

CHAPTER I

INTRODUCTION

A. Background

The phenomenon of stateless issue is started to rise in south Philippines. This issue of stateless status is beginning to raise because many Indonesian people lived in southern Philippines without any legal documents. These Indonesian people which are mostly come from north Sulawesi province started their migration in 1870s. These Indonesian people came across the border to the Philippines by traditional way such as using the boat and they were arrived in Balut island, and also in Glan, Sarangani province.

There are some reasons why these Indonesian moves to Mindanao. At first, they moved to Mindanao because of the close border between Sangihe Island and Talaud Island which are the border of Indonesia and Philippines. Due to this close borders they often visit each other (Alam, 2006). Second, they move to Mindanao due to the Dutch colonialism in Indonesia. At that time the Dutch ask everyone to convert their religion into Christian but some of Moslem who lived in Sangihe island move to Mindanao to prevent converting their beliefs (Alam, Menyibak Tabir WNI, 2006). Another reason was caused by some economic difficulties to support their daily life (Manigbas, 2016).

Once they arrived there, some of them choose to stay in southern Philippines and lived there undocumented (illegal). Some of them also married to local Filipino then settled in Mindanao and build a community called SAPI (Sanger-

Philippines) or by the local citizen they known as Persons of Indonesian Descents (Majid, 2016).

Up to today, they are currently around 9.000 stateless persons of Indonesian descents lived in Davao del Sur, Davao del Norte, Davao Oriental, Sarangani, Sultan Kudarat, North Cotabato, South Cotabato, General Santos City and Davao City (Varona, 2016). Due to this phenomena, the persons of Indonesian descents were allowed to stay in southern Philippines by Philippines government but their status will have remained as “illegal alien” (Majid, 2016).

Every year the Persons of Indonesian Descendants family need to pay around P150 (around Rp. 46.000,00) to acquire Alien Certificate of Registration that will become their supported document to stay in Mindanao as “alien” (Basa, 2014). The citizenship identity is really important for someone to be owned. With the citizenship identity the person who lived in that country will be recognized as a citizen of that country and will make the person gain benefits and facilities from the country.

Here, the case is the Person of Indonesian Descendants who lived in Mindanao does not belong to Indonesia or Philippines because if they stay as Indonesian they do not have enough source to pay for the over-stay period in southern Philippines and they have lack of document. Then if they are registered as the Philippines citizen they need those document to support their application to be registered as citizen of Philippines.

This phenomenon started to become a “dilemma” for Indonesian government because Indonesian government does not have any kind of data and document that proven these persons of Indonesian descents are belong to Indonesia but they called themselves as an Indonesian citizen. According to the Indonesian Law (UU No. 12 2006) about the citizenship, these persons of Indonesian descents are going to lose their citizenship (becoming stateless) due to no document and data that they were belong to Indonesia (Majid, 2016).

In 2011, Indonesian consulate in Davao City begin the cooperation to take over the stateless issue of persons of Indonesian descents under the help of mediation by UNHCR. It started by the mapping process to find out where the persons of Indonesian descents lived and to find out the numbers of them as well. After the mapping process, the Indonesian consulate start to invite some local governments’ leaders, NGOs, researchers, and other related person to have a forum group discussion (FGD) regarding this issue. Then they come out with the result of FGD. It will be started by doing the pilot project which are the registration and the comprehensive application arrangement to collect the data from persons of Indonesian descents (Majid, 2016).

A report from UNHCR mentioned that many disadvantages that these Persons of Indonesian Descendant have to deal with because they do not belong to any both countries, the examples are like poor access to employment to support their daily life, livelihoods, low quality of education and clean water sanitation. They also face immigration penalties linked to the fact that neither

Indonesia nor the Philippines recognizes them as citizens, and due to their lack of a secure immigration status (Tan & Dobbs, 2014).

Statelessness may cause many risks to society, to the international community as well, due to none of both countries considered them as their citizen. Stateless people frequently getting more restricted by the government, because if they did not start to choose their nationality they might become victims of discretionary activities by states (Schenner, 2015). Beside of those disadvantages mentioned above, actually many conditions that these person of Indonesian descents will struggle with if they will become a stateless person such as from the social, economy and law protection condition.

According to Rahman as the connector of persons of Indonesian descents in Quilantang, General Santos City in our interview, he describes that from the social condition these persons of Indonesian descents sometimes it's normal like they were treated like they belong to that place. They were not being marginalized by the surrounding and by the government.

From the economy side, the stateless status will really impact persons of Indonesian descents' economy life since they do not have any document that to prove them belong to any country. The persons of Indonesian descents used to be a fisherman as their main source to support their daily life, but since the new policy from Mrs. Susi as Indonesian Marine ministry that will bombed and sink every boats or ships that looking for fish in Indonesian marine area many of them arrested by Indonesian navy and they lost their job. The companies and

offices will not allow and take any risk in employing someone without any citizenship because it will disobey their country's law.

Even to start their own shop or restaurant they need a permission to mark that their shop or restaurant are legal. And to make it legal they need to show their identity card. Then talking about law protection, a country will protect their own citizen. When the persons of Indonesian descents disobey the rule of Philippines then from the Indonesian consulate will take care of it (Rahman, 2016).

Agus Majid also mentions the same thing that if any of Indonesian include in any criminal cases, the Indonesian consulate will offer them a lawyer so they are not treated differently and they get the equal of law fairness (Majid, How the emergence of PIDs in Mindanao, 2016). The stateless status will become such a threat for our persons of Indonesian descents where they cannot get their right as like what everyone get. As what stated by former secretary-general of United Nations Antonio Guterres:

“Statelessness is a profound violation of an individual's human rights. It would be deeply unethical to perpetuate the pain it causes when solutions are so clearly within reach.”

It seems right that if stateless status of a person is a human right violation since it is really hurtful when someone is not treated the way the other is treated well by their government and by their surroundings.

As Agus Abdul Majid as the Immigration officer of Indonesian consulate in Davao city stated in his speech in Joint Meeting Indonesia-Philippines in August 30th, 2016 in Manila that

“It is State Obligation under international Law and the respective obligation of the Philippines and Indonesia in protecting their nationals, thus a Joint effort between Indonesia and the Philippines is essentially needed to overcome the issue of persons of Indonesian descent residing in the Philippines. Furthermore, in accordance to the principle upheld by the United Nations Declaration of Human Rights that “Everyone has the right to recognition everywhere as a person before the law” which shows that the basic and fundamental rights is the rights to a citizenship (no one can become stateless)” (Majid, 2016).

The action to end the statelessness in Mindanao especially in Persons of Indonesian Descendants case is highly supported by the UNHCR Philippines in cooperation with Indonesian Government. Along with that by the end of 2013 UNHCR start to organized to raise a campaign #IBelong to support the aim of UNHCR to end the statelessness by 2024 (UNHCR, 2013).

The Indonesian Consulate keeps updating their data and spread the information to the PIDs about the citizenship rewarding because many of them are waiting to be rewarded as a citizen between both countries. The Indonesian consulate also visit the places where mostly the PIDs live to share them how important the citizenship for them.

The government of north Sulawesi also support them by providing some islands or some places for the Persons of Indonesian Descendants who choose to be Indonesian citizen to start their new lifes because most of the Persons of Indonesian Descendants is coming from North Sulawesi province especially from Sangir Island, Sangihe island or Bitung island (Basa, 2014). By this

cooperation, the persons of Indonesia descents will be rewarded as a citizen of a country whether it will be Indonesian or Philippines by the filling the application that has been executed by the UNHCR and Indonesian consulate in Davao city.

As already stated by Agus Abdul Majid and Antonio Guterres, this issue is really important to be discussed remembering that becoming as a citizen of a country is everyone's right and how the citizenship identity affect our life. The UNHCR and the Indonesian government will still support the #IBelong campaign and provide the Persons of Indonesian Descendants with many information about the procedures of citizenship rewarding.

B. Research Question

From the phenomena has been explained above about the stateless status of Person of Indonesian Descendants in Mindanao, the research question of this undergraduate thesis would like to answer the question "How does the cooperation among UNHCR, Indonesia government and Philippines government in managing the stateless status issue of Persons of Indonesian Descents in Mindanao?"

C. Theoretical Framework

In a thesis or research paper, theoretical framework is an important part. The theoretical framework is like a foundation of a thesis or research paper. If a thesis or research paper does not have a theoretical framework, then the writer will have difficulty in completing the thesis because the writer does not have standard measurement of his or her thesis or research paper.

In this undergraduate thesis, the writer would like to use one concept and one model as the theoretical framework to analyze the issue that has explained in the background. According to Mothar Mas'ood in his book, he stated that concept is one of the most important symbol in language. Over all, he also states that concept is an abstraction that represent an object, character of the object, or certain phenomena. It means that, concept forms a word that symbolize an idea or phenomena, not the phenomena itself (Masoed, Ilmu Hubungan Internasional Disiplin dan Metodologi, 1990).

a. Transnational Advocacy Network

The Oxford Online dictionary describes transnational as “extending or operating across national boundaries”. Advocacy as “public support for recommendation of a particular cause or policy”. Network as “a group or system of interconnected people or things”. Margaret E. Keck and Kathryn Sikkink define the transnational advocacy network as a communication that organized in networks. Networks of activists is recognizable to a great extent by the centrality of principled thoughts or qualities in spurring their arrangement.

Transnational advocacy networks underpin the procedure of combination, by building new connections among performing artists in common social orders, states and universal associations, duplicating the shot of discourse and trade (Keck & Sikkink, 1998).

In Margaret and Kathryn's book they also explained that there are a few noteworthy performing actors in transnational advocacy networks, for example, non-governmental organizations, local social movements, foundations, media, educated people or intellectuals, regional and international intergovernmental organizations, governments, and others. Be that as it may, not all these will be available in every advocacy network. It relies on upon the centers or the issues.

Transnational advocacy networks look for impact in a large portion of similar ways that other political gatherings or social developments do, but since they are not intense in the conventional feeling of the word, they should utilize the force of their data, thoughts and procedures to adjust the data and esteem setting inside which states make strategies. Although a lot of what networks do may be considered influence, the term is inadequately exact to be of much theoretical use. Transnational advocacy networks developed more typology of the kinds of tactics or strategies that networks use to seek an influence and support, there are:

- a. **Information politics**, or the ability to move politically usable information quickly and credibly to where it will have the most impact;

- b. **Symbolic politic**, or the ability to call upon symbols, actions or stories that make sense of a situation or claim for an audience that is frequently far away;
- c. **Leverage politics**, or the ability to call upon powerful actors to affect a situation where weaker members of a network are unlikely to have influence; and
- d. **Accountability politics**, or the effort to oblige more powerful actors to act on vaguer policies or principles they formally endorsed.

Based on the concept above, this undergraduate thesis will conduct the analysis of the cooperation among UNHCR, Indonesian government and Philippines government in managing the stateless status issue of Persons of Indonesian Descendants in Mindanao using the framework described by Margaret E. Keck and Kathryn Sikkink related to transnational advocacy networks. UNHCR, Indonesian government and Philippines conducted a cooperation in the way of registering the person of Indonesian descents who lived in Mindanao and to find their exact number as well. UNHCR, Indonesian government and Philippines government will proceed a pilot project which is the citizenship rewarding to the PIDs and find the permanent solution for the persons of Indonesian descent in Mindanao. They will work together to succeed this issue because as a non-state actor, UNHCR could not work alone on this issue.

b. Model of Pluralist in Foreign Policy

According to Cambridge dictionary, pluralist is “a person who believes that the existence of different types of people, beliefs, and opinions within a society is a good thing” Foreign policy is “a government's policy on dealing with other countries, for example in matters relating to trade or defense”. Abdulkareem Abdulrazaq Kayode stated in his paper that the pluralist model placed more emphasis on the role of public opinion and the media in shaping the foreign policy of the state (Kayode, 2016).

Pluralist model in foreign policy could be defined as the engagement of many actors in decision making process. Referring to the situation of the world today that is really multi actor. The actor that influence the role or position of a country is not based on a leader of country or a policy of a country anymore but it can be from many aspects or from some non-traditional actors, such as individual actor, media, global governance, civil society, NGO, and Intergovernmental Organization.

In model pluralist of foreign policy, the government deliberately involve all actors in order to get the maximum result of decisions which take more time than rational choice. In this model also the satisfaction of the government is become the main priority (Masoed, 1998).

Different with the rational choice which is influenced by the realist, pluralist is influenced by the liberalist thought which tend to choose the negotiation and

discussion way in taking decision. So, in this model pluralist of foreign policy state is not the one and only actor to make a final decision.

Based on the model pluralist of foreign policy, this undergraduate thesis will conduct the explanation about the non-state actor in taking decision which will represent the role of UNHCR (United Nations High Commissioner for Refugees), Indonesian government and Philippine government as non-state actors in taking decision to create a new policy for the stateless status issue of Persons of Indonesian Descents in Mindanao.

D. Hypothesis

Based on the background and the theoretical framework that has been explained above, the writer concludes with some hypothesis that could be thought as the beginning of the conclusion on this undergraduate thesis that the contribution process of the role of UNHCR in cooperation among Indonesian government and Philippines government in managing the stateless status of Persons of Indonesian Descendants in Mindanao can be described as follow; firstly, UNHCR, Indonesian government and Philippines conducted a cooperation in the way of registering the person of Indonesian descents who lived in Mindanao and to find their exact number as well. UNHCR, Indonesian government and Philippines government will proceed a pilot project which is the citizenship rewarding to the PIDs and find the permanent solution for the persons of Indonesian descent in Mindanao. They will work together to succeed

this issue because as a non-state actor, UNHCR could not work alone on this issue.

Secondly, Indonesian government and Philippines government invited another actors from the inter-governmental organization which is UNHCR (United Nations High Commissioner for Refugees) as the mediator to create a new policy for persons of Indonesian descents stateless status issue.

E. Purpose of research

The purpose of this research on the cooperation between UNHCR and Indonesian government in managing the stateless status of Persons of Indonesian Descendants in Mindanao can be described as follow:

1. To describe further about the role of UNHCR in managing the stateless status issue in Mindanao.
2. To explore the importance of Indonesian government as the information giver to the Persons of Indonesian Descendants.
3. As a requirement for the writer to achieve the bachelor degree under the Department of International Relations, Faculty of Social and Politic Sciences, Universitas Muhammadiyah Yogyakarta.

F. Method of research

This research is a qualitative research. The method is chosen to analyze the problems and find the conclusion toward the issues. There are three main steps

of a qualitative research, namely: data collection, data categorization, and analysis.

1. Data Collection

In this research, the writer will conduct a library and online research to collect secondary data that is obtained from literature such as books, journals, bulletins, magazines, newspapers, articles, and internet sources. This research would like also to use primary data about the problem from UNHCR Philippines and also with the Indonesian Consulate in Davao City staffs and with the North Sulawesi government.

2. Data Categorization

After collecting the data, the data will be classified in order to determine the appropriate and suitable data for conducting the analysis.

3. Interview

Some of the data has been collected by direct interview to the trusted informant.

4. Analysis

From the data that has been collected and categorized, the writer will conduct an analysis in accordance with the theories that have been described on the theoretical framework. From the analysis, the conclusion is going to be asserted that would answer the research question.

G. System of Writing

This undergraduate thesis is systematically written based on the rules that applied in a scientific writing. It is divided into several chapters with different discussion within its own territory but interrelated. In order to facilitate in interpreting the topic issue, this undergraduate thesis will be divided into five chapters that consist of:

- **Chapter I** This chapter examines the background of the research, research question that need to be answered, theoretical framework that is used to analyze the research question, hypothesis, purpose of the research, method of research, and the systematic of writing that also written in this chapter.
- **Chapter II** This chapter will define about the emergence of Persons of Indonesian Descents (PIDs) in Mindanao.
- **Chapter III** This chapter will explain about the socio-political problems of Persons of Indonesian Descents in Mindanao.
- **Chapter IV** This chapter explains about the cooperation among UNHCR, Indonesian government and Philippines government in Managing the stateless status of Persons of Indonesian Descents in Mindanao.

- **Chapter V** This chapter figures out the conclusion coming from Chapter I until Chapter IV as a form of affirmation of this research. This chapter also will give a suggestion that could be used for further research.