

CHAPTER I

INTRODUCTION

In this chapter, the writer will explain about introduction of the undergraduate thesis which will show the background which is the existence of the Persons of Indonesian Descent (PIDs) in the Philippines and the existence of United Nations High Commissioner for Refugees as the main subject. Furthermore, the writer will explain about the research question of the case, theory and concepts, scope, purpose, and structure of analysis. And then, the writer will provide a system of writing in this chapter.

A. Background

United Nations High Commissioner for Refugees (UNHCR) in the Philippines was first established in Manila, Philippines. It has already existed for around 30 years ago. However, the existence of UNHCR for the first time was still in Manilla. UNHCR in the Philippines started to focus on Mindanao more since 2010. At start, UNHCR in Manilla focussed on the issues of asylum-seekers, refugees, broader asylum-migration issues and of course statelessness (UNHCR, Philippine Operation, n.d.). However an issue such as statelessness is one of the scope of UNHCR. Furthermore, this research tries to prove whether there is another motive of the UNHCR participation in Persons of Indonesians Descent (PIDs) case.

Seeing the condition of Indonesia and the Philippines, there are some similarities between those two countries. Both countries are archipelago countries, Indonesian people are looks so close to Philippines people. The Philippines is also a multicultural country which has a Christian religion as a majority religion, about 4% of the society are Islam, and the rest or around 2% of the society follow the indigenous beliefs and practices (Miller, n.d.). Philippines is divided into two big region, the Northern and Southern. The largest island in the Northern region is Luzon and in the Southern is Mindanao. Mindanao is the closest region to Indonesia and the majority people living here are muslim. In Mindanao region, there are Davao, Cotabato, General Santos, and many more. Davao and also General Santos are cities which geographically close to the borderline of small island in Sulawesi, Indonesia.

Before the policy of Marine and Fisheries Ministry about sinking foreign vessels becomes popular, there were many people sailed freely from a coast area in southern Philippines in hours to the small Indonesian island or Sulawesi. Therefore, there were many people from Indonesia or the Philippines keep moving from one country to another. Even though they just docked in both territory of both country. The society from Sulawesi ever had such a bad experience. In Dutch colonization era, some people were fading from their own home which is Indonesia and seek for a safer place, which is in the coastal area in the southern Philippines. During this era, the Indonesian also should stay in the coastal area of the Philippines as long as the colonial activity no longer exist. It was easy to understand for the people how important the citizenship procedure in Indonesia when the educational background

is good. However, in the Dutch colonialization era only the family from *Priyayi* who could get education (Silaen & Smark, 2006). The result was the people will still stay in the Philippines until they feel safe, even though they have already pass the limit of being a citizenship of Indonesia abroad and they will loss their citizenship and become a stateless.

In another event, exactly in the moment of Poso conflict in 1998, which happened between the muslim and cristian society there (Arragon, 2007). The condition at that time was very dangerous. According to the elders in Quilantang, General Santos, the people who felt afraid to the condition start to move to the Philippines. Similar to the first case because of some event happened in Indonesia which made them afraid to live there, they decided to see a safer place and the closest one is the coastal area of southern Philippines. If it is counted, they had already existed in the Philippines since the Dutch colonialization era. If the age of a human is around 60 to 80 years old, it means they have already had two until three generations. As a result, the second and the next generation experience what we called stateless whether they are Indonesian or Philipinos because they did not know exactly how to manage a citizenship document. And also, even if they know, they admid that there are certain people who told them that they have to pay if they want to manage the Document.

According to some Indonesian Descendant in Davao city, Once the government offered a return program to them. However, after they arrived in Indonesia, they did not know how to find a job, where to live, and to whom they ask for help. Finally, they decided to go back to the Philippines. As a foreigner

there, they gave a certificate to get a similar privilege to the Philipinos have but they have to pay for it. However, compared to the life that they got if they go back to Indonesia at that time, they preferred to stay in the Philippines. Until August, 2016 over 8,700 Indonesian conducted as a stateless in the Philippines (Aruperes, 2016).

The Indonesian Descendants who live in the Philippines live faced many troubles and obstacles. Trouble that they face actually because they have no powerful document legally of living that explain what their status of citizenship is. So, during that time, they live with unclear status or they are more suggestive as a stateless. In term of survive, most of them are labours in a factory or a labour for a fish factory which means that they have to sail and find fish. This condition exactly made them suffer. They have no document and fragile, which means that their boss will arbitrarily exploit them as a labour (Tan, 2014). In addition, they also become a gardener (Tan, 2014). A commodity which they harvest is mushroom, coconut, and many others. Because they live in a coastal area, so they have not much choice which commodity to be harvest.

Then, for accessing the educational institution, they have to try really hard because of the citizenship problem. Because they have no skill, such an interpreneurship, their economic condition and background were bad. The income for being a labour were not equivalent with their outcome. Some people who had married local people there and have a child could rather survive compared to the pure blood of Indonesian. Even big amount of the people of Indonesian descent there married with the local people, because they wanted to get a better life. In fact, they still suffered in their economic aspect. In case of economic, Indonesian

Government which represented by Consulate General of the Republic of Indonesia in Davao City have already taken a big attention to this case. It was proved that Consulate General of the Republic of Indonesia have a decision to handle the economic problem of the Persons of Indonesian Descent (PIDs). The Consulate General of the Republic of Indonesia through the Diaspora program loaned them some money so they could open or do entrepreneurship activity. However, in fact, because their limitation of knowledge of how to manage the loan, they only get the loan and then they just use it for their own interest without thinking how to pay it back.

Indonesia and Philippines have already given their efforts to end this citizenship status problem. In this era, citizenship status became a crucial matter towards a country. There will be a negative impact when citizenship status led to a statelessness, such as criminalism, human rights abuse, and many more. Therefore, the issue of stateless in case of PIDs has to be stopped. Indonesian government through the Consulate General of the Republic of Indonesia in Davao city already gave some assistances towards the PIDs, such as facilitated the PIDs to go back to Indonesia, gave them loan so they could try to improve their economic status. As well as the government of the Philippines, one of the assistance that they gave was called Alien Certificate of Registration (ACR) which helped the PIDs to get some of their rights, such as health care, job vacancy, and many more.

Because PIDs did not have legal document to stay in a country, the one who did the discrimination towards them refer to private parties such as in the job field. In this condition, both Indonesia and the Philippines have already run their

efforts to help them, especially Indonesia which has a sense of belonging towards the origin citizen, even though they were the second or the third generation of pure Indonesian. However, in fact, most of them felt unsatisfied with the problem solving from the Indonesian government which is give them assistance to go back to Indonesia but after arrived in Indonesia, they left away. And they decided to go back to the Philippines. Some program provided by Indonesian government tend to end without clear result. For example, some repatriation that gave by the Indonesian government in 1976, 1977, 1979, and 1980. All of those repatriation program were end because of several reason such as security threat and economical reason. Because of the Philippines, ran a policy called *Closing our Eyes* policy towards the Indonesian society, Indonesian society there could live in the land of the Philippines (Majid, 2016). Since 2011, Indonesian government and Philippines government deal with UNHCR by doing Joint Committee on Bilateral Cooperation, started from collecting data about the existence of PIDs in Southern Philippines, giving a socialization, and the closing of the program named a Feedback Mission Program in 2014 – 2016 (Majid, 2016).

Years passed since the first Persons of Indonesian Descent came to the Philippines, until they have second and third generations and all of them were threatened to be stateless. Until 2015 there was no major progress towards them about citizenship status clearly. Since 2009, UNHCR as an International Organization took a role in the problem of citizenship status towards the PIDs. Started by having an Inter-Agency Round Table Discussion on Statelessness. And Continued by having a Joint Committee on Bilateral Cooperation between

Indonesia and the Philippines in 2014 (Majid, 2016). A clear step that already took by both governments was an implementation of join statement and also the agenda for making a Memorandum of Understanding about Cooperation of Borders and Immigration Matters in February 11th, 2013 (Kholid, 2016). Since 2014 UNHCR had a big agenda to eradicate stateless (UNHCR, Global 2014 - 2024 Action Plan to End Statelessness, 2014). But until 2016 the problem of the existence of PIDs and a threat called stateless still exist, UNHCR took step forward towards this case. In the case of PIDs in the Philippines, UNHCR took a role and became a mediator and also problem solver for both countries. UNHCR also has their own data about the existence and the number of how many and where the PIDs spread in the Philippines.

B. Research Question

Based on the background above, the research question that come to surface is **“Why did UNHCR take a role in solving the citizenship problem of Persons of Indonesian Descents in the Philippines?”**

C. Theoretical Framework and Concept

Transnational Advocacy Networks

In this case, the writer used the concept from Margaret E. Keck and Kathryn Sikkink. The concept called Transnational Advocacy Networks. In their

article, Margaret E. Keck and Kathryn Sikkink told that what is the latest of those networks is “the ability of non-traditional international actors to mobilize information strategically to help create new issues and categories, and to persuade, pressurize, and gain leverage over much more powerful organizations and governments” (1998, p. 89). And in their article also told that “value is more important than materials and professional norms” (1998, p. 89). Those interactions between actors lead them to exchange information from both side. Transnational Advocacy Networks also could be a greater policy communities because one of the main actor that could influence the output of policy of a country is Non-state actor which in this concept is the major actor. Like what already told before that this concept brings to a condition which an actor like Non-State actor is one of the important actor to influence the government to make a certain policy. In their article they told that they call it advocacy networks because “advocates plead the causes of others or defend a cause or proposition; they are standing for persons or ideas”.

The focus discussion of Advocacy Networks are more concern on the debate of human rights, environment, women empowerment, health, and also indigenous people (Transnational Advocacy Networks in International and Regional Politics, 1998). When it links to the research, the concept of Transnational Advocacy Networks can be implemented in this case Because of several reasons. First of all, the main idea of this research is about refugee that led to the statelessness. And refugee especially that will led them to the statelessness is a chronic problem to a country. Citizenship actually is a right for every people. So, this case is one of the focus discussion of the Transnational Advocacy Networks.

Next, the main actors to be focused on beside both countries representative is non-state actors which represented by UNHCR. Here, like what already wrote by the concept, all of the actors were exchanging information. Starting from collecting some facts and data about PIDs itself. And the following was do some socialization to them. And finally closed by a program called Feedback Mission. It was true that information is the important matter in advocacy networks. Because from seeking some information, we could get some facts that led us to see what possible policy that will be made of. UNHCR as the third actor become the policy influencer between Indonesia and also the Philippines. As a major actor of advocacy networks, non-state actors like UNHCR takes a big role in this case.

International Organizations Concept

The role and function of the international organizations affected by the view of nature of the system itself. There are three major roles of international organizations (Archer, 2001): those are Instrument, arena, and actor. In the United Nations General Assembly (UNGA), resolution was just become a recommendation to the members. As an instrument, international organizations could massively affect other members policies especially, the one who take control is the stronger state over the weaker state. It becomes something different when a strong state have to deal with another strong state especially there is a state sovereignty. It made the power of every independent state in this world could not easily influence by another state through international organizations. In the end, the decision to use the policy from the International Organizations are in the hand of the leader of the sovereign state. The second role of international organizations is arena. As an arena,

international organizations could be a great place for each members to discuss, argue, co-operate or even disagree (Archer, 2001). It is already explained before that a member of an international organizations that have a sovereign status, a state could disagree with the decision of the other members. As a third role which is actor, international organizations could done anything that a state could not easily done. For example as an actor, international organizations could give an assistance towards the victims of war or in the disaster zone. Or even, international organizations could become the mediator for the conflicted states for example in Lebanon and in Korea (Archer, 2001).

According to Clive Archer in his book 'International Organizations Third Edition' explain that International organizations in fact operate in three ways in this context: they can be instruments for interest articulation and aggregation, or they can be forums in which those interests are articulated, or they can articulate interests separate from those of members. From this explanation, it showed that one of the International organizations' function is to articulate and agragate the interest of the members. The following function is International organizations take an important part to create such a norms in international relations. As the next function is recruitment, it showed that international organizations have a big role in recruiting members in international political system considering that as their first function to articulate and agragate the members need to discussed and solved in the round table. And then, as the organizations, international organizations have many agencies, the international organizations has a function to socialize the members in cooperative way to solve a problem and encourage the members not to harm others' norms. The

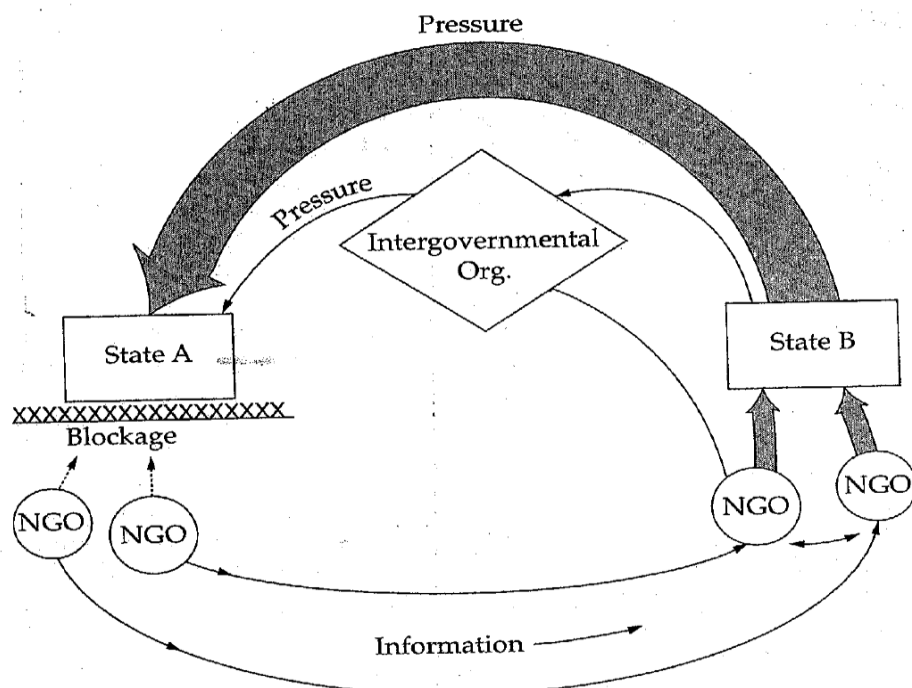
function of international organizations also can not be dissociated from rule. In the function of international organizations, there are rule making, which international organizations can flexibly made a rule which is not like the government or in the parliament system. The rule made by the international organizations are prefer to see the needs of their majority members. After making a rule, the international organizations apply it with no central authority because the international organizations deal with the sovereign states. As a rule maker, the international organizations can also have the function of rule adjudication which can make the international organizations can interfere the members by giving them a punishment or pressure because the members are disobey the rule agreed by other members. The following function of international organizations is information. Indirectly, the international organizations have a big pole towards the members to provide a good communication and information sharing to discuss or to solve some issues. And the last function of international organizations is operation which is most of it are similar as government such as banking, providing aid, dealing with commodities, and running technical services. (Archer, 2001)

Practically, in this research, the role and the function of international organizations used to analyze the existence of UNHCR as an international organization which took a role in the case of PIDs in the Philippines. Actually, there were already two sovereign states that deal with this issue, as explained above, there were some conditions that made a sovereign states could not give their assistance which in this case are towards the stateless persons.

Boomerang Pattern

The article of Margaret E. Keck and Kathryn Sikkink also provide what so called Boomerang Pattern that related to the Transnational Advocacy Networks. Take a look at the following *figure 1* about the illustration of Boomerang Patter. From the ilustration below it can be seen that there are two states. It is illustrated

Figure 1.1



Source: Keck and Sikkink, *Activist Beyond Borders* (Ithaca: Cornell University Press, 1998), pg. 13, Figure 1.

that the state are facing a problem. Every state has their Non Governmental Organization (NGO) which concerned to the problem. Then, in one of the state, the NGO can not reach the government to give their aspiration, because the state made a blockage to them. Based on the information that the NGO from the state A got, they ask for assistance to the NGOs from State B which is they got no blockage there. The NGOs from state B could ask further assistance to make a pressure to

State A through State B or to the Intergovernmental Organization. These are the purposes of the emergence of Transnational Advocacy Networks according to Margaret E. Keck and Kathryn Sikkink (1998, p. 93):

- a) Channels between domestic groups and their governments are hampered or severed where such channels are ineffective for resolving a conflict, setting into motion the ‘boomerang’ pattern of influence characteristic of these networks;
- b) Activists or ‘political entrepreneurs’ believe that networking will further their missions and campaigns, and actively promote them;
- c) International conferences and other forms of international contacts create arenas for forming and strengthening networks.

From the illustration and some explanation about why Transnational Advocacy Networks emerge, we would like to make a research that what actually happened in the case of PIDs. Because, when we see the purpose of the emergence of Transnational Advocacy Networks in the point ‘a’, we can see that one of the state made a blockage from the NGOs. It can be possible that the case did not solved for years. However, we still need further research to make sure that non-state actors which represented by UNHCR should take a role to this case.

The implementation of *Boomerang Patter* towards the issue is by placing the Philippines as the State A and Indonesia as the State B. However, in this issue, there was only an NGO that involved which is PASALI Philippine Foundation. Because of there was no local NGO from Indonesia that involved to this issue

before, PASALI Philippine Foundation directly gave some information towards Indonesia as a state. Because, there was a blockage in the State A which is about Birthright Citizenship. This issue became a blockage because the Philippines ever used the principle of *Jus Soli* in the mid of 20th century. And nowadays, the Philippines tend to use *Jus Sanguinis* principle as their view to give their society a citizenship status.

D. Hypothesis

To answer the research question why UNHCR takes a role in solving the citizenship status towards the case of Persons of Indonesian Descent by using the Transnational Advocacy Networks and the Boomerang Pattern, the hypothesis of this research are:

1. The policy ran by both Indonesia and also the Philippines were not effective to end the statelessness in scope of PIDs in the Philippines.
2. UNHCR as one of the policy influencer.
3. According to the Boomerang Pattern, one which became the blockage so that the case of Persons of Indonesian Descent could not be solved for years is Birthright Citizenship which influenced by *Jus Soli* and *Jus Sanguinis*. Birthright Citizenship itself is a right for people to gain their citizenship status based on blood or the region where they were born.

E. Research Methodology

There are two kinds of research methodology, the first one is quantitative method and the the second one is qualitative method. Compared to quantitative research, qualitative method of research can explain better towards complex problem in a research (Qualitative Research Methods: A Data Collector's Field Guide). This research tends to use the qualitative research, while for gathering the data from books, journals, websites that related to the topic. Even to gather some data through interview.

F. Purpose of Analysis

The purpose of the research is to show how the foreign policy between two countries run towards the case of Persons of Indonesian Descent before the coming of UNHCR. And than, to analyze the progress of PIDs problem since the coming of UNHCR. After that, through some facts, the research will conduct a conclusion, that UNHCR take a role to solve the problem, eventhough there were two countries that already try to solve this problem.

G. Scope of Analysis

In order to make a limitation of the research, the scope of analysis of the research is just in the area of Mindanao, especially in the region of the coastal area which is near the territory of Indonesia exactly the small island around North

Sulawesi because the access of the mobilization of the Person of Indonesian Descent for years ago was from there. And nowadays, the distribution of the community to the various regions in Mindanao (UNHCR, Philippines Factsheet, 2015). Finally, the research focuses more on the UNHCR Feedback Mission program since 2009 – 2016.

H. Thesis Outline

The thesis outline is meant to answer the research question and analyze the hypothesis. This part aimed to elaborate the structure of the thesis. This thesis will be presented in accordance with the following outline:

Chapter I, Introduction which will show the background, the research question of the case, theory and concepts, scope, purpose, and structure of analysis. And than, there is a system of writing in this chapter.

Chapter II, In this section the writer will explain about the condition of Persons of Indonesian Descent and the development of them since the first time they came to the Philippines and also the policy that already ran by both Indonesia and also the Philippines to stop the statelessness issues towards the PIDs.

Chapter III, in this chapter the research will explain about the existencing of UNHCR and their coming to solve the statelessness issues of PIDs.

Chapter IV, in this chapter the writer will analyze and answer the research question why UNHCR should take a role in the case of PIDs eventhough there have already two countries try to solve it.

Chapter V, In this chapter, the research provide the closing and the conclusion of the research.