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Waiting on the Islands of 'Stuckedness': Managing Asylum Seekers in Island Detention Camps in Indonesia: From the Late 1970s to the Early 2000s

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This article sheds light on the obstructed mobility of asylum seekers who were passing through Indonesia during their search for permanent and effective protection, and the politics of their detention. The flows of Indochinese asylum seekers who were 'stored' in Galang Island between the late 1970s and the mid-1990s, awaiting either their resettlement or repatriation, are compared with more recent arrivals of asylum seekers from the Middle East, many of whom were hosted in open detention facilities on Lombok Island during the mid-2000s. This comparison provides comprehensive background information on how the asylum seekers and their claims for international protection have been handled in Indonesia. Given that Indonesia is not a party to the 1951 Refugee Convention and the 1967 Protocol, Indonesia offers no formal rights to asylum seekers and refugees within its territory. Instead, Indonesia 'tolerates' their presence as long as they are under the auspices of the United Nations High Commissioner for Refugees (UNHCR) or the International Organization for Migration (IOM). Highlighting the differences regarding the management of these two distinctive groups of asylum seekers helps to grasp the full scope of 'stuckedness' (Hage, 2009) and also helps to understand the varied impacts of obstructed mobility on asylum seekers looking for permanent and effective protection.

Keywords: Asylum Seekers; Detention Camps; Indochinese 'boatpeople'; Indonesia; Middle Eastern Refugees

Dieser Artikel beleuchtet die eingeschränkte Mobilität von Asylsuchenden auf ihrem Weg durch Indonesien auf der Suche nach dauerhaftem und effektivem Schutz sowie die Politik ihrer Inhaftierung. In diesem Kontext werden Asylsuchende aus den Indochina-Staaten, die von den späten 1970er bis Mitte der 1990er Jahre auf der Insel Galang festgehalten waren und dort auf ihre Umsiedlung beziehungsweise Repatriierung warteten, mit den neueren Flüchtlingsankünften aus Nahost verglichen, von denen viele Mitte der 2000er Jahre auf der Insel Lombok in offenen Asylstätten festgehalten wurden. Dieser Vergleich dient in erster Linie dazu, den Umgang Indonesiens mit Asylsuchenden in den letzten drei Jahrzehnten aufzuzeigen. Angesichts der Tatsache, dass Indonesien bisher die Flüchtlingskonvention der Vereinten Nationen (1951) sowie das dazugehörige Protokoll (1967) nicht unterschrieben hat, bietet Indonesien Asylsuchenden und Flüchtlingen keine formellen Rechte. Solange diese sich jedoch beim Flüchtlingshochkommissariat der Vereinten Nationen (UNHCR) oder auch bei der Internationalen Organisation für Migration (IOM) registrieren, toleriert Indonesien ihre Anwesenheit

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innerhalb seines Territoriums. Unterschiede im Umgang mit diesen beiden Flüchtlingsgruppen verdeutlichen nicht nur das volle Ausmaß des „Festsitzens“ (stuckedness) (Hage, 2009), sondern zeigen auch verschiedene Auswirkungen von eingeschränkter Mobilität auf, wenn es um den Zugang zu dauerhaftem und effektivem Schutz geht.

Schlafworte: Asylgefängnisse; Asylsuchende; Flüchtlinge aus dem Nahen Osten; Indochinesische Bootsflüchtlinge; Indonesien

Introduction

*It's good to hope, it's the waiting that spoils it.
(Yiddish proverb)*

This article compares the treatment of Indochinese and Middle Eastern asylum seekers in Indonesia between the late 1970s and the early 2000s by examining Galang and Lombok – two islands used for detaining asylum seekers in the past. In particular, this article seeks to illustrate the general conditions of obstructed mobility – or even stasis – experienced during protracted stays on these ‘detention’ islands. In order to better understand the general and specific features of human migratory flows in current South-East Asia, it is insufficient to focus solely on the causes, courses, and conditions of movement. The other side of the coin, obstructions to migrants’ mobility as well as the total inability to move (on), requires at least the same degree of attention if a complete picture of human migratory flows is to be provided.

There has been a significant spread in the use of global detention regimes for asylum seekers and undocumented migrants to remote corners of the world, particularly to those situated at the ‘margins’ of the ‘West’. Potential receiving states use these detention regimes as punitive and disciplinary deterrents to reduce further irregular movement and migration (Babacan & Briskman, 2008; Briskman & Dimasi, 2010; Mainwaring, 2012; Moran, Gill, & Conlon, 2013). Unlike immigration detention centers on the mainland, detention islands and detention facilities on islands are a special case (Mountz, 2011a; 2011b). In a fashion similar to legendary prison islands such as Alcatraz and Pianosa, island detention centers are surrounded by the sea and escaping from them often appears less feasible than from jails elsewhere.² It is the

² Lombok differs significantly in terms of its size and population from other, often rather small, detention islands. This, however, shall not distract from its function as a temporary detention island where asylum seekers could not leave.

very nature of isolated islands that makes them more attractive as 'natural' prisons given the lower security precautions required.

These days, island detention facilities have gained notoriety, as they are symbols of the suffering of asylum seekers deprived of many of their basic rights. Especially notorious are the facilities on Lampedusa (Italy), Guam (USA), and two Australian-financed facilities, Manus Island (Papua New-Guinea) and Nauru. The idea of 'storing away' asylum seekers and preventing their integration into a host community, whether temporary or permanent, is by no means novel, as this article sets out to illustrate. What is novel are the debates about island-based detention camps and the recently increased practice of states to host asylum seekers on (remote) islands as means of migration management or as a punitive deterrent for their 'irregular' movements. In particular, current debates focus on the jurisdiction and the management of detention islands as well as the impact on asylum seekers and their right to apply for protection (Broeders, 2010; Thomson, 2006).

In her pioneering study of maritime detention centers, Alison Mountz (2011a; 2011b) has demonstrated that island detention centers have become special sites of exclusion in a geographical landscape where migrants try to access asylum processes. Nation states and the international community have established special intra-governmental institutions and invested considerable resources to enforce the management, interruption, and redirection of global irregular migratory flows. While the cruelties of war and the hopelessness of persistent poverty are among the reasons why these people were displaced from their homelands, it is the strict asylum/migration regimes of the receiving countries of the 'West' that prevent them from reaching their desired destinations. 'Irregular' migrants, many of whom are registered asylum seekers or even recognized refugees under the *United Nations High Commissioner for Refugees* (UNHCR), are held in open or closed detention in island facilities for extended periods, during which they are unable to return or move on. This leaves them "suspended in time and space" (Mountz, 2011a, p. 383).

As an archipelago with more than 17,000 islands, of which only a third are permanently inhabited, Indonesia appears to have an unlimited potential to 'lock away' asylum seekers for extended periods. Neighboring Australia, the most popular (potential) destination country for asylum seekers in the Asia-Pacific region, is well-aware of Indonesia's potential and increasingly seeks to exploit it. In the last few decades,

Indonesia has gained extensive experience with receiving and managing asylum seekers and refugees. Indonesia is not a party to the 1951 Refugee Convention, has no domestic mechanism for processing asylum claims, and does not offer permanent protection and integration to asylum seekers. Instead, Indonesia relinquishes the determination of refugee status to the UNHCR.

After the fall of Saigon in 1975, hundreds of thousands of Vietnamese, and later, Cambodian, asylum seekers fled by boat to Indonesia and its neighbors. Given the reluctance of Thailand, Malaysia, Singapore, and Indonesia to become permanent settlement destinations, the international community, under the auspices of the UNHCR, agreed to resettle large numbers of refugees. Despite initial plans to host them only temporarily on a secluded island in the Riau Archipelago, it was not until 1996 that the last Vietnamese left the camp on Galang Island.

Around the time when the last Vietnamese asylum seekers left Indonesia, the first wave of asylum seekers from the Middle East, mainly Iraqi, Afghan, and later, Iranian started to arrive in Indonesia. As their numbers were significantly smaller compared to the Indochinese refugees, no regional plan was set in place. However, neighboring countries such as Malaysia and Thailand received an increasing number of Middle Eastern asylum seekers, especially as a result of renewed violence in the countries of origin. Coinciding with the arrival of Middle Eastern asylum seekers in the second half of the 1990s, Indonesia was experiencing great political and economic turmoil and saw massive displacement of many of its own people due to ethnic-religious and separatist conflicts in a number of outer provinces (Hedman, 2008). Despite the large numbers of displaced people and refugees within Indonesia that could have triggered a more proactive stance on the part of the Indonesian government, the handling of the foreign asylum seekers remained the responsibility of the UNHCR and the *International Organization for Migration* (IOM). Although the numbers of Middle Eastern asylum seekers remained far below the Indochinese, they were by no means negligible. In fact, Indonesia's *laissez-faire* attitude towards their presence and onward migration to Australia evoked substantial tensions between Indonesia and Australia (Fortuna, 2002).

The Middle Eastern asylum seekers had no intention of staying in Indonesia for the long term. Rather, they tried to use a rapidly developing people smuggling industry to reach Australia as soon as possible (Barker, 2013; Missbach & Sinanu, 2011; Munro, 2011). When Australia's 'Pacific Solution' was launched in 2001, a number of boats with asy-

lum seekers onboard were forcibly returned to Indonesia. Unable to leave Indonesia, these returned asylum seekers were held as discretely as possible for several years on Lombok. Meanwhile, more asylum seekers kept arriving in Indonesia and were stranded there (see annual UNHCR Statistical Yearbooks). Asylum seekers' lives were shaped by indefinite periods of waiting for onward migration. They often experienced waiting as something unbearable due to many uncertainties they faced and the prohibition on working legally. 'Waiting it out' while being torn between hope for resettlement (in the best case) and fear of forced repatriation (in the worst) left lasting imprints on people, especially when endured over many years. The remoteness of their location, their collective isolation from the temporary host society, restricted mobility, and deprived liberty were a form of punishment that was intended to dissuade other potential asylum seekers from following their paths.

While the presence of Indochinese and Middle Eastern asylum seekers in Galang and Lombok was concealed from the general Indonesian public, news about the fate of those detained in the island detention camps reached a more interested audience outside Indonesia, such as activist groups and NGOs in Australia. Asylum seekers' access to cheaper and more easily accessible communication technologies such as the Internet and mobile phones made Indonesia's 'out-of-sight-out-of-mind-approach' work only in the short term.

Plans for future island detention camps keep lingering within political debates in Indonesia when it comes to finding solutions of how to handle asylum seekers, even though many decision-makers admit that the problems of both Galang and Lombok outweighed the gains. Indonesian proponents of island detention camps listed better cost efficiency of centralized management and better surveillance mechanisms for detention islands among their arguments (Alford & Nathalia, 2013). Based on this perspective, the option of stricter control movements is deemed more important than upholding asylum seekers' right to freedom of movement. If hosted far away from local communities, asylum seekers cannot exercise any negative influence on the Indonesian population, such as assumed threats to Indonesian health and security. Also, the possibilities of implementing orderly onward migration schemes for the asylum seekers (resettlement or repatriation) are greater, making self-organized crossings by boat to Australia less likely.

Opponents of detention islands in Indonesia do not show much resentment of the plans of setting up a main immigration detention island because they are concerned

with the well-being of the transiting asylum seekers. They are not necessarily in favor of accommodating asylum seekers in smaller detention camps spread out all over the archipelago or allowing them to live among local communities, as is currently widely practiced due to the shortage of space in the existing centers. Rather, they would prefer Indonesia not to interfere and obstruct transiting asylum seekers from reaching Australia. Not only do they consider the detention regime as waste of money, but more importantly, they also dislike the idea of Indonesia acting as a lackey (*kaki tangan*) for Australia's externalized asylum and migration policies.

Based on fieldwork, interviews, official reports, witness accounts, and other secondary sources, this article provides detailed background information on Indonesia's handling of Indochinese and Middle Eastern asylum seekers in Indonesia from the mid-1970s to the 2000s.³ Besides retracing trends and numbers of these two specific asylum seeker cohorts, the article sets out to explain major differences in reception and processing of their claims in Indonesia. Next to depicting the everyday complexities and hardships of being held on a small island, the article seeks to elaborate on the intimacies of transit, 'stuckedness', or as Ghassan Hage (2009) described it, the "sense of existential immobility" (p. 7). By retracing previous experiences of transiting asylum seekers in Indonesia and examining the politics of detention as played out between the Indonesian state, the international community, the UNHCR, and the IOM, the article highlights in particular Indonesia's lack of proactiveness in finding viable solutions for asylum seekers. The article argues that, in the case of Indonesia, despite the dire circumstances on these 'islands of stuckedness', those detention islands only had very little impact as a tool of deterrence. The ebbs and flows of asylum seekers across the region were generally triggered by the wider geopolitical context rather than the dreadfulness of the detention islands.

Vietnamese 'Boat People' in Indonesia

Following the fall of Saigon in April 1975, tens of thousands of Vietnamese who had previously supported the US forces started to flee their home country in fear of Communist retaliation. Economic hardship and political discrimination also contributed

³ As part of a larger research project on transit migrants in Indonesia conducted between 2010 and 2012, I also had the chance to interview a number of former UNHCR staff members who had worked in Galang.

towards the exodus. Besides the Vietnamese and ethnic Chinese from South Vietnam, thousands of Cambodians and Laotians also fled due to political unrest across the region. They either crossed to Thailand or tried to reach Hong Kong, Malaysia, the Philippines, or Indonesia by boat. Thousands perished in the pirate-infested South China Sea.

The first report about Vietnamese refugees arriving in Indonesia appeared on 19 May 1975, when 92 people passed through the town of Tarempa (Riau Islands) on their way to Singapore (Fandik, 2013). A week later, a Vietnamese boat landed on Pulau Laut (Riau Islands). From then on, Vietnamese refugees started arriving almost on a daily basis at different islands in the Riau Archipelago, such as Batam, Bintan, Natuna, Anambas, and Kuku. By 30 June 1979, the United Nations General Assembly (1979) reported that close to 43,000 Vietnamese and Cambodian 'boat people' were present all over Indonesia. Indonesian officials provided substantially different data:

| ARRIVALS IN | JANUARY 1979 | FEBRUARY 1979 | MARCH 1979 | CUMULATIVE (1975- 31 MARCH 1979) | PERSONS AWAITING SOLUTION ON 31 MARCH 1979 |
|-------------|--------------|---------------|------------|----------------------------------|--|
| HONG KONG | 3,413 | 15 | 0 | 9,888 | 5,100 |
| INDONESIA | 1,831 | 406 | 3,101 | 9,193 | 7,187 |
| MALAYSIA | 4,202 | 3,166 | 6,033 | 83,495 | 52,273 |
| PHILIPPINES | 199 | 797 | 254 | 5,819 | 2,150 |
| THAILAND | 7,690 | 4,604 | 6,644 | 235,474 | 149,387 |

Source: Department of Foreign Affairs of the Republic of Indonesia, 1979.

When the Indochinese exodus began in 1975, not a single country in South-East Asia had acceded to the 1951 Refugee Convention and the 1967 Protocol. Additionally, none of the South-East Asian countries had instituted a domestic legal framework for the reception of asylum seekers. With no screening mechanisms for asylum seekers in place yet, the UNHCR granted all asylum seekers automatically *prima facie* refugee status and protection *en bloc*. Given the political circumstances of the Cold War, the exodus of the Vietnamese refugees, for the West, was an indication of the Vietnamese Communist regime's arbitrariness. Despite the resettlement of about 200,000 Indochinese refugees to third countries such as the US, Australia, France, and others between 1975 and March 1979, it was the countries in South-East Asia – and first and

foremost Thailand and Malaysia – that had to take care of more than 340,000 people in various camps. Due to the massive scale of the exodus, the South-East Asian countries appealed to the international community for burden sharing and assistance in managing the refugee flows.

After a series of meetings among the South-East Asian transit states and Western resettlement countries during the first half of 1979, the governments of Indonesia and the Philippines each offered to allocate a sparsely populated island to establish regional processing centers for refugees who had already been accepted for resettlement. While the Philippines offered to host 7,000 refugees temporarily on Tara Island,⁴ about 250 km south-west of Manila, the Indonesian government chose Galang Island in the Riau Archipelago as a temporary home for up to 10,000 refugees at a time.⁵ Galang is not only strategically located and easily accessible by air and sea, but it was then inhabited by only about 200 people. This also made it easier for the local authorities to separate the refugees from the local population in order to avoid intermingling. Galang was never supposed to offer permanent integration for refugees. It was conceived as a temporary location where refugees could prepare for their resettlement by undertaking language and other courses. From the very beginning, the Indonesian government emphasized

that it would not receive refugees in its territory, but for the sake of humanitarianism it was forced to accept them during transit while they were waiting to move on to a third country, as well as actively providing thoughts and concrete support to find a solution for this problem. (Department of Information of the Republic of Indonesia, 1980, p. 1)

The meeting of ASEAN Foreign Ministers in May 1979 issued a statement on refugees, which stipulated that “countries providing the site or island for the processing center shall retain the sovereignty, administrative control and security responsibility over the island” (Department of Foreign Affairs of the Republic of Indonesia 1979, p. 5). All costs of establishing and running these centers, including the provision of food, education, and health care, were to be covered by the UNHCR. Delegates of the international community at the time widely welcomed this plan, resulting in substantial financial support (totaling about USD 160 million in cash and kind) being provided to

4 Tara Island was populated by only about 100 families, mostly fishermen and -women or farmers. The total estimated costs of establishing and running the camp for two years were USD 6,072,853 (Department of Foreign Affairs of the Republic of Indonesia, 1979).

5 After WWII, Galang Island served as a transit location for Japanese soldiers before they were returned to Japan in 1946 (Fandik, 2013).

the UNHCR to run these centers (United Nations General Assembly, 1979). The decision to establish temporary processing centers was based on the condition that the Vietnamese government would stop further 'illegal' departures and instead promote orderly departures, to which Vietnam agreed (Robinson, 2004).

On 2 July 1979, the Indonesian Ministry of Defense established the Team for the Prevention and Management of Vietnamese Refugees (*Tim Penanggulangan dan Pengelolaan Pengungsi Vietnam*, P3V). Presidential Decree No. 38 of 1979, dated 11 September, confirmed this team under the Ministry of Defense, but also ordered integrated and coordinated measures with the Ministry of Foreign Affairs and the Ministry of Interior Affairs for handling the "Indochinese refugee problem". It was envisioned that the refugees would stay there only for a "reasonable period", estimated at three to five years. As Indonesia was reluctant to spend any domestic resources on establishing and running the center in Galang, the UNHCR had to cover all costs, estimated at about USD 18,562,000 over a period of two years (Department of Foreign Affairs of the Republic of Indonesia, 1979).

Refugee Processing in Galang

The refugee processing center was established near Sijantung village on Galang, between June and August 1979. Inside the camp, people were housed in barracks, one containing up to 100 people (Fandik, 2013). Galang camp was equipped with water, sanitation, schools, a hospital, and even a small port. Compared to local standards, conditions in the camp were adequate but frugal. The UNHCR spent about IDR 400 (USD 0.64) per person per day in rations, not cash. The camp was supposed to assist refugees to improve health and fitness levels as well as participate in classes including languages (English and French) and cultural instruction, as was required by most receiving countries before resettlement.

The Indochinese refugees were well organized amongst themselves and promptly established various organizations for religious and cultural activities. Given that some refugees had cash and other valuables, they started commercial activities inside the camp. For example, some built small coffee shops while others sold cigarettes and convenience goods. Over time, churches, temples, markets, bakeries, gardens and

even gambling spots, cinemas, video parlors and discotheques sprang up (Cohen, 1993). There was also a jail in the camp to lock up drunkards or those involved in fights. Sexual violence and intimidation, both by fellow refugees and by guards, was widely reported (Yen, 1995). A cemetery was built to accommodate those who died while awaiting their resettlement.

In the beginning, the local population on Galang welcomed the establishment of the center, as it offered them temporary employment. However, incidents of theft swayed public opinion against the Vietnamese refugees and social resentment emerged. Sometimes camp inmates would leave the premises overnight to go to town. According to Indonesians who used to work in the camp, there were also substantial business activities between some refugees and the Chinese community on the neighboring Bintan Island (Imalia Komalo, personal communication, Pancawati, 10 February 2012).⁶ Although the informal sector benefitted from the presence of refugees, it was, first and foremost, members of the military who profited from the establishment of the camp as it served them as a source of commerce and employment.

In the early years of joint action (1979-1980), the UNHCR tried to reach an average level of resettlement to third countries of about 25,000 people per month across all South-East Asian camps (United Nations General Assembly, 1979). Between July 1979 and July 1982, about 623,800 Indochinese refugees were resettled to a total of 20 resettlement countries, mainly the US, France, and Canada (UNHCR, 2000). Logistics for these resettlements were provided by the *Intergovernmental Committee for Migration* (ICEM), the predecessor of today's IOM. From 1980 to 1986, resettlements in Galang outpaced new arrivals (Robinson, 2004), but from 1987 onwards, when more people from North Vietnam joined the exodus, the number of refugees arriving in South-East Asia increased drastically (Balfour, 1993). Although the conditions in the processing camps were far from ideal, the possibility of resettlement to a country in the West itself had become a pull factor.

In order to deal with the rising numbers, a second camp for newly arrived refugees was established at Galang. In the mid-1980s, the Indonesian military launched operations and also engaged in joint maritime patrols with Malaysia and Singapore to prevent the arrival of additional refugees (Fandik, 2013). This cooperation was overshadowed by

⁶ The Red Cross also helped with money transfers.

Malaysia's unilateral redirection policy, adopted in the late 1980s, which was responsible for pushing back boats into the sea (UNHCR, 2000; Yen, 1995).⁷ Despite international protests, Malaysia prevented at least 5,600 refugees from landing at Bidong Island (Azam & Vatikiotis, 1990). With some deaths reported and many more that went unreported, the majority of these rejected refugees decided to go to Indonesia (Betts, 2006). While there were fewer than 2,000 people in Galang in 1989, the number of camp inmates increased to 16,500 in the following year, thereby overburdening the facilities (Yen, 1995).

Galang Under the Comprehensive Plan of Action (CPA)

Between 1975 and 1995, almost 2 million people from Indochina had fled their home countries, about 800,000 of them on boats, looking for asylum and hoping for resettlement (Yen, 1995). During this period, between 122,000 and 145,000 asylum seekers transited through Indonesia (Cohen, 1993; Fields, 1992; McBeth, 1994; UNHCR, 2000).

| Table 2: Vietnamese Arrivals in Indonesia (1975-1995) | | | | |
|---|-----------|-----------|-----------|------------------------|
| 1975-1979 | 1980-1984 | 1985-1989 | 1990-1995 | CUMULATIVE (1975-1995) |
| 51,156 | 36,208 | 19,070 | 15,274 | 121,708 |

Source: UNHCR, 2000, p. 98.

Despite ongoing resettlements, mainly in the USA, Canada, Australia, France, and a number of other European countries, there were still more than 200,000 Indochinese people stuck in refugee camps all over South-East Asia in 1989. Given the combination of rising numbers of arrivals, increasing waiting times for resettlement, and a compassion fatigue among Western resettlement countries, the transit countries decided to discourage the Indochinese from entering. Multilateral consultations had already begun in 1988 for what later came to be known as the *Comprehensive Plan of Action* (CPA) for Indochinese refugees.

The *International Conference on Indochinese Refugees*, which took place in Geneva in June 1989, saw the beginning of a new era in managing large refugee flows. For the

⁷ There were also push-backs by Thai officials at Khlong Yai port, assisted by Thai fishermen (Helton 1990/1991, p. 114) and by Singaporean coastal guards (Fitzpatrick, 2009).

first time, as an outcome of the Conference, a refugee status determination scheme was introduced for the Indochinese refugees. Rather than a *prima facie* grant of refugee status and en masse resettlement, asylum seekers were now required to provide evidence to support their individual claims for protection in order to qualify as refugees. After a cut-off-date, which was determined in the CPA, every new arrival had to undergo a screening procedure to establish an individual case for protection. In order to prove a well-founded fear of persecution, it was no longer enough to cite former maltreatment or collective discrimination. Instead, claimants also had to show that their lives would still be endangered upon return. If unable to provide evidence of individual persecution, they would be considered economic migrants instead. Those who were not found to be in need of international protection and resettlement were to be returned to Vietnam. The main objective of the CPA was to discourage departures from Vietnam, as it was by then widely believed that it was not only political persecution and discrimination that drove people to flee their homeland, but that the option for resettlement in the West had become an even stronger pull factor.⁸ This objective was not met straight away, and another 400,000 people left Indochina over the duration of the CPA (Robinson, 2004). However, after the first wave of repatriations to Vietnam, the annual Vietnamese exodus decreased drastically. In 1989, the number of newly-arrived refugees was still about 64,000 but it fell to about 32,000 in 1990 and about 23,000 in 1991 (Bari, 1992, p. 509).

In order to ensure fairness within the refugee status determination process, the CPA sought to introduce uniform screening mechanisms all over the region. Most transit countries relied on the UNHCR as advisor, observer, and sponsor. Also, national officials were trained to assess refugee claims. In Indonesia, the aforementioned Team for the Prevention and Management of Vietnamese Refugees, composed of army, navy, immigration, and police personnel, was in charge of conducting interviews and making decisions in the first instance (Bari, 1992). Everybody who arrived after 17 March 1989 had to undergo a screening. According to Arthur Helton (1990/1991, p. 121), one of the most vocal critics in the NGO community and the representative of the Lawyers Committee for Human Rights, the screening procedures

8 James Hathaway (1993) has criticized the inconsistent labeling of asylum seekers from Vietnam, stating that the "conceptual shift between the unbridled inclusion of Vietnamese asylum seekers under the 1979 Accord and the presumption of economic motivation in the 1989 Plan is not explained by a substantive shift in the nature of the protection claims advanced" (p. 689) because basic civil and political rights, such as denial of free speech, press, and assembly, were still missing.

in Indonesia “began disastrously” because authorities relied on resettlement criteria instead of refugee status criteria.

Before the actual screening interview with P3V, UNHCR representatives conducted weekly information sessions with the applicants. During these sessions, leaflets were distributed which explained the status determination process, but not the actual criteria for grant of asylum. During these sessions, the UNHCR also conducted eligibility assessments with applicants. These initial assessments, paired with a recommendation on whether the request for asylum should be granted or not, were then forwarded to the Indonesian authorities. The UNHCR representatives were not present during the actual P3V screening interviews, which in many cases were extremely short, sometimes lasting only twenty minutes. In the majority of cases, P3V accepted the recommendation of the UNHCR representatives (Helton, 1993).

There were, however, widespread complaints from the applicants about the arbitrariness of the refugee status determination process (Betts, 2006). The Indonesian fast-track version of the refugee status determination process that often consisted only of simple ‘yes’ or ‘no’ questions was seen as seriously compromising the fair-

| | | |
|---------------------------|----------------|-------------|
| Number interviewed | 10,253 persons | 7,423 cases |
| Positive decisions | 3,657 persons | 2,293 cases |
| Negative decisions | 7,382 persons | 5,263 cases |
| Positive review decisions | 165 persons | 112 cases |
| Negative review decisions | 1,815 persons | 1,409 cases |

Source: UNHCR, 2000, p. 98.

ness of the interviews (Helton, 1993). Other obstacles to a fair screening included the choice of interpreters, who were often just recruited from the camp. Legal consultants for the asylum seekers were not provided with sufficient training and, more generally, the understanding of the situation in Vietnam was inadequate (Robinson, 2004). There were widespread allegations of corruption, bribery, and demands for sexual favors in order for refugee status to be granted (Betts, 2006; Robinson, 2004; Yen, 1995). By July 1992, three years after the introduction of the CPA, P3V had managed to screen about two-thirds of all the people in Galang.

Rejected asylum seekers received a written decision, but the reasons for the decision were often only cursory. They were allowed to appeal within 15 to 30 days to a special review committee in Jakarta, which, however, also consisted of P3V members as well as officials from the Ministry of Foreign Affairs. The UNHCR did not provide the asylum seekers with any help for the preparation of appeals. On the contrary, rejected applicants had to undergo special counseling by the UNHCR about voluntary return before they were allowed to hand in their appeal. Unlike asylum seekers in Hong Kong, people in Galang were not allowed to use private lawyers or advocacy groups (Bari, 1992). Given the lack of legal advice, many faced substantial difficulties with the bureaucratic mechanisms of the screenings and the appeals, as they did not know how to present their cases.⁹ All in all, under the CPA, a total of 18,131 people were screened in Indonesia between March 1989 and September 1993, including about 1,000 unaccompanied minors (Fields, 1992).

Most accepted refugees were resettled in the US, Canada, or Australia. Between 1975 and 1995, a total of 1,311,183 Indochinese refugees had been resettled to third countries (UNHCR, 2000, p. 99).¹⁰ According to McBeth (1994), this included at least 132,000 refugees from Galang. Usually, the UNHCR matched the resettlement criteria of potential resettlement countries with the refugees in the camps, and the IOM provided logistical support for resettlement (Betts, 2006). Nonetheless, problems arose, as in the case with *de facto* couples. Legal marriage was not allowed in the camps and informal marriages did not qualify for resettlement as one unit (unless it involved children born to the couple), making family reunions difficult.

In June 1996, the UNHCR funding for Indochinese refugees under CPA stopped throughout the region (Robinson, 2004). Although Indonesia and Thailand extended their involvement with the CPA for another 90 days, both decided that all remaining camp inmates had to be returned eventually. Following Hong Kong's example, Indonesia (as well as Thailand and the Philippines) signed a tripartite agreement with the UNHCR and Vietnam in October 1992, establishing an orderly return program for rejected asylum seekers. Although Vietnam had promised to accept and reintegrate its

9 Between 60 to 70% of the claimants across the South-East Asian camps failed to be recognized as refugees, which led to serious charges of procedural deficiencies for the screening mechanism. Unfortunately, it was only towards the end of the CPA when applicants were given guidelines on how to prepare a submission.

10 According to UNHCR statistics (2000), the four resettlement countries with the largest intake were the US with 822,977; Australia with 137,543; Canada with 137,145; and France with 95,671 Indochinese refugees received (p. 99).

people without punishment or persecution, voluntary return proceeded hesitantly. Despite incentives for return, such as reintegration grants (Betts, 2006), only 3,911 rejected asylum seekers in Galang had accepted repatriation by September 1993 (Yen, 1995).¹¹ Altogether, more than 109,000 Vietnamese were repatriated under the eight-year period of the CPA (UNHCR, 2000).

Being aware that it would not be possible to convince all rejected asylum seekers to return voluntarily, and that it would therefore be necessary to adopt involuntary return as well, neither the UNHCR nor the IOM wanted to be involved in organizing the repatriations (as that was considered a violation of their statutes). Thus, the primary responsibility for the returns was left to the transit countries (Betts, 2006). As the Indonesian government was dedicated to clear Galang as soon as possible to allow for its plans to redevelop Galang into a special industrial zone, the majority of the remaining 8,500 Vietnamese were eventually returned despite protests and acts of resistance (Cohen, 1993). Rejected asylum seekers in Galang did not accept their destiny without protest. In 1994, camp inmates organized hunger strikes and riots (Lander, 1996). To protest against their rejection and their imminent repatriation, a number of people committed suicide, either by hanging or by self-immolation (Fields, 1992; McBeth, 1994). Moreover, a few rejected asylum seekers tried to escape the camp and reach Australia on their own initiative (Gilley, 1996). If their plans were discovered, the Indonesian authorities punished such attempts severely. Nevertheless, in July 1994, a group of Vietnamese who had been screened out in Galang succeeded in arriving in Broome (Grewcock, 2009).¹²

Asylum Seekers From the Middle East

Not long after the last Vietnamese departed Galang, a new group of asylum seekers started coming to Indonesia. The first five Afghan and the first seven Iranian applications for protection under the UNHCR in Indonesia were recorded in 1996 (Human Rights Watch [HRW], 2002). The push factors for leaving their homelands were the poor political and economic conditions, for Afghans it was in particular the rise of the Taliban

11 Between 1993 and 1995, the UNHCR spent USD 34.4 million on economic and social reintegration projects for returnees in Vietnam. It also employed observers in Hanoi and Ho Chi Minh City to oversee the wellbeing of the returnees. The European Union contributed about USD 135 million for the reintegration of returnees in Vietnam (Robinson, 2004). In the first year, returnees received between USD 240 and USD 360 as assistance (Balfour, 1993; Cohen, 1993; UNHCR, 2000).

12 Between 1976 and 1978, 2,087 Vietnamese asylum seekers arrived in Australia on 55 boats (Kneebone, 2010, p. 347).

in 1995, accompanied by massive discrimination against religious and ethnic minorities. Choosing to come to Indonesia instead of remaining in their homelands was mainly due to the policy shifts in countries of first asylum that consequently led to their so-called secondary movements. For example, in the late 1990s, Pakistan adopted harsher treatment towards Afghan asylum seekers residing in its territory, where many had stayed during the Soviet occupation, some for more than 20 years (HRW, 2002). Iran also stopped tolerating Iraqi and Kurdish asylum seekers, many of whom had fled to Iran during the Iran-Iraq War and the first Gulf War (HRW, 2002). Applying for protection at UNHCR offices in Iran and Pakistan was often difficult, as local security forces prevented physical access to the UNHCR offices (HRW, 2002). The lack of legal status combined with severe restrictions on employment and freedom of movement, the lack of health care, education, and housing as well as ongoing risks of arrest, detention, and deportation made life for asylum seekers in these two countries of first asylum highly insecure.¹³

Although neighboring countries in the region, including Jordan and Syria, are parties to the Refugee Convention, they offered no effective protection, as both countries lack domestic laws to protect refugees. This absence of protection spurred local smuggling networks to create new routes for those asylum seekers who could afford to leave again and look for protection elsewhere. First Europe and then Australia became alternatives, because their asylum policies were deemed to be more favorable, offering high approval rates and, at times, enabling family reunion and offering extensive integration services (United States Committee for Refugees and Immigrants, 2001). Nonetheless, the push factors in the countries of origin and the countries of first asylum were more relevant for asylum seekers' decision-making than the pull factors in the destination countries (Koser, 2010).

Unlike the Indochinese who arrived in large numbers by boat, many Middle Eastern asylum seekers arrived in small groups by air and entered on short-term tourist visas. The new arrivals were comparatively few, in both absolute and relative numbers. Consequently, their treatment by the Indonesian authorities differed substantially from the treatment of the Indochinese.

Nevertheless, the arrival of asylum seekers from the Middle East triggered several problems for Indonesia in administering, accommodating, and resettling them. As

13 Despite the deteriorating situation in the countries of first asylum in the Middle East, it should not be ignored that the largest numbers of Afghan asylum seekers continue to live in Pakistan (about 550,000), and Iran (about 1.1 million).

there was no legal framework for the processing of asylum seekers, nor any national legal guidelines or standard procedures for immigration officials on how to handle transit migrants, officers on the ground were inexperienced and had no understanding of international refugee procedures or the work of the UNHCR.¹⁴ Given that the management of refugees and asylum seekers had previously been the task of the special committee P3V, local immigration authorities frequently did not differentiate between asylum seekers in need of international protection on the one hand and irregular migrants on the other, especially when claimants did not possess valid travel documents (Missbach & Sinanu, 2013). Also, after the refugee processing center in Galang had been closed, Indonesia was left with only limited detention facilities (*karantina imigrasi*), mostly unfit to host undocumented migrants for a longer period of time.

Overwhelmed by its many serious domestic problems in the wake of the Asian financial crisis and the end of the authoritarian Suharto regime, Indonesia had little capacity left for handling 'irregular foreigners', who were, after all, aiming to reach Australia. For this reason, it was hardly surprising that the Indonesian government did not welcome Australia's idea of opening an asylum seeker processing center in Indonesia (United States Committee for Refugees and Immigrants, 2001). During the late 1990s and early 2000s, Indonesia chose to ignore to the greatest possible extent the presence of these transiting asylum seekers, assuming that they would not stay for the long term. Instead of enacting new laws on the handling of refugees or installing a domestic mechanism for assessing asylum claims, Indonesia preferred to rely on the services of the UNHCR in Jakarta to process the applications of asylum seekers and organize their resettlement. The reason for the government's inactivity was the lack of political will and also the lack of funding. For example, the Immigration Department lacked the funds to deport irregular migrants or even try them for breaching the immigration law (Lindsey, 2002; United States Committee for Refugees and Immigrants, 2001).

People in search for international protection therefore had to contact the UNHCR office in Jakarta in writing or in person. After an initial interview, they would be provided with a letter of attestation, written both in English and Indonesian, which explained their status as asylum seekers. Possession of such a letter was intended to minimize the risk of detention and forced deportation; however, there was no

14 The 1992 Immigration Law (UU 9/1992, Section 8 and 24) governed who was permitted to enter the country lawfully, but it did not specify asylum seekers and it contained no provisions relating to the grant of asylum or effective protection.

legal guarantee that would not occur. After an initial interview, UNHCR staff would interview applicants more thoroughly in order to determine whether they qualified as refugees or not. Due to the small number of staff and interpreters at the UNHCR in Jakarta, this could take months, if not years. Both the processing of refugee claims and the processing for resettlement proceeded very slowly. For example, between January 1999 and August 2001, the UNHCR in Jakarta recognized 476 refugees but resettled only 18 of them, due to shortage of offers from resettlement countries (HRW 2002; Lindsey 2002).¹⁵ If asylum claims were rejected, the applicant had the right to appeal, however only once. Meanwhile, waiting asylum seekers had access to minimum health care through the Indonesian Red Cross. Caritas Indonesia, the local implementing partner of the UNHCR, offered its clients counseling and, in exceptional cases, even financial support. Generally, asylum seekers were expected to live self-sufficiently among the local community.

In hindsight, it was not surprising that many asylum seekers and refugees tried to leave Indonesia as soon as possible. The resulting demand for irregular onward migration to Australia created a new smuggling industry, especially in Indonesia's impoverished eastern province, Nusa Tenggara Timur (Balint, 2005). The peak of people smuggling from Indonesia to Australia was reached in 2001, with 43 boats and 5,516 asylum seekers on board (Phillips & Spinks, 2012). In the first three weeks of August 2001 alone, 1,212 people arrived at Australian outposts (Howard 2003, p. 37). Altogether, more than 6,000 asylum seekers reached Australia by boat between 2000 and 2002 from Indonesia (Kneebone, 2010, p. 354), causing the Australian government during John Howard's prime ministership to make substantial changes to its asylum and bordering policies.

Without describing the impact of the so-called 'Pacific Solution' in full detail (as this has already been done by a great number of scholars, including Grewcock, 2009; Howard, 2003; Kneebone, 2010), it is sufficient for the purposes of this article to concentrate on forcible returns of boats to Indonesia, as this explains why Middle Eastern asylum seekers became 'stuck' in Indonesia for several years. As part of the Pacific Solution, the Howard government initiated 'Operation Relax' to deter 'unauthorized' boats. Under this operation, the Australian defense forces were allowed to intercept any Suspected Illegal Entry Vessel' (SIEV) once within the vicinity of Austra-

¹⁵ Resettlement countries were extremely reluctant to accept refugees from Indonesia as they saw the caseload in Indonesia as an outcome of Australia's refugee policy (HRW, 2002). Those who were accepted went mostly to New Zealand, Sweden, Norway, and Canada, and to a lesser extent, Australia.

lia's contiguous zone. If the crew of an unauthorized boat ignored the warning given to them and continued into Australian waters, Australian forces would then board the vessel to remove it back to the high seas (Howard, 2003).

Under Operation Relex, at least five boats containing asylum seekers were towed back to Indonesia without prior formal agreement with the Indonesian government and without any guarantees of their protection there (Crock & Ghezelbash, 2010; HRW, 2002). Between October and December 2001, four boats with at least 500 people on board were forcibly returned (Howard, 2003). By doing so, Australia breached several of its obligations under human rights and international maritime law. The returned asylum seekers were to be kept in Indonesia for an undetermined period of time. Most of these asylum seekers, mainly Iraqis, Afghans (Pashtuns, Hazara, Balochs, Tajiks, and Uzbeks), and Iranian Mandaean, became stranded in perpetual limbo as their claims for protection were rejected and they therefore could not be resettled in an orderly fashion elsewhere, while at the same time they also could not be deported to their home countries due to ongoing political instability.

In Limbo in Lombok

After the Australian forces initially 'dumped' the asylum seekers in Nusa Tenggara Timur, where overall conditions were harsh and where they could not be accessed by the UNHCR, Indonesian authorities transferred them to Lombok Island in January 2002 and housed them in several hotels around the provincial capital Mataram (HRW, 2002; Hunter, 2004; Taylor & Rafferty-Brown, 2010a). Since the Australian government, in cooperation with the Indonesian government, engaged the IOM to provide custodial care, it covered the costs of their accommodation and medical services (Mountz, 2011b).

In January 2002, the UNHCR also started processing some of the asylum seekers in Lombok. Their status determination process, however, received widespread criticism for its inadequacy. Not only was the number of interpreters insufficient, but applicants also complained about their partiality, as they allegedly favored some ethnic groups over others or were not trained in all the various dialects spoken by the asylum seekers (Ghulam, 2004). General complaints about the UNHCR status deter-

mination process concerned the brevity of the interviews and the lack of legal advice. Some claimants did not know how to address certain interview questions or how to provide evidence to back up claims (Nassery, 2004). The number of those who were accepted as refugees after the first assessment was relatively small, leading to the belief among rejected asylum seekers that the UNCHR status determination process was merely a “lottery” that could only be overcome by those who had relatives living overseas prepared to pay for lawyers to assist them with their applications (Nassery, 2004).

While waiting for the outcome of their assessments, asylum seekers were visited by representatives of the Afghan and Iraqi embassies, who tried to convince them to return voluntarily. Of 220 Afghan asylum seekers in Mataram about 142 accepted these offers (Nassery, 2004). Iraqis, however, were less inclined to return after the US invasion of Iraq in March 2003. Because of the war, the UNHCR agreed to reassess the Iraqi asylum seekers once more, even though some had already been rejected twice (Hunter, 2004). In October 2003, almost two years after their return to Indonesia, there were still 146 people (including newborn babies) living in Mataram and waiting for the outcome of their asylum claims (Hunter, 2004).

Although asylum seekers on Lombok theoretically enjoyed freedom of movement, only those who received remittances from friends and families overseas could make use of that right (with the permission of the IOM). One Afghan applicant took the initiative to teach children and adults English and computer lessons. For a short interval, there was a mixed soccer team, including Iraqi and local *Sasak* players (local ethnic group on Lombok). A few men married or dated Indonesian women, sometimes causing tension with the local communities. Tensions also arose from social jealousy as many locals envied the asylum seekers for their perceived privileges, such as free accommodation and food (Hunter, 2004). Moreover, interethnic tensions built up between the Iraqis and the Iranians, most often about religious differences, such as the Sunni-Shia divide, which led to a redistribution of accommodation according to ethnic background. When the local population (Sunni) learned about the presence of Shiites, some locals threatened to burn down the hotels that hosted them, and police had to guard the premises for a number of weeks (Hunter, 2004).

In early January 2004, Iraqi asylum seekers in Mataram learned about a hunger strike that had taken place in December 2003 in Nauru, where the Australian government had detained hundreds of asylum seekers. In solidarity they organized one

themselves, to protest their situation in open detention and the repeated rejection of their asylum claims (Hunter, 2004; Kneebone, 2010). They were accompanied by the Afghans, of whom seven sewed together their lips (Ghulam, 2004). The hunger strike attracted considerable attention in Australia. Unlike two decades earlier in Galang, asylum seekers in Lombok were in regular contact through mobile phones and email with activists and advocates in Australia and, to a lesser extent, friends and family in their homelands and countries of destination. The protesters ended their strike after they met an UNHCR protection officer who promised to review their cases on the basis of the most up-to-date information about the situation in their home countries. By October 2005, there were still 92 Iraqis and Afghans left in Lombok. The rest had returned to their homelands and some had been resettled. In December 2007, after many attempts by the IOM to persuade the Afghans to accept voluntary return in exchange for free travel and an AUD 2,000 assistance payment, which the Afghans declined, nine men were separated from their wives and children and transferred to the detention center in Makassar (on Sulawesi island) (Mountz, 2011b). This separation was intended to increase pressure on the asylum seekers to return 'voluntarily' to Afghanistan, pressure which some people eventually gave in to, despite the unsafe conditions there.

Due to the tense situation in Lombok and manifold protests, all remaining asylum seekers were eventually resettled in Cisarua, a village in the mountainous area near Bogor about 60 km from Jakarta, where they continued to be under IOM care. Given the deteriorating political conditions in their countries of origin, the UNHCR in Jakarta decided to re-open a number of cases of the previously rejected asylum seekers. Some were accepted in 2009, after their fourth assessment (Taylor & Rafferty-Brown, 2010b). Resettlements on humanitarian visas to Canada, Australia, and New Zealand took place until 2011. Meanwhile, more asylum seekers arrived in Indonesia, not only from the Middle East but also from Burma, Sri Lanka, and even from a number of East African states. While Thailand and Malaysia (involuntarily) host greater numbers of asylum seekers, people of concern to the UNHCR in Indonesia have been steadily increasing. Since 2009, the number of asylum seekers who continued to Australia by boat has also increased, with official figures recording 278 boats carrying 17,202 asylum seekers in 2012. Due to Australian pressure and funding, Indonesia has enlarged its detention capacities. But rather than utilizing single remote islands for detaining asylum

seekers, there are now 13 detention centers operating across the archipelago. Nevertheless, ideas for creating one large centralized detention center on a single, secluded island persist (Alford & Nathalia, 2013). While the issue of asylum seekers has not been a high priority in Indonesia until recently (Hoffman, 2010) and prompt action on that idea appeared rather unlikely, it has to be taken into account that the political pressure on Indonesia from the new Australian government under Tony Abbott will increase. During Abbott's first visit to Jakarta in late September 2013, it became very clear that Australia's persistent efforts to coopt Indonesia into assisting Australia with its asylum seekers policies would continue (Maher, 2013).

| YEAR | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|--------------------------------|------|------|------|------|-------|-------|-------|
| Refugees | 89 | 301 | 315 | 369 | 798 | 811 | 1,006 |
| Asylum seekers (pending cases) | 58 | 265 | 211 | 353 | 1,769 | 2,071 | 3,233 |
| Returned refugees | 135 | 0 | 0 | 1 | 311 | 0 | 0 |
| Various | 246 | 0 | 0 | 3 | 0 | 0 | 0 |
| Total population of concern | 528 | 566 | 526 | 726 | 2,878 | 2,882 | 4,239 |

Source: UNHCR, 2006-2010.

Conclusion

This article has compared the handling of asylum seeker flows from Indochina and the Middle East to Indonesia over the last thirty plus years. In particular, the article has demonstrated how asylum seekers' mobility was obstructed once they had arrived in Indonesia. Not party to the Refugee Convention, Indonesia's approach was first characterized by open aversion to hosting asylum seekers for the long term. Despite officially unsympathetic rhetoric, Indonesia has nevertheless allowed asylum seekers and refugees to remain in its territory and established open detention facilities on remote islands. Against initial plans to accommodate transmitting asylum seekers only temporarily, most of them have spent several years in Indonesia, not least because the UNHCR and the IOM covered all related costs.

Nonetheless, when comparing the handling of Indochinese asylum seekers with the handling of those from the Middle East, the disparity could not have been greater. While the Indochinese were collectively granted *prima facie* refugee status, at least during the decade prior to the enactment of the CPA and its compulsory individual screening procedures, the Middle Easterners faced great difficulties in accessing basic protection mechanisms provided by the UNHCR. Being located on Galang Island and managed by the military, the processing of the Indochinese asylum seekers proceeded steadily, although the time of 'stuckedness' was also marked by human tragedy and exploitation. All in all, the Indochinese refugees enjoyed many sympathies from the West, possibly being perceived as living proof of the claimed depravity of the Communist regime in Vietnam. Unlike their Muslim Middle Eastern counterparts, they were resettled to final destination countries in great numbers. In contrast, resettlement countries accepted the Middle Eastern asylum seekers, although much smaller in number, only reluctantly. The absence of a comprehensive (regional) approach and the lack of shared responsibility across the region left Middle Eastern asylum seekers in Lombok stranded. Although there were a few reported escapes both from Galang and Lombok, the two detention islands turned out to be highly effective barriers to asylum seeker mobility, much to the detriment of those in need of effective protection.

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