



**How unpopular policies are made:
Policy making for migrant women in South
Africa, Bangladesh and Singapore**

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Abstract

In this paper we address the question: how and why does policy change in post-colonial contexts? Based on three case studies of policy change; from Bangladesh, South Africa and Singapore, we trace the drivers of policy change in these contexts. Much research has been done on policy making in Europe and North America, and has led to the development of theories and frameworks as to how and why specific policies are made. Examples of these include Sabatier's Advocacy Coalition Framework (ACF) (2014) and more recent work on global norms and how these effect national policy making (Betts and Orchard 2014; Risse, Ropp, and Sikkink 1999). Whilst the later have certainly made more of an effort to include post-colonial contexts in their theorizing, there remains a lack of information on how policy is actually made and implemented in contexts outside of Europe and North America. The three case studies, on which this paper is based, were 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 the case studies made use of qualitative methods to map out the various roles played by key actors and organizations in influencing the policy under investigation. All three projects were studies on policy process; as such, process tracing was the overall method that was used. We conclude that there are six factors that shaped the policy making process in the three countries. These are components of policy change that were common across the country case studies, even if their impact and nature varied, and we propose that by paying attention to these aspects of the context and process we will be able to better understand, influence, and predict policy making in these contexts. In this paper, we argue that understanding these six conditions for policy is useful to understand how policy changes in contexts outside of Europe and North America, and the political and social conditions under which advocacy and other policy change efforts can take place. We also show that policy making in these contexts does not happen in isolation from global ideas and influence. And that more work needs to be done in the development of theories and frameworks of policy change that takes these contexts into account.

Introduction

Much research has been done on policy making in North America and Europe, work that has led to the development of theories and frameworks which conceptualise how and why specific policies are made. By way of explanation, 84 per cent of the empirical applications of Sabatier's Sabatier's Advocacy Coalition Framework (ACF) (2014) are based on work in North America and Europe (Jenkins-Smith et al. 2014). More recent work on global norms and the effect that these norms and ideas have on national level policy making, for example work by Betts and Orchard (2014) and Risse, Ropp, and Sikkink (1999) has begun to take contexts outside of North America and Europe into account. However, this work largely focuses on the relationship between national and international spheres of governance, and neglects the inner workings of policy development and change within the state. Consequently, current understandings of policy process have a blind spot when it comes to policy making in, what can best be described as, post-colonial contexts.

In this paper we address this blind spot by examining how and why policy is made in three post-colonial contexts. Based on three case studies, from Bangladesh, South Africa, and Singapore, we trace the drivers of policy change in these contexts and draw out six factors that we believe shaped the policy processes in these contexts. And, furthermore, which we believe can, if examined go some way to predict, influence, and explain policy making, specifically policy which is aimed at women and at the protection of vulnerable groups.

This paper draws together the thematic lessons learnt from three case studies conducted by The Refugee and Migratory Movements Research Unit at the University of Dhaka in Bangladesh, the Asia Research Institute at the National University of Singapore, and the African Centre for Migration & Society at the University of the Witwatersrand in South Africa. We, the authors of this paper, are based in South Africa and relied on the input of our colleagues in Bangladesh and Singapore, and the reports that they produced on their case studies, to put this paper together. Consequently, we apologise for any mischaracterisation of the Bangladeshi and Singaporean contexts and gladly welcome your input.

This presentation proceeds with a brief overview of the methods used in the three studies and in drawing together this paper. This is followed by an introduction to the three case studies and a brief analysis of existing literature on policy making in these contexts. Finally, we present our findings and a discussion thereof. In this paper we conclude that there are six factors that shaped the policy making process in the three case studies, which we argue are important to explore in an attempt to understand policy change. And two broader conclusions to be made about the researching the policy process in post-colonial contexts. The first being that policy change in these contexts is not isolated from global issues, ideas, and influence. And, the second, that whilst existing frameworks for understanding these changes are helpful, more work needs to be done to if we are to develop a framework that has more explanatory power in these contexts.

Methods

All three studies made use of qualitative methods to map out the various roles played by key actors and organisations in influencing the policy under investigation. All three projects were studies on policy process, and as such, process tracing, 'the systematic examination of diagnostic evidence selected and analysed in light of research questions and hypotheses' (Collier 2011, 823), was the overall method that was used. Documentary analysis and key informant interviews with policy makers, civil servants, and activists were both used to support this.

The potential limitations of all three projects include selection bias, recall bias, and problems with access. All three of these are serious concerns when doing process tracing as they can affect the outcome of the analysis. However, it appears from the use of multiple data sources that these limitations did not significantly affect the findings of the studies.

The finer details about ethical clearance and obtaining informed consent from participants differ across the three projects and can be found in the individual working papers. However, all three projects incorporated processes to garner informed consent and keep opinions or quotes confidential or anonymous if necessary.

National policy contexts

Bangladesh

The first case study on which this report is based was done by Ali Ashraf and his team at the University of Dhaka. And examined the processes leading up to the 2015 approval of the Domestic Workers Protection and Welfare Policy (DWPDP) (see Ashraf, 2016 for a fuller account. All information in this section comes from his report). Advocacy for the regulation and protection of domestic workers began in 2006, when domestic workers were excluded from the Labour Act of that year, although advocacy for domestic workers has been a feature within Bangladeshi civil society since the 1970s.

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 mobilise. Given the domestic nature of the work and given that many domestic workers have filial relationships with their employers, this is a sector that is often construed not as work, but as a private arrangement, taking place in the home and between family members. State intervention is often seen as inappropriate or unnecessary.

Two clear coalitions were central to the policy process. The first was the Domestic Workers Rights Network (DWRN), which included organisations advocating for domestic workers, women, and children's rights. The DWRN was formed in Bangladesh after the exclusion of domestic work from the 2006 Labour Act. Given the lack of mobilisation of domestic workers themselves, the DWRN acted as the voice of domestic workers throughout the nine-year process, which eventually resulted in the DWPDP. The second coalition was the Bangladesh Employers Federation (BEF), which advocated for the rights of employers and was interested in ensuring that the recognition of the rights of domestic workers would not unduly burden employers. In addition, the Ministry of Labour and Employment played a central role. At an international level, whilst advocacy for the recognition of domestic workers was taking place in Bangladesh, the International Labour Organisation (ILO) was producing C189 – the Domestic Workers Convention. Although Bangladesh had ratified other international Conventions, and the ILO and United Nation's Children's Fund (UNICEF) encouraged the State to ratify C189, the country refused to do so. This is particularly interesting because the ratification of international Conventions is often critiqued as paying lip service to international norms and maintaining an image of human rights protection, rather than actually leading to any real change (Betts and Orchard 2014). But in this instance, concerns about the enforceability of the Convention and possibility of real change were cited as reasons for not ratifying. Ashraf (2016) interprets the fact that Bangladesh chose not to ratify the Convention as an attempt at asserting national sovereignty in the face of increasing international involvement in national policy making. At a national level, the High Court in Bangladesh also

issued, in 2011, a ten-point directive, which criminalised the employment of children as domestic workers and essentially implemented a draft version of the DWPWP.

The debate around implementing national policy to regulate domestic work centred on two issues: the first was a demand for State recognition and regulation of the sector, and the second was the inclusion of human and labour rights in this State intervention. Whilst the two coalitions could agree that there was a need for State intervention, the extent to which the rights of domestic workers should be regulated and recognised was fiercely debated. Due to the use of domestic workers by civil servants, bureaucrats in the Labour Ministry were far more sympathetic to the BEF position and adopted what could be described as a 'go slow' strategy towards implementing the policy, actively delaying the policy process. Ashraf makes the case that in Bangladesh, bureaucrats can be understood as a 'permanent government', able to delay or speed up the drafting and implementing of policy far more than elected officials (2016).

Whilst the DWPWP would eventually be passed in late 2015, the policy only provides protection to Bangladeshi domestic workers. Concerns around the protection of foreign domestic workers appear to have been raised much later in the general discussion and not to have carried much weight (Ashraf 2016).

Singapore

The case study for Singapore investigated the mandatory weekly day off policy for migrant domestic workers (MDWs) introduced by Singapore's Ministry of Manpower (MOM) in 2012 (see Koh, Goh, Wee, & Yeoh, 2016 for a fuller account, all information in this section, unless otherwise stated, comes from their report). Singapore, a country with an ageing population and a high rate of formal employment, is largely reliant on migrant domestic workers to care for the elderly and the young. By the MOM's estimates there are approximately 231, 500 MDWs in Singapore who provide vital services to the ageing population in a context where eldercare homes are unpopular ('Foreign Workforce Numbers' 2016).

MDWs are excluded from Singapore's main labour law, the Employment Act. State policies have also ensured that MDWs remained a transient workforce by granting only two-year work contracts and by placing MDWs on work visas that preclude permanent settlement, marriage to Singaporean citizens, and giving birth in Singapore. This created a context in which local civil society became concerned about the human and labour rights of MDWs.

Subsequently, in 2008, several leading civil society organisations – TWC2, HOME, and the Singapore Committee for UNIFEM¹ - launched a campaign for a policy that would mandate a weekly day off for MDWs. 'Given the dominance of the Singapore State', Koh et al. argue that veto players within the State have to buy into policy in order for it to be implemented.

¹ In Singapore UNIFEM Singapore is a local NGO and is not connected to the United Nations body UNIFEM, now U.N. Women.

However, a combination of three factors explains how civil society was able to secure this buy in from the State.

The first was sustained activism by local NGOs who, over a period of ten years, kept the call for a mandatory day off on the policy agenda. The second was the threat that not implementing a day off policy was having, and would continue to have, a negative effect on Singapore's international reputation. Like Bangladesh, Singapore did not ratify C189 on the basis that it could not commit to implementing some of the Convention's requirements, which include a mandatory day off policy. However, the lack of protection for MDWs led to a report, in 2005, by Human Rights Watch condemning the situation, and warranted comment from the United States Department of State Trafficking in Persons Report which, in its critique of Singapore's response to human trafficking, singled out the lack of a mandatory day off policy as a factor which was facilitating trafficking. The third factor was a fear, given the ability of other countries to provide better protection for MDWs, that MDWs would choose destinations, like Hong Kong and Taiwan, other than Singapore for work. In fact, Indonesia even announced that it would stop sending MDWs to Singapore by 2017, if the situation did not improve.

Short-term costs for employers, for example the inconveniences of not having domestic help once a week, and the concerns about immoral behaviour of MDWs if they were given a day off, which were used as arguments against the day off policy were unable to match growing concerns about the longer-term implications for Singapore as a whole, if the policy was not implemented. These longer-term implications, should the status quo continue, were used by sympathetic State actors to lobby the State to pass the policy. A culmination of these factors compelled the State to implement the mandatory weekly day off policy for MDWs.

South Africa

The South African case study is based on research into the Trafficking in Persons Act, which came into effect on National Women's Day, 9 August, 2015 (for the full report see Palmary & de Gruchy, 2016, all information in this section, unless otherwise stated, comes from their report). 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, transit, and destination' for trafficking were gaining momentum. Whilst the concern about trafficking in South Africa was, in part, driven by local civil society, the influence of international ideas and organisations (for example the annual United States Department of State Trafficking in Persons Report and South Africa's reliance on the U.S. President's Emergency Plan for AIDS Relief (PEPFAR) funding from the U.S) also played a role.

Throughout the early 2000s, organisations and individuals were mobilised by claims of vast numbers of women and children being trafficked for purposes of sexual exploitation. Whilst a lot of these ideas were, and remain, unsubstantiated and improbable, the growing movement was able to recruit individuals and organisations with political and social capital to

its cause (for example, Molo Songololo, an organisation with a respected history of advocating for children's rights) and ultimately frame the conversation in moral terms. However, although there was concern around trafficking in South Africa from the early 2000s, it was only in the build up to the 2010 FIFA World Cup, which was held in South Africa, amidst concerns about the trafficking of women for sexual exploitation during the event (a common concern around major sporting events (Bonthuys 2012)) that Parliament started to deliberate a Bill to specifically target trafficking.

Deliberations on the Bill, which was finalised and signed in 2013, were, on one level, uncontested in the sense that there was universal condemnation of trafficking from all stakeholders. There was, however, significant disagreement about the reliability of the evidence of trafficking and there was a great deal of concern about whether trafficking should indeed be a priority for the State and civil society, over other possible responses to practices and systems which exploit migrants. Reports on trafficking were extensively published by both civil society and the academic sector, and while questions about the methodology used and, thus, the findings presented were raised (Bonthuys, 2012; Gould, 2010; Gould, Richter, & Palmary, 2010), they were consistently ignored to the effect that many discredited ideas, particularly about the numbers of people trafficked into South Africa, are still today part of the national conversation in South Africa. Through analysing these debates, it is clear that two advocacy coalitions were formed, one being the anti-trafficking coalition, and the other being a rights-based coalition more concerned with the effects that anti-trafficking legislation could have on immigrants and sex workers. However, there was, by and large, only one policy option ever presented – that of criminalising trafficking.

In spite of there being consensus that trafficking should be criminalised, and in spite of the ideas about trafficking as extensive being widely accepted, the actual implementation of legislation took much longer than anticipated (in a far easier manner than that envisioned by Risse et al., 1999). This, to a certain extent, confirms ideas of Betts and Orchard (2014), who argue that an actual reaction on the part of the State to international norms does not end with Convention or Treaty ratification; whilst South Africa ratified the Palermo Protocol as early as 2004, it took a further 11 years until it was implemented.

Conceptualising policy process analysis

As previously mentioned, although analysing policy process developed as a method of enquiry in politics in the mid-20th century, much of this work has ignored contexts outside of Europe and North America.

In the three contexts on which this paper is based, policy-making has not been adequately explored through process tracing. As such, it was difficult to know beforehand which frameworks may be most useful for the research. Because of this, the three case studies used the '3-I's framework, with some reference to the Advocacy Coalition Framework. The '3-I's brings 'together three of the most common factors to which the political science literature appeals for explaining public policy development processes' – institutions, interests, and ideas – and functions as a useful 'theoretical checklist' (Gauvin 2014). However, given some of the limitations of this framework, which will be identified later, we also drew on elements of the ACF model to shed light on the various stakeholders who played a role in the process. Using the ACF in conjunction with the '3-I's also proved useful as it provided the conceptual framing for findings which were not captured by the '3-I's, for example the Devil Shift and the idea that 'external perturbations and shocks' are 'necessary but not sufficient' for policy change to occur. The Devil Shift refers to perceptions that one coalition, the ACF term for network, might have of another, given the other's successes in the policy process. Frequently this manifests as the 'losing' coalition casting the 'winning' coalition as having access to superior resources or behaving unethically (Jenkins-Smith et al. 2014). 'External perturbations and shocks' can be anything from regime change to changes in other subsystems, but shock the subsystem in question to the extent that policy change occurs (Jenkins-Smith et al. 2014). Both of these concepts proved useful in analysing the three case studies, even though the overall theory had too many predefined hypotheses that did not translate easily in the contexts in which these case studies took place.

We conclude, therefore, that the '3-I's is a particularly useful tool as it allowed us to explore the institutions, interests, and ideas within each of the case studies and employ appropriate theories and concepts to understand the contexts in which the policies were being developed. For example, researching policy making in an increasingly globalized world raises questions on the effect that globalization and international ideas and institutions have on policy making. The use of Risse et al's (1999) norm socialization theory and Betts and Orchard's (2014) critique allowed us to further explore these ideas and conclude that in fact Betts and Orchard are right to argue that sustained activism is needed after the ratification of international conventions and treaties before any real implementation is seen in national contexts. For example, in the South African case, ten years of sustained activism were needed after South Africa had ratified the Palermo Protocol before national legislation came into effect. In the Singaporean and Bangladeshi cases, whilst neither country ratified C189, the Domestic Workers Convention, after prolonged periods of activism around the rights of domestic workers, both countries implemented policy that better regulated the sector.

However, one of the limitations of the norms socialization and implementation literature is that it assumes that the issues around which both local and international civil society mobilise will lead to the further protection of human rights and are based in fact. Furthermore, it is often assumed that policy and policymaking is evidence-based, which is not necessarily true (see for example, Gould et al., 2010; and Weitzer, 2011 on the lack of evidence around trafficking in persons and trafficking policy). As we have seen in the implementation of anti-trafficking policy globally, civil society and policy is increasingly responsive to a wealthier sector of society and concerns about moral norms (Hankivsky 2012; O'Connell Davidson 2015; Tolhurst et al. 2012). This has meant, amongst other things, that gender concerns are legislated on in response to middle class ideas around gender and sexuality, for example, that domestic work or sex work is not work, or that specific legislation, or the lack thereof will threaten the very moral fabric of society.

Findings

In this section we propose six different components of the policy making process that impacted the nature of the policy change in the three case study contexts. These are components of policy change that were common across the case studies even if their impact and nature varied. We propose that by paying attention to these aspects of policy-making we will be able to better understand, influence, and predict policy making in contexts outside of Europe and North America.

1. The nature of the policy being made

All three case studies reflect on policy processes that informed very particular kinds of policy, which is likely to impact on the transferability of these findings. The case studies all focussed on policy that was deemed to be protective of vulnerable groups of, primarily, women; domestic workers in the case of Singapore and Bangladesh, and trafficking victims in South Africa. However, as much as all three of the policies were aimed at protecting vulnerable groups, the groups are also those for whom protections are often unpopular, namely poor, unskilled, female migrants.

In general, migrant rights have not been a popular cause in any of the three countries, where notions of protection were frequently trumped by concerns about creating security risk or financial burdens for the State. Furthermore, this kind of policy making has high levels of public interest, even as the actual affected groups may have low participation in the policy process (see below for more discussion). And very clear political, moral, and ethical entanglements. These factors are further embroiled in the fact that the policies were all highly gendered, which led, for example, to questions about the legitimacy of state involvement in regulating 'private', female labour. In Singapore, for example, in challenging the domestic workers day off policy, a labour unionist compared domestic workers to housewives, and claimed that housewives are not necessarily exploited just because they do not have a day off. Similarly, the discussions surrounding the Trafficking Act in South Africa were constantly framed by debates about the sale of sex and whether sex could ever be construed as work.

Consequently, these case studies were all of a very distinct kind of policy, particularly in its protection orientation, which stands in contrast to most migration policy, which is aimed at regulating and controlling the movement of people.

2. Who is the policy for?

As described above, across all three case studies the policy in question was aimed primarily at improving conditions for poor, migrant women. What we found particularly important in all three case studies was understanding how the intended targets of the policy were framed, particularly given that the policies touched on issues of gender and migration, which are both areas about which there is frequently much panic and concern.

In each case study, the focus of the policy on women resulted in a public debate regarding morality, which 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, even though the proposed Act would protect victims of trafficking, much of the debate centred on the moral implications of sex work over evidence and the agency, or perceived lack of agency, of those who choose to sell sex or migrate. In the case of the day off policy in Singapore, there was concern 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 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.

Whilst the case studies in Singapore and South Africa focused on cross-border migrant populations, the discussion around the Domestic Workers Protection and Welfare Policy, which came out of Bangladeshi focused predominantly on internal domestic workers moving from rural to urban areas. Interestingly, this did not affect the frequency or nature of the concerns expressed about offering legal protections to this group. In other words, the debates on morality and gender were similar regardless of whether the policy beneficiaries were international or internal migrants

Finally, given that the population groups that the policies intended to protect were largely unskilled and transient, there were extensive debates that focussed on the economic costs of their presence in a city or country as well as the “burden” they constituted for the State. In Bangladesh and Singapore, the costs of protections for migrant domestic workers to employers was a central part of the debate. In the South African case this took the form of the Department of Home Affairs expressing concerns that trafficking victims would be treated in a privileged way relative to other poor people, as well as the fear that trafficking legislation could be a back door into South Africa for foreign migrants.

3. Identifying the role players?

In each of the case studies the actors involved in making and shaping policy were a complex mix of international and local actors, as well as actors with varied skills and mandates. In this section we outline some of these complexities.

International actors

One of the key commonalities with all the case studies was the role of international actors in the policy making process. However, whilst international pressure did 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, garnering particular kinds of attention and providing what the ACF calls an ‘external perturbation or shock’ (Jenkins-Smith et al. 2014) in a context where there were already local NGOs and activists working on an issue.

In the case of Singapore, the abuse of domestic workers and advocating for “Sundays off” had been on the agenda of NGOs since 2003. However, as discussed above, the Human Rights Watch report that caused international embarrassment, the demotion to the Tier 2 Watch List in TiP Report, and source countries’ increasing demand for better employment conditions acted as a catalyst for policy change. In the South African case, the catalyst was also a combination of being demoted in the TiP report (in 2005) and the hosting of the FIFA World Cup, which brought with it moral panic around trafficking (in 2010) (Bonthuys 2012). South Africa’s concern that the World Cup would bring with it an influx of trafficking victims actually 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). This gives some indication of the power of moral panic in a globalised work.

This does not necessarily suggest a close working relationship between local NGOs and international organizations, 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 organizations or were part of them. However, in Singapore there is a great deal more scepticism towards international organisations. Scepticism that, we would argue, is warranted. It is frequently assumed in the literature that global pressure is positive. 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). This was particularly clear in the South African case with, for example, the re-purposing of the number of potential trafficking victims from Germany to South Africa.

Finally, when talking about international pressure, it is important to highlight the role played by International Conventions and treaties. These are often recognised 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 signed or ratified C189 in 2011, when it was published, on the understanding that they could not commit to implementing its provisos. However, by 2015 and 2013 respectively, both had implemented policy to protect domestic workers. 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.

Which women?

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 this absence varied. For example, in Singapore there was a domestic workers support and interest group that was involved in the advocacy, whilst 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 wealthier than the group that the policy was intended to benefit, 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. For example, it meant that the difficulties faced by employers became a dominant debate in the Singaporean and Bangladeshi cases. 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 DWRN emerged in 2006, and comprised 11 national trade unions and eight NGOs who focussed on labour rights and domestic worker rights. In Singapore, the coalition was somewhat smaller, but consisted of three key NGOs who launched the day-off campaign. In South Africa, starting in 2004, various NGOs, some of who already had a long history in South African civil society, started to mobilise 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 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, which also raised questions about how employers were meant to manage without domestic help, given the unaffordability of alternative forms of institutionalised care. In South Africa, the arguments were that the nature and extent of trafficking was unknown and that much of the information informing policy development was incorrect. From the case studies it is difficult to assess whether in the absence of coalitions the campaigns would have had the same success.

There is, however, 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. This is not to suggest that this was a coordinated strategy.

But rather to indicate the real benefits of organisations working together, whether it occurs in an organised or organic matter, should they share a common interest or cause.

Civil servants

Surprisingly, in each case, civil servants themselves had investments in the policy being made beyond that of their office. 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 both Bangladesh and Singapore, civil servants responsible for drafting and implementing the policy were, by-and-large, also employers of domestic workers. Whilst this has not been explicitly tested, is it possible that this shaped the final policy which offered fewer benefits to domestic workers than advocates had hoped for. For example in Bangladesh, whilst there were civil servants who promoted the passing of the DWPP, there was reference in the interviews to an ‘invisible force’, namely the bureaucrats who employ domestic workers and therefore had an investment in limiting their rights, who were able to weaken the policy. 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.

4. The positions taken

In all three of the case studies, the central messages used for advocating for policy change represented the problem as a moral one, and argued for the humane and ethical treatment of a vulnerable group. This was supported by a more legally oriented human rights discourse that pointed out how the group was rendered vulnerable through their lack of legal protections. 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 Bangladesh there was an emphasis on the policy being impractical because of the additional expense that employers would incur. And in Singapore, the concern was that employers would be unable to cope without domestic workers given their reliance on them for elder care.

In all cases concessions were made by the coalitions. This suggests that there is indeed a negotiated approach taken to policy making. 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. And 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. Thus, although opposing positions were taken, concessions were a reality in the creation and implementation of the policies.

5. Contestations regarding knowledge

One of the main findings across the countries was that research was used by coalitions and policy makers in ad hoc and problematic ways. In each country, a number of studies had been conducted on the topic in question. In Bangladesh, for example, Human Rights Watch released research on the abuses faced by domestic workers in 2005. Similarly 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 focussed on the extent and nature of trafficking, particularly one commissioned by the National Prosecuting Authority which was explicitly intended to guide the policy process.

A few themes are evident in these research projects. Firstly, all emphasised abuses against the group for whom the policy was being developed. As a result, the research carried over into advocacy. However, the movements that used the research relied on a much looser understanding of knowledge than academics would, and included in their 'evidence' anecdotal experiences of NGOs who provided services to the vulnerable group and research that was methodologically unsound. Secondly, the research was often contested. For example, in Singapore, government officials argued that the Human Rights Watch report was untrue and the standards of research lamentable. In South Africa, there was no doubt that the research commissioned by the National Prosecuting Authority was extremely flawed and often relied on invented statements of spectacular violence. In both cases the flawed nature of research did not prevent its use, nor did the presence of research that disputed central claims put forward by coalitions make any significant changes to the messages of these coalitions.

Notably, lawmakers were remarkably passive in their consumption of research. They did not seek out researchers nor did they search for research themselves. Rather, they relied on people coming to them with research findings. In spite of this, in all three cases they lamented the absence of research on the topic. Thus, if one thing is clear it is that advocacy is an important influencer of policy development even if the advocacy is not evidence-based. In addition the quality of research did not influence whether the research had an impact or not. In fact, many members of civil society and civil servants appeared relatively illiterate in terms of their abilities to discern between methodologically sound research and problematic research.

6. The political environment

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, emerged. In Bangladesh, government officials 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.

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, for example, in spite of general suspicion about NGOs being the norm, an NGO was assigned the task of drafting the initial policy.

The ethos and functioning of the State also emerged as a key issue. In the Bangladeshi and Singaporean cases, the State was described as a 'permanent State' whereby law making was reduced to an administrative and bureaucratic task done by career civil servants rather than elected politicians. In both case studies the power of bureaucrats to develop or stall a policy was noted. Whilst the findings in the South African case were somewhat different, the opacity of key decisions around the policy process, for example, why South Africa ratified the *Palermo Protocol* when there was and is little evidence of trafficking in the country, points to the ultimate power of the State in creating the policy agenda.

Conclusions

Whilst the *Findings* section has drawn together the three case studies, there are two broader conclusions that can be drawn about policy making in a postcolonial contexts.

The first is that policy making in these contexts does not happen in isolation from global conversations and ideas. This was made very clear in all three case studies, particularly when it came to Convention ratification. Even though Bangladesh and Singapore did not ratify C189 and attempted to assert their sovereignty within the policymaking sphere, they were still ultimately impressed upon to implement policy that adheres to international norms.

Secondly, whilst the 3-Is framework and ad hoc use of the ACF helped to conceptualise our findings, work needs to be done to develop a more robust framework through which policy processes in the global South can be explained. Throughout this research, it was found that the 3-I's was best placed to make sense of policy making in these three contexts because it did not preclude the use of other theories and frameworks. For example, we were able to include aspects of the ACF and theories around norms socialisation and implementation, as well as literature about moral panics in our analysis, which strengthened our ability to describe the ideas, institutions, and interests in the three policy processes. However, the 3-I's is largely unable to function as more than a 'theoretical checklist', thus limiting the actual conceptual work it is able to do.

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