

The Cooperation of UNHCR and Indonesia on Afghan Refugee Handling in Indonesia

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ABSTRACT

This article examines the urgency of cooperation between UNHCR and Indonesia in sharing responsibility for handling and providing protection to refugees. Indonesia has limitations in many ways including the ratification of the 1951 Refugee Convention. Thus, refugees in Indonesia lose their basic human rights. Although regulations regarding the handling of refugees already exist in Indonesia, the implementation of these regulations cannot be effective without cooperation with UNHCR. Afghan refugees are currently the largest number of refugees in Indonesia. Using the concept of refugees, international organizations and international cooperation to study secondary data that is collected and analyzed qualitatively. More likely the condition and motivation of Afghan refugees, the role of UNHCR Indonesia, and the collaborative process between UNHCR and Indonesian government in handling Afghan refugees in Indonesia. This article finds that the work of UNHCR and Indonesia is carried out by adjusting actions through a policy coordination process and agreement on the scope of cooperation and setting an agenda that is in line with the objectives and programs to achieve temporary protection and empowerment of refugees. Cooperation results in providing protection for refugees in Indonesia, especially Afghan refugees, in basic human rights and access to education for children.

ABSTRAK

Artikel ini mengkaji urgensi kerja sama antara UNHCR dan Indonesia dalam berbagi tanggung jawab penanganan dan pemberian perlindungan terhadap pengungsi. Indonesia memiliki keterbatasan dalam banyak hal termasuk ratifikasi Konvensi Pengungsi 1951. Dengan demikian, para pengungsi di Indonesia kehilangan hak-hak dasar manusianya. Meskipun regulasi tentang penanganan pengungsi sudah ada di Indonesia, namun implementasi regulasi tersebut tidak akan efektif tanpa kerjasama dengan UNHCR. Pengungsi Afghanistan saat ini merupakan jumlah pengungsi terbesar di Indonesia. Menggunakan konsep pengungsi, organisasi internasional dan kerjasama internasional untuk mempelajari data sekunder yang dikumpulkan dan dianalisis secara kualitatif. Lebih tepatnya kondisi dan motivasi pengungsi Afghanistan, peran UNHCR Indonesia, dan proses kerjasama antara UNHCR dan pemerintah Indonesia dalam menangani pengungsi Afghanistan di Indonesia. Artikel ini menemukan bahwa kerja UNHCR dan Indonesia dilakukan dengan menyesuaikan tindakan melalui proses koordinasi kebijakan dan kesepakatan lingkup kerja sama dan menetapkan agenda yang sejalan dengan tujuan dan program untuk mencapai perlindungan sementara dan pemberdayaan pengungsi. Kerjasama menghasilkan pemberian perlindungan bagi pengungsi di Indonesia, khususnya pengungsi Afghanistan, dalam hak asasi manusia dan akses pendidikan bagi anak-anak.

Introduction

Refugees are the failure of a country to guarantee relations between the state, citizens and territory when carrying out order and justice in the state system.¹ It becomes the responsibility and challenge of the international system to maintain world order and justice and encourage international cooperation.

There is the *United Nations High Commissioner for Refugees* (UNHCR) as an international organization that plays a role in dealing with refugees. UNHCR's roles in handling refugees include: roles related to the acceptance and identification of refugees, local integration, resettlement and voluntary repatriation, and fulfillment of the daily lives of refugees.

Based on UNHCR data, up to November 2019 there have been more than 13,676 refugees in Indonesia. About 55% of these refugees come from Afghanistan.² The prolonged war due to unstable political conditions and inter-ethnic conflict has been a factor motivating the Afghan people to flee to various countries³.

Missbach explained that Indonesia is a transit country before Australia. The decision for refugees to come to Indonesia is based on little information about Australia-Indonesia relations.⁴ Afghan refugees are scattered in several parts of Indonesia, such as: Jakarta,

Tanjung Pinang, Medan, Makassar and Pekanbaru.⁵

In Indonesia, Afghan refugees lead difficult lives where they are not entitled to move freely throughout the country, are not allowed to work or engage in business activities, education, and do not have access to welfare, health and other social services.⁶ The life faced by Afghan refugees in Indonesia is in the gap between obtaining the right to asylum while there is no obligation for Indonesia to grant asylum.

Repatriation efforts to resolve the protracted problem of Afghan refugees will also lead to unintended consequences such as threats to national and regional stability. Completion of the resettlement solution as the solution most hoped for by Afghan refugees also takes a long time and diplomatic advocacy to the recipient country. Even the quota for resettlement of refugees also continues to decline from year to year.

Considering human rights, Indonesian government issued Presidential Decree no. 125 of 2016 concerning the Handling of Foreign Refugees. It explains the definition of refugee which is in line with the 1951 Refugee Convention and regulates the administration of refugees with the location of temporary placement for refugees while in Indonesia. However, it does not provide a definite legal mechanism to protect refugees. Therefore, the implementation of these regulations must be followed by some sort of mechanism with UNHCR.

The urgency of a country's cooperation with UNHCR in dealing with refugees has been discussed by Kathleen (2011) studies that states cooperation is established when

¹ Emma Haddad, *The Refugee in International Society: Between Sovereigns* (Cambridge: Cambridge University Press, 2008).

² United Nations High Commissioner for Refugees, *UNHCR Indonesia Operation Fact Sheet* (Indonesia: United Nations High Commissioner for Refugees, 2019), 1.

³ Alessandro Monsutti, "Afghan Migratory Strategies and the Three Solutions to the Refugee Problem" (*Refugee Survey Quarterly*, Volume 27, Issue 1, 2008), 58-73.

⁴ Antje Missbach, "Asylum Seekers and Refugees Decision-Making in Transit in Indonesia" (*Journal of the Humanities and Social Sciences of Southeast Asia*, Vol. 175, No. 4, 2019), 419-445.

⁵ United Nations High Commissioner for Refugees, *UNHCR Indonesia Operation Fact Sheet* (Indonesia: United Nations High Commissioner for Refugees, 2019), 1.

⁶ Amy Pitonak, "Pressure to Return? Afghan Refugees Protest at Indonesian Detention Centre," *Afghanistan Analyst Network*, <https://www.afghanistan-analysts.org/pressure-to-return-afghan-refugees-protest-at-indonesian-detention-centre/> (accessed March 12, 2020).

the asylum system in certain neighborhoods reaches its breaking point because a country cannot carry the burden of refugees alone. The results are seen in creative use of instruments such as physical relocation, technical assistance, financial support, and broad frameworks to show that pragmatic, problem-solving, and cooperative approaches can contribute to a stronger refugee protection system.⁷

This paper seeks the process of UNHCR and Indonesian Government cooperation regarding the mechanism process to handling and protect Afghan refugees' human rights as a form of temporary protection solutions, also achieving more effective implementation of Presidential Decree 125.

Research Method

This article is an outcome of a study that uses qualitative methods to explain UNHCR's cooperation with Indonesia in the interim integration process Afghan refugees in Indonesia in 2019. Using the concept of Refugees, the Role of International Organizations and International Cooperation, secondary data collected is grouped based on the following themes: i) Afghan refugees in Indonesia, ii) Role of UNHCR in handling Afghan refugees in Indonesia, and iii) work with UNHCR and the Government of Indonesia in the temporary protection of Afghan refugees. These data go through a process of data reduction, presentation, and data triangulation which helps in interpreting the ongoing collaborative process.

Results and Discussion

a. Afghan Refugees in Indonesia

Refugees are identified in the 1951 Refugee Convention Article 1A as someone who is outside their territory of their citizenship or custom of residence, as well as someone who does not want to or cannot return there because: (a) fear of persecution on the grounds of race, religion, nationality, membership of a particular social group or political opinion (similar to the definition given in the 1951 Convention); or (b) serious and indiscriminate threats to life, physical integrity or freedom and the right to life caused by violence for events that seriously obstruct public order.⁸ Afghan refugees are included in asylum migration with push factors on economic, social, political, environmental and basic rights that are not fulfilled.

Indonesia has a strategic geographical location on the equator between the Pacific Ocean and Indian Ocean as well as the Asian Continent and the Australian Continent. Indonesia is known as a maritime archipelago with 17,500 islands and a total water area of 6.32 km², wider than the land area. Hence, the main gap used by asylum seekers and refugees to enter Indonesia is water. The sea route is taken by using fishing boats that are not sufficient to transport many asylum seekers.

The entry of Afghan refugees has been driven by a human smuggling syndicate which has been proven by the exposure of several local and international smuggling syndicates. They had to pay between US \$ 5,000-10,000 to be smuggled into Australia. But in reality, they were only delivered to Indonesia. The trip was taken to Kuala Lumpur and then crossed by ship to Sumatra. Smugglers usually bribe Malaysian and Indonesian authorities to pass safe routes and pass checks.⁹

⁷ Newland, Kathleen. "Cooperative Arrangements to Share Burdens and Responsibilities in Refugee Situations short of Mass Influx" UNHCR Expert Meeting, June 27-28, 2011.

⁸ United Nations High Commissioner for Refugees, The Statute of the United Nations High Commissioner for Refugees 428 (V) (Geneva: United Nations High Commissioner for Refugees, 1950), 11.

⁹ "Indonesia, Target Buangan Pengungsi?", *Pinter Politik*, July 25, 2019,

During the four decades of conflict in Afghanistan, it has resulted in an overflow of refugees from the country scattered to several parts of the world. Starting from the 1979 invasion of the Soviet Union, the armed conflict of the Taliban, the invasion of the United States to the conflict between government forces and the Taliban that continues today, has displaced its citizens. With the existence of strict restrictions on women's activities, education, socio-cultural life, as well as violence and social discrimination. In other words, where their lives are threatened, their freedom is threatened and their human rights are violated. Because of their religion and / or ethnicity, they are treated like second class citizens in their own homes, exposed to symptoms of internal displacement due to conflicts such as violence, discrimination, severe poverty and political instability.¹⁰ Afghan refugees are subject to forced migration.

In the displacement of refugees, the push and pull factors are related. The push factor is the determinant or the urgency of the refugees to move. There are several factors that push and attract Afghans to migrate, prolonged war due to unstable political conditions and inter-ethnic conflict / discrimination. That leads to economic crisis and poverty. In addition, the existence of smuggling agents can help the migration process to Indonesia. The existence of violence, discrimination and racism for reasons ethnicity, religion, race and ethnicity in the first asylum countries, namely Iran and Pakistan also one of the biggest push factors to migrate. One of the 14-year-old refugees,

<https://www.pinterpolitik.com/indonesia-target-buangan-pengungsi/>.

¹⁰ Amara Putri, "The Silent Struggle of Refugees in Indonesia", *The Jakarta Post*, October 21, 2019, <https://www.thejakartapost.com/academia/2019/10/31/the-silent-struggle-of-refugees-in-indonesia.html#:~:text=Most%20refugees%20come%20to%20Indonesia,money%2C%20no%20legal%20right%20to.>

Zahra told that in Tehran, Iran Afghan Hazaras are not allowed to wear better clothes than people in Iran, or they will be beaten, even killed.¹¹ Lastly, networks between migrants, which provide information and help the course of migration push Afghan's decisions to improve the economic life of his family.

The pull factor plays a role in the selection of hosts for refugees. In this case, a country that can provide a better life is one of the main attractions. There are better chances of life, life safety and the possibility of future descendants living safely, also the desire to join a family that has left Afghanistan first. Then, the assumption of acceptance and settlement of asylum seekers in certain countries is better, followed by the percentage of Australia receiving resettlement refugees from Indonesia. Another pull factor for Afghan refugees to Indonesia is because Indonesian culture (Muslim majority) which is considered acceptable and Indonesian - Australian laws that protect people from discrimination. Pushed by Indonesia's geographic area that is strategic and directly adjacent to Australia.

When Afghan refugees came to Indonesia, they had abandoned their whole lives for a safer life. On the other hand, in Indonesia, the right to life; freedom, security, happiness, and opportunity cannot be fulfilled. Mozghan, one of the Afghan refugees told of his journey to Indonesia using a fishing boat that was not suitable for humans, with a lack of food, water and life jackets. They struggled to enter Indonesian and Australian waters despite being repeatedly arrested and released. In his last attempt, he succeeded in entering Indonesia but did not expect to live indefinitely in Indonesia for up to 6 years.¹² Ali Ahmad, 24

¹¹ Putri, "Indonesia."

¹² Jack Board, "Stuck, but sticking together: Refugees and They Years of Uncertainty Stranded in Indonesia", *Channel News Asia*, December 29, 2018, <https://www.channelnewsasia.com/news/asia/refugees-stranded-in-indonesia-for-years-11043976>.

years old, an Afghan refugee in Indonesia describes the life he experiences with life difficulties such as access to food and water.¹³ In fact, there are several Afghan refugees who for more than a year have lived on the path around the UNHCR Building, Central Jakarta.

Afghan refugees have no other choice but to hang on and await resettlement. Survive in a state of constant deprivation, and risk of death from inadequate health services for refugees. UNHCR revealed that the diseases commonly afflicted by refugees are respiratory infections, malaria, worms, measles, diarrhea and malnutrition. The vulnerability of refugees is exacerbated by overcrowding of refugees, lack of education, and mental health problems that have led to suicide attempts. They have no other choice but to resettlement. Repatriation is just a suicide mission. Uncertainty can also be characterized by being between various dimensions of liminality - legal, social, and vice versa.¹⁴

Refugees are generally not told how long they have to wait. Interviewed Afghan refugees reveal that UNHCR is the only one who can help and control their fate. Yet UNHCR has done very little to address the despair and confusion of refugees.

Horst and Grabska said that there are still many refugees who do not have official UNHCR status so they do not have access to the privileges that can be granted under international refugee law.¹⁵ Ali shared that access to education was also mediated by UNHCR. He asked for permission and would

pay to attend school himself, but UNHCR did nothing.¹⁶

In early February 2019, a 24-year-old Afghan asylum seeker who was detained in Indonesia for 17 years died after committing self-immolation after previously failing to go on a hunger strike. The tragedy highlighted Indonesia's role as a transit country and destination for asylum seekers, especially hoping to travel to Australia.¹⁷

Thomas Brown, an Australian researcher who focuses on refugee issues in Indonesia, said it was shocking for refugees and asylum seekers to hear from the United Nations that they may never leave Indonesia. Given Australia's strict immigration policy, there is a real possibility that some may never be resettled forever. Another possible solution that UNHCR offers is local integration. However, this solution is unlikely to materialize. Agung Sampurno, a spokesman for the Directorate General of Immigration revealed that Indonesia is not a permanent settlement, and there is no option for that.¹⁸

b. UNHCR Indonesia's Role in Handling Afghan Refugees

International Organization is an organized international relationship, whether between governments, groups or individuals - there is a collective form or a basic organizational structure that is established based on international law or human habits by practicing diplomatic methods.¹⁹ The role played by an international organization will

¹³ Yudha Baskoro, "Refugees, Asylum Seekers Sleep Rough on the Streets of Jakarta", *Jakarta Globe*, June 20, 2019, <https://jakartaglobe.id/vision/refugees-asylum-seekers-sleep-rough-on-the-streets-of-jakarta/>

¹⁴ Cindy Horst and Katarzyana Grabska, "Flight and Exile: Uncertainty in the Context of Conflict: Induced Displacement" (Social analysis 59, 2015), 1 – 18.

¹⁵ Putri Emelli, "Young Afghan Refugee Men in Indonesia: Hope and Agency in Uncertainty" (International Institute of Social Studies, 2018), 22.

¹⁶ Emelli, "Young Afghan," 3.

¹⁷ Mixed Migration Center, "2019 Quarterly Mixed Migration Update: Asia," Mixed Migration Center, <http://www.mixedmigration.org/wp-content/uploads/2020/02/qmmu-asia-q1-2019.pdf> (accessed August 22, 2020).

¹⁸ Joe Cochrane, "Refugees in Indonesia Hoped for Brief Stay. Many May Be Stuck for Life," *New York Times*, January 26, 2018, <https://www.nytimes.com/2018/01/26/world/asia/indonesia-refugees-united-nations.html>

¹⁹ Maurice Duverger, *The Study of Politics* (London: Nelson, 1972), 68.

affect its function in international relations. The function of an organization can be seen through the goals and existence of the organization in the international system. Mingst said the function of international organizations is to establish an atmosphere of cooperation between countries / actors to reduce barriers and achieve results in accordance with the principles of the organization. When viewed from a human rights perspective, the role of international organizations will be an important player in overcoming humanitarian problems by reviewing the commitments of countries that have signed legal agreements.²⁰

The 1951 International Refugee Convention and UNHCR emerged after the United Nation Relief and Rehabilitation Administration (UNRRA) was abolished in 1947 and replaced by the International Refugee Organization (IRO) until 1952. UNHCR is present as part of the UN General Assembly Resolution No. 428 (V) dated December 14, 1950 as a multilateral forum whose authority is universal and includes all refugees of the world.²¹

UNHCR's efforts are mandated by the organization's Statute and implementation under the 1951 UN Convention on the Status of Refugees, as well as its 1967 Protocol. Chapter 1 of the UNHCR Statute will define the scope of UNHCR's work by determining who qualifies as a refugee and by placing temporal limits on the authority of the High Commissioner.²²

UNHCR stands as a subject of international law, meaning that all parties who signed the 1951 Refugee Convention are burdened by the rights and obligations

regulated by the convention. These rights and obligations are the result of international customs or international agreements.

The 1951 Convention and associated international law provide a framework of important principles for UNHCR's humanitarian activity. The 1951 convention is considered very important as a foundation for international refugee protection, and affirms the fundamental importance of UNHCR as a multilateral institution with a mandate to provide international protection for refugees and to promote lasting solutions.²³

In its implementation, the people who come to the attention of UNHCR are asylum seekers, refugees and internally displaced persons who have been forced to leave their country due to armed conflict and human rights violations. Internally displaced people remain displaced from within their own country (internally displaced). UNHCR is actively working to consolidate the reintegration of refugees returning to their countries of origin, thereby preventing a recurrence of situations that resulted in refugees. Assist in the process of seeking an asylum state for resettlement, offering refugees protection and assistance in an impartial manner, based on their needs and regardless of their race, religion, political opinion or gender. In all of its activities, UNHCR pays special attention to the needs of children and seeks to promote equal rights for women and girls.²⁴

UNHCR works closely with governments, regional organizations, international organizations and non-governmental organizations to achieve its goals. UNHCR must help develop the capacity of States, as those in charge, to fulfill their obligations, and empower women,

²⁰ Karen Mingst, *Essentials of International Relations* (New York: W. W. Norton 1999), 241.

²¹ The Statute of the United Nations High Commissioner for Refugees, General Assembly Resolution 428 (V) of 14 December 1950

²² United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection*, (Geneva: United Nations High Commissioner for Refugees, February, 2019) 14.

²³ United Nations High Commissioner for Refugees (UNHCR) *Protection Mandate 2001*.

²⁴ United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection* (Geneva: United Nations High Commissioner for Refugees, 2019), 14.

men, girls and boys of concern, as rights holders, to claim their rights. However, UNHCR has limited ability to force states to comply with their international legal obligations. Unlike treaties in international human rights law, the 1951 Convention does not have a UN "treaty body" overseeing the compliance of states with their asylum obligations. In the absence of punitive measures, UNHCR must rely on various forms of outreach and persuasion to promote state compliance with the 1951 Convention. Therefore, UNHCR needs political tactics and cooperation to promote compliance of world countries.²⁵

The establishment of the UNHCR is expected to have an effective impact on the application of human rights, based on its institutional structure in accordance with the norms and principles of human rights law.²⁶

Refugees have a number of human rights that are universally recognized including the right to life, protection from violence and discrimination, the right to citizenship, the right to freedom of movement, the right to leave a country, and the right not to be forcibly repatriated.²⁷ As Indonesia not signing the 1951 Refugee Convention, all authority rests with UNHCR.

UNHCR Indonesia classifies refugees who enter Indonesia as refugees with mixed population movements, one of which is refugees from Afghanistan.

UNHCR strives to fulfill and ensure that everyone can exercise the right to seek asylum and find safe refuge in other states, as well as arrangements to return home voluntarily. In addition, UNHCR also

functions to find long-term solutions for the situation of refugees.²⁸

The creation of the UNHCR defines the form of an international refugee management organization system. Therefore, the role played by UNHCR can be seen from the functions contained in the objectives of the establishment of UNHCR in the international system.

The role of UNHCR in Indonesia in dealing with Afghan refugees can be seen through the functions of international organizations by Archer (2003), namely.²⁹ First, as an Instrument, UNHCR as a tool or media for member countries to achieve the goal of protecting refugees entering / leaving their country, which is also to achieve the foreign policy objectives of member countries. Second, as an arena, UNHCR is a forum for member countries to meet and coordinate on international refugee issues. To compile and formulate a common agenda concerning the interests of refugees, to produce agreements related to international rules / norms or regimes. Third, as an independent actor, UNHCR can make its own decisions, because its movements are not influenced by the strength of a country, but by international law.

The results of agreements between world countries make international organizations as something more than just instruments or forums for member countries. UNHCR's activities are seen from its role in Indonesia as an initiator, facilitator, mediator, reconciler and determinant. The role of UNHCR is not a substitute for the responsibility of the State, but the context is different when UNHCR in Indonesia did not sign the 1951 Refugee Convention.

In terms of handling refugees in Indonesia, UNHCR acts as an Initiator that

²⁵ Alexander Betts et al, UNHCR: The Politics and Practice for Refugees and Persons of Concern (2nd edition) (New York: Routledge Global Institution Series, 2012).

²⁶ J. Samuel Barkin, *International Organizations Theories and Institutions*, (Palgrave Macmillan, 2006), 80.

²⁷ United Nations High Commissioner for Refugees, *Guiding Principles on Internal Displacements* document E/CN.4/1998/53/Add.2, (Geneva: United Nations High Commissioner for Refugees, 1998), 8.

²⁸ United Nations High Commissioner for Refugees, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection*, (Geneva: United Nations High Commissioner for Refugees, February, 2019) 14-15.

²⁹ Clive Archer, *International Organizations: Third Edition* (London: Routledge, 2001), 65.

authorized by the Indonesian government to deal with refugees. The authority given is legitimacy for UNHCR to carry out a series of refugee protections. Then as a facilitator that has a role in providing facilities that are included in the problems and protection of refugees. UNHCR provides direct and indirect assistance to the lives of refugees. As a mediators and conciliators to maintains dialogue with the Indonesian government and has a stake in the Indonesian government's awareness of the refugee issue. So that the formation of the Presidential Regulation Policy No. 125 of 2016 concerning the Handling of Foreign Refugees in Indonesia. Lastly, as a determination, UNHCR helps verify the status of individuals or asylum seekers entering Indonesian territory. Through the registration stage, interviews about the motives of the refugees, to the final determination.

The movement of UNHCR activities in Indonesia shows the role of UNHCR in dealing with refugees, especially Afghan refugees, including the Principle Non-refoulement, allowing them to stay temporarily. Next role is identification of the Status of Refugees in Afghanistan using the procedure Refugee Status Determination (RSD). Following by the placement of Afghan refugees in holding centers in Indonesia. Then, ensuring the protection of Afghan refugees starting from providing refugees with basic needs such as housing, household needs, health care, and other supporting needs. Last, providing long-term solutions for Afghan refugees such as voluntary repatriation, local integration, and resettlement.³⁰

c. Cooperation between UNHCR and the Government of Indonesia in the

³⁰ United Nations High Commissioner for Refugees (UNHCR), Mission statement UNHCR – The United Nations Refugee Agency (Geneva: UNHCR Global Appeal, 2007), 3.

Impermanent Integration of Afghan Refugees

International cooperation is the interaction between international actors driven by common interests to solve problems collectively, generally taking place bilaterally or multilaterally.³¹ Cooperation begins with a situation when the actors who are cooperating, adjust their actions to the actual or anticipated preferences of other actors, through a process of policy coordination. Wjffles (2015) says there are two stages of international cooperation, namely, first, setting an agenda or goals and joint solutions with relevant international actors to adjust to the development of the problem. This determination serves as an enhancement of efforts in international cooperation between actors in various fields, especially security, peace and sustainability. Second, increasing cooperation through structural changes in establishing effective and efficient forms of cooperation.³² In carrying out international cooperation the countries that are part of it will create a series of rules and mechanisms for sharing burdens and responsibilities.

Indonesia is a country affected by escalating conflicts in a country. With the non-ratification of the 1951 Refugee Convention, Indonesia has no obligation to address refugee issues. Dealing with refugees UNHCR Indonesia has limitations related to funding, protection, and the realization of the rights to life of 13,997 refugees in Indonesia.

In terms of numbers, Afghan refugees are the largest refugees who transit in Indonesia, reaching 7,628 refugees. Basic rights of Afghan refugees as living beings cannot be fulfilled while in Indonesia. It is related to physical needs such as good

³¹ William D. Coplin and Marsedes Marbun, *Pengantar Politik Internasional: Suatu Telaah Teoritis*. (Bandung: Penerbit Sinar Baru, 2003).

³² Herman Wijffles et al., *A New Approach to International Cooperation*. (International Institute of Social Studies of Erasmus University, 2012), 15.

sanitation and food, and other sustainable protections like a sense of security from gender-based violence, child protection, health issues, education, and the right to have a livelihood. Adolescents and young children do not have a good future because they do not get access to education and refugees who cannot have a livelihood to meet their needs. Health services are also considered inadequate and inadequate to be accessed by refugees. However, with cooperation, UNHCR and Indonesia can at least improve solutions for the protection and handling of refugee problems, starting from increasing the quota of resettlement to third countries, advocating for the life rights of Afghan refugees to be given access by Indonesia to have a livelihood, useful independence, education, and empowerment of refugee communities.

Resolving the problem of Afghan refugees in Indonesia is of common interest to UNHCR and Indonesia. Thus, neither UNHCR nor Indonesia can do it alone. The roles of the two between non-state and state actors are interrelated depending on one another.

International cooperation can take many forms. In its implementation, the 1951 Refugee Convention does not regulate how the state shares responsibility for the refugee problem. There are deficiencies in measuring the rules guiding international cooperation, resulting in differing commitments in the division of responsibilities.

The meaning of the term international cooperation is different from the term "burden sharing" or sharing of responsibilities. In this case UNHCR and Indonesia must agree on the terminology or scope of international cooperation in the context of refugees before setting the agenda.³³ The first process is set of understanding on international cooperation.

International cooperation is a complementary instrument of state protection responsibility and is not a substitute for responsibility. Collaborative arrangements are about sharing, not changing the burdens and responsibilities between and between countries. Next, collaborative arrangements as a reflection of a common approach to common goals taking into account the interests and challenges that will be felt by the actors involved. Followed by establishing a cooperation agenda must be in line with international law on refugees and human rights, and based on the principles of international cooperation, humanity and dignity. Next, collaborative arrangements take into account the rights, powers and obligations of refugees, particularly when physical relocation is involved. Cooperation arrangements related to certain situations that must be handled together. Last but not least, adjustments to the situation faced by countries of origin, countries of transit and third countries. Thus, cooperation should be directed at promoting temporary local settlements in host countries or providing opportunities for resettlement to third countries.

The next process is a collaborative structure is formed by providing a set of templates / agendas related to actions and instruments used to carry out collaborative arrangements to address certain situations, such as a guidelines regarding the detention of asylum seekers who entered Indonesian territory before Refugee Status Determination (RSD), a temporary protection arrangements due to prolonged situations such as refugees awaiting resettlement, and a regional cooperation frameworks to address mixed movements and refugee protection.

Agenda Setting

UNHCR and Indonesia have an agreement related to cooperation in handling refugees. Indonesia agrees to help UNHCR

³³ United Nations High Commissioner for Refugees, Expert Meeting on International Cooperation to Share Burdens and Responsibilities (Jordan: United Nations High Commissioner for Refugees, 2011), 2-6.

by sharing the burden, but Indonesia is only limited to providing legal assistance in the form of regulations or basic policies for UNHCR to implement refugee protection in accordance with the 1951 Refugee Convention and the Universal Declaration of Human Rights. The objective of establishing a cooperative agenda is to increase the availability of safe spaces, including the prospect of long-term solutions for refugees. Agenda setting was developed through a process that involved coordination and consultation with various ministries in Indonesia.

Cooperation is carried out to: (i) ease the burden on the transit country / Indonesia; (ii) increasing the independence and empowerment of refugees; (iii) expanding access to solutions resettlement; (iv) support conditions in Afghanistan for a return to safety and dignity.

With the condition of refugees who have to stay longer in Indonesia, the Government of Indonesia through the National Human Rights Commission (Komnas HAM) highlights the problems of refugees in terms of restrictions on movement, basic children's rights, the right to justice, the right to information, and protection from all vulnerabilities. Based on these problems, Komnas HAM and UNHCR collaborated. The most important thing that is aimed at is improving regulations on handling refugees in accordance with international human rights standards. This is in line with the cooperation of the Ministry of Education and Culture which aims to realize the rights of refugee children based on the Convention on the Rights of the Child.

In order to fulfill the life rights of Afghan refugees in Indonesia. UNHCR and Indonesia are doing various things including studies, training and case handling. Handling of cases relates to finding alternatives from immigration detention centers, protection and assistance for children, as well as vulnerable individuals, increasing birth registration, and protecting family unity.

Several agreements were drawn up or regulations on joint handling mechanisms, including a Memorandum of Understanding between the United Nations High Commissioner for Refugees (UNHCR) and the National Commission on Human Rights (Komnas HAM), 5 July 2019, to increase advocacy and fulfill the protection of the human rights of refugees in Indonesia. Regulation Circular of the Ministry of Education and Culture circulates No. 75253 / A.A4 / HK / 2019 on July 10, 2019 concerning access to education for refugee children to national schools. Last, Memorandum of Understanding between the United Nations High Commissioner for Refugees (UNHCR) and the Indonesian government, August 2019 regarding the sharing of personal data on refugees and other people registered with UNHCR.

Cooperation Structure

The structure of international cooperation that is carried out between UNHCR and Indonesia is bilateral cooperation. In this collaboration, Indonesia is represented by several government agencies such as the Ministry of Foreign Affairs, the Director General of Immigration, the National Human Rights Commission, the Ministry of Political Law, the Ministry of Social Affairs and others who formally form the Komnas HAM - UNHCR Joint Monitoring unit at the Medan and Bali Rudenim. This unit focuses on overseeing and ensuring the security and rights of refugees as well as international prohibitions regarding arbitrary detention and the right to freedom of movement. There are also regular and comprehensive consultations with several of these agencies to realize refugee protection in Indonesia. Through the MoU between UNHCR and Komnas HAM 2019, a number of activities were carried out by several government agencies to improve refugee protection such as Workshops related to the National Action Plan in

Handling Detention in Indonesia, UNHCR Training, Training on Immigration Detention Monitoring, and Joint Monitoring of Komnas HAM - UNHCR

Government Indonesia through the Ministry of Education and Culture issued a Circular No. 75253 / A.A4 / HK / 2019 on July 10, 2019 related to education access for refugee children to national schools. The implementation of this circular letter in several provinces must wait for permission from the Ministry of Political and Legal Affairs. Through this circular, UNHCR carries out and supports activities for refugee children to register and prepare for the national school system, particularly at the primary school level. Preparation is done by teaching the basics of Indonesian, basic literacy, and mathematics, as well as local customs and culture. Furthermore, university level education opportunities. UNHCR through the platform Coursera for Refugees provides accredited online learning courses (online). As of the end of April 2020, around 577 refugee children have been registered in accredited national schools and 461 refugees are enrolled in online university courses and community-based learning programs.

UNHCR Representative in Indonesia, Thomas Vargas said that Indonesia is an example of a country that is generous in helping UNHCR handle refugees. This expression was made after the establishment of a new framework of cooperation between Komnas HAM and UNHCR. The head of Komnas HAM, Ahmad Taufik Damanik, added that Indonesia is gradually starting to accommodate several principles from international conventions.³⁴

In addition, Ann Maymann, UNHCR Indonesia's representative also supports Indonesia in opening opportunities for refugees. The Director of Human Rights at the Ministry of Foreign Affairs of the

Republic of Indonesia, Achsanul Habib added that Indonesia is trying to carry out humanitarian diplomacy both domestically and as one of Indonesia's foreign policy priorities.

Conclusion and Suggestions

The existence of Afghan refugees in Indonesia is inevitable. However, Indonesia is not the country the refugees are aiming for. Generally, they want to go to Australia. As a country that has not ratified the 1951 Convention on Refugees, Indonesia does not have great authority in dealing with refugees. Therefore, in order to have concern for the right to life of refugees while they are in Indonesia, the Indonesian government seeks to establish and collaborate with UNHCR to deal with these refugees.

The first step in building cooperation is agreement. Because UNHCR is an international organization, to build a basis for cooperation with UNHCR, the Government of Indonesia put in place national regulations regarding the handling of refugees. Some of these regulations are Presidential Regulation No. 125 of 2016 concerning Handling of Refugees from Abroad, Ministry of Education and Culture Circular No. 75253 / A.A4 / HK / 2019 regarding access to education for refugee children to national schools, Regulation of the Director General of Immigration No. 0352.GR.02.07 regarding the handling of illegal immigrants who claim to be asylum seekers or refugees.

The next step is to set goals. The aim of UNHCR and the Indonesian government in this collaboration is to provide temporary protection when all three UNHCR solutions cannot be implemented in the near future. Furthermore, it aims to ease Indonesia's burden, increase the independence and empowerment of refugees to survive in Indonesia, and expand the prospect of opportunities for resettlement and,

³⁴ Ratu Annisa, "UNHCR Apresiasi Upaya Indonesia Tangani Pencari Suaka," *Liputan 6*, July 18, 2019, <https://www.liputan6.com/news/read/4015259/unhcr-apresiasi-upaya-indonesia-tangani-pencari-suaka>

restoration of safety and dignity in Afghanistan.

Furthermore, the establishment of a unit for handling refugees, namely: Joint Monitoring of Komnas HAM - UNHCR, which plays a role in monitoring and ensuring that security and human rights are fulfilled in the holding location. The existence of a National Action Plan (RAN) which plays a role in empowering refugees in holding locations. Furthermore, the circulation of the Kemendikbud letter encouraged UNHCR to carry out and assist in preparation of refugee children for the national school system.

Among the achievements of the cooperation between UNHCR and Indonesia are: refugees get their rights temporarily related to empowering refugees and refugee children who have access to temporary education. Indonesia has begun to accommodate several principles of protecting human rights in holding locations. Furthermore, the transparency of refugee data can be useful for advocating for solutions resettlement.

Although several efforts have been made by the Indonesian Government in dealing with Afghan refugees to Indonesia, the flow of refugees has not been able to be completely stopped. This is related to the conditions in Afghanistan itself which prompted these refugees to leave their hometowns. Some of the things that prompted Afghan refugees to leave their place of origin include: continuous war, poverty caused by war, encouragement from human-smuggling agents, violence and discrimination in the first asylum country, and the encouragement of networks between migrants to improve lives. Generally, the refugees intend to go to Australia. The attractions that make them want to migrate to Australia are the chance of a better life in terms of family safety and fulfilled human rights, laws in Australia that protect people from discrimination, and the desire to reunify with families in Australia.

This paper focuses on the cooperation between UNHCR and Indonesia in dealing with Afghan refugees while in Indonesia. This focus is only a small point in the dynamics of the migration flows of Afghan refugees to third countries. Other matters that make up this series of migration flows, such as: conflict resolution in Afghanistan to reduce the impetus for migrants from their homelands, Australian policies regarding refugees and asylum seekers, or issues human trafficking that add to the dark side of refugee distribution, have not been discussed in this writing. This can be a theme for further studies on refugees in international relations, especially regarding Afghan refugees.

REFERENCES

- Amy Pitonak. "Pressure to Return? Afghan Refugees Protest at Indonesian Detention Centre," *Afghanistan Analyst Network*, April 3, 2018. <https://www.afghanistan-analysts.org/pressure-to-return-afghan-refugees-protest-at-indonesian-detention-centre/>
- Bennet, A. Le Roy. *International Organizations*. London: George Allen and Unwin Publisher Company, 1995.
- Betts, Alexander, and Gil Loescher. *Refugee in International Relations*. New York: Oxford University Press, 2011.
- Betts, Alexander, Gil Loescher, and James Milner. *UNHCR: The Politics and Practice for Refugees and Persons of Concern* (2nd edition). New York: Routledge Global Institution Series, 2012.
- Coplin, W. and Marsedes Marbun. *Pengantar Politik Internasional: Suatu Telaah Teoritis*. Bandung: Penerbit Sinar Baru, 2003.
- Declaration of States Parties to the 1951 Convention and or its 1967 Protocol relating to the Status of Refugees," Geneva, 13 December 2001, HCR/MMSP/2001/09.
- Farrell, Paul. "Asylum Seekers Registered with UNHCR in Indonesia Blocked from Resettlement." *The Guardian*, November 18, 2014. <https://www.theguardian.com/australia-news/2014/nov/18/asylum-seekers-registered-with-unhcr-in-indonesia-blocked-from-resettlement>.
- Hewson, Jack. "Kehidupan Baru Afghanistan Hazara di Indonesia." *Al Jazeera*, Maret 21, 2014. <https://www.aljazeera.com/indepth/features/2014/03/afghan-hazaras-baru-life-indonesia-201436121639956520.html>.
- Johnson, Timothy. *Snowball Sampling: Introduction*. Chicago: University of Illinois, 2014.
- Keohane O. Robert. *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton, N.J: Princeton University Press, 1984.
- Komisi Nasional Hak Asasi Manusia. MoU Komnas HAM and UNHCR, Juli 5, 2019.
- Lamont, Christopher K. *Research Methods in International Relations*. Thousand Oaks, CA: SAGE Publications, Inc, 2015.
- Loescher, G. *Beyond Charity: International Cooperation and the Global Refugee Crisis*. Oxford: Oxford University Press, 1996.
- Loescher, G, and L Monahan. *Refugees and International Relations*. Oxford: Oxford University Press, 1989.
- Official Document of Burden-Sharing, The Fifth Annual Plenary Meeting of Asia-Pacific Consultation (APC), United Nations High Commissioner for Refugees, accessed August 23, 2010, http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/rcp/APC/2000-Discussion-Paper-UNHCR-submission-5th-plenary.pdf
- Putri Emelli, "Young Afghan Refugee Men in Indonesia: Hope and Agency in Uncertainty" (*International Institute of Social Studies*, 2018), 1-36.
- Mendikbud Keluarkan Surat Edaran, Anak Migran di Pekanbaru Bisa Sekolah. *Situs Riau*, August 22, 2019. <https://m.situsriau.com/read-39567-2019-08-22-mendikbud-keluarkan-surat-edaran-anak-migran-di-pekanbaru-bisa-sekolah.html> (accessed August 28, 2020).

United Nations High Commissioner for Refugees. *An Introduction to International Protection: Protecting Persons of Concern to UNHCR*. Geneva: United Nations High Commissioner for Refugees, 2005.

United Nations High Commissioner for Refugees. *Expert Meeting on International Cooperation to Share Burdens and Responsibilities*. Jordan: United Nations High Commissioner for Refugees, 2011.

United Nations High Commissioner for Refugees. *Note on the Mandate of the High Commissioner for Refugees and His Office*. Geneva: United Nations High Commissioner for Refugees, 2001.

United Nations High Commissioner for Refugees. *UNHCR Resettlement Handbook*. Geneva: United Nations High Commissioner for Refugees, 2011.

Wardah, Fathiyah. "UNHCR Kerjasama dengan Sejumlah Lembaga untuk Bantu Pengungsi." *VOA Indonesia*, July 9, 2019. <https://www.voaindonesia.com/a/unhcr-kerjasama-dengan-sejumlah-lembaga-untuk-bantu-pengungsi/4992925.html>.

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