RESEARCH ARTICLE

Identity Politics and Refugee Policies in Kupang, Eastern Indonesia: A Politico-Historical Perspective

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Abstract

This article assesses the implementation of Presidential Regulation No. 125 of 2016 concerning the Treatment of Refugees and how it relates to different kinds of bureaucratic labelling of refugees as it unfolds in Indonesia's region of Kupang. From a politico-historical perspective, Kupang is a useful case-study for elucidating the policy implications of the labelling of refugees, as the region has been hosting different kinds of refugees due to its strategic geographical location that borders Australia and Timor-Leste. Drawing on my fieldwork in Kupang between October 2012 and October 2013, and my intermittent return to the region between January 2017 and February 2019, this article argues that labels for refugees evolve over time in response to the larger sociopolitical situation, but they are formed mostly to serve the interest of the host country rather than those of displaced people. Furthermore, while labelling displaced people as "refugees" has been effective in justifying funding and support, it can also lead to a manipulation of refugee status, and the marginalization and exclusion of refugees.

Keywords: refugees; internally displaced persons; conditional labelling; sociopolitical factors; East Timor; Indonesian West Timor

1. Introduction

"The Head of the Immigration Detention Center stresses that refugees are not criminals." That was the title of a news headline in early October 2018 in *Pos Kupang*,[1] a major local newspaper in Kupang, the capital of the Indonesian province of Nusa Tenggara Timur. The headline was part of a week-long series of news reports on refugees in the region that outlined different stories of refugees, such as where they came from; how they were coming to the region in increasing numbers; details about their accommodation, entitlements, and activities; and the response of local communities.

Despite the different topics, there were two common interrelated issues that were repeatedly mentioned throughout the news reports. The first one was the use of the terms "refugees" (*pengungsi*) and "asylum seekers" (*pencari suaka*) that the immigration authorities used to identify those who were otherwise often labelled as "illegal" immigrants. These are the terms that have been encouraged by the Presidential Regulation No. 125 of 2016 concerning the Treatment of Refugees (the "PR").[2] The second issue relates to the roles of the local government in supporting these refugees and asylum seekers. As the Head of the Immigration Detention Center highlighted, the PR "outlined that

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[1] Wawo (2018a).

[2] Suaka (2017). On the framing of the PR, see Sadjad's article in this Special Issue, and Missbach et al. (2018).

the local government is responsible to provide sheltering and accommodation and the International Organization for Migration (IOM) will deal with the funding."[3]

The issues outlined above suggest that labels and identity are significant in understanding the relationships between host-country policies and the presence of refugees. The focus of this article is on the changing labels ascribed to the refugees in Kupang before and after the implementation of the PR. Kupang is a useful case-study for elucidating the policy implications of the labelling of refugees, as the area has been hosting different kinds of refugees due to its strategic geographical location that borders Australia and Timor-Leste (also known as East Timor).[4] Before the implementation of the PR, Kupang had dealt with multiple labels ascribed to East Timorese refugees that arrived in the region in the mid-1970s and in late 1999. These labels changed again with the arrival of different refugees in the region since 2008. Indonesia's treatment of East Timorese refugees has historically been very different from the treatment of refugees from other countries. This is mainly related to the shared history of Indonesia and East Timor of violent military occupation and resistance.[5] In spite of the situation, there is a similarity in terms of the power relations associated with the use of certain labels and what labels are used when, by whom, and for what purpose.

Drawing on my fieldwork in Kupang between October 2012 and October 2013, and my intermittent return to the region between January 2017 and February 2019, this article's argument is twofold. First, refugee labels evolve over time, depending on the larger sociopolitical situation, but they are formed mostly to serve the interest of the host country rather than those of displaced people. Second, while labelling displaced people as "refugees" has been effective in leveraging funding and support, it can also lead to a process of manipulation of refugee status, and the marginalization and exclusion of refugees. To explain this argument, I begin by looking at the concept of "labelling" and how it has shaped Indonesia's policy as a host country and its response to an international conflict. The next section of the paper presents an overview of Kupang and its surrounding regions, and how they have served as refugee host, transit, and setting-off points. I will then explain the Indonesian government's handling of three different groups of refugees in Kupang and its surrounding areas, namely: first, the East Timorese refugees of 1975–79; second, the East Timorese refugees of 1999–2016; and third, the refugees transiting in the area between 2008 and 2019. The subsequent section compares and contrasts these three categorizations in terms of their labelling and impacts. The concluding section of the paper reflects on the way in which the labelling of refugees under the PR has impacted on the treatment of refugees in Kupang.

2. Formation of refugee labelling

Many scholars from different disciplines analyze issues from the perspective of labelling and identity formation. In sociological terms, labelling is often associated with deviance and being "outsiders" in order to restrain people's social interactions.[6] From the perspective of public policy, labelling is often perceived as an imposed political action that involves "conflict as well as authority."[7] While differing in their analytical approaches, each perspective shares a common view that identity labels are ascribed to groups of people on the basis of controlled and often disputed power relations.

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[3] Wawo (2018b). For more information on the role of local government, see Suyatna et al. and Missbach & Adiputera in this Special Issue.

[4] See Map of Indonesia and Map of Timor on p. 520.

[5] Taylor (1991).

[6] Becker (1963); Matza (1969).

[7] Wood (1985), p. 347.

In the context of forced migration, a refugee as defined by the Refugee Convention is a person who has crossed an international border and who has:

> a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable, or owing to such fear, unwilling to avail himself [or herself] of the protection of that country.[8]

In international law, only people recognized as refugees under this definition (which includes asylum seekers) are entitled to protection and are labelled as "persons of concern" by the United Nations High Commissioner for Refugees (UNHCR).[9]

The notion of labelling is further elaborated in the work of Roger Zetter,[10] whose analysis shows that the idea of "labelling" can affect the way in which refugee communities see themselves and how they are perceived by others. As a consequence of labelling, refugees are ascribed bureaucratic identities that lead to restrictive and paternalistic policies on refugees, which also creates a prolonged dependency of refugees upon external aid.[11] Zetter's analysis clearly demonstrates that labelling is essentially about "conditionality and differentiation, inclusion and exclusion, and stereotyping and control."[12] These notions of conditionality, differentiation, and control are used as my analytical framework in the following discussion of different refugee policies in Kupang. Due to its strategic geopolitical location and porous borders, Kupang presents an exceptional case of refugee labelling in Indonesia. As I will explain further below, labelling of refugees is ascribed through power structures and institutions that de-legitimize and disqualify refugees' access to protection. Thus, as perceptions of refugee identity change, so too do the instruments and practices of protection transformed, which narrows the rights of refugees associated with that identity.[13] This case-study of Kupang illustrates the use of a variety of labels over many years for different groups of refugees and the power of labelling in this context.

3. Kupang and its surroundings

Kupang is located on the island of Timor,[14] a rugged and mountainous terrain that makes up the Lesser Sunda archipelago, in eastern Indonesia and the north of Australia. The island covers a total area of some 34,000 square kilometres, approximately the size of the Netherlands. The eastern half of the island, including the enclave of Oecussi and the island of Atauro and Jaco, were under Portuguese administration for centuries, followed by 24 years of Indonesian occupation that ended in 1999. The western half of the island, where Kupang is located, was under the Dutch colonial administration and became part of the Indonesian state from the independence of the republic on 17 August 1945.

Administratively, Kupang and its surrounding regions are part of the Indonesian province of East Nusa Tenggara (*Nusa Tenggara Timur*—NTT). In 2017, the total population of the province was estimated to be more than 5.2 million people of whom more than 20%

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[8] See Art. 1A(2) of the 1951 Convention Relating to the Status of Refugees. See also UNHCR (1979), p. 18.

[9] Some countries use different definitions of "refugees" and "international protection of the refugees," which could also be drawn from other treaties. See Shacknove (1985).

[10] Zetter (1991), p. 51.

[11] *Ibid.*, p. 59.

[12] *Ibid.*

[13] Zetter (2014), p. 25.

[14] See Map of Timor on p. 520.

were living below the poverty line, making it one of the poorest provinces in Indonesia.[15] Located in the outer arc of the Lesser Sundas,[16] where the El Niño-Southern Oscillation is particularly pronounced, the province has one of the lowest rainfalls in Indonesia, with drought occurring virtually once every few years.[17]

With such a poor economic situation and harsh physical environment, Kupang and the surrounding regions are often overlooked and placed at the margin of the Indonesian development agenda. However, in the context of refugee issues, Kupang has always been a significant region because it borders Timor-Leste (East Timor) in the east and Australia in the south. In relation to Timor-Leste, the region has hosted different displaced people from Timor-Leste since the early twentieth century.[18] With regard to Australia, the region plays multiple roles in refugees' mobility, particularly as a departure point for boats carrying refugees to Australia. The region is also a transit point for refugees waiting for identification and resettlement processes, and a point for stranded boats carrying refugees that have been pushed back by the Australian navy.[19] In what follows, I will examine three refugee case-studies in Kupang and how the politics of labelling has played a role in government-policy interventions.

3.1 East Timorese "conditional refugees" of 1975–79

Kupang and its neighbouring areas have hosted different East Timorese refugees since colonial times. Between 1900 and 1912, for example, the region hosted more than 10,000 East Timorese refugees who fled their homes in Timor-Leste due to violent conflicts with the Portuguese authorities. Most of them remained in Dutch Timor and settled permanently in the present-day districts of Belu and Malaka.[20] During World War II, another round of East Timorese refugees arrived and settled along the border.[21]

After the end of World War II, the Portuguese resumed colonial rule over East Timor until the political situation changed in Portugal in the 1970s. In April 1974, the Caetano regime was overthrown by the Portuguese Movement of Armed Forces (MFA) in the so-called "carnation" revolution. In addition to the restoration of democracy in Portugal, the new Portuguese administration extended their colonial territories, including Timor-Leste, granting the territory the right to determine their own future and become independent if they so wished. In the ensuing months, three major political parties emerged in Timor-Leste: first, the *União Democrática Timorense* (Democratic Union of Timorese, UDT) campaigning for a period of continuing affiliation with Portugal as a means toward achieving full independence; second, the *Frente Revolucionaria de Timor Leste Independente* (Revolutionary Front of Independent Timor-Leste or Fretilin) advocating for immediate independence; and, third, the *Associação Popular Democrática Timorese* (Timorese Popular Democratic Association or Apodeti) supporting a transitional autonomy within Indonesia before independence.[22]

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[15] BAPPENAS (2017).

[16] The Lesser Sundas comprise many islands, most of which are part of Indonesia and are administered as the provinces of Bali, West Nusa Tenggara, East Nusa Tenggara, and the southern part of Maluku.

[17] NTT Government (2018).

[18] Damaledo (2018).

[19] Missbach (2014).

[20] Damaledo, *supra* note 18, pp. 30–5.

[21] Schapper (2011).

[22] Singh (1998). There were other smaller groups established during this period including the Popular Associations of Monarchs of Timor (*Associação* Popular *Monarquia Timorense*), which was later renamed *Klibur Oan Timor Aswain* (KOTA); the Democratic Association for the Integration of East Timor into Australia (*Associação Democrática para a Integração de* Timor *Leste na Austrália*, ADITLA), and *Partido Trabalhista* (Timor Labour Party).

In August 1975, UDT launched a coup, crushing the other political parties and taking control of Timor-Leste territory. The coup was effectively countered by Fretilin, which sparked further political upheaval and armed conflict among the East Timorese. The counter-coup forced the UDT leaders and its followers to retreat to the border with Indonesian West Timor and, in September 1975, it was estimated that 40,000 East Timorese refugees had been granted safe passage to Indonesian West Timor.[23] The term "refugee" here refers to the Refugee Convention definition because, at the time, East Timor was a colony of Portugal, a signatory to the Refugee Convention. However, before they were allowed to enter the Indonesian territory, the Indonesian government required the East Timorese refugees to sign petitions in support of the integration of Portuguese (East) Timor into Indonesia.[24]

This demand from the Indonesian authorities illustrates a situation in which protection was conditional on meeting the host country's requirements. In this case, the Indonesian government used the refugee label to conditionally validate its political ambition to integrate Portuguese Timor into Indonesia. Conditionality here refers to the exploitative, capitalizing, and self-advancement on the side of the host country to pursue its own international political agenda. Having such a condition made the East Timorese refugees a tool of Indonesia's national interest, and therefore justified the policy intervention and resource allocation. As reported by the Indonesian Minister of Home Affairs to the National House of Representatives from September 1975 up to late February 1976, the Indonesian government had spent more than IDR 900 million (USD 117 million) to support the East Timorese refugees.[25] This included the provision of temporary shelters, food, clothing, and clean water. The Indonesian government also established seven health check-up posts around the border district. The government secured a total of 16 hectares of agricultural land for the refugees to cultivate and trained other refugees with carpentry and constructions skills.[26]

While this humanitarian and livelihood assistance targeted East Timorese refugees, as previously mentioned, the main purpose of these interventions was to promote Indonesia's integrationist political agenda. In terms of camp locations, for example, the refugees were directed to sites where there were existing ethnic relationships with the host community. The Tetun-speaking people, for instance, were positioned in Central and East Malaka. The Kemak from Marobo were encamped around the Kemak area in Haekesak, on the border. The Kemak from Atsabe were directed to stay in Tenu Bot, a large area occupied by the Kemak people from Timor-Leste who had settled there since their arrival in 1912. The Bunaq, on the other hand, were settled in the Lamaknen area. Many Bunaq refugees also went farther into the Sukabiren area of Atambua (the capital of Belu District).[27] These conditions were strategically implemented to develop a sense of unity among the Timorese on both sides of the Timor Island, which politically served to justify the integration of Timor-Leste into Indonesia.

In addition to the camp sites, conditional labelling compelled the East Timorese refugees to act in favour of Indonesia's political agenda. For instance, in September 1975, the Indonesian army recruited and trained East Timorese refugees to support the Indonesian military invasion into East Timor in December 1975.[28] The Indonesian authorities also

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[23] Babo-Soares (2003), p. 55. The remaining Portuguese in the territory withdrew and Fretilin declared the independence of East Timor on 28 November 1975. A few days after the Dili declaration of independence, UDT-Apodeti, directed by BAKIN (*Badan Koordinasi Intelegen Nasional*/Indonesian Intelligence Agency), signed a declaration of integration: see also Aditjondro (1994), p. 8.

[24] CAVR (2005).

[25] Soekanto (1976).

[26] *Ibid.*

[27] Damaledo, *supra* note 18.

[28] Robinson (2008), pp. 90–1.

facilitated the return of East Timorese refugees to their home villages, to promote Indonesia's political agenda and to act as operatives who provided information for the military regarding the resistance movement. In July 1976, Indonesian President Suharto declared East Timor the twenty-seventh province of the Republic of Indonesia. The Indonesian government continued to support the return of East Timorese refugees to their homeland until 1979, when the last group of East Timorese refugees were transported back to Atsabe and Bobonaro.

3.2 Multiple labels: dealing with East Timorese refugees, 1999–2013

The Indonesian military occupation of East Timor led to more than two decades of violent conflict and resistance movement by East Timorese pro-independence supporters that lasted until 1999. In January 1999, Indonesian President B. J. Habibie announced that there would be a popular referendum that offered wide-ranging autonomy or independence for the East Timorese people. The Indonesian military concurrently developed a plan to "protect the integration" by forming militia groups in all districts of East Timor—with violence being used on occasion against those who supported independence.[29] Throughout East Timor, threats and acts of violence took place. Initial attacks on pro-independence supporters soon escalated into a civil conflict. In early September 1999, the UN announced that an overwhelming majority of the East Timor population (78%) had voted for independence and rejected special autonomy within Indonesia—a rejection of continued Indonesian attempts to exert control over their territory. Almost immediately, East Timorese militias intensified their violent campaign and killed many people in the East Timorese towns of Maliana, Oecussi, Suai, and Liquica. The capital of Dili and other towns were torched and, in the end, around 1,000 people were killed and some 70% of public infrastructure and private housing was destroyed.[30]

As the intensity of violence increased, a stream of refugees left East Timor, many of them coerced into joining the militia exodus. In early 2000, it was estimated that about 250,000 East Timorese refugees had been dispersed across more than 200 camps in West Timor, Indonesia.[31] Fernando da Costa, a farmer from the village of Luro in the Timor-Leste District of Lautem, recalled the way in which he and his family were forced to flee Timor-Leste:

> The militia and elements of the military invited all the villagers in Los Palos to come for a meeting at the village hall. The message was clear that everybody must immediately register and then leave East Timor. Those who stayed on would be considered pro-independence followers and would be killed.[32]

Fernando and his family of nine arrived in Kupang on 15 September 1999 after a night of sailing on an Indonesian navy ship. They were then transported by military truck to Tuapukan camp, on the outskirts of Kupang.

Fernando's account illustrates that they were "refugees" in the international or global sense used by the UNHCR to describe a "person of concern" who has crossed an international border and is in need of protection. This was further recognized by the UN Security Council when they passed Resolution 1264 to authorize the establishment of a multinational force to restore peace and security in Timor-Leste on 15 September 1999.[33] Four days later, the UNHCR High Commissioner met with President Habibie to get

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[29] *Ibid.*, p. 102.
[30] Robinson (2010), p. 161.
[31] Campbell-Nelson et al. (2001), p. vi.
[32] Achmad (2003), p. 192.
[33] UN Security Council (1999).

Indonesia's approval for UNHCR to carry out its mandate in relation to the unfolding East Timorese refugee crisis. Following this, UNHCR field offices were established in Atambua and Kupang.[34] At this time, displaced East Timorese were identified as "*pengungsi*" (refugees). The label "*pengungsi*" was used in this context to differentiate the East Timorese from other internally displaced persons (or IDPs), such as those from Aceh, Kalimantan, Maluku, Sulawesi, and Papua who were experiencing ethnic and secessionist conflict during the same period.[35] However, subsequent events showed that this label was not neutral, but had political significance.

The significance of the East Timorese being labelled as refugees is, of course, that they were entitled to international protection and humanitarian assistance. On the other hand, from the perspectives of some international development organizations, many of the East Timorese who fled to Indonesia were perpetrators of violence in East Timor, and therefore deserved little attention from the international community.[36] For example, in January 2000, more than half of the East Timorese refugees were still in West Timor and Amnesty International observed that their "crisis is not yet over."[37] In Tuapukan refugee camp, for instance, "there were 174 people [who] died … from September 1999 to the beginning of December 1999. In one two-week period alone—from 22 November to 1 December 1999—32 children and three adults died in the camp"[38] from infectious diseases such as chronic diarrhoea, malaria, and tuberculosis. However, the first comprehensive UN appeal for donor support in October 1999 that managed to garner a fund of USD 199,046,099 only allocated less than 10% for West Timor.[39] It also revealed that the World Health Organization (WHO) "had no dedicated funding for refugee-associated activities in West Timor for five months" and the UNHCR did not place its first health co-ordinator in West Timor for five months despite the health crisis in the refugee camps.[40] The situation became more complicated when three UNHCR staff members were killed in Atambua by East Timorese militias on 6 September 2000.

In late December 2002, the UNHCR declared the cessation of the East Timorese refugee status in West Timor as of 1 January 2003.[41] With the cessation of their refugee status, the UNHCR considered East Timorese as Indonesian citizens and the UNHCR gradually withdrew from West Timor. Despite an ongoing need for humanitarian assistance, this decision was followed by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) also ceasing its activities in West Timor.[42] In this case, the consequence of using (or not using) the refugee label led to the marginalization of the East Timorese and exclusion from the international organizations' humanitarian assistance. As Shacknove has pointed out, an "overly narrow conception of 'refugee' will contribute to the denial of international protection to countless people in dire circumstances whose claim to assistance is impeccable."[43]

Although the East Timorese were identified as refugees by international organizations, the Indonesian government recognized them as displaced Indonesian citizens from the former Indonesian province—what had been East Timor. For this reason, in September 2001, the Indonesian government outlined the National Policy to Accelerate the Handling of Refugees (*Kebijakan Nasional Percepatan Penanganan Pengungsi*). At this point, the Indonesian government used the term "*pengungsi*" to describe the "displacees"

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[34] Achmad, *supra* note 32, p. 204.
[35] Hugo (2002).
[36] Damaledo, *supra* note 18.
[37] Amnesty International (1999), p. 1.
[38] *Ibid.*, p. 3.
[39] UNOCHA (1999), cited in Bradt and Drummond (2008), p. 75.
[40] *Ibid.*, p. 75.
[41] UNHCR (2002).
[42] Sunarto et al. (2005), p. 29.
[43] Shacknove, *supra* note 9, p. 276.

but, in its alternative meaning of IDPs, not refugees in the international law sense.[44] The government policy consisted of three components: repatriation (*repatriasi*), relocation (*permukiman kembali* and *transmigrasi*), and empowerment (*pemberdayaan*).

Although the national policy had a component of repatriation, it did not specify the East Timorese as its sole target because, after the fall of Suharto's New Order government (1998), by 2001, Indonesia was hosting the single largest population of IDPs in the world due to ongoing ethnic and secessionist conflicts in regions such as Aceh, Papua, Kalimantan, Sulawesi, and Maluku.[45] At the same time, the Indonesian government acknowledged that the East Timorese displacement was different to other internal displacements in Indonesia because of its complex legal and political situation. In October 1999, the Indonesian Parliament ratified the results of the East Timor referendum in the form of Resolutions of the People's Representative Council (TAP MPR) No. 5/1999 and recognized that East Timor was no longer part of the territory of the Indonesian unitary state. This is why, politically, the East Timorese who came to West Timor were initially identified as refugees and managed by the UNHCR. So, in order to define a clear target for their national displacement-intervention policy, and to differentiate the East Timorese from other Indonesian IDPs, the Indonesian government transformed the UNHCR refugee label and identified the East Timorese as "ex-refugees" (*eks pengungsi*).

Labels like "ex-refugee" legitimated the displaced East Timorese's claim of assistance from the Indonesian government. The ex-refugee label also meant that the repatriation programme to Timor-Leste would be continued with support from the Indonesian government. During this ex-refugee intervention, the Indonesian government provided financial assistance to more than 1,300 East Timorese who joined the repatriation programme. In addition to this, nearly 7,500 houses were constructed for East Timorese households in West Timor and some 500 East Timorese households transmigrated to Sumatra, Kalimantan, and Maluku. After these humanitarian interventions, in 2005, the Indonesian central government considered the East Timorese issue "resolved," the government declaring that "the ex-refugees from East Timor no longer exist."[46] The Indonesian government's declaration, which ended the official humanitarian assistance for the East Timorese, also signalled the transformation of labelling activities into a domestic frame.[47]

Following the completion of the official Indonesian government assistance programme for ex-refugees, more labels were ascribed to the displaced East Timorese in Kupang and its surrounding regions. Oxfam Great Britain, for instance, chose the term "uprooted people" in their transitional shelter and livelihood projects between 2005 and 2008. Around the same period, CARE International employed the term "IDPs" for their community integration and local economy project. UN Habitat went further and came up with the notion of "ex-IDPs" in their recent capacity-building project from 2011 to 2013. As the international agencies deployed various terms, so did the Indonesian government. For instance, the Department of Social Affairs used the nomenclature "victims of social disaster" (*Korban Bencana Sosial/KBS*) to justify support to the East Timorese in 2007. In 2013, the Department of People's Housing identified the East Timorese broadly as "people with low incomes" (*Masyarakat Berpenghasilan Rendah/MBR*) in their housing project, using the same term as they deployed across Indonesia. As part of this project, they assigned the Indonesian Statistical Agency to conduct a registration census for the East

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[44] As Sadjad explains in her article in this Special Issue, *pengungsi* can refer to both internally displaced persons (IDPs) and other international forced migrants or "foreign refugees."

[45] Hedman (2008).

[46] Damaledo, *supra* note 18.

[47] At this stage, the government adopted the "new citizens" label as a way to accommodate the East Timorese into Indonesian society. As of 2016, it has been estimated that more than 88,000 East Timorese remained in Kupang and its surrounding regions; *ibid.*

Timorese. In doing so, the Statistical Agency made use of a new citizenship label by iden-tifying the East Timorese as "New Citizens of East Timor Origin" (*Warga Baru Asal Timor Timur/WB-ATT*).

Multiple labels imposed by various international organizations and the Indonesian gov-ernment might be effective for funding submissions and humanitarian-project purposes. However, it has led to the marginalization of East Timorese people and called into doubt their sense of loyalty as Indonesian citizens. For example, an East Timorese camp co-ordinator in Kupang admitted that his people encountered difficulties in obtaining bank loans because of concerns that they might return to Timor-Leste without repaying them.[48] In another case, the East Timorese found out that they had been excluded from the Direct Cash Assistance (*Bantuan Langsung Tunai*/BLT) social-welfare programme for the poor. This programme was funded by the central government as compensation for increasing oil prices and was managed by the local authorities.[49]

3.3 Dealing with refugees and asylum seekers 2008–19

If multiple labels ascribed to East Timorese refugees have been used by international organizations as well as through the Indonesian government's humanitarian interven-tions, in the following discussion, I will explain how this labelling process has impacted on the lives of refugees and asylum seekers in Kupang. The first media reports that I came across on this topic were from March 2008, when a local community in the coastal village of Oesapa notified the authorities of the arrival of four undocumented immigrants. The police followed up the report and found four Pakistani nationals who had arrived in Kupang a week before boarding a passenger ship from Jakarta.[50] Their main intention was to continue in Australia. At this stage, the Indonesian government applied the term "illegal immigrants" (*imigran gelap*) to describe the people transiting in Kupang before taking boats to Australia. This is a derogatory term, implying prejudice on the side of the host country and wrongdoing on the side of the immigrants. Moreover, the notion of illegality clearly characterizes such immigrants as a threat to Indonesia's order and stability. The policy implications therefore focus more on a security approach rather than on humanitarian assistance. For example, in the ensuing months, the Indonesian police force intensified its patrol and operations, and, by the end of 2008, they managed to appre-hend 52 "illegal immigrants" from Afghanistan, Pakistan, Myanmar, Iraq, and Syria, who were detained in the immigration detention centre in Kupang.[51]

Between 2008 and 2011, most undocumented immigrants entering Kupang arrived by plane and/or passenger ship before hiring a local boat to take them to Australia. Despite the prevailing security approach and deterrence efforts, more undocumented migrants or refugees who were described "illegal immigrants" arrived in Kupang in 2009 and, by the end of that year, immigration authorities had detained 172 people. The number increased significantly to 490 people in 2010, which overwhelmed the detention centre in Kupang.[52] Throughout 2011, the Immigration Department deported 429 undocumented migrants from Kupang.[53] Thus, Kupang and its surrounding regions had become a departure point for undocumented migrants bound for Australia. Despite coming from conflict-affected countries, the Indonesian immigration authorities avoided using labels like "refugee" (*pengungsi*) or "asylum seeker" (*pencari suaka*) to describe these migrants. Guided by the

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48 Sunarto et al., *supra* note 42, p. 33.
49 Fointuna (2009).
50 Tempo.co (2008).
51 Republika (2011).
52 Ira (2011).
53 Pos Kupang (2012).

Law No. 6 of 2011 on Immigration, these migrants were classified under the single category of "illegal immigrants" (*imigran gelap*).

In 2012, the Indonesian police force increased their patrols along the coastline of Kupang region, and many "illegal immigrants" heading to Australia shifted their departure points to Pangandaran (West Java), Trenggalek, or Madura (East Java). Instead of heading to Ashmore Reef, the preferred destination was Christmas Island. Although the migrants shifted their departure points, sometimes they ended up in Kupang because of poor navigation, bad weather, stranded boats, or police interceptions. As Yorry Yance Worang, the Chief of the Police Force in Kupang, explained at the time, "If this situation continues [i.e. boat arrivals], it is not impossible that NTT will become the 'dumping site' for illegal immigrants."[54]

Indeed, in 2012, the number of "illegal immigrants" increased again to 307 after some boats carrying migrants became stranded along the coastal islands near Kupang. Most of the immigrants were coming from Myanmar (124 people) followed by Iran (50 people), Iraq (50 people), and Afghanistan (47 people), and small numbers of people from Egypt, India, Kuwait, and Sri Lanka.[55] In October 2013, the number went down to 220—predominantly from Myanmar, many of whom had already been in immigration detention in Indonesia for several years.[56] In the same year, the Indonesian government revised its immigration policy through Government Regulation No. 31 of 2013.[57] Although the new policy did not specify refugees and asylum seekers as new categories in addition to what the law views as "illegal immigrants," it recognizes the possibility of changing the immigration status of these migrants during their stay in the detention centres.[58] Such recognition allows migrants to stay in detention centres for up to a maximum of ten years while waiting for a change in their immigration status, while their refugee-status-determination applications are being processed.

Such a policy change has provided the space for authorities to use terms such as "refugee" and "asylum seeker," and differentiate their treatment of these people from that of other immigration offenders. For example, in mid-January 2014, 26 Rohingya immigrants detained in Kupang were granted refugee status. With the changing of their immigration status, the immigration authorities in Kupang immediately transferred these refugees to another detention centre in Indonesia for further arrangements. The labelling of refugees and asylum seekers has become official since the implementation of the PR. Since then, immigration authorities have changed the terms they use from "illegal immigrants" to "asylum seekers" to describe undocumented immigrants who were either intercepted by the police or pushed back by the Australian authorities and stranded along the coastline of Kupang. In October 2017, the Indonesian police intercepted another boat carrying 47 asylum seekers on board, which added to a total of 354 people detained by the immigration office in Kupang in late 2017.[59]

The number of asylum seekers in detention changes over time, but this should not be understood as a cumulative development. Rather, it reflects the immigration processes of transferring and relocating asylum seekers and refugees to other places in Indonesia for the purposes of resettlement in third countries. Table 1 shows the number of undocumented/illegal immigrants, asylum seekers, and refugees in Kupang between 2008 and 2019. Some experience a relatively speedy process, while others have to wait in Kupang for more than five years.

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[54] Republika, *supra* note 51.

[55] Tempo.co (2012).

[56] Kompas (2013).

[57] See Elucidation of Government Regulation of the Republic of Indonesia No. 31 (2013) on Implementing Regulation of Law No. 6 (2011) on Immigration, https://suakaindonesia.files.wordpress.com/2015/07/penjelasan-pp-31-th-2013-english-version.pdf (accessed 29 April 2020).

[58] *Ibid.* See particularly Section I. General.

[59] Donofan (2017).

Table 1. Undocumented/illegal immigrants, asylum seekers, and refugees in Kupang, 2008–19

Year	Number
2008	52
2009	172
2010	490
2011	400+
2012	–
2013	600
2016	481
2017	354
2018	300+
2019	285

Source: Author's compilation from the Immigration Department and media reports.

This study of refugees in Kupang illustrates how labelling and changes in policies that impact the lives of refugees walk "side by side." The significance of labelling on the lives of refugees since the introduction of the PR can be identified from legal, sociopolitical, and economic aspects. In terms of legal aspects, the PR has changed labels such as "illegal immigrant" to "asylum seeker" and "refugee," and provides a legal basis for the refugees to stay temporarily in Indonesia before being resettled in a third country.[60] With regard to sociopolitical implications, labels such as "asylum seeker" and "refugee" indicate that these people are fleeing their home countries because of persecution. As a consequence, it requires a shift from a deterrent and security-focused policy towards policies that focus on providing safe and appropriate shelter and accommodation, rather than being detained as criminals. As explained by Dewansyah and Nafisah in this Special Issue, refugees and asylum seekers are entitled to community shelters arranged by the host country that meet international human rights standards. In the period covered by this study, the IOM paid for the costs of accommodation for asylum seekers. In addition, the IOM provided a monthly living allowance that totalled IDR1.25 million (approximately USD 90 million). The majority of refugees and asylum seekers in Kupang were accommodated in three local hotels, namely Ina Bo'i, Lavender, and Kupang Inn. These hotels were designated by the local government as refugee and asylum-seeker sheltering facilities before the implementation of the PR.

4. Conclusion

This article has examined the way in which bureaucratic labelling and identity politics are formed and transformed in different contexts for refugees and asylum seekers in the particular region of Kupang. It has demonstrated that, throughout the history of refugee arrivals in Kupang and its surrounding regions, labelling has been used as a tool for the state to exercise power over refugees. In 1975, for example, the Indonesian military labelled East Timorese as "refugees" to support Indonesia's military invasion and occupation of Timor-Leste. Similarly, in 1999, the Indonesian government used labels such as "refugees," "ex-refugees," and "new citizens" to differentiate East Timorese people residing in Indonesian territory, creating a sense of their being second-class citizens compared to other Indonesian citizens. In the case of refugees from other countries, the labelling process has demonstrated Indonesia's power to

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[60] This perception is substantiated by a textual analysis of the PR: see Sadjad's article in this Special Issue.

control the movement of foreigners within its sovereign borders, reflected in a security approach towards refugees as "illegal immigrants."

However, there has been a shift in this framing since the coming-into-effect of the PR. Under the framework of the PR, asylum seekers and refugees are allowed to leave their accommodation and interact with their host communities (as opposed to being held in immigration detention). Despite this shift, the government continues to impose severe restrictions in terms of refugees' or asylum seekers' rights to work,[61] meaning that many of them must rely on self-funding through their overseas families. Further, even though the labelling has shifted from "illegal immigrant" to "asylum seeker" or "refugee," refugees continue to be under constant surveillance by the Indonesian police and immigration authorities; for example, being subject to a curfew illustrates that the security approach remains dominant, as Sadjad articulates in her article in this Special Issue.

To this end, it is valid to ask what the pattern of labelling is likely to look like in the future as the Indonesian government continues to implement the PR. During my fieldwork, I asked the local government officials in Kupang about the omission of refugees from their official policies since 2008. They simply replied that it is "because they are refugees." Such a response suggests a number of meanings in the context of Kupang, being a poor and underdeveloped region. First, the local government is clearly focused more on its residents compared to international or "foreign" refugees. Second, the local government sees no potential advantage from the presence of refugees in the region. Third, refugees are viewed as being a politically minor issue and as posing a low level of threat to local security and stability. Fourth, the local government uses the labelling of refugees as leverage to request support from the central government and the UNHCR or IOM. Finally, the history and experience of this region in relation to refugees and displaced persons show that enforcement of the PR is dependent on the capacity of the local government[62] as well as the exceptional features of Indonesia's diverse regions.
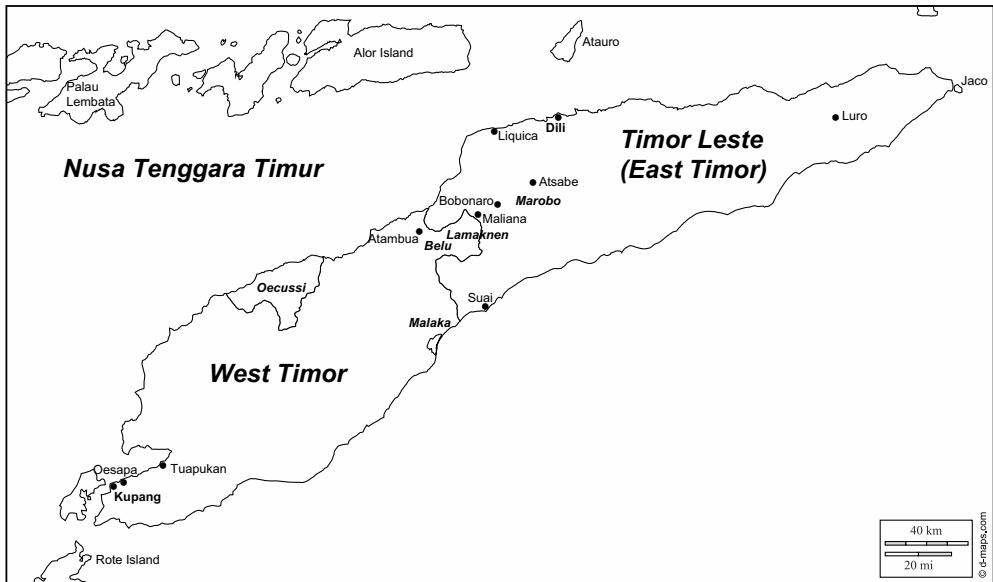
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[61] See also articles by Missbach & Adiputera; Dewansyah & Nafisah in this Special Issue.
[62] See articles by Suyatna et al. by Missbach & Adiputera in this Special Issue.

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