HAL open science

State Rhetoric versus People Crossing Borders in Southeast Asia. An Ongoing Negotiation

Karin Dean, Laur Kiik, Runa Lazzarino, Anne Yvonne Guillou, Kalli Kulla, Monika Arnez

To cite this version:

Karin Dean, Laur Kiik, Runa Lazzarino, Anne Yvonne Guillou, Kalli Kulla, et al.. State Rhetoric versus People Crossing Borders in Southeast Asia. An Ongoing Negotiation. Online Papers, 2016. hal-03744625

HAL Id: hal-03744625

https://hal.science/hal-03744625

Submitted on 3 Aug 2022

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.

SEATIDE Online Paper 4

State Rhetoric *versus* People Crossing Borders in Southeast Asia. An Ongoing Negotiation

by Karin Dean (Tallinn University), Laur Kiik (Tallinn University), Runa Lazzarino (UNIMIB), Anne Guillou (Centre Asie du Sud Est, CNRS-EHESS), Kalli Kulla (Tallinn University), Monika Arnez (University of Hamburg)

Followed by a response to 'State Rhetoric versus People Crossing Borders in Southeast Asia. An Ongoing Negotiation'

Possibility of People-Centred Migration Policies in Southeast Asia. A Malaysian Human Rights Advocate's View

by Angeline Shannan (Aliran Kesedaran Negara: National Consciousness Movement)

SEATIDE: Integration in Southeast Asia: Trajectories of Inclusion, Dynamics of Exclusion
WP3 Deliverable 3.3: Online paper 1: Cross-border circulations

State Rhetoric versus People Crossing Borders in Southeast Asia. An Ongoing Negotiation

Karin Dean (Tallinn University), Laur Kiik (Tallinn University), Runa Lazzarino (UNIMIB), Anne Guillou (Centre Asie du Sud Est, CNRS-EHESS), Kalli Kulla (Tallinn University), Monika Arnez (University of Hamburg)

Executive summary

In this paper, we explore certain aspects of boundaries and 'transnational' circulations, which we think policymakers should pay attention to. Firstly, we emphasise that borders should not be taken for granted. Moreover, taken outside a state-centric perspective, 'cross-border' phenomena should not be assumed as new or objectively 'problematic'. To do this, we discuss how young, often illusory, and arbitrary the current Southeast Asian state borders are when compared to ancient and on-going human relations, mobilities and circulations.

Secondly, we discuss why it makes sense to think of any state border as a process of 'becoming'. Indeed, borders are historical and on-going social constructions, which give birth to and shape a great variety of wider 'cross-border' dynamics between people, livelihoods, economies, identities, ecologies, and more. To show this, we introduce four quite different Southeast Asian case studies, in which our research group is engaging, and try viewing them in some connection. The case studies largely focus on political-economic processes and the dynamics created by cross-border economic disparities. We conclude by calling into question current claims about governments 'opening up borders' as well as with four key points for policymakers.

In her response paper, an experienced Malaysian human rights activist and researcher urges policymakers to rethink state securitarian concerns and to envision a people-centred Southeast Asian immigration policy. This would mean more focus on human rights, need and dignity. The first step in the Malaysian situation, which the author critically delves into, is de-criminalizing undocumented migrants, asylum seekers and trafficked persons.

Introduction

When you look at world maps or models of the globe, you see a colourful patchwork of neat political units. Such maps depict the planet's surface space as full of boundaries that organize it into clear-cut and unique states. Simultaneously, these states are expected to contain distinctive societies and national identities. What these maps visualize is the mental starting point of most of contemporary International Relations and politics. However, such a starting point is also a rigid, one-layered and incontestable understanding of the world and of people's social and spatial practices.

As researchers, we thus employ ethnographic research methods to approximate more closely the various realities of borderworlds in Southeast Asia—and of their continuous cross-border human and other circulations. Some of us have developed a strong focus on the

scale of individual lives, experiences and intentionality. A guiding hypothesis in some of our researches is the idea that socially vulnerable people are shaped by movement and learn to use it as a tool for the transformation of their lives. Others among our group of researchers have focused on how dynamics of old and new trans-border identities and networks challenge nation-state hegemonic discourses. This short paper voices and unites both of these focuses. It privileges the perspective of local networks in cross-border areas, over which states have less control, while leaving in the backdrop equally significant broader population movements travelling on major infrastructural routes, which are much more overt and controllable.

In the paper, we explore certain aspects of boundaries and 'transnational' circulations, which we think policymakers should pay attention to. Firstly, we emphasise that borders should not be taken for granted. Moreover, taken outside a state-centric perspective, 'cross-border' phenomena should not be assumed as new or objectively 'problematic'. To do this, we discuss how young, often illusory, and arbitrary the current Southeast Asian state borders are when compared to ancient and on-going human relations, mobilities and circulations. Secondly, we discuss why it makes sense to think of any state border as a process of 'becoming'. Indeed, borders are historical and on-going social constructions, which give birth to and shape a great variety of wider 'cross-border' dynamics between people, livelihoods, economies, identities, ecologies, and more. To show this, we introduce four quite different Southeast Asian case studies, in which our research group is engaging, and try viewing them in some connection. The case studies largely focus on political-economic processes and the dynamics created by cross-border economic disparities. We conclude by calling into question current claims about governments 'opening up borders' and with four key points for policymakers.

A recent arbitrary mosaic

In Southeast Asia, the contemporary states' supposedly unique characteristics, such as specific territorial space and sovereignty—and notions of unique and natural state-based nations, like the Thai, the Philippine, the Myanmar, the Indonesian—, are even more fiercely contested than in the West. This is mostly because the inherited colonial boundaries between Southeast Asian states were intended to separate areas neither on the basis of any distinct features nor linguistic-ethnic affiliations. These current boundaries, cutting across communities and often terrain that is difficult to control, emerged as such only when the states gained independence from European colonial empires—thus dating back not more than a hundred years and in most cases much less. For example, the 2190 km long Sino-Myanmar border was settled between the governments of China and the independent Burma only in 1960.

Regardless the world political map presenting the states and their boundaries as if the past practices had discontinued, it is not difficult to imagine that the arbitrary decisions on drawing borders made in far-off meeting rooms do not alone, and definitely not immediately, allocate the loyalties of the local people to their respective states or change centuries-long practices and mobilities. For example, the decision by General Ne Win, Burma's military dictator in the 1960-70-ies, to 'close' the above mentioned extensive land border between 1962—1988 and to declare any cross-border trade 'illegal' was rather a

manifestation of China-Burma relations and the xenophobic orientation of state policies. It had neither any meaning nor effect in everyday lived geographic space! Nevertheless, governments continue 'closing' and 'opening' borders also today, with the rhetoric of 'opening up' borders particularly strong since mid-1990ies, both inside the academia and amongst policymakers.

The extensive land borders in Southeast Asia often cut across mountains and wilderness—think, for example, the 2400 km Thai-Myanmar border, the 2100 km Vietnamese-Lao border, or the 760 km Indonesian-Papua New Guinean border. Such borders are not easily subject to common border manifestations such as posts, gates, signs and flags that would introduce and reinforce the border that is otherwise 'not there' in the lived space. Most often, the borders are substantiated only at states' entry and exit points on the larger roads that cross from one state into another, at areas close to human habitation or where military patrolling of the border is deemed necessary. There, states can and do control and patrol their borders.

But for the rest, states must rely on people's *socio-spatial consciousness* (Paasi 1996)—a collective consciousness stemming from the social and historical construction of spatial demarcations—and on social actors' adherence to the arbitrary state-centric rules of the game. The mobilities of these social actors—such as local villagers, individual members of extensive ethnic communities straddling contemporary borders on both sides, local or long-distance traders in licit and illicit goods, traffickers, migrant workers or political refugees—generate both the numbers and (what are seen as) the 'problems' or 'issues' deemed as cross- or trans-border, inter- or transnational. States' desire for controlling and regulating various movements—of people, goods, money, ideas, and knowledge— are at the centre of their normalizing concern.

Mobility as stability

But, we find it important to keep in mind that instead of being an objective 'problem' or even an accelerator of social change, cross-border mobility can in some cases be a major factor of *stability* of local, or even national, social and political systems. This is particularly true, among other examples, in Cambodia, where migrations—be they voluntary or forced; be they permanent or temporary—have been instrumental in strengthening social resilience of this society recently torn by war and genocide. In many villages, after the fall of the Khmer Rouge regime in 1979, restoring pre-revolution social ties was made possible only because former Khmer Rouge soldiers had escaped to the jungles by the Thai-Cambodian border, in a no man's land where they were shouldered by the Thai military. There, they built new villages at the forested borders where they have been staying until now. It means that few former Khmer Rouge cadres stayed back in their home village after the fall of their regime, making peace possible between the remaining peasants. This is a rather exceptional case, but one that should remind us how diverse the realities of human migration are.

More recently in rural Cambodia, since the 2000s, economic changes have made life almost impossible for most peasants who have for generations grown rainy season rice. Many of them now rely heavily on their children—both male and female—who have transformed into migrant workers (men and women as construction workers in Thailand and women as

factory workers in Phnom Penh, mainly). In Western Cambodia nowadays, in many villages live only grandparents looking after their grandchildren. Many people there can continue living on their land and go on farming rice because their mobile offspring bring them cash. In this sense, people's cross-border mobility creates stability. It allows kinship or religious systems to continue despite harsh economic changes due to globalizing processes since the 2000s.

'The border process'

Indeed, similar movements of people, goods, capital, ideas and knowledge—as practices embedded in space and as a part of complex assemblages of social relations—have been a part of human history since earliest times. These ancient mobilities have become conceptualised with the qualifier 'cross- or trans-border' only since state centres have managed to extend their control to scrutinize their borders. Elevating inter-state borders—and new categories like 'cross-border', which are captive and catering to the state—more often than not, delegates such mobilities as subversive, illegal, subaltern or at least problematic and challenging (that is, to the state).

Such state-centric and normative perspectives consider these practices as circumventing or unbundling citizenship laws and state sovereignty, the states' rigid nationalist categorizations of ethnic and linguistic groups, or economy and governmental logic. When assessing and relating to such perspectives as scholars or policymakers, we should remember that we are often talking about old, common, everyday practices which have been going on for centuries and have only recently become cross-border. Particularly trade and kinship networks have often merely continued to link multiple localities within the same functional—social, ethnic, economic, communal, gender—space. This is why we should approach borders, just like territories and regions, historically. "Our understanding of the present must … be based on their 'becoming' rather than on their 'being'" (Paasi 1996:31). Thus, we should think of the border itself as a *process*: a site of fusion, coexistence or conflict that is in continuous transformation.

Within this 'border process', the borders themselves specifically generate many of the contemporary cross-border dynamics. More precisely, the dynamics commonly stem from differences between the adjacent states' economies, politics, religions, and ideologies—and from certain niches or 'lacks' that these differences create. Generally, economic rationality is among the most powerful generators of cross-border activities, be it 'international' trade, smuggling, or traditional village interactions.

Cross-border economies and 'state-space'

In the economic realm, state borders commonly determine and divide the livelihoods and life opportunities of local people—but moreover, they can also define the whole developmental course of nations by generating a particular economic environment and political and institutional framework. For example, through means of economic expansion, one state can gain an edge over another enabling it to re-negotiate state space and borders while the physical state borders remain intact.

An illuminating example is the everyday economic activities of Chinese people in Laos. In less than a decade, Chinese presence in the Lao economy has been made tangible via skyrocketing Chinese investments and development aid. In 2014, China became the biggest investor in Laos in terms of cumulative investments, surpassing Thailand and Vietnam. However, in addition to Chinese state-owned enterprises and large private companies investing into Laos, it is significant that Chinese small businesses and petty traders from across the border have also been actively entering Laos. These Chinese small entrepreneurs and petty traders bring with them cheap goods, Chinese shops with characteristically long opening hours and guesthouses, and networks of knowledge and supply. Their activity is reshaping the economic geographies of Laos from bottom-up. Their influx may well pose a challenge to many Laotians' local-level economic activities from both the supply and demand sides. For example, Chinese imports have lower prices, challenging the livelihoods of local producers; as Chinese small-scale entrepreneurs set up shops and new markets, they supplant the long-distance trading practices of Laotians; Chinese entrepreneurs commonly have superior knowledge on inputs as fertilizers and seeds and through market competition, they influence local community members to rework their modes of livelihoods. Yet, the small-scale traders from China follow the tracks of and mainly cater to large Chinese companies, their contract labour, businesspeople and tourists, rather than to Laotian consumers.

Arguably, the economic activeness and activity of Chinese small businesses and traders in Laos enables China to stretch its 'state-space' into the everyday lives and activities of Laotians. While Chinese entrepreneurs and petty traders act as economic agents creating new power dynamics and linkages, they also unintentionally become instrumental for China to negotiate its 'state-space' and power deep into Southeast Asia without making any territorial claims.

The category of human trafficking

Very commonly, economic disparities between two sides of a border give birth to a wide range of activities and two-way movements. Talking about transborder brokers who make use of 'local knowledge,' Wendl and Rösler (1999: 18-19) claim that "[t]he disparities of the political economies (with their particular regulations on taxes and customs) provide the currency for possible economic ventures and shape the outlines of trading and smuggling scenarios, often involving state officials." For example, take the following three stories from the Vietnam-China border:

Nhung was born and grew up in a very small urban centre in Bắc Giang province, roughly seventy km northeast of Hà Nội. One day, in 1992, at the local market, a family acquaintance, an older woman, took her and sold her to some traffickers. They drugged her and, around Lạng Sơn city, made her cross the border to China. Once there, the traffickers sold Nhung to her Chinese husband with whom she then stayed for almost ten years. Yet, after some years she'd given birth to Phước, she decided to come back to her mother's house and, having lied to her husband regarding her actual intentions, she clandestinely crossed back across the border with her young boy. She never got in contact with the Chinese man again.

Vân comes from Phú Thọ province, around eighty km northwest of Hà Nội. She was trafficked when she was only thirteen years old to Hekou, the twin city of Lào Cai on the Chinese side of the border. She had to work for two years at the third floor of Hekou's Vietnamese Market, where commercial sex business is increasingly flourishing.

Kim and Đào are both 28 and single mothers: the first became single after a separation, the second one due to the death of her husband. They are from two rural villages of Lào Cai province. Kim was working as a shop assistant in China, crossing the bridge over the Red River every day, whereas Đào had been promised the same job. In 2009, they were deceived, trafficked and forced to marry Chinese men. They managed to escape within a year only.

These young women's stories constitute just a small sample of the remarkable scope and variety of the Sino-Vietnamese human trafficking phenomenon. Varying in age, birthplace, ethnicity, background, life story, and kind of experience, these cases prove the continuing porousness and dynamism of the 2363 km Vietnam-China border. Southern China and Northern Vietnam have always constituted one single territorial basin inhabited by various different groups of people, moving and trading in the area. A more significant frontier was drawn in the 10th century, when Vietnam started to strengthen its independence from domination by its big neighbour. Turbulent relations between the two countries continued until the last so-called 'Third Indochina War' in 1979, after which the border was officially shut for a decade. In 1991, the border was reopened, in the wake of Vietnamese economic reforms. Since then, official economic trade of all kinds has steadily grown, reaching its most emblematic peak in 2002 when a megaproject was announced for a set of highways and railways to integrate the entire Greater Mekong Subregion. In recent decades, China's lack of women due to the one-child demographic policy, combined with state-propagated nationalist exoticism toward non-Han peoples, has made many Chinese border areas sites of trafficking women into the country.

Regardless and despite great political and economic changes occurring at states', regional, and global levels, clandestine trafficking of all kinds has been going on across the world for a long time until today. It has adapted to, circumvented or taken advantage of new policies, jurisdictions, international relations, and transport and communication means, while conceptions about what is normal and acceptable, and what is not, have been continuously changing.

In this historical perspective, 'human trafficking' is a relatively new international category, which can indicate both traditional and new practices. Because states are concerned with anti-immigration security agendas and with protecting national frontiers from cross-border movements, the category of human trafficking was established firmly and succeeded in international fora. This in itself is telling of the vitality of 'cross' and 'trans' borders areas and of inter-state borders themselves. It is moreover significant for thinking about how borders can generate, split, join and run across family ties, job opportunities, exploitative businesses, and individual lives and identities.

Between old and new movements

The border between Indonesia's Kalimantan and Malaysia's Sarawak may serve as another example from insular Southeast Asia illustrating how historical ethnic and kinship networks and mobilities continue across newly-made borders, but are also influenced by emerging cross-border economic disparities. During Indonesia's Confrontation with Malaysia (1963-67), the area at the border between East Kalimantan and Sarawak became a security frontier from where the Indonesian military operated in the jungle of Sarawak, receiving support from the regions of North and West Kalimantan. After the Confrontation and following its abortive communist coup in 1965, Indonesia deployed retired military officers in the border area, thus aiming to protect the border and control activities there. A more recent Indonesian state effort to create a buffer zone at the border was the idea to plant a palm oil belt there in 2004, although state officials tended to emphasize instead that the palm oil enterprises would be part of economic development, bringing prosperity to the local people. Despite this plan having never been officially implemented, oil palm companies have indeed expanded in areas at the border. In many cases, they have substituted timber enterprises, which had depleted the forests in the region, forcing local governments to look for lucrative alternatives.

At present, many Indonesians from the border areas, often ethnic Dayaks, work on palm oil plantations on the Malaysian side, settle there permanently and assume Malaysian citizenship. They do this for access to cheaper goods and better facilities, compared to what many complain are dire living conditions in Kalimantan. Indonesian side's Dayak people talk of how easy it is to get to Malaysia, work there and even change citizenship. Dayaks more commonly determine territory by referring to natural boundaries such as rivers and mountains, rather than nation-state spaces and boundaries. For example, people in East Kalimantan's Apo Kayan region, close to the border with Sarawak, talk of going to, say, the Baluy or Baram River, rather than using the term 'Sarawak' (Eghenter 2007).

The 'opening-up' rhetoric

Since the mid-1990s, it has become common to argue that globalizing trends have changed how state borders are now governed. People making this argument imagine, specifically, a change from state control to greater supra-national and sub-national, and public and private engagement. They point to how more non-state actors are engaging in border-related activities and management and how global connections, movements and circulations have been intensifying.

More than anything else, this kind of narrative about globalization has enabled states to create and popularise their most recent rhetorical construct: 'the opening-up of borders.' This 'opening-up' has been widely reported in media in the disguise of news about opening new border-crossings, starting large cross-border infrastructure projects, eliminating visa requirements for travel, and opening up 'last frontiers'. In this discourse, the border is being 'loosened up' and more 'connections' between people and nations are now 'allowed'.

However, we should view these discourses critically, particularly since governments in reality often lack capacity to open or close, as for example the mentioned extensive land borders

that cut across difficult topography. The rhetoric about opening up borders that has now become dominant also within circles of academia, policymakers and businesspeople alike, more commonly means that the flows of people and goods, but particularly goods, are now simply increasingly more controlled and taxed by the state centres, rather than the region's people and their networks. In reality, 'opening-up' often means that two state's political or economic elites seal deals to import cheaply sold, but valuable, natural resources from the more impoverished side to the more industrialised one.

Four key points for policymakers

1. We should not reify or take borders for granted, but always approach them historically and see them as lively and alive sites of changing practices. Borders, too, are themselves processes.

2. When conceiving policies and projects about borders, the most important factor are people who live in those border areas. We should consider that their traditional and innovative practices, not only of economic kind, as well as their sense of belonging, may well not respect or coincide with a state-imposed political frontier. Yet, we can view this as a resource rather than an obstacle.

3. Thus, a crucial question to ask ourselves, when making policy, is: Where are people actually creating borders? In which domains—kinship, ethnic, political, trade—and for which reasons are they crossing or respecting borders? In this way, instead of confining ourselves by states' normalizing concerns, which turn many forms of mobility into subversive practices, we can get closer to the actual needs of our targeted populations.

4. Finally, we need to consider that states' restrictive migration policies and securitarian agendas are often popular among large sections of their population. People may hold genuine long-term concerns, as well as unfounded everyday prejudices. In such situations, we might most need research-informed and open, but sensitive, public discussion on the diverse realities of people's cross-border mobility.

References

Eghenter, Christina. (2007). Of Negotiable Boundaries and Fixed Lines in Borneo: Practices and Views of the Border in the Apo Kayan Region of East Kalimantan. *Moussons* 11:133-150.
Paasi, Anssi. (1996). Territories, Boundaries and Consciousness: The Changing Geographies of the Finnish-Russian Border. Chichester: John Wiley.

Wendl, Tobias and Rösler, Michael. (1999). "Introduction: Frontiers and Borderlands. The Rise and Relevance of an Anthropological Research Genre" in Wendl, Tobias and Rösler, Michael (eds) *Frontiers and Borderlands: Anthropological Perspectives*. Frankfurt am Main and New York, Wien: Peter Lang.

A response to 'State Rhetoric versus People Crossing Borders in Southeast Asia. An Ongoing Negotiation'

Possibility of People-Centred Migration Policies in Southeast Asia.
A Malaysian Human Rights Advocate's View

Angeline Shannan (the Malaysian reform movement Aliran Kesedaran Negara: National Consciousness Movement)

Introduction

In my reading, this paper raised three crucial issues: (a) frontiers as processes in themselves, (b) cross-border mobility of persons as a resource instead of a threat and (c) de-criminalizing cross-border mobility to meet the needs of border area populations.

With globalization, governments are acutely aware of the benefits and dangers of mass migration of peoples, and while international economic activity and cooperation necessitates the 'loosening up' rather than actual 'opening' of certain cross-border controls, governments are mindful of the resulting weaknesses in border security. The current impact of ASEAN's evolving integration has raised many issues and questions which are yet to be worked through and resolved by member states, still in the process of learning what a European Union-like integration can mean; albeit, tailored to ASEAN circumstances, South East Asian cultural values, and political customs.

However, the observance of diplomacy in South East Asia is rather complex and South East Asian and ASEAN governments are careful not to intrude too much into each-others' sovereign space and into what are perceived as a nation's internal affairs. Take the example of my country, Malaysia. Malaysia has to some extent conservatively upheld the principle of 'non-interference' with her ASEAN neighbours, expecting reciprocity on their part. While reaping mainly economic benefit from such a policy, the institution of an updated border control system seems to have become a secondary concern.

Overall, Malaysia relies on an immigration system modelled on a pre-independence colonial administration with policy concerns from the 19th century and the first half of 20th century. Much of immigration law and policy is founded on colonial experience and management methods of migration, some of which may still be workable and relevant to a limited extent, but mostly, incapable of coping with the present nature of globalization and increased mobility in the region, caused by various migration push and pull factors.

The maintenance of these *dated and inadequate* border controls necessitate the increase of a labour-intensive vigilance of national border security, with few inbuilt mandatory checks on corruption pitfalls and loopholes or gaps admitting abuse of the system. However, the versatility of this legal insufficiency appears to enable speedy policy changes by the Ministry of Home Affairs, according to state-perceived migration needs. The efficiency and efficacy of such practice can only be gauged in the short- and long-term consequences to newer waves of non-Malaysian people moving into Malaysia. Economic development and territorial security, which the colonial administration prioritised in the 19th century, are still today the

Malaysian government's top priorities. Nonetheless, the tightening-up of border controls is inconsistent, somewhat piecemeal and centred more on political expediency within the state, as deemed by the current Malaysian Federal administration.

Therefore, State considerations assume utmost importance over any human or migrant rights considerations. These are clearly reflected in ways in which Federal authorities are currently dealing with immigrants via Malaysian laws, law enforcement, and policy relating to border controls, human trafficking, foreign spouses, foreign workers, refugees and asylum seekers, and at times, foreign fishermen unwittingly crossing borders, in the course of making a living.

Cross-border mobility exclusions

Currently, valid passports, or other travel and identification documents issued by a recognized government are the main, sometimes sole, means of crossing borders. States agree among themselves to facilitate this. The thousands of people working on either side of the common frontier between Malaysia and Singapore, cross over daily, given special work visas or permits. The border there is clearly demarcated with gateway immigration and customs checkpoints. In the far north of the Malay Peninsula, rail and road traffic stops at the Padang Besar border immigration, where there are customs checkpoints between Thailand and Malaysia.

However, those who cross borders through terrain where borders become less visible and more porous, surrounded by jungle and coastlines, usually do not see the need for documentation until they reach urban areas in the 'foreign' country, as no immigration or customs checkpoints exist in such border areas. Still, an undocumented or irregular migrant is seen as illegally entering foreign territory, without clearance by Immigration authorities. Such entrants face legal penalties, including arrest and detention in an Immigration Detention Centre, possibly a sentence of whipping and prolonged detention there, and are ultimately to be deported to where they apparently came from.

The institution of punitive legal punishment for having no valid travel or identification documents criminalises undocumented entry into the country. In this way, persons living in border areas who need to cross borders daily, as well as irregular migrants, refugees and asylum seekers, who are unable to obtain valid official documents, are stigmatized. Persons falling victim to syndicates of human trafficking and are brought into a country forcefully still fall under the "illegal immigrant" category and are deported after being kept in government shelters. In the Malaysian case, on which I have been working for some years, undocumented migrants are viewed as if they are criminal offenders even though illegal or undocumented entry is according to Malaysian law supposed to be merely an administrative issue. Having no passport or identification papers is legally not a criminal offense, but is treated as such when whipping and imprisonment are imposed for migrants found with no documents.

Sea borders are even more indefinable and porous. When fishing vessels inadvertently enter into foreign maritime territory, they face armed maritime security as Malaysia and Indonesia tighten security against illegal fishing, piracy, marine pollution, trafficking and smuggling.

Nevertheless, human trafficking and smuggling of persons and goods across sea borders is an unavoidable reality.

People smuggling seems to have become a means of travel for undocumented migrants. In 2014, an exodus of Indonesian migrants, returning across the Straits of Melaka for the end of Ramadan celebrations, using high-powered boats plying across the border, were intercepted by the Malaysian Maritime Enforcement Agency. Some boats collided with that of marine security enforcers trying to stop them from 'escaping' into Indonesian waters. Lives were lost, whilst survivors were arrested and detained in Malaysia as illegal immigrants. Political frontiers, in this way, criminalize even the most innocuous human activity, i.e. visiting family, or earning a living, particularly those of poorer communities obliged to cross borders informally to survive.

Changing the immigration perspective

As things stand, states place overriding priority on immigration control agendas, ignoring much of the human mobility realities on the ground. Too often, in such circumstances, the basic rights and freedoms of ordinary human beings are sidelined by national political, economic and social policies excluding or limiting the rights of people from beyond a given state's territorial boundaries.

State resistance to acknowledging borders as processes in themselves appears to stem from prevalent protectionist attitudes and defensiveness over sovereignty, economic and social imbalances which affect political stability within their official borders. In reality, people's cross-border mobility benefits states in myriad ways.

A common example would be cross-border petty trading and vacation trips done regularly, especially by communities living in border areas. These traditional activities sometimes forms a highlight in the calendars of local inhabitants on both sides of the border, and exchanges made in goods and services often go on to create good relations and social harmony between populations, besides being economically beneficial to both sides.

We need to amplify the peaceful environment and benefits of ongoing cross-border exchanges and to incorporate human rights considerations into our policies, in order to facilitate stronger human relations and positive interaction among local and migrant communities. States should see such work as a national boost, instead of a national burden. Although various knowledge, cultural, and economic exchanges are currently encouraged at government and more professional, elite levels, the gains from these seldom filter to the working class or low-income strata. Instead, more positive and inclusive immigration policies are needed to encourage and ease knowledge, economic, social, and cultural exchanges between communities at all levels of society, not just the elite, rich or privileged.

The paradigm shift from privileging states' immigration considerations to a people-centred immigration system inevitably requires *de-criminalizing* undocumented, irregular migrants and trafficked persons, including undocumented asylum seekers and refugees entering via land or sea routes. We need to rely on careful studies to establish a system that takes into account the reasons for and dilemmas of forced migration and of travel without documents,

as well as routine cross-border mobility by persons living and working in remote villages or indigenous jungle settlements in border areas.

Conclusion

My fundamental argument is that we need a wide-ranging change of focus in immigration policy, from overarching state priorities to the basic human need for cross-border mobility and the potentials of people-centred peace building. We should bear in mind how traditional border mobilities have continued for centuries when planning for a change toward people-centred migration policies. Existing reasons for state resistance need scrutiny and review, so that they could eventually be overcome and the management of state security concerns rethought.