Outsourcing Border Security: NGO Involvement in the Monitoring, Processing and Assistance of Indonesian Nationals Returning Illegally by Sea

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Abstract

Since the signing of the United Nations Convention against Transnational Organized Crime, the Straits of Malacca have been identified as a “hot spot” for whole range of maritime security threats, including human trafficking and people smuggling. As a consequence, Indonesia’s national and local authorities have been under immense pressure from the international community to develop and implement programmes that address these concerns. Multilateral agencies and other donor organizations have also pumped millions of dollars into counter-trafficking and anti-smuggling programmes in the Riau Islands. Much of the groundwork for both government and international initiatives is done by NGOs, most of which work to identify and assist repatriated migrant workers or victims of trafficking. In one case, however, a Batam-based NGO has gone far beyond this well-trodden path, developing a system to apprehend undocumented labour migrants who use the services of people smugglers to return to Indonesia without passing through immigration. This article examines the case of Gerakan Anti-Trafficking (Anti-Trafficking Movement, GAT) and its implications for our understanding of emerging modes of non-state involvement in border regulation.

Keywords: people smuggling, undocumented labour migration, border regulation, NGOs

Indonesia is made up of over 17,000 islands. With over 54,000 kilometres of coastline, its national borders are mainly at sea. Managing these borders has proven to be a difficult exercise for a number of reasons. First, the complex legal issues that surround archipelagic states, and negotiations over the precise location of Indonesia’s international boundaries, has meant that some of Indonesia’s borders remain the subject of ongoing legal contestation.¹ A second associated issue concerns the mapping of exclusive economic zones (EEZ), particularly in relation to Indonesia’s border with Australia, and its impact on the livelihoods of Indonesian fishers.² Third, fiscal and technological constraints have limited the capacity of the Indonesian authorities to police its borders. For example, it has been widely reported that the lack of funding, maintenance and spare parts has meant that the navy has few serviceable vessels and that no more than 25 naval ships are operational at any one time.³
The lack of political will or wherewithal to secure the border has meant that Indonesia is regarded internationally as a “hotspot” for smuggling (of goods, drugs, people and contraband), human trafficking, piracy and sea robbery, and terrorism. These problems are increasingly being addressed through a range of bilateral and multilateral agreements and joint policing initiatives with Indonesia’s nearest neighbours. In the Straits of Malacca, for example, security responses to trafficking and irregular migrant flows have converged with the increasingly visible presence of navy and customs boats as a result of bilateral and multilateral agreements and coordinated counter-piracy initiatives between Indonesia, Malaysia and Singapore. However, the presence of the navy in the Straits owing to these initiatives has not led to a reduction in “illegal” flows across this part of the border. Malaysian people smugglers — many of them bringing into Indonesia returning Indonesian migrant workers not in possession of formal paperwork — have established close connections with the Indonesian navy’s local commands, which at times actively facilitate their landings. While this may be regarded as a form of corruption, the navy’s involvement with people smugglers nonetheless ensures an orderly arrival process for the thousands of Indonesian citizens who return by sea every year without passing through a recognized entry port.

Despite the large numbers of arrivals, the Directorate-General of Immigration has shown little interest in Indonesian nationals returning illegally by sea. Instead, over time much of the work of assisting undocumented labour migrants returning to Indonesia has been undertaken by NGOs and intergovernmental organizations involved in counter-trafficking activities. Intergovernmental organizations such as the International Organisation for Migration (IOM), the International Labour Office (ILO), and the United Nations High Commissioner for Refugees (UNHCR) play a significant role in assisting undocumented labour migrants, refugees and displaced persons in the region. NGOs, trade unions and church groups are also very active in providing welfare and labour rights assistance to returning undocumented labour migrants and refugees. Such groups, however, are rarely involved in border security and/or regulation. The direct involvement of NGOs in regulating cross-border migration thus signals a significant shift in the ways that the non-government sector has hitherto been involved in managing labour flows in the region.

This paper presents the case of Gerakan Anti-Trafficking (Anti-Trafficking Movement, GAT), a counter-trafficking NGO operating on the island of Batam. GAT is very different from other counter-trafficking NGOs. Instead of focusing on victim identification and repatriation assistance, it has become involved in the monitoring or apprehension of undocumented labour migrants who use the services of people smugglers to return to Indonesia without passing through an immigration checkpoint. GAT’s *modus operandi* is also very different from other cases where the state has consciously outsourced aspects of immigration control to private companies, either through a combination of public–private partnerships or direct outsourcing. The paper begins with an overview of the literature on non-state involvement in border regulation, before turning to the case study and its implications for attempts to maintain the integrity of the border. It concludes that, while undoubtedly novel, GAT’s activities ultimately neither support the activities of the state nor
challenge the legitimacy and efficacy of its border protocols because GAT operates in a space in which the state chooses to be absent.

**Outsourcing border control**

Border security is commonly regarded as the responsibility of the state and its agencies. However, where once the state was responsible for making decisions about who entered its territory, when and where they entered, and for how long, now these decisions are often the outcome of complex negotiations between national and international legal and regulatory regimes in which non-state actors are playing an increasingly significant role.

Much of the scholarly research on non-state involvement in border regulation has focused on Europe, North America and Australia, where non-state actors are involved in border regulation as receiving countries seek to “outsourced” or “externalised” control so that unwanted migrants do not arrive or are easily identified and removed. Such actors include airlines and other transport providers, employer groups and private security firms. Writing about the European Union (EU), Gallya Lahav argues that these non-state bodies are “either incorporated by European states, or ‘privatized’ in the sense that their functions have evolved from a contractual relation into becoming de facto regulators themselves”.

For example, the abolition of passport controls has been achieved by legislation that makes transport or carrier companies liable to check that passengers possess appropriate travel documents and are eligible to enter member states. This regulatory framework, which Aristide Zolberg refers to as a form of “remote control” migration policy, has been in place since the early part of the twentieth century. But since the late 1980s the laws have been strengthened and the responsibilities placed on carriers have increased, primarily in response to the increasing number of “jet age” asylum-seekers. The focus has shifted towards deterrence before entry rather than detention after arrival — a process that Lahav describes as the virtual extension of the state’s borders “outwards”. As a consequence, the number of bilateral and multilateral agreements between individual countries has increased tenfold as private actors are increasingly being called upon to carry the burden of regulation. In the case of the EU, for example, the stringent passport, visa and identity checks of passengers undertaken by airline companies prior to departure have meant that the absence of passport control within the Schengen Area of the EU is largely irrelevant.

Migration regulation is carried out not only beyond the border. Private sector employers and enterprises have also taken on roles associated with monitoring and regulating “illegals” within the borders of the nation-state. In many countries, governments require employers and employer groups to take responsibility for monitoring and addressing the presence of undocumented labour migrants in the workplace. Such roles are enforced through fines and other punitive actions against employers found to be employing “illegal” migrants. In some cases, these roles have been outsourced to private labour inspection agencies. Private firms are also increasingly involved in the management of migrants detained or imprisoned on account of immigration infringements: in the United States, the United Kingdom and Australia, detention centres are contracted out to private for-profit security companies. This outsourcing of immigration enforcement can come at the expense of migrants’ welfare. In Australia, for example, there has been considerable public concern about the conditions in
privately run detention facilities and particularly the ability of private security firms to provide for the physical and mental health of detainees.\textsuperscript{15}

While it may be tempting to view the involvement of private enterprise in migration regulation as a sign of the state’s failure to manage its borders, these developments can equally be seen as constituting a shift in modes of regulation rather than a fundamental change in state function.\textsuperscript{16} Migration control is a politically fraught arena. Shifting the implementation of immigration policy to private, local or international arrangements can be an effective strategy for governments that wish to distance themselves from unpopular policies and practices. Successful public–private partnerships can also be a means to enhance a state’s reputation for border control and migration management. As Lahav argues, that rather than displacing the state, such “processes of devolution aim to enhance the political capacity of states to regulate migration, to make states more flexible and adaptable to all types of migration pressures, to shift the focus of responsiveness, and to generate more effective state legitimacy”.\textsuperscript{17} As a consequence of these hybrid public-private partnerships, “the intersections between public and private are becoming increasingly blurred and hard to disentangle, determining where private involvement begins and where public authority ends becomes likewise difficult”.\textsuperscript{18}

Privatized regulatory strategies are also attractive to governments because they supplement the capacity of overworked and under-resourced state agencies. As such, they may be seen as an extension of the shift towards privatization and outsourcing in other sectors, notably health and prisons. When it comes to immigration, privatization is not simply a matter of cost savings. As Thomas Gammeltoft-Hansen argues, prevention at the point of departure overcomes the state’s legal obligation to protect refugees and asylum seekers since it involves an encounter between two private parties, neither of which is directly responsible under international refugee and human rights law.\textsuperscript{19} Similarly, while states maintain a responsibility to oversee conditions in privatized detention centres, they can partially absolve themselves of their duty of care towards inmates by exercising that responsibility at arm’s length. In both cases, outsourcing at least in part circumvents the need to uphold the international laws and conventions that protect the rights of refugees and migrants.

However, private enterprises are not the only non-state actors involved in the management of migration within the nation-state. The increasing securitization of border regulation and migration management has seen immigration officials overwhelmingly preoccupied with enforcement issues rather than information and service provision. This gap has been filled by churches, trade unions and NGOs that provide legal services and education/information programmes.\textsuperscript{20} Many run shelters to house migrant workers, provide legal advice about immigration law and assist migrants to obtain temporary visas or permanent residency, or provide repatriation assistance. While the majority of these organizations would not characterize their activities as an extension of the state’s border security regime, their work has become an essential component of the state’s migration management model. This work, however, is not directly linked to border security or regulation — functions that remain within the purview of the state and its affiliated or contracted agencies. In this light, Gerakan
Anti-Trafficking’s direct involvement in border regulation is highly unusual, and most salient to debates about non-state actors and border security.

Non-state actors and border control in Indonesia’s Riau islands

The Riau Islands lie in the Straits of Malacca to the northeast of Sumatra and directly south of Singapore (see Figure 1). Riau Islands Province (Provinsi Kepulauan Riau, Kepri) consists of the main islands of Bintan, Batam, Karimun (collectively known as the Riau Islands), along with Natuna and Lingga and many other smaller islands and islets. The islands are the focus of considerable international and national attention because of their strategic location within one of the world’s busiest shipping straits. With more than 75,000 ships passing through the straits each year, carrying more than one-third of global trade and two-thirds of the world’s liquefied natural gas, the Straits are one of the world’s busiest waterways. They are of strategic importance not only to the economies of the littoral states, but also to countries such as China, which rely on the constant flow of oil and other resources through Southeast Asia. Piracy, which thrived during the pre-colonial and colonial eras, has long been a matter of international concern in these waters. The narrowness of the straits, combined with their role as a key international shipping lane, has also given rise to concerns about terrorist activities, including “floating bombs” that could be used to target Singapore’s harbour and oil refineries. The Straits are also the site of a flourishing economy of smuggling involving cross-border trade deemed illegal by governments on one or more sides of the border.

Figure 1. Indonesia’s Riau Islands

Source: Authors’ map
Since the signing of the United Nations Convention against Transnational Organized Crime in 2000, the Straits of Malacca have been identified as a “hot spot” for human trafficking and people smuggling. Indonesia’s national and local authorities are under immense pressure from the country’s regional neighbours to develop and implement programmes that address these interconnected problems. The Australian government, in particular, is concerned primarily with Indonesia’s role as a transit site for those seeking asylum in Australia. The majority of these come from Afghanistan, Iraq and Sri Lanka, and arrive via boat from Malaysia and spend time in different parts of Indonesia en route to Australia. To address domestic political concerns over the arrival of these “boat people”, the Australian government has provided Indonesia with development assistance aid in the form of patrol boats, surveillance aircraft and communications equipment to expand Indonesia’s ability to detect and disrupt people smuggling. It has also provided funds to assist in the construction of detention facilities, including a detention centre in the Riau Islands.25

However, asylum seekers are not the only “illegals” in the Straits. The Riau Islands are a strategic hub for people-smuggling syndicates that operate throughout Indonesia in order to convey Indonesian workers to and from factories and plantations in Malaysia.26 Since the late 1990s, both Singapore and Malaysia have stepped up surveillance to prevent unauthorized labour migrants from attempting to cross the border with or without passports in search of work. In the case of Singapore, increased pressure on the border led to heightened immigration controls at major checkpoints in the Harbour Front and Tanah Merah terminals used by ferry services from the Riau Islands. These efforts appear to have had some success in reducing the numbers of people attempting to enter Singapore by sea.27 Malaysian attempts to stem the flow of undocumented labour migrants from Indonesia have been much less successful, in part because of a lack of commitment and wherewithal on the Malaysian side. Hundreds of thousands of Indonesians cross into Malaysia without proper documentation to live and work there. These irregular migration flows are typically dealt with through periodic forced “sweeping” and repatriation of undocumented labour migrants living in Malaysia rather than by interception at the border as they come in or out.28

In addition to being an embarkation point, the Riau islands are also the nearest point of repatriation for returning Indonesian workers.29 Many Indonesians caught working illegally in Malaysia are deported during crackdowns on undocumented workers. Once in Indonesia, these returnees are the focus of both local government initiatives to facilitate deported migrant workers’ return to their province of origin and of local NGOs’ counter-trafficking efforts. Although the international agenda has been driven largely by a concern with trafficking for sexual exploitation, one of the most notable features of the Indonesian anti-trafficking landscape, particularly in the Riau Islands, is the relatively minor position accorded to the issue of trafficking for sexual exploitation. In comparison, issues facing labour migrants (primarily women) are given priority.30 Multilateral agencies and other donor organizations have pumped millions of dollars into efforts to identify and assist “victims of trafficking” and to strengthen the monitoring and apprehension of traffickers. Local authorities, including police and immigration officers, have attended training courses offered through these programmes and devoted significant human and financial resources to the formulation of counter-trafficking strategies.
Concerns about labour trafficking overlap with the logistics of managing workers expelled by Malaysia in its intermittent but large-scale campaigns against irregular migrant workers. The Riau Islands are one of a relatively small number of targeted points of return during these campaigns. In an attempt to deal with deportees, the provincial government established four holding centres in the mid-2000s with a combined capacity of 2,000 people in Batam, and up to 600 people in the provincial capital, Tanjung Pinang. In 2006 alone, 16,805 Indonesians passed through the Tanjung Pinang holding centre, where deportees arrive on a Thursday, and stay a maximum of three nights before being returned to their province of origin. In Batam, detainees stay for a maximum of two weeks.

Irregular labour migrants who return of their own accord are seldom aware of these repatriation initiatives — and, if they are, most seek to avoid them. Even those who have experienced labour abuses in Malaysia or Singapore, or have been detained and punished before returning to Indonesia, generally wish to travel overseas again for work. To become caught up in government or NGO programmes and detained and returned home makes this goal more expensive and difficult. It is much more desirable to return overseas before being detected by either the Indonesian authorities or migrant labour NGOs, and without passing through an immigration post where inappropriate, outdated — or non-existent — paperwork may be noticed. Many migrant workers seeking to return to Indonesia without valid travel documents use the services of smugglers to avoid detection by either the Malaysian or Indonesian governments. When they do so, they land at one of the many “mouse” or “rat” ports (pelabuhan tiku) scattered through the Riau Islands. Unlike those labour migrants who are caught up in the Malaysian government’s deportation exercises and processed by the large holding centres on Batam and Bintan, these workers are of little interest to the Indonesian state. It is precisely these flows that Gerakan Anti-Trafficking seeks to regulate in the absence of any apparent official effort to do so.

**Gerakan Anti-Trafficking**

GAT was established in 2008 towards the end of a series of counter-trafficking initiatives supported by the IOM and USAID in the Riau Islands. It mostly deals with women and children who have been trafficked into sex work in the region’s large commercial sex industry, a focus that reflects the group’s sense of moral obligation to assist and protect the most vulnerable amongst the islands’ migrant workforce, but also a practical recognition that sex worker “victims” are the easiest to monitor and locate. This aspect of GAT’s work involves “search and rescue missions” to identify and save victims of trafficking working in brothels and other venues, such as karaoke bars. In cases where GAT staff believe they have enough evidence to achieve a conviction under Indonesia law, they prepare case information and hand it over to police on the proviso that they can continue to be involved in the case. They insist on working with the police in an attempt to overcome what they see as persistent and entrenched corruption, which sees many traffickers escape punishment.

In addition to its work among sex workers, GAT is involved in monitoring labour-sending companies in Batam and identifying trafficking cases in the flows of irregular migrants returning through unofficial routes to Batam. GAT has also established a number of initiatives to address people smuggling, including of irregular Indonesian returnees, along
Batam’s northern coast. Having routinely surveyed entry points for irregular arrivals on Batam, GAT staff identified seven major sites along the north coast. One popular landing site is Teluk Mata Ikan, a small village with a long history of involvement in illegal border crossings. Local villagers have smuggled goods and people across the border for decades. Smugglers have also used the village as a transit site en route to Malaysia, paying the local community Rp.1 million (US$105) per night to house prospective illegal migrants.

Villagers began to report late night arrivals to the NGO after GAT ran a community awareness training programme about the illegality of abetting people smuggling and the punishments that the crime carries. Once it receives these reports, GAT workers travel out to the village to register the arrival at the make-shift registration centre established there for this purpose — a plywood hut with forty plastic chairs, a desk and a few office chairs. They collect the names and dates of birth of the returnees and send this information to all relevant government offices in the Riau Islands every three months. As part of this process, GAT workers also go through the bags of those who have arrived in a kind of “customs check” that aims to identify contraband goods such as illicit drugs and weapons. GAT also purchased a fingerprint scanner in order to collect fingerprint data to compare with biometric data contained in passports and other documents with the aim of gathering information about the number of times an individual had crossed the border illegally, whether he or she possesses a valid passport and where the passport was issued.

GAT’s main aim in processing the arrival of returnees is to facilitate their return to their provinces of origin — thus bringing the undocumented labour migrants back into the very system they had sought to avoid by entering Indonesia illegally. GAT organizes accommodation for returnees in the village, as neither the police nor Ministry of Social Welfare have the resources to accommodate independent returnees. GAT workers then help to organize flights for the undocumented workers to return home, mostly to West Nusa Tenggara and East Java, and rent buses to transport them to the airport. Sometimes the police will intercept a bus and take the passengers to a police station to be processed. Usually, however, the police let them go once they realize that they are Indonesian citizens with tickets to return home.

GAT has also sought to discourage villagers from facilitating irregular arrivals. In the village of Teluk Mata Ikan, the NGO developed a livelihood project to provide the community with an alternative source of income. For example, in February 2010, GAT received Rp.8 million ($840) from the Coordinating Ministry for People’s Welfare to run a training session to teach villagers how to make souvenirs out of seashells. According to the activists, the community began to accept GAT’s presence in the village after the head of the Rukun Warga (a local administrative unit) offered his support. In conjunction with the screening programme, GAT’s community development work in Teluk Mata Ikan saw a dramatic decline in the number of returnees using the village as an entry point, from 150 people per night, to 30–35 per week. GAT is proud of this statistic, which it sees as a mark of its success.

**GAT as an agent of border control**
Although GAT’s intervention effectively dovetails with programmes administered by other counter-trafficking NGOs in the Riau Islands, it is novel for two reasons. First, its relatively limited exposure to the internationally sponsored counter-trafficking programmes active in the islands for several years means that its purpose is framed less in the international discourse of the victimhood of trafficked persons. Instead, “illegal” returnees are viewed with some suspicion, as a problem to be dealt with rather than people to be “saved”. GAT activists claim to be motivated by a strong sense of national loyalty and a desire to protect the Indonesian nation from potential risks, a fact reflected in the NGO’s emphasis on documenting the identities of arrivals and searching their bags for contraband.

Second, although the repatriation of returnees (which dominates the work of most local counter-trafficking NGOs) represents a significant part of GAT’s programme, its primary point of intervention is unique. Like counter-trafficking and migrant labour NGOs elsewhere in Southeast Asia, other counter-trafficking NGOs in the Riau Islands operate within a state-sanctioned NGO service model, working in or with government-funded detention centres and shelters, or with the Indonesian embassy staff in neighbouring countries. By contrast, while GAT has personal and programmatic links to the Coordinating Ministry for People’s Welfare, its de facto immigration post operates completely independently of the Directorate-General of Immigration, which is responsible for processing border-crossers, and of the navy, which continues to be largely responsible for law enforcement at sea.

GAT activists attribute their decision to enter the arena of “border control” to the government’s failure to meet the demands of border security along this busy and strategically important border and feel that their activities help in a small way to fill this gap. Although the Indonesian central government has been under international pressure to more closely regulate cross-border movements, the issue of illegal cross-border entry has not been designated as a national security priority. Indonesia’s land and sea borders are very difficult to monitor and, as a consequence, the international border is very porous. The only group of illegal entrants who the government has shown much interest in are international terrorists; for several years after the al-Qaeda attacks of 11 September 2001, posters displaying the names and images of known terrorists occupied prominent positions in ports and immigration facilities. Even its efforts to identify and apprehend asylum seekers are piecemeal, despite pressure and funding from neighbouring Australia.

The state’s reluctance to address the problem of illegal returnees can also be attributed partly to demands on the human and financial resources available for the management of overseas labour migration. Government regulation of labour migrants is overwhelmingly oriented to outward flows and the central authorities are reluctant to devote resources to managing Indonesian citizens seeking to re-enter Indonesia without appropriate paperwork. While some efforts were made after the humanitarian crisis in the East Kalimantan town of Nunukan in 2002 in the form of the provision of shelter and basic services for deportees, in general, the vast numbers of unregulated returnees receive no government attention at all. The lack of government attention is also a product of a general recognition that, even if undocumented, returning labour migrants seldom pose a security risk. Moreover, immigration and customs officials have little to gain from pursuing them. As a result, apart from attempts to extract
unofficial fines and fees, returnees are left largely to their own devices — although there would certainly be much more interest in monitoring their arrival if they were bringing in firearms or drugs.

A lack of resources limits the navy’s capacity to effectively monitor even those parts of Indonesia’s coastline known to be vulnerable to illegal cross-border activity. It is also responsible for creating an expectation that the navy, like the other branches of the armed forces, will seek to generate alternative streams of revenue. There is broad acknowledgment that the military is under-resourced and draws a considerable percentage of its operating budget from commercial ventures, including the provision of services to private enterprise.\(^41\) In the Riau Islands, this has translated into engagement in the various “sin” industries, like gambling and prostitution,\(^42\) but also into tacit or active support for cross-border smuggling of goods,\(^43\) and of people. Indeed, many returnees arrive along a stretch of beach at Tanjung Sengkawang, the site of a navy and military barracks, which is fenced off and guarded by what NGO workers describe as *hijau-coklat-preman* (army, police and the mafia). The guards charge the returning migrant workers MYR5 ($1.50) to wash their feet after walking through the shallow waters from the boat to the shore, providing a lucrative source of income for navy personnel in the barracks. The fact that GAT continues to do its work in clear view suggests that it is tolerated by local naval authorities, perhaps because its activities do not directly threaten the navy’s income stream.

Local level authorities, meanwhile, are not opposed to GAT’s efforts insofar as these efforts make a small contribution to dealing with the steady flow of returning migrants. Local authorities are concerned about the potential social costs of having large numbers of Indonesian migrant workers living in the islands while waiting to return to Malaysia or Singapore but have little capacity to manage them. At the same time, the local branches of the Ministry of Social Welfare — which, along with local government, was made responsible for housing and repatriation of returning migrant workers following the Nunukan crisis — struggle with the financial and logistical implications of that task. For many years, the IOM provided the bulk of funding available for repatriation of victims of trafficking from the islands to their provinces of origin. Although NGOs found it difficult to get approval for repatriating Indonesian migrant workers, who the IOM described as having experienced “thin” (*tipis*) cases of trafficking,\(^44\) these funds represented a significant resource. The Department of Social Welfare now has primary responsibility for both victims of trafficking and deported labour migrants, but it has no interest in funding smuggled workers who have not been victims of trafficking.

**Conclusion: border control, non-state actors and the state**

Although GAT’s border security work is not part of a widespread pattern of NGO activity, this case study provides an interesting lens through which to think about the role of non-state actors in maritime border control in Indonesia, and about the extent to which the activities of NGOs and/or private agencies support government regulation or challenge the legitimacy and efficacy of state regulation of borders more generally. As the literature suggests, the privatization of border security has been largely state-driven. Through a process of incorporation or privatization, states in the developed West have sought to extend their
borders “outwards” by outsourcing border control functions. Much of the outsourcing of migration management has taken the form of passport and visa regulation prior to departure. Simultaneously, the increasing involvement of non-state actors has addressed the significant gaps emerging in states’ capacity to deal with the social and economic costs of the presence of large numbers of undocumented migrants within their borders. Rather than displacing the state, these public/private partnerships represent a shift in the mode of state regulation of the border and thus a means of supporting the state’s security functions.

The case of GAT does not sit easily within a model that presents non-state involvement in border security as an extension of the Indonesian state’s border functions. Undocumented labour migrants from Indonesia enter into other nations illegally but, in returning to Indonesia, they are entering their home state. Nor could we characterize Indonesia as a failed state where international agencies and NGOs have stepped in to address a gap in the state’s capacity to manage its borders. Rather, Indonesia represents a case in which a relatively coherent state with an active and powerful military and an extensive bureaucracy has chosen not to take an active role in managing the return of its citizens who avail themselves of irregular migration channels. Significantly, this is not a state of affairs limited to this maritime border; it can also be observed at the Tawau-Nunukan crossing in East Kalimantan where, having picked up their official passengers, ferry services routinely stop within sight of the Tawau port to allow undocumented Indonesian returnees to board and again to allow them to alight before reaching the immigration checkpoint at Nunukan. In Nunukan and Batam, this situation represents a space not of state incapacity — as is the case with many crossing points on the Kalimantan land border or, indeed, with the “rat ports” on more remote islands in the Riau Archipelago — but rather a space of deliberate state absence.

Perhaps the most important element of this case for our understanding of the relationship between non-state actors and the state is the attitude of institutions and individual officials to the phenomenon of undocumented return. Unlike the highly institutionalized “alternative” system through which many Indonesian labour migrants leave the Riau Islands for Singapore and Malaysia — what we have dubbed the aspal route — agents of the state have little to gain from facilitating the irregular return of these migrants, and so, with the exception of the navy, have not sought to seek rent from them. The government departments with the primary responsibility for preventing Indonesian citizens from landing at unofficial ports are the Ministry of Law and Human Rights, which has responsibility for immigration, and the Ministry of Finance, which has responsibility for customs. Neither has demonstrated an interest in those Indonesian returnees who use the services of people smugglers. This, in part, explains why GAT, rather than a state-sponsored form of contracting out or outsourcing, is the primary actor in this space. Conversely, neither ministry has expressed concern over GAT’s attempts to “fill the gap”, which suggests that officials do not feel threatened by GAT’s usurpation of their duties, or mimicry of their processes.

Clearly, then, GAT’s activities are not seen as a challenge to the legitimacy and efficacy of Indonesia’s border protocols. Nor do they fill a gap by providing support for the activities of the state. While there is some cooperation between GAT and the Ministry of Social Welfare, the state functionaries most intimately involved in policing the border choose not to act on
the information GAT passes on to them. Instead, GAT effectively operates in a space in which the Indonesian state has chosen to be absent, despite its obvious importance for the integrity of its borders. This case prompts more questions than it provides answers, but in doing so, presents a substantial challenge to the ways in which we conceive and assess non-state engagement in the provision of maritime security.

Notes

1 Robert Cribb and Michele Ford, “Indonesia as an Archipelago: Managing Islands, Managing the Seas”, in *Indonesia beyond the Water’s Edge: Managing an Archipelagic State*, edited by Robert Cribb and Michelle Ford (Singapore: Institute of Southeast Asian Studies, 2009), pp. 1–27


5 Although separate bilateral information on exchange arrangements existed from 1992, it was not until 2004 that Indonesia, Malaysia and Singapore embarked for the first time on a programme of maritime security cooperation in the Straits of Malacca. This arrangement, which involved multilateral coordination of sea patrols, was subsequently expanded in 2005 to include air patrols, and again in 2006, when a Joint Coordinating Committee (JCC) was established and Standard Operating Procedures were finalized. Anthony S. Massey, “Maritime Security Cooperation in the Strait of Malacca”, unpublished document, Naval Postgraduate School, 2008, pp. 9, 25–6, 41, 46–48.

6 Interviews with government officials and community figures in Batam and Tanjung Pinang, November 2006.


8 The paper draws on interviews conducted between 2001 and 2010 with key actors in Jakarta, including representatives of relevant international organizations and several major counter-trafficking NGOs, and on fieldwork in the Riau Islands in 2004–08 and in 2010. The bulk of the data was collected as part of an Australian Research Council Discovery Project entitled *In the Shadow of Singapore: The Limits of Transnationalism in Insular Riau* (DP0557368). We would like to thank Wayne Palmer for his assistance with follow-up interviews in the Riau Islands in 2010.


13 Not all private involvement in migration control is state sponsored or sanctioned. The self-proclaimed “Minutemen” who carry out armed patrols of the US-Mexico border are a clear example of individuals who have taken up border security activities on their own initiative. See, Gammeltoft-Hansen, *Access to Asylum*, op. cit. p. 162.
14 Ibid.
22 Teo, “Target Malacca Straits: Maritime Terrorism in Southeast Asia”, op. cit.
30 Ford and Lyons, “Counter-trafficking and Migrant Labour Activism in Indonesia’s Periphery”, op. cit.
This timing is important because it has had a significant impact on the organization’s sense of what an anti-trafficking NGO does, the type of work it engages in, and its relationships with local authorities and other organizations and agencies. Because GAT’s work really began to gather momentum only after the funding stopped, its exposure to international donor discourses and agendas has been minimal. See, Ford and Lyons, “Counter-trafficking and Migrant Labour Activism in Indonesia’s Periphery”, op. cit.

According to GAT, the Ministry supported the initiative because it was in line with the Ministry’s work to discourage trafficking. Importantly, however, the son of the Deputy for the Empowerment of Women and Child Welfare, who signed off on the agreement, is also the head of GAT’s IT department.

It is, of course, likely that flows of returnees are simply diverted to other locations.

There are at least ten different agencies involved in law enforcement and security at sea in Indonesia. Their activities are coordinated by the Coordination Agency for Security at Sea, under the command of the Commander of the Armed Forces. Coordinating this group has proven difficult because of the lack of clarity about the specific roles to be performed by each. Carolin Liss, “The Privatisation of Maritime Security — Maritime Security in Southeast Asia: Between a Rock and a Hard Place?”, 2007, <http://wwwavc.murdoch.edu.au/publications/wp/wp141.pdf>.


In August 2002, the Malaysian government began a mass deportation exercise. Almost 400,000 Indonesians working without appropriate documentation were deported in a two month period. The sudden influx of deportees to Nunukan, a small island on Indonesia’s border with the Malaysian state of Sabah, caused a humanitarian crisis which became a critical point in the management of Indonesia’s migration flows to Malaysia. Ibid.


Aspal is an acronym from the words asli tapi palsu (real but fake), a term to describe authentic state documents that have been issued on false pretences or that are used inappropriately. The aspal route involves official and unofficial labour recruitment agents; local brokers who act as middle-men between agents, officials and prospective migrants; and numerous other private entrepreneurs who provide specialized services, along with immigration and other officials. See Ford and Lyons, “Travelling the Aspal Route: Grey Labour Migration through an Indonesian Border Town”, op. cit.