The cooperation among UNHCR (United Nations High Commissioner for Refugees),
Indonesian Government and Philippines Government in Managing the Stateless Status
Issue of Persons of Indonesian Descents (PIDs) in Mindanao

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#### **Abstract**

The stateless status issue problem of persons of Indonesian descents is started to rise in Mindanao due to many illegal visitors who came from Indonesia especially south Sulawesi to southern Philippines. The close borders between Indonesia and Philippines is the main reason of the migration happened. The persons of Indonesian descents visit southern Philippines by traditional way which is passing the ocean using traditional boat. After arriving in Mindanao, many persons of Indonesian descents married to the Filipino and settle around the sea line of Mindanao. However, due to the unclear status of nationality they often treat differently. Indonesian consulate and Philippines government has made an agreement to work on this issue to legalize the persons of Indonesian descents. In 2011, UNHCR join the both government to establish a policy to work on this issue which will become the permanent solution for persons of Indonesian descents' nationality.

The objective of this research is to analyze how the cooperation among UNHCR, Indonesian Government and Philippines government works in managing the stateless status issue of persons of Indonesian descents in Mindanao. Furthermore, the method that was used by the writer was qualitative method by using secondary data such as article, journals, e-news, e-book and other literary sources.

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As the result, this research proves that there were national efforts from Indonesian government that were represent by Indonesian consulate in Davao city, Philippines government and international governmental organization in creating the new policy for the permanent resolution.

# Keywords:

Stateless status, persons of Indonesian descents, Indonesian Consulate in Davao city, UNHCR,
Mindanao

#### INTRODUCTION

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).

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.

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 their 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, 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 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.

## **Concept of 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.

# 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, Indonesian government and Philippine government as non-state actors in taking decision of stateless status issue of Persons of Indonesian Descents in Mindanao.

# ANALYSIS OF THE COOPERATION AMONG UNHCR, INDONESIAN GOVERNMENT, PHILIPPINES GOVERNMENT IN MANAGING THE STATELESS STATUS ISSUE OF PERSONS OF INDONESIAN DESCENTS IN MINDANAO

# The Emergence of Persons of Indonesian Descents in Mindanao

There are many reasons that become the proof of the emergence of persons of Indonesian descents in Mindanao. According to Abdul Agus Majid as the immigration officer of Indonesian Consulate in Davao City, they are traditional passer, who are mostly come from the Marore, Miangas, Sangihe and Talaud Island (Majid, 2016).

# **General Perspective on the Arrival of PIDs**

Generally, Persons of Indonesian Descents who were lived in Southern Mindanao, Philippines is a resident of border areas of Indonesia who came from Sangir and Talaud island, North Sulawesi Province which has decades lived in Mindanao, in fact most of them also have been born and breed in Mindanao without obtaining a clear status from the local government as the local citizen. Their arrival records their own history, which until now the persons of Indonesian descents in Mindanao have had over four generations another perspective also mentioned that the existence of persons of Indonesian descents in Mindanao is also because of tabukan kingdom, Sriwijaya kingdom arrival in Mindanao (Alam, 2006).

# **Economic Condition of Persons of Indonesian Descents (PIDs)**

Most of their livelihood are based on copra workers, hard labor in rice grinding factory, farmers, labor in warehause, household assistant, workers in some shops, Indonesian consulate staff, and traditional fisherman. As the farmers and labor, they work in field that belong to Filipinos by sharing 1/3 of all production during the harvest season especially in copra field. There are some of them own palm plantation but sometimes the production of palm itself is not really promising (Alam, 2006).

Year by year the persons of Indonesian descents who works as fisherman were often being forced to do illegal fishing and the numbers of getting caught and arrested are increase. Additionally, regarding to the policy from Susi as the maritime minister of Indonesia that will bomb and sink all the boat that catch the fish illegaly in Indonesia's sea. Due to this many of fisherman lost their job and until today they just do the work that they can do or remain jobless.

## The Social Condition of Persons of Indonesian Descents (PIDs)

Talking about the social life of persons of Indonesian descents in Mindanao, actually they live together peacefully. However the domino effect of their economic life is somehow affected to some of persons of Indonesian descents' social life which lived surrounded by the Filipino. The Filipino which has more advantage and opportunities in many aspects that give them more advantage and power in their social life put persons of Indonesian descents in burden because somehow the persons of Indonesian descents felt marginalized from the community. In other side also the persons of Indonesian descent live peacefully without any feeling of being marginalized. This phenomenon happened because of their status as the "undocumented citizen" that threat them to be a stateless person (Majid, 2016).

# SOCIO-POLITICAL PROBLEMS OF PERSONS OF INDONESIAN DESCENTS (PIDS)

# Nationality Status & Legal Status of Persons of Indonesian Descents

The beginning of the problem of the nationality of persons of Indonesian descents in Mindanao is not only because of the historical factor that their ancestor come to Mindanao and marry to Filipino without any legal documents but also the factor that makes this problem getting even difficult to manage is because they do not belong to Indonesia or Philippines. Both countries whether it is Indonesia or Philippines has their own rule regarding this issue in managing the persons of Indonesian descents.

The persons of Indonesian descents in Mindanao have settled in the Philippines for many years. The persistence of the persons of Indonesian descents have led to the nationality status of the people of Indonesian descent into gray or unclear situation. According to Indonesian Constitution No. 12 Year 2006 on Indonesian Citizenship, every individual that lived more than 5 years outside Indonesian territory without a legitimate reason will lose their citizenship.

Based on the description of Article 23 letter (i) the persons of Indonesian descents who originally hold the Indonesian nationality but have settled in Mindanao for more than five years, without valid reason, will lose their citizenship status (Kemenhukam, 2006).

# The Cooperation among the UNCHR, Indonesian government and Philippines government

As we know, Indonesia has a sea border with the Philippines that are geographically located sufficiently close. Remembering that there are similarities from the geographic and demographic characteristics of the population living in the border region between the two countries, even since before the independence of both countries, until after the independence of both countries. A lot of people and goods crossings were done traditionally without any documents or through the official port (sea port). This becomes a dilemma for both countries, until the bilateral meetings and both countries agreed on some cross-border agreements as follows:

- Agreement between the Republic of the Philippines and the Republic of Indonesia on Immigration, 4 July 1956 ratified on 16 January 1961;
- Joint Directive and Guidelines on the Implementation of the Immigration Agreement on Repatriation and Border Crossing Arrangement between the Republic of Indonesian and the Republic of the Philippines, 16 September 1965;
- Joint Implementation of the Border Control Agreement and Border Crossing Arrangement between the Government of the Republic of Indonesia and the Government of the Republic of the Philippines, 11 March 1975 (Majid, 2016).

The implementation of the agreement experienced some dynamics problems in the field, due to the high number of the traditional passer (without supporting documents passer) and the number of islands that stretches around the border of Indonesia and the Philippines making it more difficult in monitoring the passing activities. Then a new problem occurred when a lot of people from Indonesia who choose to stay or settled in the southern Philippines. Although they do not have official documents, Philippine governments allow them to remain settled in the Philippines with the status of aliens (foreigners). When citizens from Indonesia got married and given birth to their children, their children were recognized as a community known as the Persons of Indonesian Descent (PIDs) (Pulmano, 2012, p. 7).

Looking at the endless problem that faced by the persons of Indonesian descents in Mindanao, the efforts that has done previously seems did not showing any sufficient result. In 2011, the Philippines government and Indonesian consulate collaborate with United Nations High Commissioner for Refugees (UNHCR) as the mediator to initiate the Person of Indonesian Descents Registration Project to identify the nationality status of the persons of Indonesian descents in Mindanao and to help them in deciding the nationality that will become the permanent nationality of persons of Indonesian descents. By this collaboration, the registration project of persons of Indonesian descents become the pilot project to work on the nationality awarding for the persons of Indonesian descents in Mindanao (Maramag, 2016).

## **Pilot Project Execution**

Registration activities started in 2014 and ended in March 2016 the representative of Indonesian consulate, Philippines government and UNHCR visit the rural area of Mindanao to register the persons of Indonesian descents and also to meet them in person. The registration was later analyzed and discussed in a bilateral meeting between the two governments (Indonesia and the Philippines) and the representative of both countries agreed on some policies. These policies then begin to be executed in the form of Solution Mission (Affirmation Status) which was began in March to October 2016 (Majid, 2016).

The mission started by the registration system which during the registration system the persons of Indonesian descents will follow some steps which are orientation, reception, data verification, registration and counseling. After getting the results of the registration systems and have done in following all the steps, the actors will find out the permanent solution for the persons of Indonesian descents. The permanent results will be based on what have been chosen by the persons of Indonesian descents during the registration (Fajardin, 2016).

# **Permanent Solution for PIDs**

After the registration processes the most important agenda is the solution mission for the persons of Indonesian descents. In this preparation for the permanent solution mission, the Philippines government has done some meeting with some agencies related to the internal of Philippines government, also bilateral meeting between the Philippines Department of Justice and the delegates of Indonesia's Ministry of Laws and Human Right to establish the joint

policy which will be permanent in order to determine the clarity of the nationality status of the PIDs (Ariwibowo, 2016).

The permanent solutions for the persons of Indonesian descents that offered by the actors can be described as follows:

Table 1.1

The Optional Solution for the Persons of Indonesian Descents

Status	Options	Follow-up Actions	Institutions
WNI	Stay in Mindanao	Nationality Clarity	The ministry of Laws and
(Indonesian)			Human Rights Republic of
			Indonesia & Indonesian
			Consulate in Davao City
		Passports granting, Regarding	Indonesian Consulate in Davao
		the PNBP the passport needs to	City/The immigration of the
		get the exemption	ministry of Finance
		The clarity of Philippines	Philippines Bureau of
		immigration permission	Immigration
		Residing Visa	DOJ/Bureau of Immigration
WNI	Return to Indonesia	Confirmation granting of the	The ministry of laws and
(Indonesian)		Indonesian nationality	Human rights of Republic
			Indonesia & Indonesian
			Consulate in Davao City
		SPLP Granting,	Indonesian Consulate in Davao
		Regarding the PNBP SPLP	City/The immigration of the
		need to give exemption.	ministry of Finance
		Returning process/repatriation	Indonesian Consulate in Davao
			City/Central government
		Living place and the source of	The ministry of village, PDT
		livelihood in Indonesia	and transmigration, BNPP
			North Sulawesi
WNF	Settled in Mindanao	The withdrawing of the	Indonesian Consulate in Davao
(Philippines)		Indonesian nationality and all	City/ The ministry of laws and
		the documents related to	Human rights of Republic
		republic of Indonesia	Indonesia
		The confirmation of	Philippines government
		Philippines nationality	

(Source: (Majid, 2016))

Regarding to the end of the registration process of persons of Indonesian descents in Mindanao and also the process of the nationality status determination, the Indonesian Consulate in Davao City consider that it is important to visit to remote areas in Mindanao in order to socialize the results of the registration and counseling process of determining the status of persons of Indonesian descents in order to have a comprehensive understanding regarding the nationality status as well as their rights and obligations as citizens.

Furthermore, for the citizen who chose to return to Indonesia, Indonesian Consulate in Davao City will coordinate with the central government to prepare the repatriation process and cooperate with the Agency for Border Management of North Sulawesi in particular related to the relocation of dwellings and livelihoods viable for them, since most of them do not longer have family in Indonesia.

#### **CONCLUSION**

The cooperation among the actors are really appropriate with the concept of Transnational Advocacy Networks where some institutions conduct to each other and interconnected in a network or system working on an issue which in this context is the stateless status issue of the persons of Indonesian descents. These actors work together in managing the stateless status issue of persons of Indonesian descents because Indonesian government cannot work alone in managing this issue.

From this cooperation they establish Person of Indonesian Descents Registration Project to identify the nationality status of the persons of Indonesian descents in Mindanao and to help them in deciding the nationality that will become the permanent nationality of persons of Indonesian descents. This registration project contains five steps which are orientation, reception, data verification, registration, and counseling.

Then the actors analyzed and discussed about the registration project in bilateral meeting and agreed on some policies to award the persons of Indonesian descents the nationality that have been chosen by them during the registration project. This decision making process is appropriate with the model of pluralist in foreign policy that the writer used in this undergraduate thesis. Today, the foreign policy is not always made by the state actors but the non-state actor is also capable in making the foreign policy.

In this context, the non-state actors which are UNHCR as International Governmental Organization and the government from both countries is working on the policy to find permanent solution for persons of Indonesian descents to get their nationality. After the permanent solution for the persons of Indonesian descents, they will be granted their nationality as what have been chosen during the registration project and further action will be managed by the related institutions according to their nationality.

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