MODERN MIGRATION PATTERN IN INDONESIA: DILEMMAS OF A TRANSIT COUNTRY

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Abstract:

The development of world politics has produced conflicts and war in several countries giving rise to a new form of migration, the migration from conflicts and war. This article analyzes the impact of the modern migration in Indonesia. It found that Indonesia is a transit country "invaded" by those migrants who pose serious dilemmas for humanitarian reasons. On the other hand, Indonesia has a limited obligations for dealing with migrants and refugees becasuse it is not part of the 1951 Convention relating to the Status of Refugees and of the following 1967 Protocol, and enconunter some thorny probloems such as some rejection from the local population and finally the limited ability to finance and hospitalize migrant and refugees. The article also explains that for solving the problem, cooperation with other parties, such as International Organizations, and Regional and Bilateral cooperation is needed.

Keywords: Modern Migration Pattern, Refugee, Indonesia's Migration

Título en Castellano: Patrón Moderno de Migración en Indonesia: Los Dilemas como País de Tránsito

Resumen:

El desarrollo de la política mundial ha causado conflictos y guerras en varios países, lo que ha dado lugar a la nueva forma de migración, principalmente, la migración derivada de conflictos y las víctimas de la guerra. Este artículo analiza el impacto de la migración moderna en Indonesia. Se puede decir que Indonesia es un país de tránsito, "invadido" por esos migrantes que inducen un dilema humanitario Por otra parte, el Estado tiene una capacidad limitada y se encuentra con algunos problemas por el hecho de que Indonesia no es parte de la Convención de 1951 sobre al Estatuto de los Refugiados y el Protocolo de 1967, por el rechazo de una parte de la población local, así como la limitada capacidad para financiar y hospitalizar a los emigrantes y refugiados. El artículo muestra que para resolver el problema se necesita una cooperación con otros actores como las Organizaciones Internacionales y la cooperación Regional y Bilateral.

Palabras Clave: Patrón moderno de migración, Refugiado, Migración de Indonesia

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1. Introduction

Migration generally occurs in the form of displacement people, especially for economic reasons. Because of the complexity of the subject we need a broad aproach taking into consideration different topics such as politics, economics, conflicts. culture, etc, Thus, many questions will emerge and many things can be developed and learned. Migration in Indonesia today can be one important example for the development of contemporary migration models not focusing only on teh question of economic needs.

One of the pincipal causes of the present migration flows is conflicts and wars. A good part of the present migration has been driven by war and ethnic conflicts. This article will try to analyze the impact of this kind of migration flows in Indonesia.

Based on the objectives and formulation of the problem, several types of information are needed in this study. First, the study needs a contextual information which explains the history and background of related parties such as countries, refugees, organizations and institutions. Second, theoretical information is needed to analyse and assess the information collected on the topic of research. Third, the study also needs a list of bilateral and regional cooperation on migrants of conflict and war victims.

This article is structured in three sections. The first, as sub section of introduction, explains the developing types of migration in order to understand the current modern pattern of migration in Indonesia. Contemporary migration in Indonesia uses Indonesia as a transit country.

The second section explains Indonesia´s dilemmas as a transit country.

The third section, as the concluding section, shows that, in order to solve the problems, cooperation with International Organizations as well as Regional and Bilateral cooperation is needed.

1.1 Modern Migration Pattern in Indonesia

In the present era, migration has become a multidimensional phenomenon in line with developments in world politics. Migration has been evolving in several forms according to its different purposes and social context. In order to understand the current modern pattern of migration in Indonesia, it is important to mention the development of the diverse types of migration.

The first migration type I can mention is the migration of elites for imperial expansion and royal glory. The elite migrations were carried out in the context of empires and kingdoms, expansion by armies, traders, missionaries and bureaucrats on a regional scale.

In the 17th century, mercantilism-oriented countries encouraged the movement of people as skilled labor migrants, And the European conquest and the formation of American populations in the 17th and 18th centuries were related to another mass migration, the slave trade. During this time forced human migration from sub-Saharan Africa crossed the Atlantic to America and the Caribbean[2]. It is estimated that between 1500 and 1900 around 4.3 million people were brought from the North East, East and Central Africa to the Middle East and the Arabian Peninsula[3].

With the abolition, decline, and reduction of the slave trade in the mid-19th century, the mass migration of Asian workers, called coolies, began to grow. This mass migration model made it possible for economic colonizers to replace the labor trade model. In Australia, for

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[2] Held, David et al *op.cit.* p.280
[3] *Ibid* p.284

example, it became a way to obtain cheap labor resources and reduce the use of convict labor from the UK[4]. The coolie's migration is a large-scale global migration of Indian, Chinese, Japanese, and Javanese workers sent to the USA, British, French, German, and Dutch colonies in Asia, Africa, and the Caribbean.

The fifth migration type is the migration from conflict and war. In the era of wars and its aftermath in many continents, important population movements have taken place. Migration became the way to escape from areas of war and conflict.[5] Later, these migrants become refugees and asylum seekers.

This is the type of migration that Indonesia has to face today.

One of the conflicts that make people to flee to Indonesia was the conflict in Afghanistan. The Taliban group, a government opposition group, has created instability in Afghanistan since 1996. These attacks made civil society no longer feel safe. The absence of protection from the state encouraged them to migrate to other countries as refugees or asylum seekers.[6]. Indonesia became one of their destinations.

Another conflict that causes migration to Indonesia, is the Rohingya conflict in Myanmar. Rohingya is a minority ethnic in Myanmar whose citizenship is not recognized by the government. Rohingyas are considered illegal migrants from Bangladesh. Vivian Tan, a spokeswoman for the United Nations Agency for Refugees, United Nations High Commissioner for Refugees (UNHCR) estimated that the number of Rohingya Muslim refugees increased rapidly in a day on September 7, 2017, from around 164,000 to 270,000 and fled to Bangladesh since the outbreak of violence in Rakhine State Myanmar [7]. A good number of Rohingya refugees went to Indonesia. In March 2015, Indonesian Foreign Minister Retno LP Marsudi said that the total Rohingya Muslim refugees in Indonesia were 11,941 people.[8]

For a more complete data of migrants from conflict and war who came to Indonesia, the UNHCR data below shows the number of arrivals of refugees and asylum seekers in Indonesia by country of origin as a conflict area.

Despite the fluctuation, the data in Table 1 shows that, from year to year, there has been an increasing number of refugees and asylum seekers coming to Indonesia, compared to the first data recorded in September 2014. The data shows that Indonesia become an important destination for migrants from conflict and war.

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[4] *Ibid*. p.284

[5] Riwanto Tirtosudarmo (2015): *On the Politics of Migration: Indonesia and Beyond*, LIPI Press, Jakarta. p.20

[6] Wulandari, Anggita, "Peran United Nation High Commissioner for Refugee Dalam Menangani Pencari Suaka Afghanistan di Pekanbaru (Indonesia) Tahun 2015", *JOM FISIP,* Vol. 3, No. 2 (October 2016), pp. 1-12

[7] "Rohingya crisis: Exodus swells as 270,000 flee Myanmar'", *BBC News*, 8 September 2017, at https://www.bbc.com/news/world-asia

[8] "Arus pengungsi Rohingya ke Bangladesh mencapai 270.000 jiwa", *BBC News*, 8 September 2017, at http://www.bbc.com/indonesia/dunia-41202311,

Table 1. Number of Refugees and Asylum Seekers in Indonesia

Country of Origin	September 2014		February 2015		February 2016		October 2016		December 2016	
	Refugees	Asylum Seekers	Refugees	Asylum Seekers	Refugees	Asylum Seekers	Refugees	Asylum Seekers	Refugees	Asylum Seekers
Afghanistan	1,515	3,004	1,716	4,256	3,056	3,859	3,579	3,484	4,379	2,775
Myanmar	888	69	749	50	795	244	897	62	887	67
Somalia	334	310	320	463	459	762	498	811	548	898
Sri Lanka	329	247	271	260	319	294	320	256	343	197
Iran	294	625	279	569	312	331	247	239	-	-
Palestine	243	128	288	170	375	157	388	98	-	-
Iraq	148	283	194	471	223	689	315	580	374	572
Pakistan	-	-	-	-	348	140	336	111	-	-
Nigeria	-	-	-	-	-	-	-	-	-	725
Others	196	498	274	580	382	1,084	317	1,169	1,296	1,344
Total	4,131	5,450	4,318	7,071	6,269	7,560	6,897	6,810	7,827	6,578

Source: UNHCR, "Indonesia Factsheet", December 2016

Three main factors make Indonesia a favorite destination for refugees. The first is its geographical location. Indonesia is located strategically between the Asian and Australian continents and between the Pacific and Indian Ocean, which makes Indonesia a suitable transit place[9] as the refugees wish to continue their trip to Australia. Other factors are[10] the strong family, community and agent networks, in particular mafias, linking these flows with countries of arrival that facilitate the process of migration. A multiplicity of sea routes and coastal embarkation and disembarkation points makes it easy to reach Indonesia. A strong migration industry has been developed with a vast range of multiple stakeholders local and international. There is also the complicity of government officials in this irregular migration. Most of the movement involves marritime journeys, many of them using erstwhile fishing boats, with the substantial involvement of fishermen.

1.2 Indonesia as a Transit Country

In general, the migrants who travel to Indonesia do not intend to stay there for a long period. They are looking for opportunities to settle themselves in a safe third country. In this case, Australia is their first priority. In Table 2, the majority of respondents (86.7 percent) indicated that they had no intention of emigrating to Australia as illegal migrants and insisted that they

[9] Alunaza, Hardi; Juani, M. Kholit: "Kebijakan Pemerintah Indonesia melalui Sekuritisasi Migrasi Pengungsi Rohingya di Aceh tahun 2012-2015", *Indonesian Perspective,* Vol. 2, nº 1 (January-June 2017), pp. 1-17

[10] Hugo, Graeme; Tan, George; Napitupulu, Caven Jonathan.: "Indonesia as a transit country in irreguler migration to Australia", in McAuliffe, Marie; Koser, Khalid. (2017): *A long Way to Go*, 1th ed., Canberra, ANU Press. p.171

would wait to be resettled. A small number of respondents (n = 5) also indicated that they were only interested in certain asylum countries, in this case, Australia. For them, Indonesia is the preferred location for applying for asylum, due to a faster process of managing refugee resettlement as considered by UNHCR.[11]

Table 2: Reasons Encouraging Settlement in Indonesia

	Afghanistan (n=5)		Srilanka (n=3)		Myanmar (n=0)		Others (n=1)		Total (n=9)	
Friendly locals	22	33.8%	15	57.7%	6	50.0%	5	31.2%	48	40.3%
It is a peaceful country	24	36.9%	12	46.2%	7	58.3%	4	25.0%	47	39.5%
No particular reason	23	35.4%	4	15.4%	-	-	4	25.0%	31	26.1%
I don't want to stay in Indonesia	11	16.9%	3	11.5%	4	33.3%	6	37.5%	24	20.2%
Lack of money to continue my trip	-	-	4	15.4%	5	41.7%	-	-	9	7.6%
other	5	7.7%	-	-	3	25.0%	1	6.2%	9	7.6%
Low cost of living	2	3.1%	4	15.4%	1	8.3%	1	6.2%	8	6.7%
Too tired to continue my journey	2	3.1%	3	11.5%	2	16.7%	-	-	7	5.9%
I was/am well adjusted	1	1.5%	3	11.5%	1	8.3%	-	-	5	4.2%
A good job	0	0.0%	2	7.7%	3	25.0%	0	0.0%	5	4.2%
Other	Afghanistan (n=65)		Srilanka (n=26)		Myanmar (n=12)		Others (n=16)		Total (n=119)	
Marriage to a local	2	3.1%	1	3.8%	0	0.0%	0	0.0%	3	2.5%
Indonesia allows refugees to live in the community	3	60.0%	2	66.7%	-	-	1	100.0%	6	66.7%
Indonesia is an Islamic country	2	40.0%	1	33.3%	-	-	-	-	3	33.3%

Source: Transit migration survey (2010, 2012) (n=119).

In his study, Hugo[12] found that the main reason most respondents mention for entering illegally by boat in Indonesia was merely because of their inability to travel legally. In table 3, 84.1 percent of respondents say that the main reason for entering illegally in Indonesia is due to the inability to travel legally. Their migration status may have been legal from the start of the trip but became illegal when they are in Thailand or Malaysia. The change of status, becoming illegal for breaking the laws, usually occurred when entering or leaving Malaysia. A key issue is that undocumented migration remains substantial. The majority of survey respondents who transit in Indonesia enter illegally. Excluding respondents who accidentally arrived, a

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[11] *Ibid*, p.183
[12] Hugo et al 2017. *op.cit.*
researcher also made some interviews with some refugees in Kalideres Jakarta Detention Centre in April 2019

significant 90.7 percent (n = 88) respondents indicated that they entered illegally, compared to 9.3 percent (n = 9) respondents who entered legally.[13]

Table 3: Table 3: Reasons for Entering Illegally in Indonesia

	Afghanistan (n=61)		Srilanka (n=6)		Myanmar (n=11)		Others (n=10)		Total (n=88)	
	No.	%	No.	%	No.	%	No.	%	No.	%
Formal means of travel were impossible/banned	52	85.2	3	50.0	11	100.0	8	80.0	74	84.1
other	28	45.9	1	16.7	1	9.1	2	20.0	32	36.4
Proper entry would be rejected at the border	24	39.3	4	66.7	0	0.0	3	30.0	31	35.2
I didn't want to be sent back to my country	9	14.8	2	33.3	1	9.1	0	0.0	12	13.6
No time to get proper documents	8	13.1	1	16.7	0	0.0	0	0.0	9	10.2
I lost my genuine documents	0	0.0	1	16.7	0	0.0	0	0.0	1	1.1
Other	Afghanistan (n=11)		Srilanka (n=5)		Myanmar (n=5)		Others (n=4)		Total (n=25)	
	No.	%	No.	%	No.	%	No.	%	No.	%
I was following the arrangements made by my smuggler	14	50.0	0	0.0	0	0.0	2	100.0	16	50.0
My status in last country of residence was illegal—perpetuating the illegal nature of my journey	14	50.0	1	100.0	1	100.0	0	0.0	16	50.0
Common to enter illegally	-	-	-	-	-	-	-	-	-	-

Source: Transit migration survey (2010, 2012) (n=88).

Unfortunately, the Australian Government is preventing the entry of potential asylum seekers into Australia and Indonesia, because of their illegal status, maintain in detention refugees and asylum seekers. The settlement of refugees and asylum seekers causes further problems in Indonesia. In Table 4, The Transit Migration Survey's data shows several refugees experiences while transit in Indonesia.

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[13] *Ibid*.p.173

Table 4: Negative Experiences/Abuses Experienced by Respondents

	Afghanistan (n=65)		Sri Lanka (n=26)		Myanmar (n=12)		Others (n=16)	Total (n=119)
Freedom of communication totally denied	25	38.5%	12	46.2%	2	16.7%	31.2%	37.0%
Freedom of movement totally denied	20	30.8%	13	50.0%	1	8.3%	25.0%	31.9%
None	23	35.4%	1	3.8%	3	25.0%	50.0%	29.4%
Freedom of movement partially denied	12	18.5%	10	38.5%	5	41.7%	12.5%	24.4%
Freedom of communication partially denied	14	21.5%	9	34.6%	3	25.0%	12.5%	23.5%
Verbal/psychological abuse	12	18.5%	5	19.2%	1	8.3%	12.5%	16.8%
Physical abuse	12	18.5%	2	7.7%	3	25.0%	12.5%	16.0%
Money and personal possessions were 'confiscated'	13	20.0%	3	11.5%	2	16.7%	6.2%	16.0%
Was searched roughly	8	12.3%	2	7.7%	1	8.3%	18.8%	11.8%
Imprisonment without charges	5	7.7%	5	19.2%	-	-	-	8.4%
Asked for bribes to be treated well	3	4.6%	2	7.7%	-	-	-	4.2%
Documents were seized without permission	2	3.1%	1	3.8%	-	-	6.2%	3.4%
Forced to engage in activities against will	1	1.5%	-	-	-	-	-	0.8%
Work without wages	1	1.5%	-	-	-	-	-	0.8%
I was not paid accordingly for work	1	1.5%	-	-	-	-	-	0.8%

Source: Transit migration survey (2010, 2012) (n=119).

Life in Indonesia, as indicated, is generally poor. Although refugees have acces to services, the quality of education and housing is poor. The majority of refugees were also isolated and did not socialise with Indonesians.

One important element in the growing complexity of international migration is the increasing role of countries of transit. Movement trajectories in contemporary migrations can be extended over long periods of time and to a number of intermediate locations before reaching a final destination. This is especially the case for assylum seekers and refugees. In these cases, transit countries are becoming increasingly crucial

The concept of transit migration is problematic, conceptually and politically. In several countries, governance issues, lack of institutional and human capacity, excecive transaction costs dilute migration's potential positivie impacts and, in this context, irregular migration and

transits are likely to grow in scale and impact.[14] However, this article focus on how Indonesia, as a transit country, has to handle migrants, in particular refugees and assylum seekers. How does Indonesia deal with these migrants and refugees? What are the problems they caused? What are the obstacles in dealing with these migrants and refugees? The article will explain the problems that Indonesia needs to manage due to these irregular migratory flows enterring illegally in the country.

2. Methodology

This article was written based on the review of documents and data collection. The author collected the data from competent sources dealing with migrants and refugees, programmes and organizations dealing with refugees.

Based on the objectives and formulation of the problem, several types of information were needed in this study.

First, the study needed contextual information explainng the history and background of several related parties, such as countries, refugees, organizations and institutions. Second, theoretical information was needed to assess what information has been held relating to the topic of research. Third, the study also needed a list of bilateral and regional cooperation on migrants of conflict and war victims.

Therefore, the data collection in the study was conducted in the following ways. First, interviews were used to obtain contextual perceptions that can also be developed into demographic information. Interviews were conducted to get a picture of the case from the side of the actors, especially the refugees. Furthermore, they would answer some questions, for instance, refugees' perceptions towards a destination country, their hopes and efforts to get it.

Second, documentation was used to obtain demographic, theoretical, and contextual data. A review of foreign policy documents, white papers, and others were needed to look at the country's perceptions and how the country responds to the refugees. A review of cooperation documents is needed to analyze the goals and ways of solving the problem of migrants of conflict and war victims. Interviews with institutions and parties in the field were used to collect data on refugees through their daily interactions. The institutions needed to be investigated in this study were the Ministry of Social Affairs, International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), and Bali Process Regional Support Office (RSO).

Interviewing refugees is needed to find out their perceptions, conditions, reasons, and expectations regarding the destination country. Moreover, it was used to know their perceptions and goals in Indonesia.

Data collected were analyzed and interpreted. Then the result of interviews, observation, and documents were grouped and classified to find patterns and relationships between categories that have been made. After that, three steps of analysis were carried out. The first was checking and comparing the patterns in the category. The second was examining and comparing patterns between categories. The third was comparing the findings of previous research with existing literature. Finally, the validity test was used to triangulate data sources and methods, the adequacy of references, and detailed descriptions.

3. Refugee flows in Indonesia since 1979

Conflicts and wars in several countries of the región and beyond induce a good number of refugees that later come to Indonesia and causes problems. Historically, Indonesia has

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[14] Hugo. et al *op.cit.* p.194

experienced already this kind of refugee flows in 1979, when it had to deal with a flood of Vietnamese refugees. This experience and problems are illustrated in the section below.

3.1 Indonesia's Experience in Handling the Vietnamese Refugee as a Basis for Handling the Contemporary Migrants

The war between northern Vietnam and southern Vietnam in 1957 ended with the defeat of southern Vietnam in 1975 and became the beginning of a massive influx of refugees. These refugees left the country for reasons of persecution and intimidation that threatened their safety in their country. They decided to leave Vietnam by boat. This event explains the denomination of boat people. Many of them stopped in Southeast Asian countries such as Thailand, Singapore, Malaysia, Philippines, and Indonesia to request asylum from UNHCR.[15]

The arrival to Indonesia of the boat people resulted in the establishment of a UNHCR representative office in Indonesia with headquarters in Jakarta. Later, UNHCR established other representative offices in Kupang, Makassar, Medan, Pontianak, Surabaya, and Tanjungpinang with around 65 staff for all Indonesia.[16]

Although Indonesia was not yet a member country who ratified the 1951 Refugee Convention and the 1967 Protocol relating to the status of refugees, it accepted their arrival. It provided a place of residence for Vietnamese refugees in Galang Island in Riau Province, showing its concern for this humanitarian issue.

Vietnam refugees entered Indonesia gradually in 1979. In August 1979 there were 46 people, and increased to 5320 people in September 1979. At the end of 1979, the total number of Vietnamese refugees entering Indonesia were 121,000 refugees. Within 20 years, UNHCR managed to deal with Vietnamese refugees with a repatriation program to return them to their home country and resettlement of settlements back to third countries in stages. In 1996, the UNHCR stopped all its assistance and the refugee settlement in the Galang island was finally closed[17].

The experience of Indonesia in accepting Vietnamese refugees is the first building block for dealing with refugees in Indonesia. Later, this experience has created a precedent and an argument and justification for UNHCR to persuade Indonesia to ratify the 1951 Convention and the 1967 Protocol on Refugees.

3.2 Indonesia in a Dilemma: Transit country but Non-party of the 1951 Convention and the 1967 Protocol

The 1951 Convention and its 1967 Protocol are the most comprehensive instruments adopted to date on a universal level to safeguard the fundamental rights of refugees and to regulate their status in the asylum countries. As such, they are fundamental in the international regime of refugee protection. They help in ensuring that refugees are granted basic humanitarian treatment. They also facilitate the exercise of protection by the United Nations High Commissioner for Refugees.

Although there are a large number of refugees and asylum seekers in Southeast Asia, there are only three countries who ratified the 1951 Convention and 1967 Protocol. These are: The Phillippines, Cambodia, and Timor-Leste. The three main recipient countries of refugees and asylum seekers: Thailand, Malaysia, and Indonesia, are not parties to the Convention and

[15] Romsan, Achmad; Usmawadi; Usamy, M. Djamil; Zuhir, Mada A. (2003): *Pengantar Hukum Pengungsi Internasional: Hukum Internasional dan Prinsip-Prinsip Perlindungan Internasional,* Jakarta, Badan Perserikatan Bangsa-Bangsa Urusan Pengungsi Perwakilan Regional Jakarta, Republik Indonesia. p. 15

[16] UNHCR in Indonesia, at https://www.unhcr.org/id/unhcr-di-indonesia

[17] *Ibid*

the Protocol. Some governments in Southeast Asia consider the Convention and the Protocol to be Eurocentric, therefore, irrelevant to their history[18]. In particular, the governments of Indonesia and Malaysia argue that these instruments are a burden for developing countries. The experience on the international community's willingness to bear the burden for responding to the Indonesian refugee crisis in the 1980s and 1990s reinforced the perception of the reluctance of Southeast Asian countries to take responsibilities and obligations[19].

As mentioned at the beginning of this article, Indonesia receives many refugees. Humanitarian reasons are themain reason for accepting refugees. But the acceptance of refugees is not easy. The fact that Indonesia did not ratify the 1951 Convention and the 1967 Protocol means that there is no obligation for Indonesia for handling refugees. Moreover, some problems also arise due to the arrival of these people.

One of the problems can be seen in the Bogor and Jakarta where many Afghan refugees settled in the two regions, while others are scattered in several areas that have a detention center. In reality, the detention center provided by the government cannot accommodate all refugees, as happened in Kalideres, West Jakarta, which only has a capacity for 200 people but is forced to accommodate as many as 400 refugees[20]. The rest of the refugees are then forced to look for temporary places, such as setting up tents on the sidewalks, as happened along the Jalan Raya Puncak (Bogor) and the Kebon Sirih I area of Central Jakarta, right next to the UNHCR office[21]. In 2019, the temporary shelter in Kalideres area of Jakarta caused several problems. As the detention center used a former District Military Command which supposed to accommodate 400 people, in the end, it was inhabited by around 1400 people, including those who lived inside small tents[22]. Moreover, some large protest banners were found outside the area. These banners were put by local community around to express their rejection and concerns about the placement of these refugees. At the end of September 2019, the Indonesian government finally stopped aid and assistance and transferred its handling to UNHCR

Another problem is that refugees and asylum seekers in Indonesia are not guaranteed the right to education and are prohibited from taking activities or jobs that generate income. To survive, they depend on support from international organizations, such as the International Organization for Migration (IOM) and UNHCR, as well as NGOs. Those who live independently must rely on savings and money transfers from relatives[23]. When international aid decreases, IOM is forced to stabilize its decision to no longer support refugees and asylum seekers who arrived after 14 March 2018. This has caused the livelihood issues become more

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[18] Hathaway James C. (1991): *The Law of Refugee Status*, Cambridge, Cambridge University Press. p.122

[19] Davies S a r a E l l e n (2008): *Legitimising Rejection: International R e f u g e e Law in Southeast Asia,* Leiden. Martinus Nihoff Publishers.p. 89

[20] Suastha Riva Dessthania: "UNHCR: Rudenim Bukan Tempat Tampung Pengungsi Asin", CNN Indonesia | Kamis 5 April 2018 at
http://www.cnnindonesia.com/intenasional/20180405142110-106-28851/unhcr-rudenim-bukan-tempat-tampung-pengungsi-asing.
Data collected also by interviewing the refugee in Kalideres Jakarta Detention Centre by the author in April 2019

[21] Utami, Sri: "Warga kebon sirih Mulai gerah dengan Banyaknya pengungsi", *Media Indonesia*, Jumat 4 Agustus 2017, at https://mediaindonesia.com/read/detail/116100-warga-kebon-jeruk-mulai-gerah-dengan-banyaknya-pengungsi

[22] Data collected also by interviewing the refugee in Kalideres Jakarta Detention Centre by the author in April 2019.

[23] Harvey Gemma (2018): "Surviving while seeking asylum", *Inside Indonesia*. at
https://www.insideindonesia.org/surviving-while-seeking-asylum

pressing[24]. A study by Hugo[25], mentioned that refugees' life in Indonesia, as indicated by respondents, was generally poor. However, they had access to education and poor housing. The majority of respondents were also quite isolated and did not socialize with local community around them.

Prabandari[26] mentioned that the reason why interaction between refugees and local communities is minimal, might due to language barriers and the tendency of refugees to avoid unnecessary attention. Most refugees and Indonesians describe their interactions with each other as not exhaustive, brief, and rigid. Stories about refugees from community's point of view differ from one place to another and cannot be generalized. Some stories are positive, while others are negative. Negative perceptions are usually related to themes such as religious clashes (Sunni-Shite) and inappropriate behavior (e.g., sexual harrasment)[27].

During the arrival of Rohingya refugees in 2015, the Government of Indonesia, through the National Army (Tentara National Indonesia), sought that the refugees' boats were not allowed to enter Indonesian territory and pushed them back to sea[28]. The Government of Indonesia conveyed a message that warned Acehnese fishermen to not be involved in refugees' rescue operations, at the risk of violating state law, and to be aware of security risks that might be represented by passengers[29].

All of these phenomena indicated that the state has a difficult choice to deal with and to resolve this type of migration problem. Refugees continue to come, on the other hand, Indonesia did not ratify the 1951 Convention and 1967 Protocol which serve as foundations to deal with refugees' problems in the world. These gaps then raise questions for research. What should Indonesia do to solve the problem? Is there a consequence of this migration for Indonesian diplomacy and international relations with other parties?

4. Discussions and Results

4.1 Third party as a solving problem for the Indonesia's Dilemmas

To mediate the problems and dilemmas arising from the arrival of conflict and war refugees, a solution is needed to resolve the issue. This section of the article will discuss a recommendation of utilizing a third party to help Indonesia with its migration problems, which can be in the form of bilateral cooperation with related countries or some cooperation with international organizations and regional cooperation.

4.2 Indonesia and Australia Cooperation for Refugees

The fact that Indonesia becomes a transit country for refugees who are aiming to migrate to Australia has created complicated problems between the two governments. In July 2014, the Australian Government announced that they would not accept asylum seekers who registered themselves through UNHCR. Another effort put in place for asylum seekers was "Sovereign

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[24] Lamb Kate and Doherty Ben: "On the streets with the desperate refugees who dream of being detained", *The Guardian*, 15 April. 2018, at https://www.theguardian. com/world/2018/apr/15/on-the-streets-with-the-desperate-refugees-who-dream- of-being-detained

[25] Hugo. et al. *op.cit*

[26] Adiputera Y and Prabandari A (2018) *Addressing challenges and identifying opportunities for refugee access to employment in indonesia*. Yogyakarta. Institute of International Studies, Universitas Gadjah Mada

[27] *Ibid.* Also can see at

[28] "Deadly journeys: The refugee and trafficking crisis in Southeast Asia", Amnesty International, Index: ASA, 21/2574/2015, London, Amnesty International, at
https://www.amnesty.org/download/Documents/ASA2125742015

[29] McNevin Anne and Missbach Antje: "Hospitality as a horizon of aspiration (or, What the international refugee regime can learn from Acehnese fishermen)", *Journal of Refugee Studies* Vol.31, nº 3 (12 March 2018), p. 292–313

Border Operations", which prevented the various potential asylum seekers to enter into the Australian territories. Relations between Indonesia and Australia were tense when Tony Abbot incensed Indonesia with his policy of sending back Indonesian ships carrying asylum seekers. The Australian Navy patrolled the border to prevent the entry of boats of refugees and pushed them back into Indonesian territory. This policy produced a considerable disappointment in the Indonesian Government and was considered a violation of sovereignty.

At the global level, the challenge of refugees moving to Australia is closely related to the ratification by Asutralia of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

Complicated problems arise when the policy of handling refugees has to face domestic conflicts and problems caused by refugees.

To overcome this migration problems, Indonesia and Australia might agree to provide facilities and accommodation in the form of refugees' shelter in Indonesian territory. The collaboration with Indonesia can help Australia to control the flow of migration to the country. Indonesia's participation in the issue of refugees is invited through bilateral cooperation in the fields of migration and borders.

One of the collaborations in join operations between Indonesia and Australia for managing the people smuggling, was discussed in a meeting in September 2013 when Australia launched the Sovereign Border Military Operation, where Indonesia functioned as a transit point for asylum seekers and illegal migrants who wanted to land on Australia's northern coast. The purpose of Operation Sovereign Borders was primarily to prevent Irregular Maritime Arrivals (IMA) from seeking asylum in Australian territory by intercepting and returning vessels suspected of being illegal entry vessels (SIEVs: Suspect Irregular Entry Vessels) to the sea, and by rejecting resettlement policies in Australia.[30]

The Australian Government has pressured Indonesia to minimize and prevent the passage of unwanted asylum seekers into Australian territory and only allow transit migrants to travel through Indonesia. Australian Immigration Office has headquartered at all Indonesian international airports to help identify fraudulent documentation of tourists planning to come to Australia. Australia equips its partners in Indonesia with intelligence technology to closely observe and investigate the movement of migrants in transit. In late 2011, as part of a new policy initiative to increase regional law enforcement capacity, the Australian federal police donated three AUSD 7.1 million high-speed patrol boats to the Indonesian maritime police[31]. In the first half of 2011, Indonesian maritime police ships intercepted more than fifty migrant smuggling vessels in Indonesian waters and more arrests were made on land. Due to the large number of people arrested and transit migrants coming to Indonesia, the detention center in Indonesia exceeds the capacity limit[32].

Australia has also a program for temporary workers for its fishing industry, and this employment is filled by temporary migrant workers. The use of temporary migrant labor in Australian fisheries is not a new phenomenon. From the early 1700s, a large fleet of sea cucumber fishermen (bêche-de-mer) known as 'Macassans' sailed from the port of eastern Indonesia, the city of Makassar on the island of Sulawesi and regularly interacted with the indigenous communities of northern Australia. The Macassan sea cucumber industry is the first export Australian industry. During two centuries and even more, hundreds or even thousands of

[30] Mcauliffe, Marie et al (2017), *op.cit.* p.167

[31] kapal patroli Indonesia 2011

[32] Pietsch, Juliet and Clark, Marshall. (2015): *Migration and Integration in Europe, Southeast Asia, and Australia: A Comparative Perspective,* Amsterdam, Amsterdam University Press. p 342

Indonesians worked in northern Australian waters. They continued to do so until 1907 when the South Australian Government effectively shut down the fishing industry after changing the formal policy and refraining from issuing licenses.[33]

In the contemporary era, there are suggestions for operating some of Australia's modern fisheries that run below their capacity due to labor shortages, closely related to the broader issue of regulation of the fishing industry in the world. In the past decade, Australia's fishing fleet has decreased dramatically in magnitude in line with quota reductions and labor shortages. This led to the introduction of the Fishing Industry Template Labor Agreement, a policy and framework for Australian fishing operators to sponsor and hire temporary migrant workers. An example is the agreement signed in 2011. The agreement meets the needs of a number of Australian fishing operators who seek workforce from Indonesian migrant workers. What is important in this agreement is that it includes many provisions for the protection of migrant workers. In July 2012, several similar agreements were negotiated involving 71 fishermen and workers from Indonesia.[34]

This cooperation program with the issue of temporary migration and fishing permits became a pole of attraction. People smuggled and asylum seekers tried to "capture" the large-politicized Indonesian fishing vessels in Australia.[35]

News about the crisis in border protection in northern Australia, which includes prevention of illegal fishing, unreported and unregulated fishing, people smuggling, and other criminal activities or even potential terrorist activities, is common. Thus, according to Missbach[36] on both sides of the political spectrum, Australia's long-term response to irregular migration from Indonesia has been reduced to a technical problem regarding how to stop boats carrying refugees and asylum seekers and to the question of exploiting the temporary migration flows. It can be seen that migrants working in Australian waters do not have negative implications as has been alleged before.[37]

Some Indonesian and Australian cooperation is also included in the framework of multilateral cooperation which will be explained in the following sections.

Indonesia is then interpreted as a filter for Australia against the invasion of boat people migration. The struggle to enter Australia for refugees begins when they enter Indonesian territory. The flexibility found to enter Indonesia, makes them feel that they are half the way to enter Australia. People smuggled are detained and their movements are limited when they entered the territory of Indonesia, before they actually set foot in Australia. Thus, the Indonesian territory has an important value for Australia being a control point to capture and supervise migrants. Australia obviously depends on Indonesia's border policies.

4.3 Indonesia and Cooperation with International Organizations

In addition to the cooperation between countries that might be developed, the problem of refugees fleeing conflict involves also the Indonesia´s cooperation with international organizations.

4.3.1. Indonesia's Cooperation With UNHCR

Indonesia cooperates with the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). Another factor that makes this collaboration intertwined is the status of Indonesia, which, as I mentioned, has not ratified the

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[33] Pietsch, Juliet et al.*op.cit* p.189
[34] *Ibid*
[35] *Ibid*
[36] Mc Nevin A, et al. *op cit*. p 50
[37] *Ibid.*

1951 Convention and the 1967 Protocol on Refugees, hence does not have international obligations to handle refugees.

In order to ratify an international agreement, Indonesia has its mechanism regulated in the Law No. 24 of 2000 concerning International agreements (UUOI). The law states that ratification is one form of ratification which is used to bind itself to a legal international agreement. The ratification process is carried out considering first which type of ratification will be used by depending on the topic. There are two ways for ratifying an international agreement in Indonesia, the ratification carried out by Law or(and) ratification made by a presidential decree. The mechanism of ratification carried out by the president and by the parliament requires a substantial period of time to get the approaval in accordance with Indonesia's interests.

Given the close relationship between refugee issues and Human Rights, Indonesia can sign and ratify the Convention and the Protocol through the Act in accordance with article 10 of Law No. 24 of 2000 concerning international agreements. However, in the presidential Regulation No. 125 of 2016 concerning the handling of refugees from abroad, the handling is based on cooperation between the central government and the organization of the United Nations through the High Commissioner for Refugee Affairs in Indonesia and/or international organizations (article 2 paragraph 1). Thus, the process of handling refugees in Indonesia is entirely carried out by UNHCR as an international organization of the United Nations. UNHCR, as an international organization that will assist Indonesia in handling refugees, can only act according to their capabilities because UNHCR does not have the authority to intervene in all forms of Indonesian policy and force Indonesia to sign and ratify the Convention and Protocol on refugees.

Presidential Regulation no 125/2016 concerning migration management becomes a way for the creation of dynamic bilateral relations between the government and UNHCR, NGOs and refugees, and also between the central and regional governments, between local governments and refugees, and other stakeholders. The regulation is the basis for regulating relations between national and local governments, international organizations and civil society organizations in the protection of refugees. Prior to the publication of this Presidential Regulation, assistance and protection for refugees and asylum seekers was carried out by NGOs together with institutions such as UNCHR and IOM. Indonesia tolerates asylum seekers and refugees as long as they are under the supervision of UNHCR and IOM.

Given the increasing number of migrants entering Indonesia, UNHCR has been handling this thorny issue, ranging between screening and fixing the refugee status[38] to finding sustainable solutions for their livelihood. Although the government was not directly involved in the handling of refugees carried out by UNHCR. The critical cooperation provided by the Indonesian government has been the acceptance of all kind of migrants who have entered the country, without expelling them back to their home countries. In addition, the Indonesian government also provided temporary shelters in the form of Detention Centres managed by the Indonesian immigration agency. Indonesia has 13 centres which are spread in several regions such as Balikpapan, Denpasar, Jakarta Kupang, Makassar, Manado, Medan Pekanbaru, Pontianak, Semarang and Tanjungpinang. To process refugees from the discovery process to the UNHCR data collection, Indonesia also collaborated with IOM and several other organizations.

After going through the Refugee Status Determination (RSD) process, the refugees can officially obtain their refugee status, and wait for UNHCR's decision regarding possible

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[38] The administrative process to obtain the Refugee Status Determination is carried out by UNHCR. This process applies to all refugees or asylum seekers who enter Indonesia both legally and illegally. Wulandari, *op. cit*. p.20

solutions to be applied: repatriating them to the country of origin, sending them to a third country, or integrating in the first asylum country that can accept these refugees.

The majority (55%) of refugees in Indonesia are from Afghanistan. Ethnic Hazara is a minority ethnic group in Afghanistan. The reason they left Afghanistan was the fear of a massacre carried out by Taliban groups against the Shiites. The repatriation solution cannot be implemented because from 2014 until 2016, Afghanistan's instability was so high that the authorities of the country couldn't secure a quiet and peaceful return to their home country. In 2014, the war between Taliban and Afghan government has not finished and has caused an increase of 22% in number of civilian casualties with a total of more than 10,000 civilians being victims, 3,699 of them spread across the world and others suffering injuries.[39] Repatriation also cannot be applied because of the refusal from the refugees themselves. They did not want to return to their home country because of fear of an attack and wanted instead to be sent to a third country, willing to follow other family members in a third country, or hoping to seek protection and a more prosperous life in another country. All this caused that many Afghan refugeesfinally remained in Indonesia waiting for a final decision on the acceptance by a third country. In this case, Indonesia only plays the role of a transit country and does not interfere, giving temporary residence permits to refugees.

A repatriation solution for Afghan refugees is the responsibility of the UNHCR and the Afghan government. For the implementation of the resettlement or settlement solutions in third countries, according to UNHCR, in 2014 to 2016, it has sent at least 2,700 refugees staying in Indonesia to third countries. Some of them were sent to Australia, United States and New Zealand.[40] It is not easy to carry out the resettlement process because it must cooperate with host countries, each of which has a different policy in terms of requirements for receiving refugees, quotas, etc[41] On the other hand, the national laws impose limitations, UNHCR cannot intervene in the policies of the host country even though the organization is an international organization under the auspices of the United Nations. This is what causes many Afghan refugees being forced to stay in Indonesia.

The final sustainable solution is a local integration, which has never been implemented in Indonesia. A local integration will certainly be the responsibility of the Indonesian government. Implementing this solution will be challenging, because it will involve social, political, legal, economic and cultural issues.

UNHCR also often conducts social activities involving Indonesian communities and refugees, such as collaboration with several Non-Government Organizations (NGOs) in promoting acceptance of all children and anti-bullying campaigns, including Indonesian children and refugees.[42] Some universities in Indonesia also conduct discussions to raise awareness of the refugees problems and how to provide assistance. UNHCR also organized art exhibitions featuring the work of refugees to Indonesian artists, as well as several courses such as childcare and cooking, and many other activities.

4.3.2 Indonesia's Cooperation with IOM

Although Indonesia is not yet a member of IOM, this organization is also involved in the regulations of the migrant transit in Indonesia in many ways. IOM assists the Indonesian and Australian governments in controlling the movement of irregular migrants throughout the archipelago. Under the tripartite Regional Cooperation Model Agreement signed in 2001, IOM

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[39] "Afghanistan civilian casualties up 22% in 2014, UN says", *BBC News*, 18 February 2015, at https://www.bbc.com/news/world-asia-31515140

[40] UNCHR in Indonesia, at https://www.unhcr.org/id/

[41] UNCHR (2011): UNHCR 1008. Information Paper. Jakarta Regional Office.

[42] UNHCR in Indonesia, *op.cit*

regulates the logistics of the resettlement program to third countries. If asylum seekers choose repatriation to their home country, IOM works on the procedures required for that. Since 2007, IOM has implemented the Reinforcing Irregular Migration Management project. This project is a project to detect and monitor irregular migration flows patterns in Indonesia. Specifically, the project aims to raise awareness about irregular migration and the pitfalls of people smuggling, in particular Indonesians who are involved in trafficking in persons, especially among local fishing communities. In addition, IOM also trains local and national partners in Indonesia. Over the past few years, they have trained staff for the Detention Centers and local police in how to uphold the human rights of transit migrants who are arrested and detained. IOM is also working with the Ministry of Justice and Human Rights to produce handbooks for detention staff on the rights of irregular migrants being detained, guidance on handling daily prisoners and in emergency situations.

IOM also received funding and contributed to a number of cases reported as irregular migration and human smuggling in Indonesia. Compared to other similar missions around the world, IOM in Indonesia is well-funded. Most of the funding comes from Australian partners, specifically the Australian immigration and citizenship department and the Australian federal police. Other funds obtained by IOM to manage irregular migration in Indonesia come from the European Commission, the Dutch Embassy, and the Japanese Embassy. According to an annual report in 2009, IOM received USD 21,407,194 from the Australian Department of Immigration and Citizenship, USD 668,869 from Australian Customs and Border Protection Services, and USD 183,887 from the Australian federal police. In 2010, the Australian government contributed USD 11,270,888 for voluntary handling and return of irregular migrants from Indonesia and an additional Rp 3,059,441 for immigration quarantine support projects. Overall, IOM's total expenditure for 2010 was USD 26,634,503. A strong financial position allows IOM to be a very influential actor in controlling irregular migration in Indonesia.

Nevertheless, IOM in Indonesia, given the extension of its humanitarian support (over 8,500 refugees and asylum seekers in 13 different locations in 2017) lacks sufficient funding for its planning activities.

4.4 Indonesia's Cooperation with NGOs

Besides UNHCR and IOM, NGOs also provide assistance and protection for migrants and refugees. NGOs complement UNHCR and IOM, given that these two institutions cannot do all the work that migrants and refiugees need for their humanitarian suport. NGOs in Indonesia that provide services to refugees include Church World Services, Jesuit Refugee Service Indonesia, Dompet Dhuafa, Sandya Institute, Asylum, and Buddha Tzu Chi Foundation. Despite the lack of a legal framework and formal division of labor, fortunately, inter-organizational relations that can lead to conflicts of interest are kept to a minimum. For this reason, regular meetings are held between UNHCR, NGOs, and other international organizations, where each organization discuss its activities and fields of work. As one former NGO staff member said, this kind of meetings are important to ensure that protection gaps are covered and resources are optimally spent.[43].

Prabandari in her research[44] included interviews with representatives from faith-based international NGOs in Yogyakarta, Indonesia in 2017. This organization provides assistance and protection to migrants and refugees within the limits and regulations established by Indonesia. One of the main functions of this organization was to facilitate the integration of

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[43] Prabandari, Atin and Adiputera, Yunizar: "Alternative paths to refugee and asylum seeker protection in Malaysia and Indonesia", *Asian and Pacific Migration Journal*, Vol. 28, nº 2 (2019), pp. 132–154. Scalabrini Migration Center, Universitas Gadjah Mada
[44] *Ibid*

refugees by consulting and listening to the refugee and migrant complaints, providing direct assistance in the form of financial assistance to the most vulnerable groups and giving them special skills, such as teaching the Indonesian language, thus facilitating their life in Indonesia. These NGOs also hold presentations and explanations of local Indonesian cultures, enlightening on the existing government regulations regarding foreigners. It is expected that with a better knowledge of government regulations, it can be achieved greater discipline and better behavior. can be achieved, familiarizing migrant and refugees with the government regulations. One example for understanding the local authorites behaviour in Yogyakarta is the incident that took place with a group of Afghan Shiite Hazara refugees. The police and local government supported the objections and concerns of local residents about the presence of migrants and refugees. Based on the need to protect social order in the community, the local government and the police suggested as a solution, that NGOs could move these Hazara refugees to other locations. NGOs received support from IOM to find new places for refugees such as in the Hajj hostel. In this case, the scope and actions of local governments, as part of the state apparatus and also as an entity of the protection network, show how the state acts and deals with informal protection networks.

Another NGO-run activity, The Cisarua Learning Program, located in Cisarua, West Java in Indonesia, provided education for refugee children in 2012. Although most of them assit Afghan Hazara refugee children, they also accept other refugee children from various backgrounds. Since the organization's founder resettled in Australia, he made the organization an `Australian Public Virtue Institution´ with tax deduction status (DGR)' and accepted personal donations from around the world. [45]

4.5 Indonesia and Multilateral Cooperation

In addition to bilateral cooperation and cooperation with the International Organization, resolving refugee problems can also be pursued through multilateral cooperation. There are several regional projects that can be linked to the resolution of the refugee problems, mainly related to the issue of trafficking. One of them is the Asia Regional Project to Prevent People Trafficking (ARCPPT), a project funded by Australia, which involves Myanmar, Thailand, Laos and Cambodia. This project involves NGOs, the establishment of special anti-trafficking police units, legal reform, victim protection, and information exchange. The project resulted in an MoU on trafficking among six members of the Mekong sub-region and a ministerial-level coordination mechanism among them. The ARCPPT project worked closely with the ASEAN Secretariat, which helped in spreading the mechanism to be developed more widely among the four original countries above.[46]

In addition, there are eight South Asian countries namely Afghanistan, India, Pakistan, Bangladesh, Bhutan, Nepal, Maldives and Sri Lanka signing the Charter of Establishing the SAARC (South Asian Association for Regional Cooperation) in the city of Dhaka, Bangladesh on December 8, 1985. SAARC Member States adopted the SAARC Regional Convention on the Suppression of Terrorism and Additional Protocols to the SAARC Territory Convention on Terrorism. These documents emphasize cooperation against organized crime and terrorism among related institutions, especially in Indonesia, information exchanges, the settlement of all legal harmonization, and the criminalization of terrorism, as mandated by UN Resolution 1373 of 2001. SAARC also has a Regional Convention on Drug Drugs and Psychotropic Substances

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[45] Cisarua Learning Center's website at: https:// cisarualearning.com/
[46] Gordon, Sandy (2009): Regionalism and Cross-Border Cooperation against Crime and Terrorism in the Asia-Pacific. *Security Challenges*, Vol. 5, nº 4 (Summer 2009), Institute for Regional Security. p 99

and has completed the text of the SAARC Convention on Reciprocal Legal Aid in Criminal Matters.[47]

Southeast Asian countries that have not participated in ratifying conventions and protocols address the problem of refugees in various ways. Some of these countries joined in the group that ratified the Covenant and the 1966 International Covenant Convention on Civil and Political Rights and the 1984 Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. These agreements require the state to respect the principle of non-refoulment, which is to prohibit the return of individuals to places where their lives might be threatened. The principle of non-refoulment is generally considered to be part of customary international law and thus binds countries that do not ratify similar agreements. [48]

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime or often referred to as the Bali Process (BP) is a regional cooperation forum where dialogue, information exchange, practical cooperation, and long-term cooperation solutions take place to help the Asia Pacific region in dealing with the problem of human trafficking and transnational crime. BP itself was first coined in February 2002 at a Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in Bali, Indonesia. BP is a response to the problem of irregular migrants. Since the formation of BP in 2001, until now, BP has had quite diverse members consisting of 45 countries and 4 international organizations. These countries are: Afghanistan, Australia, Bangladesh, Bhutan, Brunei Darussalam, Fiji, Philippines, Hong Kong, India, Indonesia, Iran, Iraq, Japan, Cambodia, Solomon Islands, Kiribati, South Korea, North Korea, Laos, Macau, Malaysia, Maldives, Mongolia, Myanmar, Nauru, Nepal, New Caledonia, New Zealand, Pakistan, Palau, Papua New Guinea, Samoa, Singapore, Sri Lanka, Syria, Thailand, Timor-Leste, China, Tonga, Turkey, United Arab Emirates, US, Vanuatu, Vietnam and Jordan. The international organizations joining BP are: ILO, IOM, UNHCR, UNODOC (United Nations Office on Drug and Crime). Member countries of BP are those who have interests and are related to the issue of irregular migrants as their role of sending, receiving and transit countries.

5. Conclusion

The development of migration as a consequence of political events, conflict and war has brought the characterization of these migrants as refugees, asylum seekers and also stateless people. Because of its strategic location, Indonesia does not escape the traffic of this kind of migrants, which, of course, raises problems. Their resolution is complicated and can not be immediately solved.

The demand for understanding the complex issue of migration by the decision-makers is constrained by political pressures, such as the issue of national sovereignty, negotiations on the placement of refugees, and the resolution of economic and social problems for refugees and local residents. They are related to political, security, social, religious, cultural and economic issues. Emphsizing one of these aspects and paying little attention to others is a profound mistake.

On the other hand, the 1951 Convention on Refugees and the 1967 Protocol become the internationasl basis for dealing with the problem of refugees in the different States. Indonesia, which has not ratified the Convention and the Protocol, needs to collaborate with international organizations such as UNHCR and IOM, in addition to the expansion of the bilateral

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[47] Declaration of 15th SAARC Summit, Colombo 2008, at http://saarc-sic.org/_adm/editor/ summits_15.php>; see also Sandy Gordon: "Regionalism and Cross-Border Cooperation against Crime and Terrorism in the Asia-Pacific", *Security Challenges,* Vol. 5, nº 4 (Summer 2009), pp. 75-102. Institute for Regional Security. p.85
[48] UNHCR, 1994, *op. cit*

cooperation with Australia, while maintaining the rules and sovereignty of the country. This cooperation tries to complement the limited ability of the State for dealing with the problems that irregular migration creates in the country.

Talking about migration is also very closely related to other questions such as government policies at international, regional and national levels and policy making. Researchers have to realize that in the present time, migration has become a multidimensional phenomenon which not only involves economic issues but also many other thorny and complicated issues.

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