

CHAPTER V

CONCLUSION

As the result of Vietnam war in 1979, the huge number of boat people leaving Vietnam and arriving safely in another country totaled almost 800,000 during 1975 until 1995 which made this as big problem for several countries in Southeast Asia including Indonesia.

The refugees spread around the open sea by boat to reach the other land by boat in mission to gain secure place to live after Vietnam War. This group of people sailed without any direction or even enough supply during their journey. Most of them sail by using fishing boat, while the others use small boat with overcapacity passengers. Vietnamese boat people destination is the Southeast Asian countries of Malaysia, Indonesia, Thailand, Philippines, and Singapore plus the British colony of Hong Kong.

In the beginning of this mass refugee wave, some countries authority also rejected them by pushed them off and refuse to let them enter the land. There was no a single country in the southeast Asia region who had acceded to the 1951 UN Refugee Convention or the 1967 Protocol which made them did not have any responsibility in receiving the refugees. None of the

countries receiving Vietnamese boat people gave them permission to stay permanently and some would not even permit temporary refuge.

As an international organization which was created to deal with refugee problem, United Nations High Commissioner for Refugee (UNHCR) has a role to protect the refugees' right and welfare. UNHCR's role also has to grant all of refugee can use their right in aim to gain the asylum. However, in dealing with refugees problem in certain state, UNHCR needs its permission from the host-country.

Responding the problem, United Nations conducted International Conference in Geneva by inviting Southeast Asian countries to talk about humanitarian crisis in their regions. As the result of international conference in 1979, finally Southeast Asia countries agreed to accept them temporarily while waiting for UNHCR to seek for third countries that will accept them. (UNHCR, 2000)

From the very beginning of receiving the refugee temporarily in the country, the Indonesian government emphasized:

that it would not receive refugees in its territory, but for the sake of humanitarianism it was forced to accept them during transit while they were waiting to move on to a third country, as well as actively providing thoughts and concrete support to find a solution for this problem. (Indonesia, 1980)

The meeting of ASEAN Foreign Ministers in May 1979 issued a statement on refugees, which stipulated that “countries providing the site or island for the processing center shall retain the sovereignty, administrative control and security responsibility over the island” (Department of Foreign Affairs of the Republic of Indonesia 1979, p. 5). All costs of establishing and running these centers, including the provision of food, education, and health care, were to be covered by the UNHCR. (Missbach, 2013)

After being participated in some meetings conducted by South-East Asian transit states and Western resettlement countries during the first half of 1979, the governments of Indonesia and the Philippines agreed to willingly provided certain place to establish regional processing centers for refugees who had already been accepted for resettlement. Indonesian government at that time chose Galang Island which is located in the Riau Archipelago province as a temporary home for up to 10,000 refugees at a time. (Missbach, 2013)

However, since Indonesia has not signed the protocol based on several reasons explained above, it made the limitation of UNHCR in doing its role in Indonesia. UNHCR could not play its main role to grant refugees right and welfare which makes UNHCR needs other actor to help them in achieving their common objectives toward refugee.

As Indonesia is not a signatory to the 1951 Refugee Convention, the government has allowed two international institutions to deal with the refugees¹:

1. The Office of the United Nations High Commissioner for Refugees (UNHCR) oversees refugee status determination, resettlement, and repatriation.
2. The International Organization for Migration (IOM) is responsible for day-to-day assistance, including providing food, accommodation, and healthcare; asylum seekers and refugees remain IOM's responsibility until they are resettled in a third country or voluntarily return home.

While UNHCR was busy to find the third countries for the refugee, the waiting periods became longer and the number of refugee became increased. It made the refugees need more access to daily needs. Since the refugees did not have the right to work, they only relied on what UNHCR gave to them which made there were no means for the refugee to take care themselves and their families whilst transiting in Indonesia or waiting for resettlement. On May 2015, UNHCR reported that refugees who are still in the detention center Reached 4.589 persons, and 696 individuals have reported themselves to

¹ Supporting System of Refugee and Asylum Seeker in Indonesia | Suaka, accessed on October 24th 2016 from : <https://suaka.or.id/2015/07/09/supporting-system-of-refugee-and-asylum-seekers-in-indonesia/>

immigration authorities. Even for asylum seekers and refugees who do receive support, financial payments from UNHCR are reported to be minimal.

Asylum seekers and refugees can only access services of the International Organization for Migration (IOM) through referrals from Immigration Officials, which leads to many vulnerable people slipping through the gaps.² This is the role of IOM in helping UNHCR to deal with Vietnamese refugees in Indonesia. IOM gave the refugee to access the health service, including primary needs like education and work rights results in refugees and asylum seekers being extremely vulnerable to medical emergencies and livelihood.

² Supporting System of Refugee and Asylum Seeker in Indonesia | Suaka, accessed on October 24th 2016 from : <https://suaka.or.id/2015/07/09/supporting-system-of-refugee-and-asylum-seekers-in-indonesia/>