

LABOR MOBILITY WITHIN ASEAN COUNTRIES: POLICY AND PRACTICE

Mai Quoc Dung

University of Food Industry, Ho Chi Minh City, Vietnam E-mail: dungmq@hufi.edu.vn

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Abstract. The ASEAN Economic Community – AEC was established to help shape the free movement of goods, services, investment capital and skilled labor in the region. A common labor market that the AEC aims to create will create opportunities for skilled workers in the ASEAN region to find suitable jobs, capable of developing their careers, providing a worthy source of income and many other opportunities. However, taking advantage of opportunities from the implementation of the policy of free movement of skilled labor in the ASEAN Economic Community is not easy because countries will have different reactions to protect the legitimate interests of ASEAN countries. This creates barriers to fully implementing commitments to liberalize the movement of skilled labor within the bloc. By statistical, descriptive, historical, and logical methods, the article presents the basic content of ASEAN's regulations on intra-regional labor mobility and presents the reality of workers moving within countries ASEAN and a number of issues raised in the following years.

Keywords: labor mobility; ASEAN; AEC; policy; practice.

Introduction

The basic trends of international labor movement depend heavily on national policies, policies that have regulated international labor movement before the positive and negative impacts of the times in the first 10 years of the world XXI century. It is forecasted that international labor migration trends in the coming years will be very exciting [1].

Sopemi's report [2] gave an overview of international labor mobility, which analyzed current new international labor mobility trends. The study explained the causes of international labor migration as the disparity in demographic development, the effects of global environmental change and highlighted the current problems and challenges of the present.

The policy has a great impact on the free movement of labor within ASEAN. As a late-comer region, newly forming the Common Economic Community, ASEAN has taken more conservative steps in making policies to liberalize labor movement, trying to avoid the problems faced by the EU [3].

As research on labor mobility within ASEAN in general can be mentioned A. C. Orbeta Jr. [4], ADB Institute paper [5], P. Martin, and M. Abella [6]. These studies have one thing in common, they all study quite fully about the reality of labor movement between ASEAN member countries with abundant data, fully describing the scale, trend, and characteristics of labor migration intra-ASEAN workers. Because most of these studies are periodical reports or input studies for the building of the ASEAN Economic Community as well as the formation of a common labor market. In addition to depicting the situation of intra-ASEAN labor mobility in various aspects, these works also analyze the impact of intra-ASEAN labor mobility on the overall economic development of the bloc, although in many countries. different aspects and are all interested in developing and implementing common policies in

promoting intra-regional labor mobility as well as managing and protecting labor mobility in member countries.

Employment trends and social conditions in the ASEAN region strongly affect labor issues, thereby examining the policies of governments and drawing lessons for the post-crisis period [7].

Labor export in the early years of the 21st century of Southeast Asian countries has many advantages and disadvantages. This fact draws useful lessons and experiences in the field of policy formulation, organization, and management of labor export as well as in solving socio-economic problems arising in the export process, in order to effectively participate in the international labor market [8].

Research Methods

The article answers four main research questions: it examines the rules of the ASEAN countries regarding labor mobility between countries, analyzes the practices of labor mobility in the ASEAN countries, formulates a forecast of changes in labor mobility in the ASEAN countries in the coming years, and provides recommendations on what needs to be done to improve labor mobility in the ASEAN countries?

To formulate answers to these questions, in the article are used logical and historical method and descriptive statistical method. Logical relationship is an inevitable relationship it is bound to happen when there are premises for that relationship. History, which is the implementation of logic in a particular object, in a definite space and time. It is a method to examine and present the process of developing labor flows between ASEAN member countries in a continuous and multifaceted sequence.

Descriptive Statistical Method allows through all descriptive statistics on the status of participation in intra-ASEAN labor mobility, outlining the normative nature of migration activities labor transfer. Statistics on the current situation and comparison and analysis of indicators to assess the impact and level of participation of countries in intra-ASEAN labor mobility, thereby finding the direction for positive solutions in the decision to join ASEAN, participate in intra-ASEAN labor mobility to suit the coming context.

In accordance with the objectives of the study, data sources for the topic are collected from various sources to achieve the research objectives. The article mainly uses secondary data sources such as Statistical yearbooks, reports related to the ASEAN labor market, written commitments on related issues among countries in the ASEAN region, relevant institutions, and policies, studies on international labor mobility, reports of Government and non-governmental organizations, reports at conferences and forums within the framework of the ASEAN Economic Community.

The article uses the following methods of information processing: (i) Logical processing of qualitative information. This consists in making judgments about the nature of events; (ii) mathematical processing of quantitative information. It consists in using mathematical and statistical methods to determine trends and development of the collected data set.

Regulations to facilitate the movement of labor within ASEAN countries

ASEAN does not pose a problem of freedom of movement for all types of workers, but only for highly qualified and skilled workers. ASEAN has signed many legal documents at different levels to create a regional legal corridor to realize this issue. One of the first important documents that ASEAN developed was the 1995 ASEAN Framework Agreement on Services (AFAS) and the 2003 Protocol amending this Agreement.

The AFAS Agreement stipulates common principles as the basis for negotiations to gradually remove barriers to trade in services between ASEAN countries. Since 1995, ASEAN countries have developed 10 packages of common commitments on services, of which the 10th package of commitments was approved in 2019. In addition, ASEAN also introduced 6 packages of commitments on financial services. and 11 packages of commitments on air transport services. These packages of commitments mainly refer to three modes of service provision as stipulated in the WTO GATS Agreement: Cross-border service provision; Consumption abroad; Commercial presence. Commitment on the 4th mode of service provision – The presence of natural persons is also included in the Schedule of Service Commitments by countries but to a limited extent.

In 2003, to create a focus for regional economic integration, ASEAN signed the Framework Agreement on Integration of Priority Sectors. Accordingly, the priority service industries identified for integration in the region are tourism, information technology, healthcare, tourism, and logistics. ASEAN commits to full liberalization of priority sectors by the end of 2010, logistics services by 2013, all other services by the end of 2015. By 2007, aiming to build the ASEAN Community, including the Economic Community, the AEC Blueprints were adopted (now replaced by the AEC Blueprints 2016–2025). This document provides for the facilitation of labor movement through the issuance of visas and certificates to skilled workers, the recognition of qualifications, the implementation and promotion of mutual recognition, the promotion of competencies in priority service industries.

Following that, to achieve the goals in the AEC Blueprints and previous documents on the free movement of skilled labor, the 2012 ASEAN Agreement on the Movement of Natural Persons (MNP) was signed with the aim of removing the barriers, allowing natural persons to move temporarily across borders to engage in trade in goods, services, and investments. The Agreement entered into force on June 14, 2016. Article 2 of the MNP Agreement applies to provisions affecting the temporary cross-border movement or temporary stay of natural persons of an ASEAN member state in the territory of another ASEAN member state in four cases: (i) business visitors (BVs); (ii) intra-corporate transferees (ICTs); (iii) contracted Service Providers (CSS); and (iv) some other cases according to the specific schedule of commitments of member countries.

The AFAS Agreement and the MNP Agreement have created a legal framework to facilitate the movement of skilled workers in the region. However, the two Agreements mentioned above only stipulate the general principles and schedules of commitments of countries, but do not have specific provisions on the harmonization of standards, conditions, and procedures for allowing foreign workers to work in the ASEAN region. Therefore, ASEAN countries have signed Mutual Recognition Agreements (MRAs) to recognize qualifications, certificates, and qualifications of skilled workers in the region. So far, ASEAN countries have signed eight agreements on mutual recognition for eight service areas, including: architecture, technical consulting, nursing, medical practice, dentist, tourism, accounting, and auditing.

MRA for architectural services

MRA for architectural services was signed on November 19, 2007, in Singapore. This MRA aims to develop a common ASEAN architect registration system. Accordingly, ASEAN has established the ASEAN Architects Council (AAC) to manage the implementation of this MRA. Each ASEAN country has also established an Architectural Service Oversight Committee in its own country to carry out the assessment and registration process for ASEAN architects.

Currently, all ASEAN members have officially joined this MRA and have established MRA implementation agencies in their countries, as well as completed procedures to carry out the certification of ASEAN architects.

To support mutual recognition agreements, ASEAN has also developed the ASEAN Qualifications Reference Framework (AQRF) with the aim of facilitating comparison and supporting the recognition of qualifications of member states.

Through the above analysis, it can be seen that the limitations of the legal framework on labor liberalization in ASEAN focus on the following issues: (i) The scope of application of the regulations is still narrow, only apply to skilled labor that has not been adjusted to unskilled labor and has only focused on a small number of fields related to trade and investment; (ii) Many documents do not have binding legal value, only recommendations (soft law); (iii) The mechanism for recognizing and allowing workers to work freely is still complicated and has not yet encouraged workers to participate in the ASEAN market.

Therefore, to strengthen the legal framework and encourage the free movement of labor in ASEAN further, ASEAN countries need to have specific groups of solutions to address the above limitations such as the need to continue negotiations and open expand the commitments in the MNP Agreement both in terms of scope and areas of regulation, increasing the number of MRAs.

MRA for engineering consulting services

MRA for technical consulting services is the first MRA of ASEAN countries signed on December 9, 2005, in Kuala Lumpur, Malaysia. This MRA aims to develop a common ASEAN engineering practice registration system. ASEAN has established the ASEAN Professional Engineers Coordinating Committee (ACPECC) located in Jakarta (Indonesia) to coordinate the implementation of this MRA. Each ASEAN country also established a Technical Advisory Service Oversight Committee in its country to carry out the assessment and registration process for qualified professional engineers in accordance with ASEAN regulations.

Currently, all ASEAN members have officially joined this MRA and have established MRA implementation agencies in their countries, as well as completed the procedures to carry out ACPE certification.

MRA for accounting services

The MRA for Accounting was originally signed in February 2009 as an MRA framework to encourage ASEAN countries to be ready to engage in bilateral or multilateral negotiations on MRAs in this area. Subsequently, this MRA was revised and officially signed on November 13, 2014, in Nay Pyi Taw, Myanmar. ASEAN established the ASEAN Coordinating Committee for Professional Accountants to implement this MRA. Each ASEAN country also established an Accounting Service Oversight Committee in its own country to carry out the assessment process and apply for a license of qualified Professional Accountants under ASEAN. This MRA applies to all accounting services except for independent audit report signing and licensing services in ASEAN countries.

MRA for nursing, medical and dental practice

MRA on Nursing signed on December 8, 2006, in Cebu, Philippines. MRA for Medical Practice and MRA for Dental Practice were signed on February 26, 2009, at Cha-am, Thailand. The common feature of all three MRAs is that they do not aim to establish a common ASEAN practice registration mechanism, but mainly focus on exchanging information and enhancing cooperation on mutual recognition in these professions occupations in another ASEAN country must still comply with the relevant laws and procedures of that other ASEAN country. Objectives include moving medical practitioners within ASEAN; exchange

information and strengthen cooperation on mutual recognition of practice; promote through recognition of good practice in standards and qualifications; provide opportunities for capacity building and medical practice training.

MRA for surveying services

The Framework Agreement on Mutual Recognition of Survey Qualifications signed on November 19, 2011, in Singapore aims to create a framework for ASEAN countries that are ready to engage in bilateral and multilateral negotiations. on mutual recognition in this area, as well as promoting the exchange of information, skills, and good practices. So far, Brunei and Singapore have concluded bilateral MRA negotiations, ASEAN has agreed to work towards it. register of ASEAN controllers and develop training programs and career profiles.

MRA for travel services

MRA for Tourism Services (MRA-TP) was signed by ASEAN countries on November 9, 2012, in Bangkok, Thailand. The main content is that the qualifications of workers of one ASEAN country can be recognized by another ASEAN country and allowed to work in that country with the following conditions: The employee works in one of 32 areas of hotel service and travel specified in the Appendix attached to the MRA-TP, which does not include tour guides; Workers must be trained and hold a Tourism Qualification Certificate (valid) that meets the ASEAN Common Qualifications Standard in Tourism (ACCSTP) and is issued by a Tourism Professional Certification Board in their home country; Employees must comply with the applicable laws and regulations of the host country.

On December 31, 2015, the ASEAN Economic Community (AEC) was officially established. This event is expected to bring both opportunities and challenges to Vietnamese people and businesses. One of the most notable and impactful agreements of the AEC is the placement of young, qualified workers in eight occupational groups: doctors, dentists, midwives, engineers, architects, auditors, supervisors, and travel agents, will be free to move between countries.

The establishment of the AEC is very important in helping the ASEAN Community become more complete with three pillars of politics-security, economy, and culture-society. In fact, ASEAN economic integration has undergone a long development process before that. And the agreement on freedom of movement will help workers from other countries in the region in general and Vietnamese workers in particular have greater opportunities to find jobs in the region and vice versa.

The reality of workers moving within ASEAN countries and some issues raised in the coming years

The reality of workers moving within ASEAN countries

Due to the disparity in income levels, along with different population trends and geographical proximity, ASEAN countries have been attracting a large migrant workforce in the region. Since the early 1990s, "the number of intra-ASEAN migrants has increased from 1.5 million to 6.5 million people" [9, p. 16]. In 2013 "nearly 232 million workers migrated between ASEAN countries, 48% of which were female, 15% of employees under 20 years old. The number of migrant workers through informal channels is nearly 20 million people. It is estimated that by 2050 the number of intra-ASEAN migrant workers will double the number in 2013" [7, p. 1].

Labor mobility between member states already accounts for nearly 50% of each country's migrant workers; whereas in the 1990s only about 40% were intra-regional migration,

60% of the migration flows from ASEAN member countries came from a country outside the region. In 2013, the total number of migrant workers entering ASEAN countries was 9.49 million people and the total number of out migrants was 18.83 million people, in 2017 there were 20.2 million people migrating from ASEAN countries to work abroad, nearly 6.9 million of which go to countries in the same region [10, p. 5]. Although intra-regional labor migration has been taking place rapidly in the past decades and tends to increase in the coming time, at present, the main flow of labor movement taking place between ASEAN member countries is still Migration flows of unskilled labor or skilled workers are on average, "accounting for more than 87% of migrant workers" [11, p.1]. The movement of highly skilled labor in recent years has taken place at a rather modest rate and is unevenly distributed among countries in the region.

The industries that attract the most migrant workers are construction for workers from Cambodia (46%), hotel and catering services for workers from Laos (32%), and manufacturing for workers from Myanmar (37%), and fishery for workers from Vietnam (29%). However, jobs in the manufacturing industry attract a large number of migrant workers from all four countries¹.

The intra-regional movement of skilled workers will increase as Member States step up their commitments on labor mobility. However, the increase in this movement in the coming years is not expected to be much due to the fact that the labor force of ASEAN member states in the eight sectors committed to freedom of movement accounts for a very small proportion. The total number of employees in these eight sectors in 2017 "accounted for only 1.5% of the total workforce of ASEAN countries" [12, p. 75].

The occupations currently covered by the MRA account for only about 0.3% to 1.4% of total employment in member countries (the eighth occupation the MRA refers to is tourism, which does not have a position category professional knowledge to be able to calculate the corresponding ratio). The number of jobs in industries with free movement currently accounts for a very low proportion of the employment structure of member countries. Meanwhile, the opportunity to find highly specialized jobs in ASEAN countries is also not highly appreciated. The above situation is a big barrier for ASEAN countries in the process of realizing the AEC's goal of free movement of skilled labor within the bloc to create a single common market in the whole region for labor, trade, commodities and investment. However, when the structure of employment changes and the level of labor is raised, the implementation of the commitment to move skilled labor will promote labor flows between countries in the region. The demand for mobility of skilled workers in these countries is said to be relatively large [12, p. 75]. That shows that the common trend in all ASEAN member countries is that the mobility demand for workers with college degrees or higher is higher than this demand for workers with low education. This trend coupled with the implementation of commitments to free movement of skilled labor will certainly promote and facilitate the increase of skilled labor flows within ASEAN.

Some problems arise in the coming years

Migration is one of the peculiarities of the labor market in Southeast Asia, and intra-regional migration is currently on an increasing trend, accounting for one-third of the total number of international migrant workers. of the region by 2022. Migrant workers bring

¹ Bui Thị Nhung. Analysis of the characteristics and impacts of labor mobility within the ASEAN framework [Phân tích đặc điểm, tác động di chuyển lao động trong khuôn khổ ASEAN] // Minh Khue Law Firm [Công ty Luật Minh Khuê]: [site]. 03.08.2021.URL: https://luatminhkhue.vn/phan-tich-dac-diem-tac-dong-di-chuyen-lao-dong-trong-khuon-kho-asean.aspx (accessed on 02.11.2022) (In Viet.).

economic benefits to the host and sending countries, meet the labor shortage needs, reduce job creation pressure on the labor market, and transfer jobs technology, enhance skills and increase foreign exchange.

ASEAN countries have high expectations for the AEC, especially with its focus on expanding competitive economic sectors and breaking down trade barriers. The benefits from the implementation of the AEC could increase ASEAN's total economic output by 7% by 2025 and create about 14 million new jobs for workers.

But these benefits will only be theoretical if agreements on free movement of labor are not implemented. The current restriction of labor movement within ASEAN is not only contrary to the key objective of the AEC, but also creates difficulties for the region to achieve the goal of enhanced economic integration.

Recent studies have shown that, instead of limiting brain drain, countries have introduced policies to encourage skilled workers to work outside the ASEAN region. More than 80% of all Thai and Filipino migrant workers find work outside of ASEAN. Migrants in Vietnam or Indonesia also follow this trend. This is the cause of the serious shortage of skilled labor in ASEAN countries.

Current trends show that by 2025 unqualified workers will perform more than half of the high-skilled jobs in Cambodia, Indonesia, Laos, the Philippines, Thailand, and Vietnam.

For decades, the majority of migrant workers between ASEAN countries (over 85%) have set a precedent for unskilled workers tending to move from poor countries to richer countries. Therefore, an important part of the AEC is that ASEAN countries will have to promote the mobility of skilled labor in the fields of accounting, architecture, engineering, surveying, medicine, nursing, dentistry, and intra-regional tourism.

Experts from Southeast Asia hope this skilled labor stream will boost the background and skills to develop the region's economy. Currently, however, the licensing process, education requirements and regulatory uncertainty for both employers and workers in ASEAN are barriers to labor mobility.

It can be said that at present, ASEAN countries are having differences in education and training systems. However, these can be overcome by standardizing and implementing labor quality assurance measures.

The frameworks in the MRA are facilitating the maximization of cross-border labor mobility within the Association. However, after many years of signing, some MRAs do not seem to have come into practice due to the lack of deep coherence between regional commitments and labor mobility in the region. National legal systems and policies that discourage foreign workers are also factors that prevent some MRAs from being implemented.

In addition, differences in interests among countries, sectors and businesses in ASEAN also hinder the implementation of some MRAs. Least developed countries have different labor needs than more developed countries in ASEAN. Enterprises in each member country also have different views on the labor market opening mechanism.

Some orientations to help skilled workers take advantage of opportunities to participate in the ASEAN labor market

Workers, especially skilled workers, need to have the right awareness and thinking when participating in the ASEAN labor market. Because when the labor market opens, workers will have to find their own place, affirm their position and competitiveness – first in their own country. Only when you change your thoughts and have the right perception of yourself can you act right.

In the long term, employees need to cultivate and accumulate not only professional knowledge but also other necessary skills such as teamwork, foreign language proficiency, decision-making skills, adaptability.to ensure the standard framework of domestic as well as international labor. In addition, workers need to equip themselves with a deep understanding of the customs, culture, and laws of countries in the region as well as be quick in finding information to be able to find themselves best chance.

Governments of countries need to promote information and communication about AEC, especially about skilled workers, specific standards that other ASEAN countries have announced and applied, avoiding the situation of enterprises workers from other countries are not allowed to work due to lack of information about AEC; summarizing experiences of adaptation and readiness of countries to serve as reference lessons; publicize information on the labor situation of other countries so that enterprises and workers can easily access; the signed agreements need to be specifically notified to each enterprise and employee, especially to students of universities, colleges, professional secondary schools, vocational training centers, preparing to graduate; organize many seminars, forums, open many websites to communicate about AEC more effectively².

Governments of countries need to reorganize and develop training institutions and vocational training centers to adapt to the conditions of the establishment of AEC, in which it is necessary to pay attention to language training of ASEAN countries; publish certificates of ASEAN-recognized agencies so that businesses and workers can access as well as request other ASEAN countries to publish this information on Vietnam's web portal; It is necessary to develop and implement policies to protect domestic workers such as Singapore, Thailand or Malaysia which have been implemented.

Enterprises need to actively and proactively study the ASEAN market, including the labor market, so that they can better understand professional standards and have an adaptation plan; organize training courses on skills, skills, physical strength, intensity and labor productivity – can be done within 6 to 12 months – to practice the necessary skills and update information to adapt to the markets of ASEAN countries; develop a plan to bring Vietnamese workers to participate in investment projects, services or commercial activities to improve knowledge, accumulate experience, practice high professional skills to best meet requirements of the ASEAN market.

In addition, it is necessary to form a system of companies that train highly skilled workers in the categories of occupations announced by ASEAN, in which the immediate phase is eight occupations that have been agreed upon by the AEC countries to move freely including medicine, dentistry, nursing, accounting and auditing, technical consulting, architecture, surveying and tourism; in conjunction with training institutions and practice certification agencies to create the best environment for workers when participating in the labor market in the AEC.

Countries need to promote international cooperation in vocational training, especially with countries that have succeeded in developing vocational training in the ASEAN region and in the world; actively mobilize and attract official development aid (ODA) for vocational training; cooperate with ASEAN countries to move towards recognition of vocational skills

² Nguyen Thị Dieu Hien, Tran Phuong Thao. Labor mobility in the ASEAN economic community: Opportunities and challenges for skilled workers in Vietnam [Dịch chuyển lao động trong cộng đồng kinh tế ASEAN: Cơ hội và thách thức đối với lao động có kỹ năng tại Việt Nam] Industry and Trade Magazine [Tap chí Công Thương]: [site]. 30.06.2017. URL: https://tapchicongthuong.vn/bai-viet/tu-do-di-chuyen-lao-dong-trong-cong-dong-kinh-te-asean-co-hoi-va-thach-thuc-doi-voi-nhan-luc-co-ky-nang-o-viet-nam-48298.htm (accessed on 02.11.2022) (In Viet.).

among countries, actively participate in regional and global activities to exchange and learn experiences, such as participating in ASEAN Skills Competition, World Skills Competition.

Conclusion

Economic integration, as outlined in the AEC Plan, is not limited to trade and investment liberalization, but is a comprehensive and diverse effort to address inequality within and between countries, infrastructure development internally and nationally, development of small and medium-sized enterprises, as well as the mobility of skilled labor. Over the years, many mechanisms and policies have been issued to facilitate the movement of workers within ASEAN countries.

Free movement of labor is considered an effective measure for member states in the bloc to attract skilled labor to meet the needs of socio-economic development. This is also considered a measure to create jobs, eliminate hunger and reduce poverty, and narrow the development gap between member countries. In general, the implementation of free movement of skilled labor is forecasted to have many positive impacts on the socio-economic development of the whole region. However, the implementation of commitments on free movement of skilled labor under the AEC framework is still relatively limited at present, and the implementation of these commitments still faces many barriers, especially the institutional barriers. Therefore, countries in the region need to step up the implementation of these commitments through efforts to improve institutions, remove policy barriers on differences in languages and cultures, in order to promote international integration, socio-economic development of the region.

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Bio note:

Mai Quoc Dung, Doctor of Historical Sciences, Senior Lecturer, Faculty of Political Theory, University of Food Industry, Ho Chi Minh City, Vietnam.

Contact information: e-mail: dungmg@hufi.edu.vn; ORCID ID: 0000-0002-8845-4490.

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МОБИЛЬНОСТЬ РАБОЧЕЙ СИЛЫ В СТРАНАХ АСЕАН: ПОЛИТИКА И ПРАКТИКА

Май Куок Зунг

Университет пищевой промышленности, Хошимин, Вьетнам E-mail: dungmg@hufi.edu.vn

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Аннотация. Экономическое сообщество АСЕАН (Ассоциация государств Юго-Восточной Азии) было создано для содействия формированию свободного движения товаров, услуг, инвестиционного капитала и квалифицированной рабочей силы в регионе Юго-Восточной Азии. Общий рынок труда, который стремится выстроить АЕС, должен создавать возможности для высококвалифицированных работников в регионе ЮВА для более эффективного поиска вакансий в целях трудоустройства, что будет способствовать развитию карьеры, обеспечит им достойный источник дохода и многие другие возможности. Однако воспользоваться преимуществами политики свободного перемещения квалифицированной рабочей силы в Экономическом сообществе АСЕАН для граждан стран-участниц остается непростой задачей, поскольку государства по-разному трактуют положения нормативных актов и, как следствие, необходимость защиты законных интересов граждан стран АСЕАН. Это создает барьеры для полного выполнения обязательств по либерализации перемещения квалифицированной рабочей силы внутри блока. С помощью статистических, описательных, исторических и логических методов в статье представлено основное содержание положений АСЕАН о внутрирегиональной мобильности рабочей силы, проанализированы действующие межстрановые соглашения и дана характеристика актуальному состоянию трудовой миграции внутри стран ЮВА, а также сделан обзор основных направлений развития нормативно-правовой базы АЕС на ближайшие годы.

Ключевые слова: мобильность рабочей силы; АСЕАН; АЕС; политика; практика.

Сведения об авторе:

Май Куок Зунг, доктор исторических наук, старший преподаватель, факультет политической теории Университета пищевой промышленности, Хошимин, Вьетнам.

Контактная информация: e-mail: dungmq@hufi.edu.vn; ORCID ID: 0000-0002-8845-4490.

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