a formulation of knowledge against another and declaring a particular source more authoritative. In this way debates about what constituted credible research were frequently contested and debated. Often the form that this contestation took was to question the motives of those producing the research suggesting they were biased.

Beyond questioning the credibility of NGO-produced research, policy makers, however, were remarkably passive in their consumption of research. Respondents in the South African case study noted that they did not seek out research when developing policies due to budget constraints. Rather, they relied on researchers coming to them with findings. In spite of this, respondents did value research and were eager to have more sound evidence on which to base policy-making. This suggests that there is a clear role for researchers if research can be used to influence the nature of the debates. Our findings thus suggest that in these contexts research was not a primary driver of policy change but, once a policy course had been established there was scope for research to have an impact.

5.4 The political context

The political context emerged in all three case studies as an important shaper of the policy process. What is noteworthy from all of the studies is that the policies took almost a decade to develop. In most instances the topic for policy development was initiated, but then was not developed further until a catalyst, for example international pressure as discussed above, emerged. Government officials in Bangladesh attributed this to the fact that there are many policy priorities at any one time. However, several NGOs suggested that there were more sinister reasons for the delays. These included MPs' own investments in not passing some policies, such as those protecting domestic workers, as well as their concerns about whether policy could be implemented and what non-implementation would mean.

Three factors can explain how the political system in Bangladesh conditioned domestic workers policy development. First, since the fall of a military dictator and restoration of parliamentary democracy in 1990, Bangladesh has seen a thriving civil society with vocal position on social development issues, especially on gender and workers' rights. As a result, when the members of pro-worker advocacy coalition DWRN first raised a demand for adopting a new policy on domestic workers in 2006 and later presented a formal letter to the Secretary of Labour Ministry in 2008, they had acquired considerable experiences in both grassroots activism and policy advocacy. These experiences proved to be an advantage in negotiating a policy framework for the domestic workers in the country. Second, the longstanding presence of a mid-ranking civilian bureaucrat in the Labour Ministry gave stability to the policy dialogue between government and the DWRN. The concerned bureaucrat attended all the meetings between 2008 and 2015 and had developed a rapport with the trade union leaders and NGO activists who contributed to drafting the policy. Third, the policy was adopted by the Awami League government, which has enjoyed support from the left-wing political parties. It was in this context, a veteran labour activist-cum-lawmaker, who also held the chair of parliamentary standing committee on Labour Ministry, managed to play an active role to support the policy process.

In South Africa, during the 1980s and 1990s the South African NGO sector expanded as its role in advocating for democratic change grew. International funding supporting the anti-apartheid movement ensured that through the 1990s this sector was strong in terms of resources and skills. Thus, throughout the 1980s the relationship between the NGOs and the South African state was highly antagonistic and conflictual. After the first democratic elections in 1994, the relationship changed dramatically to one of mutual support. Ironically this has weakened the NGO sector in some ways in that many people and organisations that had an overtly anti-apartheid stance were

absorbed into government after the democratic elections. In addition, funding that supported the work of NGOs was, after democracy, often changed into bilateral funding and channeled through the South African government (see Habib and Taylor, 1999). After 2000, there is a re-emergence of more hostile relationships between NGOs and the state. This suspicion and hostility can be seen for example in the ways that policy makers in South Africa at times represented NGOS as changing research findings based on self-interest.

Thus, what clearly had an impact on how the policy was shaped was the relationship between NGOs and policy makers. In all three case studies respondents pointed to policy makers' suspicions that NGOs' motives were self-serving. Perhaps connected to this, NGOs tended to have more success in accessing MPs if they had access to a particular, and particularly responsive, MP or if they had a long history of working with government.

In Bangladesh, in spite of general suspicion about NGOs being the norm, an NGO was assigned the task of drafting the initial policy. This was not the case for South Africa, where the South African Law Reform Commission takes on this role, even though it consults with civil society. In the Singapore case, the issue of a day-off policy for domestic workers was raised by several NGOs in a private meeting with a nominated Member of Parliament who then put the issue onto the Parliamentary agenda. This nominated MP that the NGOs approached had a long history of activism and concern for social justice, which helped the coalition.

6 Conclusions

The three case studies presented in this paper showed that gender and vulnerability were important contextual factors shaping the nature of migration policy in postcolonial countries. We identified four main drivers of policy change.

Firstly, the nature of the role players showed that international and local actors played a role in policy change even though local activism was given greater impetus by international actors. Coalitions were central to balancing the power relations between NGOs and government. However, the women for whom the policy was being developed were largely absent from the policy-making process. In addition, the context of gender and vulnerability shaped the nature of the debates that occurred. In particular, debates took on a moral concern. There was also significant debate about whether women's work constituted work and whether the state was intervening in private arrangements. Whilst evidence-based policy-making has become a catch phrase in many contexts, in these case studies research had a tenuous and even tangential relationship to policy change. Whilst it was valued it was also heavily contested and debated. Finally, the political context in each country shaped the nature of the policy change. We argue that in taking account of these factors advocates and policy makers can more effectively shift policy.

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