

6 Territorial sovereignty and trafficking in the Indonesia–Malaysia borderlands

Michael Eilenberg

During a 2005 visit to the West Kalimantan border, Indonesian President Susilo Bambang Yudhoyono announced a series of large-scale development initiatives planned along the nation's border with East Malaysia. This renewed focus on the border was the result of a combination of factors including the economic interests of national and international plantation companies, issues of territorial sovereignty and security, and rising pressure from the international community and neighbouring countries to deal with undocumented labour migration and contraband smuggling. In the words of the President:

For this [plan] to develop, we need to develop a road running parallel to the border. We must close down all [unauthorized border crossings] that often are employed for the undertakings of illegal activities. If this plan goes well tens or even hundreds of thousands of people could be employed in the border area.

(Cited in PKB 2005)

As noted by the President in his speech, these initiatives were expected to make the local border population less dependent on wage labour in East Malaysia and thereby become more attached to their own nation-state.¹ In other words, the development of labour intensive industries and the expansion of infrastructure along the entire length of the Kalimantan border would enable the Indonesian state to establish production zones that could not only compete with and attract investment from Malaysia, but would also keep Indonesian workers at home.

The Indonesian state has often questioned the national loyalty of the border population because of their engagement in so-called illegal cross-border activities. Various forces such as shared ethnicity and the lack of genuine development initiatives have shaped these engagements. Decades of cross-border interaction have in no small part nurtured a strong attachment to neighbouring East Malaysia. For many borderlanders their connections over the border are often stronger than those with their own nation, a fact that recently led to debates over their citizenship status (*Harian Berkas* 2009). The expansion and contraction of border surveillance over time has further nurtured borderland autonomy in which formal state laws often are perceived as colliding with local livelihood practices. At times 'illegal' cross-border flows, including workers, have been hardly noticed or simply

ignored by various public authorities. However, a sudden shift in administration can lead to a criminalization of these flows and crossings, as is the case in the most recent attempt to reclaim the borderlands.

The same year that the President visited the West Kalimantan border, the Coordinating Ministry for Social Welfare released a report on the elimination of human trafficking in Indonesia which stated that the extreme porosity of the border between Kalimantan and East Malaysia was an obvious hindrance to combating human traffickers and claimed that there was a dire need for increased border controls in the area (Menko Kesra 2005: 22). The issues of migrant illegality and trafficking have also appeared prominently in press statements about the changing border regime (*Suara Karya* 2005; *Equator News* 2007b; *Jakarta Post* 2008a, 2008b; *Media Indonesia* 2008; *Jakarta Globe* 2009a). Indeed, Indonesia's central government has increasingly seen underdevelopment and poor infrastructure along the border with East Malaysia, together with the rise in undocumented labour migration and smuggling, as a problem of national security. According to this view, development and national security along its territorial borders go hand in hand and consequently border development has become a priority of successive governments.

This chapter aims to explore the role that counter-trafficking initiatives have played in attempts by the Indonesian state to reclaim authority along its territorial borders.² Drawing on data collected through personal interviews with government officials and community members in 2002–2003 and 2007, and analysis of government reports and newspaper clippings covering the period from 2002 to 2009, it documents how increased criminalization and the prevention of unauthorized flows of cross-border labour migrants have come to the forefront of national rhetoric concerning border development, territorial sovereignty and security. The chapter argues that the anti-trafficking discourse has had unintended negative consequences along a border where the mundane practices of undocumented labour migration are often not distinguished from the more exploitative practices of human trafficking.

Irregular migration as a matter of national security

The West Kalimantan borderland (see [Figure 6.1](#)) has long been a source of anxiety for state authorities. Border populations are seen as potentially subversive subjects who ruinously adhere to various illegal practices in pursuit of their daily livelihoods. The border zone, dividing two separate nation-states with their different administrative, regulatory and economic regimes, generates structures of opportunity that provides fertile ground for activities deemed illegal by one or both states to flourish.

Since Independence, the level of regulatory state authority along the border has waxed and waned with changes in government administrations and policies. State control has sometimes been strong, such as during the period of Confrontation between Malaysia and Indonesia in the 1960s and the communist counter-insurgency that raged in the decade to follow. As a consequence, the border was



Figure 6.1 The West Kalimantan–Sarawak border

officially closed for several years. The tense situation led to heightened militarization on both sides of the border and the borderland functioned as a security buffer zone. During this period, cross-border migration was extremely difficult and dangerous. After the armed confrontations and eradication of communist insurgents, it again became possible to cross the border, a development which set the stage for large-scale resource exploitation. However, although many of the former high-ranking army personnel who carried out the fight against the communists were granted large timber concessions along the border by President Suharto's New Order regime, these undertakings – carried out in the name of national security and development – generated few local jobs.

In 1994 President Suharto introduced a security and prosperity approach (Kepres 1994). This decree stated that border development was imperative for the upholding of national security. The idea at that time was to create a buffer zone along the border solely under the authority of the military. In reality, the decree was used to justify large-scale resource extraction in the border region by the military in tandem with Suharto's business cronies. During this period, resource exploitation as well as infrastructural and other kinds of development initiatives were stalled. This meant that transport was time-consuming, unreliable, and often interrupted or made impossible by seasonally restricted roads and waterways. Stalled by remoteness from the provincial economic centre in Pontianak, cross-border trade and labour migration again became crucial for the local economy.

The scale and volume of cross-border migration has risen dramatically since the 1997 economic crisis and the fall of Suharto in 1998, as the presence of central government and military authority at the margins of the state was largely reduced or became non-existent. However, after nearly a decade of increased local autonomy, the pendulum moved back because of renewed government interest in stretches of lightly populated land suitable for both large-scale agricultural development projects but also defence and security. The 1994 Presidential Decree initially introduced by Suharto has come to play a vital role in recent government border plans and is repeatedly mentioned in various government reports. The concept of security and prosperity is used in today's rhetoric of border development and the 'safety belt' (*sabuk pengaman*) is to be composed of oil palm and rubber plantations rather than dense and difficult to manage forest.

The concept of an Indonesian–Malaysian agricultural corridor was first suggested as a suitable border strategy in a 2001 publication from the National Agency for the Assessment and Application of Technology (Hamid *et al.* 2001). Then, on 14 October 2003, a meeting was held in East Kalimantan between the Indonesian Government and officials from the Malaysian states of Sabah and Sarawak. The main topic was cross-border trade and development of a spatial plan for the border area between the two countries. In a report prepared for the meeting it was stated that the main spatial policy was: 'To boost the development of [the] border area as an Indonesian "front line" to Malaysia' (DJPR 2003). A month later, in November 2003, the National Development Planning Agency, Bappenas, released the first official report on a strategy and model for developing the border areas of Kalimantan (Bappenas 2003). One of the main concerns highlighted in these government reports was again the un-restricted flow of labour migrants prompted by under-development and lack of border policing.

In May 2005, the Minister of Agriculture, Anton Apriantono, announced the formation of an oil palm plantation corridor to span the entire length of the 2,000 kilometre-long border with Malaysia. He claimed that the initiative would create more than half a million jobs, attract foreign exchange, strengthen the border against neighbouring Malaysia, and reduce the prosperity gap between people living along the border and those in Malaysia (*Pontianak Post* 2005; *Jakarta Post* 2005b). Besides creating jobs for local populations, the government expected to move unemployed workers from densely populated provinces of Indonesia into the sparsely populated border area as part of a large transmigration project.³ However, its ultimate mission, as quoted in a 2006 report on the key management plan of the country's borders, was to create a: 'Secure, Orderly, and Advanced Territory' (Bappenas 2006a). According to the report 'secure' (*aman*) means creating security conditions that can be controlled and are conducive for business and free from illegal activities; 'orderly' (*tertib*) means that all economic activities, social and cultural at the border are based on (state) law and regulation; and 'advanced' (*maju*) refers to increased economic welfare of local communities (Bappenas 2006a: 41).

The combination of security, order and advancement became buzzwords in the national discourse on border development. Among other things, the Middle-Term

National Development Plan for 2005 to 2009 (Rencana Pembangunan Jangka Menengah 2005–2009, RPJM) stressed the eradication of illegal cross-border movement and smuggling as a means of securing and maintaining order in border areas of Indonesia. As stated in [Chapter Five](#) on ‘Enhancing Security and Order, and Overcoming Crime’, the aim of the government is to ‘secure the border areas of Indonesia by securing cross-border activities’ (Perpres 2005a). The aims of ‘The Program of Development of Border Areas’ are:

Maintaining the territorial integrity of the Republic of Indonesia, through the affirmation of the sovereignty of the NKRI (Unitary State of the Republic of Indonesia); [. . .] to enhance nationalism among the [border] communities; and to ensure the supremacy of law and legal regulations with regard to violations that are occurring in border areas.

(Perpres 2005a)

Yet despite these initiatives and other attempts to develop a master plan for the border region, the various government bodies involved in the process have been largely crippled as there is no official law or decree that specifies what exactly makes up the border region and what is the division of labour between different levels of government (*Jakarta Post* 2009b). Successive Indonesian administrations since the presidency of Megawati Sukarnoputri have discussed the content of a National Border Law that is to determine the levels of government and departments that will be responsible for the future management of Indonesia’s border regions (*Equator News* 2007c). Both the governments of Megawati and Susilo Bambang Yudhoyono drafted laws on the spatial planning of the Kalimantan border area that stipulated the main priorities for the border. However, these drafts never received the presidential signature and therefore never materialized as formal laws; thus the actual steps towards developing the border area have been repeatedly postponed. Besides the administrative hurdles, one often mentioned reason for government reluctance to implement development initiatives is the immediate need for law and order on the border (Keppres 2003; Perpres 2005b).

Feeding into the discourse of law and order, the military immediately embraced the opportunity to regain authority along the border that was partly lost after the fall of Suharto. High-ranking military spokespersons promptly expressed their strong support for the government’s plans. In March 2006 on an inspection tour of the East Kalimantan border the Commander-in-Chief of the National Armed Forces (TNI) Djoko Suyanto, announced that he was in favour of the planned border development:

We support the development of border areas in the aim to improve the welfare of the people, in addition to this there are strategic goals related to aspects of security to be considered. We will continue to build defence posts along the border in the years 2006, 2007, 2008 and 2009 until the issue of [economic] disparity in the border area is completely solved.

(Cited in *Berita TNI* 2006)

Riding high on the rhetoric of security and a general public demand for stronger territorial defence against Malaysia, the military have pushed to reassert state sovereignty through coercive force by establishing permanent military control posts with military battalions to secure ‘peace’ in the border area and prevent unauthorized border crossings (*Jakarta Post* 2005a; *Antara* 2007; *Equator News* 2009). The lawless borderland was seen as an obvious entry point for foreign terrorists and therefore in dire need of military protection. It was even suggested that a unit of the police special anti-terror corps (Detasemen Khusus, Densus 88 Anti-Terror) should help patrol the border (*Equator News* 2005).⁴

Starting in late 2006, several hundred soldiers were dispatched to the area to support the undermanned border military, and 31 control posts or camps were erected along the West Kalimantan border with barbed wire and shooting ranges each manned by one heavily armed company (30–40 persons) who patrol the borderline on a regular basis.⁵ Additionally 24 posts are planned just a few kilometres away from Putussibau, the Kapuas Hulu district capital; a large military camp with room for one battalion from the regional command in Pontianak has been erected; and a large military airbase is planned (*Equator News* 2008). This growing presence of state authority in the form of border militarization is, as described above, largely an outcome of the perceived loss of national sovereignty and major public, regional and global pressure to eradicate so-called illegal flows of humans, contraband and terrorism. It was within these debates on border development and sovereignty that the concept of counter-trafficking as a security measure began to develop.⁶

The emergence of the anti-trafficking discourse

The influx of undocumented Indonesian labour migrants across the border has for long been an issue of tension between the Indonesian and Malaysian authorities (Liow 2003).⁷ The Sarawak authorities have repeatedly accused the Indonesian authorities of ignoring the undocumented flows of migrants, which has supposedly led to increased crime rates in Malaysia. Since 2002, the Malaysian Government has initiated several programmes of mass expulsion and repatriation of illegal Indonesian workers, resulting in more persistent and aggressive raids on labour camps in Sarawak and throughout the country (Ford 2006; Eilenberg and Wadley 2009). In the first ten months of 2008 alone, the National Agency for Placement and Protection of Indonesian Overseas Workers estimates that the Sarawak authorities deported approximately 2,000 illegal Indonesian workers across the border to West Kalimantan (BNP2TKI 2008).

But the spectre of human trafficking and other illegal border activities has forced Malaysia and Indonesia into dialogue.⁸ During the 37th General Border Committee (GBC) meeting in December 2008 both the Indonesian Defence Minister and the Malaysian Prime Minister highlighted the need for increased bilateral ties in regard to border security, emphasizing that the current economic situation and the difficult living conditions along the border might give rise to an increase in illegal activities like human trafficking (*Bernama* 2008). The Malaysian Prime Minister Abdullah Ahmad Badawi was quoted saying:

To improve cooperation and handle the poverty issue, we need to intensify the collaborated efforts of our intelligence agencies and help eradicate criminals, smugglers and human traffickers.

(*Jakarta Post* 2008c)

The Indonesian Defence Minister, Juwono Sudarsono used similar wording when discussing this and related issues:

Efforts to deal with non-traditional security threats and challenges such as smuggling, terrorism, illegal logging, illegal fishing and human trafficking – which have been discussed many times at Southeast Asian regional forums – need to be strengthened at this bilateral level as well.

(*Jakarta Post* 2008c)

The intense focus on human trafficking at the highest levels feeds and reflects growing levels of media coverage of the issue. Human trafficking is increasingly making the headlines in national and provincial newspapers and, in line with government rhetoric, it is often portrayed as a major security problem and obstacle for border development (*Pontianak Post* 2007, 2009a, 2009b, 2009d; *Jakarta Globe* 2009b; *Jakarta Post* 2009c, 2009d). Among these reports, a steady increase in the number of trafficking cases reported by the police and other government authorities in the West Kalimantan borderlands has been noted (*Pontianak Post* 2009c).

Most cases of organized human trafficking reported in the national news media and government take place in demarcated ‘hotspots’ (see Molland in this volume) along the border such as the border crossing points at Entikong (Sanggau district) and Aruk (Sambas district) in West Kalimantan. In 2010 the head of the provincial police announced that West Kalimantan ranked second highest out of 12 regions experiencing human trafficking, with a total of 722 cases or 19.33 per cent. This ranking is slightly better than West Java with 850 cases. He further highlighted the Entikong crossing as experiencing the majority of human trafficking cases because of its accessible location and more developed infrastructure (*Equator News* 2010). The increasing visibility of trafficking in the province in part reflects the readiness of the provincial government to employ the anti-trafficking discourse. When West Kalimantan governor Usman Jafar issued the first regional decree on the prevention and eradication of the trafficking of women and children in 2007, the decree argued that the province was especially prone and vulnerable to acts of trafficking because of its shared border with Malaysia (Perda 2007).

This official commitment to eradicate human trafficking was enthusiastically embraced by the current governor Cornelis MH, who replaced Usman Jafar in January 2008. Cornelis subsequently received an invitation from the United Nations to participate in a May 2008 roundtable discussion on the issue of human trafficking at the UN headquarters in Geneva (*Antara* 2008). After his return from Geneva, he released several regulations and provincial decisions on anti-trafficking (Kepgub 2009, 2010; Perda 2010). These various decrees, along with

statements by the governor, readily linked the lack of border control with an increase in human trafficking (BP2AMKB 2010).

Human trafficking takes many different forms along the West Kalimantan border. While many forced undocumented migrant workers are deployed within the domestic sector, the plantation and factory sectors make up the largest share of the reported trafficking cases. These modes have increasingly been recognized in definitions, along with baby selling, mail-order brides and sex work (Sugiarti *et al.* 2006: 210–11). The broadening of trafficking categories (some of which were previously seen as licit activities) and the popularity of the anti-trafficking discourse have resulted in a steady increase of reported cases, but have also led to confusion regarding what constitutes trafficking and what does not (see Ford and Lyons in this volume). Furthermore, trafficking data is more or less solely derived from the more accessible border crossings like Entikong and Aruk, which are relatively close to the provincial capital where human rights NGOs (international and national) are most active (BP2AMKB 2010).

It is also here that the discourse of anti-trafficking is strongest. Several high-profile national NGOs like Shelter Aisyiah⁹ and Anak Bangsa provide temporary shelter in recovery centres and various kind of assistance (legal and medical services, rehabilitation and reintegration) to trafficked persons at the Entikong border crossing and both organizations collaborate with and receive funds from the International Organization for Migration (IOM). Other NGOs like the Legal Aid Foundation of the Indonesian Women's Association for Justice (Yayasan Lembaga Bantuan Hukum Perempuan Indonesia untuk Keadilan, YLBH-APIK), the Institute for Legal Aid and Family Consultations (Lembaga Konsultasi Bantuan Hukum dan Keluarga, LKBH-PEKA) and Pancur Kasih raise awareness about and provide services for trafficking victims in the major cities of Pontianak and Singkawang (USAID 2006).

On the ground, the actual servicing and handling of trafficking victims is more or less solely managed by these NGOs although some coordination is carried out with local government authorities. Yet while capacity-building programmes and technical assistance involve service providers and local government, the relationship between them is not without problems. A report written by the International Catholic Migration Commission and the American Center for International Labor Solidarity in 2006 on trafficking in 15 provinces of Indonesia mentions that local government authorities in the Sanggau district (where the Entikong border crossing is located) were frustrated by service providers, which refused to help persons whom the local authorities regarded as trafficked but the service providers did not (Sugiarti *et al.* 2006: 213).¹⁰ These skirmishes between government actors and service providers are the result of the haste with which the anti-trafficking discourse is being implemented and demonstrate the lack of a coordinated and systematic approach to dealing with trafficking. In short, despite the issuing of several decrees on anti-trafficking by the provincial government, local governments still lack the capacity to detect trafficking victims and provide services for them.

While most NGOs report a growth in trafficking cases, actual statistical data on trafficking are still very limited and vague as there are divergent perceptions

of what constitutes a ‘trafficked person’ among the various NGOs working in the province. Different perceptions of trafficking, differing data sources and a lack of capacity make it very difficult to get any exact figures. Anak Bangsa recorded 160 cases of human trafficking for the period January to June 2009 at Entikong, reporting that the large majority of victims were not from West Kalimantan but various parts of Java and only 20 per cent were adult males (*Republika* 2009). With even fewer cases reported at Aruk, it is plausible to suggest that the numbers of trafficked victims in other more difficult to access border crossings would be fairly low.

In the more marginal border areas like Kapaus Hulu, where the abovementioned NGOs are largely absent, the discourse of trafficking is weak and often much less nuanced (*Borneo Tribune* 2009). When the term is used it is often difficult to distinguish it from other kinds of illegal cross-border movements and trade. Overwhelmingly, also, it is associated with the military’s rhetoric of border security and lawlessness and is seen by local borderlanders as yet another top-down concept applied by central and regional state authorities to delimit and regulate their cross-border movements. But while the term ‘human trafficking’ (*trafiking* or *perdagangan manusia*) seldom appears in everyday conversation, the direct consequences of counter-trafficking initiatives are being felt among borderland communities, as undocumented labour migration becomes increasingly criminalized in these borderlands. Moreover, counter-trafficking is having a disproportionate effect on borderlanders, who are much less likely to be victims of trafficking but get caught up in the counter-trafficking net.

Different kinds of labour migrants

Officially it is illegal to cross the border with the intention of working in Sarawak, except at the official crossing in Entikong. For a long time local authorities ignored locals who cross the more remote part of the border without any official documents, as official resources are few and corruption is widespread (Tirtosudarmo 2002; Eilenberg and Wadley 2009). But as the anti-trafficking framework gains traction in more remote areas of the province, previously largely unrestricted, relatively benign and rather mundane acts of undocumented labour migration are no longer distinguished from the more severe acts of organized human trafficking and exploitation carried out by criminal syndicates. As a result, borderlanders report that the number of cases of arrests and harassment by border police and the military is drastically intensifying. As a consequence, borderlanders’ access to cross-border employment is shrinking, with severe economic consequences for local livelihoods.

Local livelihood strategies have historically been based on the advantages that the fluidity of the border presented. Centuries of unhindered labour migration into Sarawak have provided a steady cash income for borderlands that historically have been deprived of national and provincial economic development. The borderland’s proximity to major political and economic centres in Sarawak and its remoteness from its own provincial capital has resulted in close networks of trade, migration and kinship across the border. While the border is seen by

administrators as a rugged wilderness full of geographical obstacles, to locals it is a land of low-lying hills and river plains that offer few physical barriers to cross-border flows. Where the state sees an inhospitable landscape, borderlanders see centuries of well-worn trade routes.

Borderland populations strategically apply their long-term and intricate networks of cross-border kin relations to cross the border and find work (Eilenberg and Wadley 2009). As one borderlander commented, referring to his close relationship with his Sarawak family, ‘We are still of one descent.’ Encouraged by increasing economic differences between the two countries and the lack of reliable and well-paid waged jobs in the borderland, growing numbers of borderlanders seek temporary employment in Sarawak.¹¹ As a consequence, labour migration has become a large part of the informal borderland economy, and the wages earned provide a substantial source of cash income for borderland households.¹² As the Indonesian and the Malaysian authorities increase surveillance along their territorial borders, however, it becomes increasingly difficult to carry on these long-term practices.

Large numbers of non-borderland Indonesian migrants also cross from this region into Sarawak to find work in the large oil palm plantations stretching along the Sarawak side of the border.¹³ Informal labour brokers or middlemen (*calo*) mediate the labour experiences of these migrants. The *calo* often work in tandem with Malaysian plantation companies and provide travel documents like passports, ID cards and visas for a hefty fee. A common strategy among the *calo* is to assist the migrants entering Malaysia on a short-term Social Visa that later can be converted into a work permit. The jobs in the plantation sector are generally lower paid and working conditions dire, with long working hours and poor safety records (Idrus 2008). Here labour migrants are usually housed in small settlements within the oil palm plantations isolated from surrounding communities and the prying eyes of the Malaysian authorities. Not having the advantage of close-knit ethnic relations to mediate work relations, they are extremely vulnerable to exploitation by unscrupulous labour syndicates. Not allowed to leave the plantation perimeter to purchase everyday commodities or socialize, these workers are extremely dependent on the goodwill of the plantation owners, to whom they often end up being financially indebted.¹⁴ While many of these migrant workers start out as voluntary migrants they easily end up in a system of debt bondage with threats of arrest and deportation hanging over their head.

By contrast, local labour migrants tend to work within the construction and service industry in jobs secured by Sarawak kin, whose ability to secure reasonable working conditions and salaries is based on decades of labour migration and mutual trust between the worker and Sarawak employers. In addition, these networks supply much-needed official documents, like identity cards and birth certificates, which ensure higher salaries and more security, as migrants are less vulnerable during police raids and less likely to face jail time and expulsion across the border.¹⁵ These local labour migrants are far less likely to be exploited than the more vulnerable non-borderland Indonesian migrants, who are dependent on the *calo*.

Borderlanders cross illegally into Sarawak because there have historically been few other workable alternatives. According to the 1967 Basic Agreement between Malaysia and Indonesia, inhabitants living in the immediate area on either side of the border are to be allowed to cross it for short social visits (Agustiar 2000). To be able to do so, however, they need an official border-crossing pass (*Pas Lintas Batas*), locally known as a Red Letter (*Surat Merah*). Applying for such a pass is time consuming and expensive and the pass does not allow the taking up of employment. Because of these constraints, most borderlanders prefer crossing the border illegally. This poses few obstacles as they have an intimate knowledge of the border area and can blend into the Sarawak population almost seamlessly.

For many years, the only officially recognized border-crossing point where non-border residents could pass and international trade was allowed in West Kalimantan was the Entikong (Indonesia) and Tebedu (Sarawak) Cross-Border Inspection Post (*Pos Pemeriksaan Lintas Batas*, PPLB) situated in the district of Sanggau. This official entry and exit point was opened in 1989 and is fully staffed by immigration and custom authorities (Fariastuti 2002). The PPLB at Entikong is also used by legal labour migrants from other parts of Indonesia who enter Malaysia using the services of officially licensed human resource recruitment agencies and work on short-term contracts (Fariastuti 2002). Besides the official crossing in Entikong there are Cross-Border Posts (*Pos Lintas Batas*, PLB) at Aruk (Sambas district), Jagoi Babang (Bengkayang district), Jasa (Sintang district) and Nanga Badau (Kapuas Hulu district) where borderlanders are allowed to cross for the purpose of short temporary social visits. These crossing points also attract large numbers of outside migrants from other parts of the province and Indonesia who use the PLBs as 'illegal' gateways into Sarawak. In addition to these designated routes, there are estimated to be more than 60 small unofficial back-roads or *jalan tikus* (literally mouse paths) that connect 55 villages in West Kalimantan with 32 villages in Sarawak (BP2AMKB 2010). The borderlanders themselves mostly use these small *jalan tikus* as entering Sarawak though these require intimate knowledge of local geography.

When borderlanders cross the border without official documents in order to take up work in Sarawak they do not see themselves as criminals breaking the law. On the contrary, from their perspective cross-border labour migration is a licit and deep-rooted practice developed over centuries that has become an integral part of the local economy. They argue that economically and politically marginalized border communities have been forced to develop their own cross-border livelihood strategies because the Indonesian state has not yet managed to develop the borderland and overcome the economic disparities between communities on either site of the border. As a labour migrant from the borderland pragmatically declared: 'If the government can't provide us with local economic opportunities we will provide for ourselves and continue working in Sarawak, breaking the law or not' (Interview, April 2007).

However, the perceived legitimacy of entering Sarawak through unauthorized entry points like Nanga Badau only extends to borderlanders themselves. According to borderlanders, labour migrants from other parts of Indonesia are interlopers who do not possess the historical and cultural right to cross the border in search of

work. Local animosity towards ‘outside’ migrants is further inflamed by increasing competition for jobs. Borderlanders also argue that these outsiders are prone to criminality and violence and often blame the ‘low morals’ of these outsiders for Malaysia’s increasingly punitive response to labour migrants in Sarawak.¹⁶ The recent global financial crisis and consequent pressure on regional labour markets in both Indonesia and Malaysia have put extra strain on local borderlanders and Indonesian labour migrants in general (*Jakarta Post* 2008d). While the previous economic crisis of 1997–98 had modest negative effect on the immediate borderland population due to their intimate cross-border links and more or less unrestricted access to the border, the current economic crisis has been felt much more broadly as a result of the amplified focus on border security between Indonesia and Malaysia. But whatever their status, undocumented labour migrants crossing the West Kalimantan–Sarawak border have increasingly been criminalized as ‘illegals’.

Initial steps have been taken to upgrade the Nanga Badau Cross-Border Post into a Cross-Border Inspection Post similar to the one in Entikong. In 2006 as part of the spatial planning of the Kalimantan–Sarawak–Sabah border region (KASABA), the central and provincial government selected five border entry points in West Kalimantan which would be developed into economic growth centres in order to prevent illegal flows. One was to be situated at the Nanga Badau border crossing in the Kapuas Hulu district, which was highlighted as a priority one area in special need of development initiatives (Bappenas 2006b: 33; *Equator News* 2007a).¹⁷ Customs and immigration buildings have been constructed and a gate erected. However, the designation of Nanga Badau as an official Cross-Border Inspection Post has previously been repeatedly postponed by central and provincial government (*Kompas* 2002; *Sinar Harapan* 2003; *Pontianak Post* 2004; *Equator News* 2006). There are several reasons why this border point has not yet been officially opened. According to one border inhabitant:

The reason why the Nanga Badau gateway is not [officially] opened yet is because then every cross-border transaction can continue to be declared illegal, and when illegal it becomes the game of government institutions and the security apparatus for collecting unofficial taxes. Every person who goes into Sarawak is asked to pay 50 Malaysian Ringgit when they return to various officials [military and police]. If the border gate becomes official there will be no more unofficial taxes. If this gate is not [officially] opened soon it means that the central government wishes the border area to remain lawless.

(Interview, March 2007)

Given the obvious link between cross-border activities and illegality, it is difficult to assess the extent to which state agents and local officials are involved in illegal cross-border labour migration beyond simply facilitating and collecting fees on their side of the border. However, it is an open secret in the border area that the police and the military are economically dependent upon so-called ‘illegal’ activities. Their collection of under-the-table ‘taxes’ on various contraband goods and the movement of people is widespread (*Jakarta Post* 2008e). It is also sustained:

the very same officials that today levy charges on labour migrants were deeply engaged in the collection of 'timber taxes' during the heyday of cross-border timber trafficking (1999–2005).

Although the local Women's Empowerment Bureau in the Kapuas Hulu district has received tip-offs about the existence of trafficking in the district, there is no concrete data on trafficking related cases at the Nanga Badau crossing (*Borneo Tribune* 2009). Compared to the thousands of voluntary undocumented labour migrants who cross this border every month the number of forced crossings appears to be very small. Despite the small number and fairly restricted geographical spread of trafficking cases, media reports on the potential for trafficking commonly depict trafficking as a threat which affects the entire length of the border. But such reports seem to be largely unsubstantiated and based on sporadic rumours. Undocumented border crossings across the West Kalimantan border takes many different forms, some more benign than others. It is here argued that the more benign acts of voluntary cross-border labour migration far outnumber the acts of organized human trafficking. However, for policy-makers, NGOs and law officials, acts of organized human trafficking and more benign voluntary acts of undocumented labour migration often blur together, as the distinction between the various categories are not clear-cut and up for interpretation.

Conclusion

As these manifestations of the anti-trafficking discourse in the West Kalimantan borderland suggest, globally powerful concepts have been readily employed by Indonesian state authorities in the construction of a security discourse designed to prevent the unauthorized flows of people across their porous land border with Malaysia, and in doing so shore up the territorial sovereignty of both countries.

The main ideal or motive behind counter-trafficking measures in Indonesia, as depicted by the Coordinating Ministry for Social Welfare and relevant international organizations, is to prevent the widespread exploitation and abuse of Indonesian migrant workers, especially vulnerable groups like women and children (Menko Kesra 2005; Sugiarti *et al.* 2006; USAID 2006; Ford and Lyons in this volume). While organized human trafficking and forced labour as described above certainly occur along the length of West Kalimantan's border with Sarawak, such acts are far less common than crossings made by undocumented voluntary labour migrants. However, it is these undocumented migrant workers who suffer most, as they become caught up in the thrust to reassert territorial sovereignty and implement rigid security through the guise of counter-trafficking regimes.

The increased tendency to deal with undocumented labour migration under the heading of 'trafficking' has deeply affected the ability of Indonesian migrant workers, and especially borderlanders, to cross the border and attain much-needed cash income through employment in Sarawak. In part, this response is driven by international pressure on the Indonesian Government to address human trafficking. Increased military patrolling of the border and the harsh treatment meted out to labour migrants have been justified by reference to the global discourse of

anti-trafficking. However, in rural West Kalimantan, Indonesian state authorities' adoption of anti-trafficking measures has been as much a strategy to legitimize a stronger Indonesian state presence along the border with Malaysia and display its sovereign power as an attempt to prevent human trafficking.

This return to the rhetoric of security has a dual purpose, as it did during the New Order regime of Suharto. First, it seeks to reclaim the image of a strong unified state whose power is solidified at the border, hereby countering the strong media and popular criticism of the state as being weak and unable to police its territorial borders. Second, besides being a territorial delimiter, the border is also perceived as a resource frontier in need of colonization, in the sense that the adjoining borderlands still contains large patches of what in government policy narratives are designated 'waste' or 'idle' lands to be readily exploited for agricultural development. As mentioned in the quotation by President Susilo Bambang Yudhoyono at the beginning of this chapter, one purpose of these grand development plans is to domesticate the border population by eradicating poverty, discouraging borderlanders' economic and social orientation towards East Malaysia, and increasing their sense of national consciousness. But despite promises of hundreds of thousands of local jobs, the borderland is still largely devoid of employment opportunities. For now, then, the state security and development discourse – as exemplified through anti-trafficking initiatives – only has a negative impact on local livelihood strategies.

Notes

- 1 Various kinds of plantation developments such as oil palm were identified as suitable initiatives (Potter 2009).
- 2 This chapter is based on field research conducted during multiple visits to the West Kalimantan borderlands, funded by grants from Aarhus University (2002–3) and the Danish Research Council for Development Research (2007). The conclusions drawn in this chapter are those of the author and not the funding institutions.
- 3 In August 2005, the Minister of Forestry addressed a letter to the Minister of Agriculture concerning oil palm plantations in the border area and requested that the Agricultural Ministry remember that large parts of the border area were set aside for conservation purposes and forestry cultivation. In October 2005, the Minister of Agriculture accepted that only 180,000 ha (not 1.8 million ha) along the border were actually suitable for oil palm plantations (Wakker 2006) and in December the Directorate General of Spatial Planning acknowledged the need to reconsider the environmental impact when developing spatial planning for the Kalimantan border (DJPR 2005). Despite not being implemented in its original grand form, an Indonesian–Malaysian agricultural corridor along the border is still on the government agenda (Departemen Pertanian 2009).
- 4 Statements by high ranking military generals, as well as the military's past and current business interests, indicate that there is more at stake for the military than security issues. Several commentators claim that the military build-up in the border area is more about reclaiming a share of the revenues lost during the early days of decentralization from further timber harvesting and oil palm plantations than dealing with illegal activities threatening national security (Wakker 2006; WALHI 2007).
- 5 These Tentara Lintas Batas (border soldiers) are locally known as the LIBAS (*Pontianak Post* 2006).
- 6 The link between discourses of security and migration (read human trafficking) is by no means limited to the Indonesian–Malaysian border. Throughout Asia discourses of

anti-trafficking and illegal migration are used by nation-states to justify securitization policies, see for example (Curley 2008).

- 7 Several recent incidents of mistreatment or abuse of Indonesian migrant workers by their Malaysian employers have accentuated this tension (*Jakarta Globe* 2009c).
- 8 Undocumented labour migration is just one of many border issues. Indonesia and Malaysia have for long been disputing their shared sea and land borders, nearly leading to open conflict. For example at the 14th summit of the Association of Southeast Asian Nations (ASEAN) in April 2009 one of the main discussions was related to issues of border security especially disputes between Indonesia and Malaysia (*Jakarta Post* 2009a).
- 9 Aisyiah is the women's wing of the large Muhammadiyah organization and their aid to trafficking victims involves a focus on Islamic values.
- 10 For details of the projects run nationally and in other borderlands by the American Center for International Labor Solidarity and the International Catholic Migration Commission, see Ford and Lyons in this volume.
- 11 The estimated per capita income in the West Kalimantan border areas is approximately US\$300–400 per annum, while across the border in Sarawak, Malaysia it is US\$4,000–7,000 per annum (*Jakarta Post* 2009e).
- 12 For a discussion of other kinds of illegal cross-border activities such as contraband smuggling, see Wadley and Eilenberg (2005, 2006).
- 13 Other labour migrants end up in the service or entertainment industry or are employed as domestic workers.
- 14 For details of similar arrangements along other parts of the Kalimantan border, see Idrus (2010).
- 15 This pattern of kinship-mediated labour migration is by no means unique to this part of the border. Similar configurations can be seen among borderland populations along the entire length of this Indonesian–Malaysia land border (Bala 2001; Ardhana *et al.* 2004; Amster 2005; Eghenter 2007; Ishikawa 2010) and elsewhere in Southeast Asia (Horstmann 2006; Klanarong 2009).
- 16 The authorities' tougher handling of undocumented migrants and their Malaysian mediators has resulted in Sarawak borderlanders becoming more cautious and less willing to help their ethnic kin in Kalimantan to find jobs. If found guilty of assisting illegal migrants, Malaysian citizens can expect to be fined MYR 50,000 for each person assisted and caned six times in public or jailed for up to five years. Undocumented labour migrants can expect fines up to MYR 10,000 (*Jakarta Post* 2004).
- 17 Five economic growth centres were also selected in the neighbouring province of East Kalimantan.

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