



## Public–private partnerships in the administration and control of Indonesian temporary migrant labour in Hong Kong



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### A B S T R A C T

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International legal understandings of sovereignty assume that states see the exercise of power within their territory by other states as a violation of exclusive rights. However, they may make exceptions, allowing other states to perform limited regulatory functions within their territory. For example, Hong Kong, which is a special administrative region in China with autonomy to administer international migration, has a policy that requires foreign states to endorse their citizens' application for legal employment as domestic workers there. This policy enables consular offices to develop public–private partnerships with local migrant labour employment companies and through those arrangements extend their regulatory function into an extraterritorial setting. Using an Indonesian case study, this article shows how one consulate has harnessed the policy for the purpose of compelling Hong Kong recruiters to apply for a licence to provide job-matching services for its citizens. The power that Indonesia gains through the system has enabled a variety of extraterritorial interventions, which have had mixed results and particularly negative consequences for Indonesian migrant labour. Nevertheless, the arrangements reveal more about the subfield of world politics in which states demonstrate a clear preference for engaging with private individuals over other states concerning transnational governance matters in their own territory.

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Public–private partnerships between the Indonesian government and migrant labour employment companies in Hong Kong are one example of a wide range of governance arrangements that have emerged as 'institutional fixes' (c.f. [Rodriguez, 2010: xxii](#)) to resolve the impasse between states over the responsibility and right to intervene in matters involving migrant workers. With the permission of their host, foreign states can set up an extraterritorial representative to perform a limited set of functions such as extending the validity of passports for their citizens. Indonesia has moved beyond these conventional consular tasks by claiming a formal right to intervene in labour migration matters through partnerships with local employment companies, including those in Hong Kong. By way of these arrangements, Indonesia has effectively extended its regulatory function into the territory of another state, thus calling attention to the blurred boundaries that divide the state and market in the exploitation and control of international migrant labour.

The roles played by embassies in the administration of Indonesia's international migration programme feature little in the

literature on Indonesian migrant labour. Only in the context of Hong Kong have scholars included the Indonesian consulate in their analysis ([Sim, 2008](#); [Sim & Wee, 2009](#)). Limited attention to the relationships that exist between Indonesian institutions and employment companies in this and other locations is symptomatic of a broader tendency in the study of Indonesian labour migration in a way that excludes detailed accounts of state involvement (but see [Ford & Lyons, 2011](#); [Killias, 2010](#); [Palmer, 2012](#); [Silvey, 2004, 2007](#)). By contrast, the literature on international labour migration from the Philippines analyzes state activity at home ([Guevarra, 2010](#)), but also extraterritorially ([Lindio-MacGovern, 2003: 254](#) on interventions in Italy; [Rodriguez, 2010: 127](#) in Brunei). In part, Indonesian labour migration researchers do so because the approach helps to avoid the trappings of structuralism, which can overemphasize state power and state–market distinctions. From the perspective of Indonesian migrant workers, however, analysis of their country's interventions overseas is vital, as evidenced by the fact that it is common to see Indonesians demonstrate outside their Consulate ([Constable, 2007: 161–163](#); [2009, 2010](#)), where they protest against the collusive relationship between consular officers and Hong Kong employment companies.

This article analyzes Indonesia's public–private partnerships with migrant labour recruiters in Hong Kong. Motivation for the

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