

# Cooperation between Indonesia and Australia in Managing Refugees and Asylum Seekers

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This article examines the policies and actions conducted between Indonesia and Australia in managing refugees and asylum seekers. It seeks to analyse the significant cooperation and conflict which existed in handling the problem of refugees and asylum seekers in Indonesia. This study therefore demonstrates both the differences in policies and the actions undertaken by them. It also evaluates the extent and the limits of Indonesia and Australia in handling the asylum seeker problems together. The research methodology employs primary and secondary data, and interviews. The necessary data is collected from several important transit areas of refugees in South Sulawesi and the East Java Province, Indonesia.

**Keywords:** *Asylum seekers, Cooperation, Indonesia-Australia relationships, Refugees.*

## Introduction

The international community is currently facing the largest refugee problem in 70 years. As a result of prolonged conflict, particularly in Syria, Afghanistan, South Sudan, Myanmar and Somalia, an influx of refugee and asylum seekers (jointly referred to as refugees) are crossing international borders to flee conflict and persecution, and in order to receive protection. The United Nations High Commission for Refugees (UNHCR) report claimed that at the end 2018, 70.8 million individuals were forcibly displaced worldwide as a result of persecution, conflict, or generalised violence (UNHCR, 2019a). From the figure, around 29.4 million were refugees and asylum seekers, and 41.3 million were internally displaced people. The issue of protection for refugees is becoming increasingly neglected and severe with state policies around the world, particularly the settlement countries, such as Europe, the United States, and Australia, who have decreased their support for refugees. They conducted various policies to hamper the flow of refugees to their countries. As a result of these closed-door policies from



such settlement countries, more refugees are being detained in transit countries which have a lack of infrastructure and capacity to host refugees. The conditions for refugees have also worsened with the policies of settlement countries, cutting aid for refugees in transit countries.

The current condition of state refusal in protecting refugees in transit countries has prompted questions to the states' commitment of cooperation between countries in dealing with the refugee issue. Academics have voiced the importance of collective action by states in dealing with the problem of refugees and asylum seekers. Thielemann and El-Enany (2010) demonstrate the significance of “overcoming [a] collective action problem” between the member states of the European Union, which has been a key motivation for cooperation in refugees issues. Meanwhile, Alexander Betts (2009) called for a strong political vision on refugee policy by applying ‘collective action’ through responsibility sharing in response to the influx of refugees across European countries. In fact, the United Nations (UN) has strongly suggested countries conduct cooperation in managing the refugees, as noted in the Preamble of the 1951 Convention relating to the status of refugees.

Although acknowledgement of the importance of collective action has been widely recognised, in reality, sustaining collective action has been problematic. If settlement countries assist transit countries in the case of refugees, then there is usually a reciprocal relationship that is linked to interests. Betts (2009) acknowledges that settlement states will assist transit countries when they “recognise its substantive relationship and their own interest as security, immigration and trade”. In other words, collective action will occur if a country receives the benefits that can be exchanged.

This paper specifically aims to discuss the characteristics and problems in collective action in handling the refugees by analysing the issue of cooperation between Indonesia and Australia. Indonesia, which is relatively far from conflict areas in the Middle East or Africa — where most of the refugees and asylum seekers are coming from — has also been influenced with incoming refugees. As of December 2018, a total of 14,016 individuals were registered with UNHCR in Indonesia, including 3,223 asylum seekers and 10,793 refugees (UNHCR, 2019b). Most of the refugees are coming from Afghanistan (56 per cent), Somalia (ten per cent), and Myanmar (five per cent). The figure is relatively lower compared to Turkey, which hosts the largest number of refugees in the world, with around four million refugees. Indonesia hosts much lower numbers of refugees compared to other Southeast Asian countries, namely Thailand (93,534) and Malaysia (175,760) (UNHCR, 2019b). In fact, the number of refugees in Indonesia has relatively increased, and there are still unregistered refugees. This situation has consequently created a concern about how to manage the refugees properly.



Indonesia cannot handle the refugees problem based mainly on the national authority because the refugee issue has a strong character of being transnational. The conflict that began in the origin country had pushed citizens to move into the surrounding countries, and some even took journeys far outside of their region. They have been forced to take dangerous and multiple journeys across several countries in order to save their life and to receive protection. The movement of refugees is also an “inherent part of international politics”. “The causes, consequences and response to refugees are all closely intertwined with world politics” (Betts et al., 2011). Host countries cannot independently determine its policies and action in dealing with refugee issues without considering their impact on other countries.

One of the characteristics of the transnational issue of refugees in Indonesia is related with geographical proximity and the country position of refugees towards Australia. Indonesia and Australia are neighbours and share a maritime border. The geographical proximity, to some extent, can create and intensify a tension between them. Indonesia is the closest country to Australia, where most of the asylum seekers using boat usually pass through Indonesian territorial water. Crisis relationships between Indonesia and Australia frequently occur due to the differences in policies to handle the asylum seekers who aim to go to Australia. Indonesia has felt undermined and challenged in its national sovereignty by the Australian *Sovereign Border Policy*, purposing to stop asylum seekers to Australia. For example, in January 2014, the Australian authority turned back a boat of asylum seekers to Indonesian water, which eventually sparked tension between the two countries. The Indonesian authority accused Australia that “it was approaching a ‘slippery slope’ with its boats policy” (Bachelard, 2014). A similar accident was repeated in June 2015, when Jakarta was irritated with an allegation Canberra paid to turn back a boat of asylum-seekers. As a response from this claim, then Australian Foreign Minister, Julie Bishop, said to Indonesia “to better secure its border” (Perry, 2015; Inder, 2017). These conflicts in response to the asylum seekers and refugees have actually contributed to a crisis in their bilateral relationships.

On the map of international refugees, Indonesia is categorised as a transit country — where refugees can stay temporarily, while Australia is a resettlement country — where refugees hope to live permanently. Most of the refugees and asylum seekers who pass through Indonesian territory or stay temporarily in Indonesia, in general, have favoured to resettle in Australia (interview). However, since Australia has issued to stop asylum seekers and to reduce refugees settling in this country drastically, they have been forced to live in temporary shelters in Indonesia, for a longer period than they expect. The condition of the refugees worsens, when in March 2018, the Australian Government decided to cut funding through IOM for asylum seekers living in Indonesia. This policy saw refugees “left in limbo”, which created hundreds of homeless to plead to detention centres (Missbach et al., 2018; Barker, 2019; Lamb, 2019). This situation has created difficulties for the Indonesian Government in providing protection and services to refugees.



It is, therefore, undeniable that the problem of refugees in Indonesia is much affected by Australia's decisions. The issue of refugee protection in Indonesia is also a profoundly serious concern for Australia. The Indonesia Government could not handle the refugees based only on its national sovereignty and interest. Interdependence between Indonesia and Australia is therefore especially important to be observed. Joint cooperation between Indonesia and Australia in managing the refugee problem is an indicator of the level of the relationship. Several questions that need to be addressed, are as follows: What are the differences in policies and action of the two countries in responding to the refugee issue? How do Australia and Indonesia create bilateral outcomes with respect to their national security? What and how does cooperation between Indonesia and Australia accommodate the solution of the refugee problems?

It is argued, firstly, that the nature of the national management in handling the refugees between Indonesia and Australia is different and contradictive but also complementary. Secondly, the influx of asylum seekers in the area has suggested a dual effect to the relations between Australia and Indonesia. On one side, it has erupted conflict due to several differences of national urgency and interest. While, on the other side, it has also created an effort to collaborate between the two countries in various forms of bilateral and multilateral relations due to shared common interest. This study, therefore, demonstrates both the differences in the policies and the actions undertaken by them. It also evaluates the extent and the limits of Indonesia and Australia in handling the refugee problems together.

## **Methods**

This research utilises the methodology of a tracing study through collecting primary and secondary data from newspapers, and journals. In collecting the data and information, this study has traced some historic and significant events, and national and international policies or agreements related to refugee issues. To explain the accuracy of this paper, it gathers necessary information by using a deep and snowball interview technique with asylum seekers, refugees, and the related parties involved in handling the asylum seekers and refugees, including Immigration and NGO officials. The necessary data is collected from several important transit areas of asylum seekers and/or refugees in South Sulawesi and the East Java Province, in Indonesia.

## **Result and Discussion**

### ***Concept and Implementation of International Cooperation on Refugees***

Cooperation among states and international organisations in handling the refugees and asylum seekers is very urgent and relevant. First of all, the United Nations (UN) has strongly



suggested that countries conduct cooperation in managing the refugees, as noted in the Preamble of the 1951 Convention relating to the status of refugees, as follows:

“Considering that the grant of asylum seeker may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international cooperation” (UNHCR).

This convention recognises that countries need international cooperation in managing refugees because countries, particularly developing countries like Indonesia, will bear a substantial pressure and cost that challenges their national capacity and resources.

In addition, the problem of refugees is transnational in legal term and nature. The 1951 United Nations’ (UN) definition of the refugee has described this by mentioning the “refugee” as a person who is “owing to a well-founded fear of persecution for reasons of race, religion, nationality, ... is outside the country of his nationality and..., is unwilling to avail himself of that country”. Refugees are people who move to other countries because of conflict in their home country and their life is threatened. Refugees, therefore, desperately need international community assistance to protect and care for them.

Push and pull factors on refugee issues are interlinked with various internal and external parties, including sending countries, receiving countries and international regimes (Massey et al., 1993). The conflict that began in the origin country pushed the citizens to move into the surrounding countries, and some even took journeys far outside of their region, in order to save their life and to receive protection. Countries affected by the refugees travelling — for example, Australia and Indonesia — have often disputed each other in an effort to deny their arrival. In fact, they need to identify and to solve the problems together.

Countries usually experience some risks and consequences when they host refugees. They bear the economic, social, political, and security burdens, which often become serious issues when the recipient country lacks the capacity to manage the refugees. “Political turmoil at the domestic level can have significant effects for other states in the international system and may provoke strong reactions by others when external costs are high” (Salehyan, 2008). An influx of refugees can put a host country in a dilemmatic position by responding to it. Developed states adopting the 1951 Refugee Convention or developing countries embracing *non refoulement* principles, which to some extent, have an obligation to receive or to care for the refugees. “A country is not obliged to grant asylum, but it might be prohibited to return an *asylee* or refugee to a country in which there would be well founded fear of persecution” (Melander, 1981). In addition, as a part of a responsible international community, they have adopted the international norm of human rights requiring them to protect the refugee and



asylum seekers. Instead, to let in massive numbers of refugees would probably create social, economic, and political unrest.

In addition, when countries host refugees in their territory, they cannot only apply their own national policy. A country alone, particularly a developing country, cannot handle the refugee issues. In fact, states have also implemented international agreements. Most of the developing countries — where most refugees in the world are living in temporary stay — have received financial support and policy intervention to handle the refugees from international communities. In other words, the genuine character of refugee protection is interlinked among the state and international organisations, which makes cooperation among the states in the world undeniable.

The condition of refugee protection which is interrelated and has an international dimension, makes international cooperation as a “collective action”, applicable and needed. Thielemann and El-Enany (2010) state the significance of “overcoming [the] collective action problem” between the member states has indeed been a key motivation for EU cooperation in this area. Alexander Betts (2009) called for a strong political vision on refugee policy by applying collective action through responsibility sharing in response to the influx of refugees across European countries. The form of “collective action” has been notified under the concept of “state burden” and is mentioned in the Refugee Convention, as noted in its Preamble and Article 3, in which countries have to share the cost to provide services to refugee.

In fact, this type of “sharing responsibility” has been implemented in the history of refugee protection in various models. A system of burden sharing suggested that industrialised countries should accept the responsibility of admitting a certain quota based on the population of the country and Gross National Product (Melander, 1981). In 1979, during the influx of Indochina refugees, the Security Council of the United Nations held a meeting to find a solution. From the conference, the UNHCR noted that “[s]ince the countries of first asylum were developing countries with serious economic and social constraints, it was essential that countries outside the area assumed the principal responsibility for resettlement”. There is an agreement that states have applied models of burden sharing to intermediate a mechanism in handling refugees together. However, with the current international political turmoil, economic decline, and social sentiment, accompanied by the increasing flow of refugees who want to enter third countries, developed countries are changing the patterns of burden sharing. Such policy changes impact not only on denying refugee protection efforts, but also harming and weakening the transit country. Meanwhile, there is agreement among states about the urgency of cooperation and working in collective action among parties to handle the refugees, and how and to what extent cooperation should and can be conducted among the states and international organisations, which have various and different national interests, is still debatable. Following the recent condition in Europe, where the European



closed territory rejected the incoming refugees, it has been argued that instead of building collective action through sharing responsibility, the EU member states built a “fortress Europe” (Ward, 2018; Thielemann et al., 2010). The term is used to refer to the way Europe sealed its borders and detained immigrants offshore, as well as to refer to negative responses towards refugees.

In the case of cooperation between Indonesia and Australia, Kneebone (2017) acknowledges that some argued that instead of implementing genuine collective action and sharing responsibility, Australia has conducted “*burden shifting*” towards Indonesia and its regional countries. This term is used to illustrate a country that is supposed to share responsibility in providing protection, but it turns to remove it to another country. For example, Australia has denied accommodating refugees in its territory, instead of detaining them offshore. The dynamic of burden shifting therefore can “undermine the provision of collective goods during a refugee crisis” (Thielemann, 2018).

A further question is linked to the problem of collective action that could address questions of why countries want to cooperate and what benefit or national interest can be achieved from the cooperation. In the rationalist view, a country’s purpose of altruism cannot explain thoroughly the reason for a country to give humanitarian assistance. Roper and Barriar (2010) maintain the motive of countries contributing to facilitate refugee protection is that “Refugee protection offers several private benefits that transform the calculations made by states in the provision of refugee protection”. According to Betts (2009), settlement states will assist a transit country when they “recognise its substantive relationship and their own interest as security, immigration and trade”. This paper has, to some extent, a similar view with these arguments. Countries will certainly cooperate with other countries on refugee protection that is influenced by national interest and its type of relationships.

In general, the cooperative relationship between Indonesia and Australia in handling refugees can refer to the concept of “burden sharing”, in which countries have to share the cost to provide protection and service to refugees. However, I argue that the form of burden sharing is not taken statically. Instead, this works by adjusting to the existing changes. There is a dynamic in “burden sharing” between the two countries by adjusting national interests, external (world) conditions, and common interests. This is also influenced by the position of Indonesia and Australia in the regional and international landscape.

### ***Comparing Indonesia and Australia: Regulations, Aspirations, and Action***

There are some obvious differences between Indonesia and Australia in how the countries agree upon and implement the international agreement on refugees, the *Aspiration to UN Convention*. Like other Southeast Asian countries, Indonesia is not a state party to the 1951



UN Convention Relating to the Status of Refugees or its 1967 Protocol. Thus, this country is not legally obliged to offer protection to refugees (Tan, 2016). The main reason for Indonesia not being part of the signatory party is because Indonesia is considered as not having the economic capacity to look after refugees. The Indonesian Government argues that it will be a burden for this country to take responsibility in caring for the refugees while there is still a lot of poverty and lack of minimum social service among the Indonesian people.

In contrast, Australia, like other settlement countries, has adopted the International legal framework for assistance to refugees. Australia adopted the Refugee Convention of 1951 and the Refugee Protocol of 1967, being major instruments, with the 1950 Statute of the office of the UN High Commissioner for Refugees (UNHCR), and some important resolutions of the general Assembly of the United Nations. Thus, Australia has an International legal duty to look after refugees that are harbouring in this country.

In fact, the differences between Indonesia and Australia to recognise the 1951 convention on refugees can become a factor that complements their national policy and interest to manage the refugees. Since 1979, during the impact of the Vietnam War, when an influx of refugees left their home in order to save their lives, Indonesia, together with the international community that included Australia, helped them by providing sanctuary places on Galang Island, in Indonesia. Later, selected refugees who qualified were resettled in Australia.

### *Accommodating Refugees*

With support from international donors and organisations, Indonesia, with the assistance of the IOM, continues to provide protection and allocates them in detention centres, rent housings or hotels throughout Indonesian regions. Interestingly, not like Australia, that accommodates asylum seekers at offshore sites or outside the country, Indonesia locates the refugees to mostly live close to local communities. For these actions, Indonesia is currently considered to take a significant role in “immobilizing [the] secondary movement” of asylum seekers and refugees in the region (Missbach, 2017).

Although Indonesia is not a signatory to the 1951 Refugee Convention, Indonesia has upheld the customary international law principle of *non refoulement*, continuing the detention of asylum seekers and refugees (especially children) in particular. According to this principle, refugees must not be expelled or returned (“*refouler*”) against his or her will to a situation where their life or freedom would be under threat (UNHCR). Based on this principle, Indonesia has an obligation not to deport the refugees back to their origin countries, which are still under conflict and their life there is threatened. Indonesia, therefore, let the international counterpart, such as the UNHCR, IOM or other countries, to provide a social service to care for the refugees in Indonesia. These international organisations work closely



with governments, advising and supporting them as needed, and to implement their responsibilities.

While Indonesia as a transit country continues to provide sanctuary for refugees, Australia's international reputation as resettlement country where refugees can receive protection has been tarnished with policies to stop or to discourage refugees from entering Australia. In August 2001, the Howard Government objected to a request from a Norwegian freighter M.V Tampa carrying 433 rescued refugees. This incident triggered a tension between Australia and Norway. After this incident, Australia introduced the *Border Protection Bill* in order to hamper an influx of asylum seekers harbouring in Australia. Later, *The Pacific Solution* was issued to allocate the asylum seekers in Nauru and Papua Guinea's Manus Island instead of in Australian territory. In 2013, the Abbott-led Coalition implemented the *Operation Sovereign Border*, aiming to drastically stop the "boat people" seeking protection from this country. Nowadays, the Australian policies to deny responsibility to significantly protect the asylum seekers continue. In March 2018, the Australian Government cut its assistance to the IOM in Indonesia.

#### *Current National Regulations*

In contrast with Australian policies that currently deny the right of asylum seekers for protection, Indonesia has tried to improve its international image. In response to improving the refugees' management, and particularly to regulate cooperation with international parties, in December 2016, Indonesia issued the Presidential Regulation Number 125 on the handling of refugees from abroad. This regulation is claimed as the first comprehensive regulation for refugees in Indonesia. Recognition of the significance of cooperation in handling the refugees is mentioned in Article 2 (Ministry of State Secretary, 2016):

1. Handling of Refugees is carried out pursuant to a cooperation arrangement between the national government and the United Nations through the United Nations High Commissioner for Refugees in Indonesian and /or an International organization.
2. The international organization as referenced in paragraph (1) is an international organization engaged in the area of migration affairs operating under an agreement with the national government.

The regulation has strengthened the operational management of refugees in Indonesia, which is held between the Indonesia Government and external parties. The regulation stated that managing refugees in Indonesia should be conducted with support from the international community. With this regulation, the Indonesian Government has acknowledged the significance of issues of "burden sharing" in providing protection to refugees by involving the



international partners, international states organisation, and international non-government organisation.

### *Political Consideration on Refugees*

There is a difference of political dynamic between Indonesia and Australia in regard to refugees. Local politicians in Indonesia are not yet interested in interfering with the issue of refugees and asylum seekers. In contrast, the political consideration, for example the political party platform for migration in Australia, has shaped the policy towards the refugees or asylum seekers. Furthermore, the migration issue is a very sensitive issue in Australian domestic politics. The opposition parties can use the sensitive migration issue to attack government policy on refugee issues. The reputation of the Australian Government depends significantly on the capacity to handle asylum seekers or refugees nationally and internationally. For instance, the Australian reputation in sustaining human rights was tarnished with the incident of the NV Tampa in 2001, when Australia rejected to help the sinking ship and its passengers.

Some policies apply strict actions to deter refugees from coming to the land. The Australian Government claimed that the aim of Australia in the acceptance of asylum seekers should be based on: (1) to serve Australian national interests and international engagement; (2) to enhance the scope of cooperation with regional partners; and (3) to assist in meeting growing humanitarian needs in the region, in a fair and timely way (Australian Home Affairs). The objective illustrates that Australia prioritises national interest more than genuinely helping to protect asylum seekers.

As a transit country, Indonesia has an interest to show to the world that it as the leader of the ASEAN has also contributed to protect refugees and asylum seekers, although Indonesia is not yet a signatory of the 1951 Convention on Refugees Status. However, Indonesia is also reluctant to allocate significant funds to the refugees and asylum seekers. As a developing country with many people still living in poverty, supporting refugees or asylum seekers to a degree which is suitable to international standards, would be a sensitive issue.

To conclude, there are some obvious differences in the country position regarding the International Convention and in the dynamics of national policies and actions conducted by Australia and Indonesia. These differences can potentially lead to conflict. In contrast, the differences can complement an effort to manage the refugees based on mutual interests and demands.

### ***Geographical Proximity and Country Status of Refugees***

Indonesia and Australia are strongly connected and share an interdependence relating to the problem of refugees and asylum seekers that are currently swapping the world because of prolonged conflicts, particularly in the Middle East, Africa, and Myanmar. Both countries are close neighbours and share a maritime border. Indonesia is known as a “passage” for asylum seekers to Australia. The geographical proximity between the two countries — particularly at the western and northern parts of Australia, such as Christmas Island, and Darwin, and the Indonesian territories, such as Sumatra, Java and West Timor — has attracted asylum seekers to land temporarily in Indonesia before they finally continue their journey towards Australia. Indonesia is an “entrance” for illegal immigrants or asylum seekers using boats, often called “*Boat People*”, to harbour in Australian territory. Desperate asylum seekers are passing through Indonesian territory before they are successful or fail to enter Australian territory. Due to the shared maritime border between Indonesia and Australia, Indonesia can be argued as the final gate before the asylum seekers pass into Australia.

Indonesia is one of major transit countries in Southeast Asia, as people move from conflicts in the Middle East, such as in Syria, Afghanistan and Asia, particularly Myanmar, towards Australia. Indonesia is considered as the “last stepping stone” (Missbach, 2017) for the refugees before they continue their journey to settle permanently in Australia. Traffickers often utilise the opportunity of the porous archipelago around Indonesian territory, as a launch point to smuggle asylum seekers who want to settle in Australia. Many asylum seekers aim to settle in Australia using Indonesia as the last transit country before they enter into Australia because of this proximity.

For Australia, Indonesia has a strategic position in the Australian policy of migration. Indonesia can play the role as the “*deterrence*” country for Australia. Indonesia plays a part to assist Australia in halting boat people when entering into Indonesian territory. The Indonesian authority can intercept the boat people whom Australia believes not only consist of asylum seekers who have the right to receive protection, but also illegal immigrants. The involvement of Indonesian authorities, particularly the Indonesian Navy, is significant to stop or to deny the ‘boat people’ who risk their life to board in Australia. On many occasions the Australian authority has turned back the boat people intercepted into Indonesian territory (Solomon et al., 2014). These policies have created tension between Indonesia and Australia (Perry, 2015). In other words, because of its geographic position, Australia can use Indonesia as a barrier to discourage asylum seekers coming to Australia. This country is significantly dependent upon Indonesia to halt unwanted asylum seekers and to deny illegal immigrants who intend to enter Australia.

The interdependence between Indonesia and Australia relating to the issue of refugees has also been derived from the differences of country status, as well as the perception among the refugees in regard to the *destination* or *resettlement* country. Australia is traditionally identified as one of the most favourite countries for resettling the refugees, while Indonesia is perceived as a transit country. Although Australia is currently falling outside the top ten countries that recognise and resettle refugees, this country still ranks third overall in the permanent global resettlement, falling behind the US and Canada (Refuge Council of Australia, 2018). Most of the refugees and asylum seekers, particularly in detention centres or alternative accommodation for refugees in Indonesia, are hoping to be resettled in Australia. This country is the final destination for the refugees and asylum seekers to make “a new life”, a “peaceful life”, or “surviving” after their dangerous experience in their home country and along the journey to escape from the war and conflict. Australia, by virtue of their ability to provide protection and livelihood opportunity, is considered a desirable destination country for asylum seekers.

The differences of countries status for Australia as a permanent settlement and Indonesia as a transit country has actually created a strong interdependence. The changing policy of immigration regulation from one country can impact directly on the other. For example, Australian strict policy relating to resettlement by reducing the quota of asylum seekers has an impact on several problems directly upon Indonesia. The number refugees and asylum seekers living in Indonesia tends to increase because there would be more refugees staying longer in Indonesia that hope to be resettled in Australia. Consequently, this will provide an additional burden upon Indonesia. The refugees have already suffered and most of them become stressed because of their condition as refugees during the journey of leaving their home country and living in the transit country, like Indonesia. As a consequence of the policy to cut the quota of refugees by the Australian Government, and the fact there is no certainty to be resettled, the refugees become depressed, restless, angry, and feel denied by the authorities. When these biological and psychological illnesses occur to the refugees, there will be an additional issue for health, economics, and security (interview).

It is very often that as a result of frustration and disappointment, the refugees conduct demonstrations, violence, or protests which aim to draw attention from the public, Indonesian authorities, and related institutions such as UNHCR and IOM. Indonesia may not necessarily be offended by the asylum seekers protest because instead of the Indonesian Government, the UNHCR or IOM are the parties that are actually mostly in charge of caring for the refugees and asylum seekers. However, for Indonesia, a protest or demonstration from refugees would be very sensitive for the sake of the national interest, especially during this globalisation information age. Although, the Indonesian Government has maintained the freedom of speech and adopted a democratic style. From the Indonesian view, the protest from refugees

would denounce Indonesia to stand to build an international image for the country in sustaining human rights and contributing to international peace and security.

A similar impact is evident in how changing the Indonesian policy regarding asylum seekers can directly influence Australia's interests. The Australian coast guard would be in a very dilemmatic position when Indonesia has decided not to intercept asylum seekers who are sailing by boat and passing through Indonesian waters in order to reach Australian waters. The Indonesian authorities sometimes attempt to turn the boat back into Australian waters. A similar action has also been conducted by the Australian authorities. In addition, Australia has accused Indonesia of sponsoring people smuggling or trafficking as the result of Indonesian ignorance for trafficking persons from Indonesian territory. Consequently, a political row between the two countries occurred as a result of their decision to "turn a boat" into another maritime territory.

There is an undeniable reliance between Indonesia and Australia in handling the refugees and asylum seekers because of their geographical proximity and its main position in accommodating the refugees and asylum seekers. The decision of Australia will strongly influence Indonesia, and *vice versa*. Therefore, cooperation between the country, particularly in managing the influx of asylum seekers and refugees, is necessary. How this cooperation works is explained below.

### ***Level and type of cooperation between Indonesia and Australia***

Indonesia and Australia hold engagement or cooperation in handling refugees and asylum seekers at various levels, directly and indirectly. On the bilateral level between Indonesia and Australia, the Lombok treaty became the guidance to develop the bilateral security in handling the refugee and asylum seeker issues. The two countries have conducted collaborative action to manage the flow of migrants who aim to go to Australia and utilise Indonesia as a transit country. Under the *Regional Cooperation Agreement*, Indonesian police and immigration officials will intercept refugees or asylum seekers thought to be intent on travelling irregularly to Australia. The asylum seeker is then to be detained in Indonesia, before they probably will be resettled in Australia, if they qualified with Australia. Indonesia, based on the cooperation, has a duty to deter the people who try to enter Australian territory.

Some argue that the actions of the Indonesian authority to deter the asylum seekers who want to go to Australia and pass through the Indonesian territory, are mainly Australian initiatives to stop the refugees. The Indonesian authority has worked for Australian order to implement the "deterrence" policy of Australia. Some opinions even state that Indonesia detained asylum seekers' vessels and included them in Indonesian detention at Australia's request and instead, provided financial assistance in dealing with the refugee problem in Indonesia.

Nethery et al. (2012) claims that Australia has provided a “significant level of funding and resources to encourage Indonesia to use immigration centre to deter asylum seekers from making the onward journey to Australia”. Similarly, some authors argue that the bilateral cooperation in managing the refugees has taken a form of “incentivized policy transfer”, in which Indonesia receives diplomatic incentives and substantial financial exchange to agree on some of Australia’s policies (Nethery et al., 2014; Nethery et al., 2012). It has been assumed that the Indonesian authority has done this not for its national interest, but for Australian order to implement the “deterrence” policy of Australia.

In fact, the Indonesian authority’s action to intercept asylum seekers is not primarily due to the exchange incentives from Australia. The cooperation in handling refugees is “more nuanced” (Kneebone, 2017) than some judgments from scholars who perceive that Indonesian policies in handling the refugees are mainly for Australian order, in exchange for incentives (Nethery et al., 2014; Missbach, 2017; Nethery et al., 2012). This is because Australia is not a hegemonic regional power in the Southeast Asian context, opposite to Indonesia. The institutional nature of the Australian-Indonesian cooperation relationship has not established itself as a model of “cooperative hegemony” (Kneebone, 2017). The mutual exchange between Indonesia and Australia has become a way for the two countries to achieve their national interests, particularly in dealing with the refugee issues.

The dynamic of the cooperation between Indonesia and Australia has also been demonstrated in a multilateral relationship, such as the Bali Democracy forum or cooperation with the United Nations High Commissioner for Refugees (UNHCR) and international agencies, such as IOM, to accommodate refugees to live temporarily in Indonesia. In the Bali Process, the two countries are dealing with challenging issues in imposing the norms and practices around the human rights of refugees and asylum seekers, which are entangled in the securitisation of people smuggling (Curley et al., 2016; Hirsch et al., 2018). In this forum, Indonesia has encouraged developing a practical regional agenda for the protection of refugees and asylum seekers, as well as the prevention of smuggling persons.

With granting of the UNHCR for the status of asylum seekers and refugees, Indonesia is then hosting them. Australia has a privileged position as a resettlement country. In its policy regarding offshore resettlement, Australia maintains its position to work together with the UNHCR, international partners, and community organisations, to provide assistance to refugees in other countries (*Australian home affairs*). The UNHCR has worked on conducting administration activities in Indonesia to give asylum seekers and refugees status. The Australian Government has the main authority in terms of the amount and the persons who are eligible for resettlement. This UN agency for refugees has used some criteria for the resettlement of people, such as legal and/or physical protection needs, survivor of torture and/or violence, medical needs, women and girls at risk, family reunification, and children and

adolescents at Risk. Though the UNHCR in Jakarta may recommend and refer people for resettlement, the ultimate decision rests with Australia's Immigration Department. Only the Australian Government has the authority to select or to deny the refugees who are still living in Indonesia and aim to move into Australia. To reiterate, the Australian Government has the main authority in terms of the amount and the persons who are eligible for resettlement.

The involvement of Australia in Indonesia, in managing refugees and asylum seekers in Indonesia, is conducted mostly and indirectly through the UNHCR or the IOM. There are 13 detention centres for refugees and asylum seekers. The local staff of the IOM are deeply involved to manage refugees and asylum seekers in Indonesia. In the 13 detention centres across the Indonesian archipelago, the IOM provides "migrant care management" to those detained. They support the refugees' and asylum seekers' daily needs regarding their food, health, education, and housing in Indonesia. Together with the UNHCR, the IOM has also participated in providing information to the refugees and asylum seekers regarding the process of selection in Indonesia.

International organisations such as the IOM depend on assistance from international communities. International funding is highly crucial for these organisations to be able to operate in countries like Indonesia. The IOM in Indonesia receives most of their funding from the Australian Government (interview). It cannot be denied that through the IOM in Indonesia, Australia can monitor, as well as intervene in the management of refugees in Indonesia.

The indirect cooperation in managing refugees between Indonesia and Australia through international organisations, which has been explained above, has been perceived by some as Australia having power leverage in the relationships with Indonesia. Through the UNHCR and the IOM, which depend on Australia's financial support and administration in managing the refugees, Australia can dictate to these organisations to conduct activities on behalf of Australia's national interests. This international organisation can be relatively free from the host country (Indonesia) in providing services to the refugees. In fact, Indonesia is not completely without influence and power, and lets international organisations like the UNHCR or the IOM absolutely dominate in handling refugees and asylum seekers. In neoliberalism terms, the states remain the predominant actors in the international politics. "UNHCR policy and practice have been driven both by state interest and by the office acting independently or evolving in ways not expected nor necessarily sanctioned by states" (Loescher, 2001, pp. 33–56). In other words, the operation of the international organisations in handling the refugees in Indonesia is not absolutely free, it has to consider the interests of both, which are the donor country (Australia) and the host country (Indonesia).

### ***Some Challenges for Indonesia and Cooperation***

It cannot be denied that Indonesia needs an international partner to support the refugees in Indonesia. This country has a lack of resources and capacity to sustain the lives of refugees in Indonesian territory. In fact, international support for refugees can potentially challenge the national sovereignty. Indonesia is not able to independently look after the refugees. Under the current agreement, the international partners have, to some extent, freedom as well as authority to refugees. Meanwhile, Indonesia has a limited authority to deal with the refugees and asylum seekers. The international organisations deal with the refugees' daily life, including the important decisions to grant people as asylum seekers or refugees. With the consideration of the third country, like Australia, the UNHCR selects refugees moving to a third party without necessarily gaining consent from the Indonesian Government. The question is raised, for example, is this kind of work division between Indonesia as a host country the best for the national interest? Do the types of work division challenge the Indonesian reputation and authority in the eye of the domestic public?

In some cases, the treatment by international organisations to the refugees can create conflict with the local community. It may not be congruent with local culture and government policies. For example, an international organisation such as the IOM has delivered refugees needs based on international standards that have been decided by the international community. However, for the local people, they argue that this kind support which has delivered by the international organisation seems too much and unfair. The local people who are still living in modest conditions and poverty, do not receive the same support. This situation will eventually create accusations that the Indonesian Government is giving more attention to refugees than its local people. This type of response from the local people in Indonesia can damage the reputation of the government in managing its people.

The latest condition in the existing refugee governance has put Indonesia in a difficult position. For instance, at this moment, Australia and other third countries have issued policies to drastically reduce the amount of resettlement to their countries. Australia has conducted policies to delay or to deny the granted status for resettlement. The refugees and asylum seekers must stay longer than expected in Indonesia. In the past, the majority of refugees had to stay an average two or three years. At this moment, they must wait double that timeframe, more than five or seven years without certainty when they finally move to Australia or the third country (interview). A longer period of stay for refugees means that they are not living temporarily in Indonesia. This changing situation has transformed Indonesia and it is not merely a transit country. This situation can create resentment and conflict. The human right perspective has created great concern for Indonesia's management. Nethery et al. (2012) argues that rather than to build an "effective protection" in the Asia Pacific region, the detention of asylum seekers in Indonesia serves as "one more barrier". Although cooperation



between Indonesia and Australia does occur, it “cannot succeed to protect refugees on its own” (Tyrer, 2017). Therefore, it is a challenge for Indonesia to reposition itself in the realm of world refugee issues.

## **Conclusion**

The study case of cooperation between Indonesia and Australia in handling the refugees is illustrative to show to what extent cooperation, as well as conflict, has occurred between the two countries. There is interdependence, mutual benefit, as well as complement in the bilateral relations between Indonesia and Australia in managing refugees. The conflict occurs because there are some differences on the nature of the country in the refugees case, as well as the opinion, and policies, ranging from the idea of the threat posed by refugees to the state or how best to manage the refugees. The cooperation conducted by the countries has indeed enhanced the relationships between them. The collaborative action has accommodated, to some extent, the state interest in an effort to manage the issue of refugees and asylum seekers. In fact, this cooperation has also raised questions about the sustainability of the action. The practice of significant cooperation needs to comprise to some extent coordination and trust. This is not easy to develop, with a country used to raising its interests above others, and not genuinely sharing common interests. Furthermore, the close cooperation between Indonesia and Australia in handling refugees should be continued in order to sustain the dual aims which are the proper protection for refugees, as well as to enhance the common interests. This might be not easy because countries tend to prioritise the national interest above the implementation of human rights for refugees.



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