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The Cooperation between Indonesia and UNHCR in dealing with Afghan Muslim Refugees (Case Study: Riau Province, 2021-2022)

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Abstrak

United Nations High Commissioner for Refugees (UNHCR) memainkan peran penting dalam menjaga dan menegakkan hak-hak pengungsi di seluruh dunia. Pada November 2021, demonstrasi besar-besaran oleh pengungsi Afghanistan terjadi di seluruh Indonesia, termasuk di kota Pekanbaru, Provinsi Riau. Protes ini berlangsung setiap minggu hingga November 2022. Indonesia menjadi negara transit bagi pengungsi Afghanistan dalam perjalanan ke tujuan akhir mereka, terutama Australia. Pilihan Indonesia sebagai titik transit didorong oleh kedekatan geografisnya dan kesamaan budaya yang dirasakan, terutama dalam hal mayoritas negara Islam. Kesamaan ini diharapkan dapat menumbuhkan solidaritas dan bantuan dalam proses evakuasi. Namun, terlepas dari kesamaan yang dirasakan ini, pengungsi Afghanistan tetap merasa terjebak di Indonesia untuk waktu yang lama, memaksa mereka untuk memohon kepada UNHCR agar mempercepat proses pemukiman kembali. Patut dicatat bahwa Indonesia belum meratifikasi Konvensi 1951, sehingga membebaskan negara dari tanggung jawab teknis terhadap pengungsi internasional. Meskipun demikian, mengingat sifat situasi yang tak terelakkan, Indonesia dan UNHCR harus berkolaborasi untuk mengatasi dan mengelola tantangan yang ada secara efektif.

Kata kunci: demonstrasi, pengungsi Afghanistan, Kerjasama Indonesia-UNHCR, Konvensi Pengungsi 1951

Abstract

The United Nations High Commissioner for Refugees (UNHCR) plays a crucial role in safeguarding and upholding the rights of refugees worldwide. In November 2021, extensive demonstrations by Afghan refugees occurred across Indonesia, including in Pekanbaru city, Riau Province. These protests persisted on a weekly basis until November 2022. Indonesia served as a transit country for Afghan refugees enroute to their final destination, primarily Australia. The choice of Indonesia as a transit point was driven by its geographical proximity and perceived cultural similarities, particularly in terms of being predominantly Islamic nations. These similarities were expected to foster solidarity and aid in the evacuation process. However, despite these perceived similarities, they found themselves still trapped in Indonesia for an extended period, compelling them to implore UNHCR to expedite the resettlement process. It is noteworthy that Indonesia has not ratified the 1951 Convention, thereby relieving the country of technical responsibility towards international refugees. Nonetheless, given the inevitable nature of the situation, Indonesia and UNHCR must collaborate to effectively address and manage the challenges at hand.

Keywords: Demonstration, Afghan Refugee, Indonesia – UNHCR Cooperation, The Refugee Convention 1951

Introduction

This research addresses the contemporary international issue of the collaboration between the United Nations High Commissioner for Refugees (UNHCR) and Indonesia in managing Afghan Muslim refugees, focusing specifically on the case study of Pekanbaru in Riau Province. The global refugee problem has gained widespread attention since the aftermath of World War II in Europe, leading to the establishment of the UNHCR through UN General Assembly Resolution No. 428 (V) on December 14, 1950. The organization's primary mandate is to provide international protection and humanitarian assistance to refugees, while seeking durable solutions in cooperation with governments.

The role of UNHCR has recently come under scrutiny within the international community due to its responsibility for safeguarding the rights of refugees. This scrutiny has been further amplified by massive demonstrations that occurred simultaneously in various capital cities across Indonesia, including Pekanbaru, from November 13, 2021, to November 14, 2022. During these protests, Afghan refugees expressed feelings of being trapped in

limbo, claiming unfair treatment and even resorting to suicide. Their demands for justice were extensively documented in the media.

In Pekanbaru, Afghan refugees established tents and rallied alongside their families and friends, advocating for what they perceived as justice. They urged UNHCR to facilitate their immediate resettlement to a host country, with Australia being a probable destination. Demonstrations took place in front of significant locations such as the Pekanbaru National Unity and Politics Building (KESBANGPOL), the International Organization for Migration (IOM) office, the Ministry of Law and Human Rights in Riau Province, and the Riau Governor's Office.

The Afghan people have endured protracted conflict since the 1980s, and their country has recently come under the control of the Taliban. The Taliban's claim of full territorial control and establishment of security has left the Afghan government unable to ensure the safety of its citizens. Consequently, a significant number of Afghan nationals have sought security and protection in neighboring countries like Indonesia. The UNHCR, as the mandated organization for refugee matters, has played a crucial role in facilitating their resettlement. Afghanistan represents one of the largest refugee populations globally, with 2.6 million registered Afghan refugees worldwide (unrefugees) a number that could potentially be higher considering unregistered cases (Lidwina, 2021).

In addition to referring refugees for resettlement in host countries, the UNHCR provides advice and assistance to countries that are not parties to the 1951 Convention relating to the Status of Refugees, allowing for temporary protection of refugees. In the case of Indonesia, the UNHCR successfully advocated for the establishment of a new framework to handle refugees, recognizing the country as a quintessential transit nation. Since 2016, Indonesia has been willing to collaborate with the UNHCR, legally accepting refugees in transit status (UNHCR, 2021). Prior to this regulatory development, all refugee statuses in Indonesia were deemed illegal, and refugees were treated as intruders violating the nation's sovereignty.

This research aims to examine the cooperation between Indonesia and the UNHCR in managing Afghan Muslim refugees within the specific context of Riau Province. By analyzing the experiences and perspectives of both parties involved, this study seeks to explore the complexities of refugee management, the role of UNHCR in protecting refugee rights, and the challenges faced by Indonesia in accommodating and addressing the needs of Afghan Muslim refugees. The findings of this research will contribute to a better understanding of the effectiveness and limitations of the cooperation between Indonesia and the UNHCR in dealing with the Afghan Muslim refugee crisis. Moreover, it will have implications for future refugee management policies and practices, promoting greater collaboration and effective strategies in addressing the plight of refugees worldwide.

To achieve these objectives, this research will employ a mixed-methods approach, combining qualitative and quantitative data collection methods. The qualitative component will involve in-depth interviews with key stakeholders, including representatives from UNHCR, Indonesian government officials, local authorities, and Afghan Muslim refugees themselves. These interviews will provide valuable insights into the perspectives, experiences, and challenges faced by each stakeholder group in the cooperation process.

Additionally, quantitative data will be gathered through surveys administered to a sample of Afghan Muslim refugees residing in Pekanbaru, Riau Province. These surveys will collect information on demographic characteristics, experiences, and perceptions of the refugee resettlement process, as well as their interactions with UNHCR and local authorities. The data collected from these surveys will be analyzed using statistical techniques, providing a comprehensive overview of the overall refugee situation and the effectiveness of the cooperation between Indonesia and UNHCR.

Furthermore, document analysis will be conducted to examine official reports, policy documents, and legal frameworks related to refugee management in Indonesia, particularly in Riau Province. This analysis will shed light on the existing policies, regulations, and mechanisms in place for managing Afghan Muslim refugees and the extent to which they align with international standards and the UNHCR's guidelines.

By combining these research methods, this study aims to provide a comprehensive and nuanced understanding of the cooperation between Indonesia and UNHCR in dealing with Afghan Muslim refugees in Riau Province. The findings will contribute to the academic discourse on refugee management and international cooperation, as well as provide practical recommendations for policymakers, government officials, and humanitarian organizations involved in refugee assistance and protection.

In conclusion, this research will delve into the cooperation between Indonesia and UNHCR in addressing the challenges faced by Afghan Muslim refugees, focusing on the case study of Riau Province. By exploring the roles, experiences, and perspectives of all stakeholders involved, this study will contribute to the existing knowledge on refugee management and shed light on the effectiveness of the cooperation between Indonesia and UNHCR. Ultimately, the findings of this research will inform policy development and practical measures aimed at ensuring the rights, protection, and successful integration of Afghan Muslim refugees into their host communities.

Discussion

The relationship between Indonesia and Afghanistan is influenced by various factors, including historical, cultural, political, and economic ties. While both countries have a significant Muslim population, it is important to note while shared religious values can contribute to a sense of commonality and understanding between Afghanistan and Indonesia, resettlement problems are multifaceted and encompass various aspects beyond religious perspectives. Their relationship is not solely based on the similarity of Islamic perspectives. Based on the findings obtained from interviews conducted by our research team, it is evident that a substantial majority of Afghan Muslims hold similar expectations regarding the resettlement process, with a specific focus on Indonesia's potential assistance. This expectation is rooted in the perceived Islamic affinity between the two nations. As it shows in Figure 1, the Afghan refugees in Indonesia constitutes the largest proportion (87%) of the overall refugees in the country amounted 13.000 in 2021.

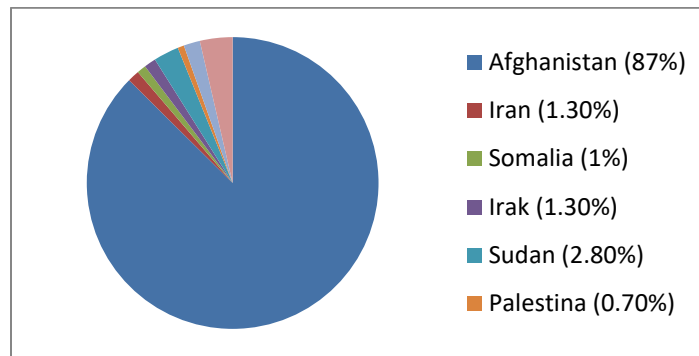


Figure 1 Number of Refugees by Nationality, 2021
(UNHCR, 2022)

Historically, Indonesia and Afghanistan have had diplomatic relations and engaged in various forms of cooperation. Both countries have been members of the Organization of Islamic Cooperation (OIC) and have collaborated on issues related to Islam and Muslim communities. However, it is essential to recognize that The process of resettlement is a complex issue affecting refugees worldwide, and it is not determined by religious or cultural similarities between Indonesia and Afghanistan. Resettlement is an essential part of the international protection regime, aiming to grant refugees permanent residence status and safeguard their basic rights. However, this process often poses challenges and becomes a point of contention for refugees globally.

UNHCR, as the primary organization mandated by the United Nations to handle refugees, plays a significant role in the resettlement process. It works towards strengthening resettlement capacity, ensuring access for refugees in need of resettlement, and implementing operational standards to establish a coherent and accountable resettlement process. The three main objectives of resettlement are to protect refugees' basic rights, provide a long-term solution to their uncertain migration journey, and demonstrate global support and responsibility in addressing the refugee issue (Wagiman, 2012).

The cooperation between Indonesia and UNHCR in dealing with Afghan Muslim refugees has been a significant development in addressing the global refugee crisis. Indonesia, strategically located between the Indian and Pacific oceans, has become a transit

country for refugees seeking protection and basic human rights before heading to their final destination, Australia. The data presented in Figure 2, highlights the migration routes to Indonesia, with a significant number of refugees originating from Afghanistan, along with other countries such as Iran, India, Bangladesh, Somalia, Sudan, Pakistan, Myanmar, and Iraq.

Figure 2
The migration routes to Indonesia



Indonesia’s role as a transit country is reinforced by its geographical position and its historical experience in accommodating refugees. Over the years, Indonesia has housed a substantial number including Vietnamese refugees in the 1970s and more recent groups from South Asia, Central Asia, and Africa (UNHCR, 2022). As shown in Figure 3, the number of refugees in Riau, Indonesia, has fluctuated over time, with the highest number recorded in 2017.

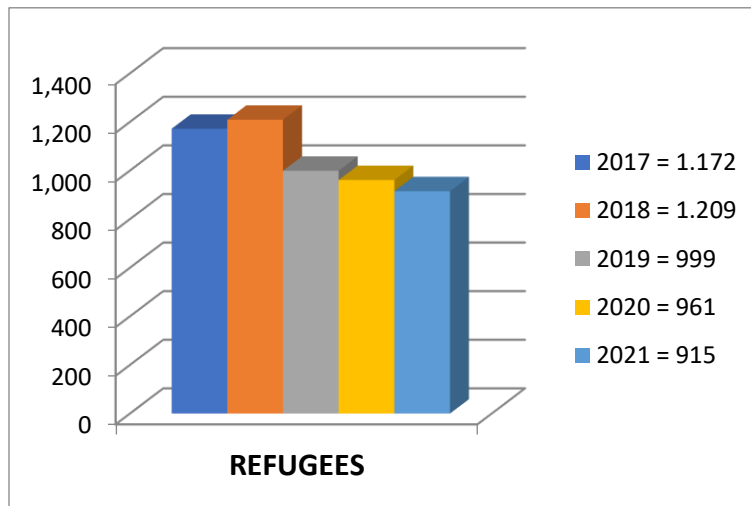


Figure 3 Total Number of Refugees in Riau, 2017-2021

Source : Data processed by researchers

It is important to note that while UNHCR plays a central role in the resettlement process, the final decision to accept refugees as citizens lies with the host country. UNHCR does not possess the authority or control over the host country's decision. As shown in Figure 2, the decrease number of refugees in recent years can be attributed to Australia opening its door polity to accept a large number of refugees during that period (Maing, 2020).

This lack of understanding of the resettlement process can lead to complex situations and frustrations among refugees. For instance, in the case of Riau, Indonesia, refugees from Afghanistan have organized demonstrations driven by their long-standing experiences of crisis since 1979. In this case, Indonesia roles in handling Afghan refugees is aligns with its commitment to humanitarian principles, and particularly the feel of solidarity as the world's populous Muslim majority country. Indonesia committed with non-refoulement principle, which prohibits the forced return of refugees to a country where they may face persecution or danger, this has been recognizes through Indonesia's various legal instruments and regulations.

The data provided in Figure 3 demonstrates a continuous increase in the total number of refugees in Riau Indonesia, emphasizing the ongoing challenges posed by the refugee crisis. In this context, Indonesia collaboration with UNHCR becomes crucial in managing and addressing the complex issues associated with the presence of refugees in the country.

Despite economic and political constraints, Indonesia's decision to cooperate with UNHCR and become a transit country reflects its commitment to providing temporary accommodation to support refugees (Edward, 2012).

One of the main challenges in the resettlement process is the varying durations refugees spend in transit countries before being resettled. The host country has the authority to determine which refugees to accept based on specific qualifications. As a result, some refugees may have their resettlement process approved more quickly, while others may spend several years or even decades in transit countries. According to a survey conducted by the World Bank Group in 2015, many refugees spend between 5 to 9 years in transit countries before being resettled, and there are cases where refugees spend 10 to 34 years in transit. The top recipient countries for resettlement include the United States, Canada, Australia, Sweden, and the United Kingdom, while the top refugee countries include Myanmar, Syria, Iraq, the Democratic Republic of the Congo, Somalia, Bhutan, Afghanistan, Sudan, Eritrea, and the Islamic Republic of Iran.

Result

The cooperation between Indonesia and the United Nations High Commissioner for Refugees (UNHCR) plays a crucial role in handling the challenges faced by refugees in Riau, Indonesia. UNHCR, established by the United Nations to provide international protection assistance to refugees, also holds a special mandate to promote long-term solutions to refugee issues. These problems often revolve around the denial of basic human rights, including access to suitable housing, legal protection, education, employment, documentation, religious freedom, and fearlessness. In an interview with Mr. Erik Rahmadhanil, the UNHCR Senior Protection Assistant, conducted on July 15, 2022, he emphasized UNHCR's role in advocating for the livelihoods of refugees and collaborating with the government to address their needs. However, the outcome of these efforts ultimately depends on the host country, and UNHCR's role is to accompany, not supersede, the government in determining the final outcome.

Field interviews conducted with refugees have yielded similar findings, indicating that the UNHCR has consistently fulfilled its role in protecting, providing, and respecting the rights of refugees. While adhering to the principle of state sovereignty, which grants states the authority to formulate policies, including those related to refugee healthcare, education, and employment permission, the UNHCR plays a crucial role in offering solutions.

A. Education

Education is a fundamental right denied to many refugee children in Riau, Indonesia. Their lack of access to formal education was a significant concern raised during numerous demonstrations held between November 15, 2021, and November 2, 2022. The protesters expressed frustration at the protracted period they had spent in limbo, unable to provide their children with an education. Several refugees reported feeling trapped and compared their living conditions to those of prisons. (Cakaplah.com, 2021). Media reports, such as one by Human Rights Watch in January 2013, documented cases of violence and neglect towards refugee children in Indonesia. However, our field observations revealed a different picture. Since 2017, refugees have been able to attend formal schools and receive informal education. UNHCR's successful negotiations with the Indonesian government led to the approval of educational programs for refugees, allowing their children to enroll in public elementary schools (SDN) in Pekanbaru. As of 2022, UNHCR expanded its education program to include junior high schools (SMP), with two schools participating: SMPN 25 and Vickery Cristian Academy. Additionally, UNHCR collaborated with private universities to provide refugees with the opportunity to attend lectures, although they do not receive diplomas.

The collaboration between Indonesia and UNHCR has yielded significant outcomes since the beginning of 2019. One notable achievement is the UNHCR's education program, which has facilitated the enrollment of refugee (Rossdiana, 2022). Such as the government let the refugee children in public elementary schools in Pekanbaru City. Initially, 81 refugee children were enrolled through this program. However, by 2022, this number had risen to 114 children, as depicted in Figure 4 and Figure 5. These figures illustrate refugee children proudly wearing the traditional red-white school uniforms of Indonesia, as well as the distinctive brown uniforms of the Indonesian Scout.



Figure 4 Refugee Children on Their Way to SDN 150, Pekanbaru
(Indonesia Uniforms: Red and White)
Source : Antara News



Figure 5 Refugee Children in Class
(Indonesia Scout Uniform)
Source: Antara News

Furthermore, as part of the efforts to promote education, UNHCR has collaborated with several private universities to provide refugees with the opportunity to attend lectures. Although they are granted sitting status, meaning they do not receive a diploma or graduate, they are still permitted to pursue studies. Instead of a diploma, they are awarded a certificate indicating their participation in university-level education or training, which is expected to be beneficial when they resettle in countries like Australia. Currently, in Pekanbaru City, only the Department of International Relations at the Islamic University of Riau has granted permission for refugees to enroll as sitting students.

In the realm of informal education, Indonesia, IOM (International Organization for Migration), and UNHCR collaborate to facilitate learning opportunities, as depicted in Figure 6 and Figure 7. These figures exemplify the class facilities supporting informal education activities in refugee camps, specifically Hotel Satria and House Orchid.



Figure 6 Classroom in House Orchid
(Musyawarah Labuh Baru, St. Pekanbaru)
Source : Personal Documentation, 2022



Figure 7 Classroom in Satria Hotel
(Teuku Cik Ditiro, St. No.99, Tanah Datar, Pekanbaru)
Source : Personal Documentation, 2022

The classrooms appear to be adequate for accommodating approximately 18 individuals, where informal education is provided. At House Orchid, due to a larger number of children, there is a specially designed classroom for them. Additionally, these children

attend classes at SDN 150, which is located near the House Orchid facility. Participation in informal teaching and learning activities is voluntary and not mandatory for anyone. The teachers in these classes consist of both IOM volunteers and refugee individuals. Within the classroom, refugee children receive religious education, such as Quran recitation, as well as instruction in subjects such as English, Mathematics, Indonesian, and Science (Natural Science).

It is worth noting that as a result of the demonstrations, some children have discontinued their participation in both formal and informal learning activities. This is because the demonstration activities coincide with regular school hours, which typically commence at 8:30 AM and conclude at 11:30 AM, and children are encouraged to participate in the demonstrations.

B. Livelihood and Income

Livelihood and income are pressing concerns for refugees in Riau, as demonstrated by their demands during the demonstrations. While it may appear that their living conditions are dire, interviews with protesters revealed discrepancies in their claims. Many refugees have been residing in shelters provided by UNHCR, such as Satria Hotel and House Orchid, for several years. They receive monthly financial support from UNHCR, with adults receiving Rp. 1.3 million and children receiving Rp. 500,000. UNHCR strives to fulfill its role in protecting and respecting the rights of refugees. However, as UNHCR can only assist the government and not determine policies, decisions regarding refugees' health facilities, education, and employment rest with the Indonesian government. Therefore, UNHCR's support, while crucial, has limitations within the context of national laws and global constraints (Anggraini, 2022).

These shows contrary to the demonstrations held in November 14th 2021. The banners displayed in front of their tents bear various messages such as: “life is dangerous”, “good cellmates, Rest In Peace”, “We are like fish out of water” will left mis-interpretation that

indicating Indonesia and UNHCR has been doing mistreatment, even resulting them to deaths. To further investigate these claims, we conducted the following interviews:

Q : How long have you been in Indonesia?

Refugee : We have been here for a considerable time, ranging from 3 to 4 years, while others have been here for 8 to 11 years. Personally, I have been here for 11 years.

Q : So you are not newcomers?

Refugee : No, we have been here for a very long time

Q : Where have you been residing during these 11 years?

Refugee : Some of us stayed at Satria Hotel, while others stayed at The House of Orchid. We mainly placed by UNHCR

Q : So, you are not living in tents aren't you?

Refugee : Of course not, but we are not considering as a safe place, many of our friends have committed suicide because we also stress being stateless. And our facilities here also been reduced slowly, like for the instance, our health facilities have been transferred to Arifin Ahmad General Hospital from the facilities previously handed by a reputable private hospital – Awal Bros Hospital. We are deeply disappointed by this. And we want our human rights to be respected and for our safety to be ensured. We desire employment opportunities and a decent place to live.

Q : Ok, I understand. So, how do you meet the needs of yourself and your family while living in Riau?

Refugee : UNHCR provides us with a monthly allowance that is Rp. 1,3 million/ adult and Rp.500.000 / children

In addition, we can comprehend the emotional state, mental health condition, and psychosocial challenges faced by refugees who are trapped in a foreign country and rendered stateless, which can lead to significant stress and even increase the risk of suicide if the possibility happens. However, it is important to acknowledge that the role of UNHCR's and transit countries isn't to make sure resettlement or their rights to get nationality. Despite the fact that Afghan refugees may encounter obstacles in securing employment due to state policies and their unresolved nationality status, UNHCR plays a vital role in seeking solutions including striving to meet their needs and their family needs while living and waiting in Indonesia.

C. Misunderstandings and Expectations

There are instances of misunderstandings among refugees regarding the meaning of their status and the role of UNHCR. Some refugees mistakenly perceive UNHCR as a job placement agency rather than an organization providing protection and assistance. This

misunderstanding is evident in the case of Najeeb, a refugee representative, who believed that his interactions with UNHCR were related to job opportunities in Australia. The interview with Najeeb conducted on November 2nd, 2022.

Q : What are your aspirations for this demonstration?

Najeeb : We seek citizenship, or at least equal rights with the citizens. We desire careers and increased salaries

Q : Do you feel that the current support from the UNHCR is insufficient?

Najeeb : Certainly, with the amount they currently provide, we are unable to send money to Our families in Afghanistan

Q : Sir, do you fully understand that your status here is that of a refugee not an immigrant, with significant differences in meaning, you have sought protection by feeling your country, not for employment abroad

Najeeb : Yes, because our country is no longer safe due to the Taliban's occupation. We live in fear and terror. So, its our rights to get a job in Australia or better countries provided by UNHCR

Q : What brought you to Indonesia?

Najeeb : We heard that UNHCR can facilitate our relocation to Australia from here, besides Indonesia is major Muslim country, so I hope it will bring to a better understanding and treatment here.

Q : Did you travel to Indonesia alone or with your family?

Najeeb : I traveled alone by plane. I follow the route: Afghanistan-India-Malaysia-Indonesia

Q : Why did you not stay in Malaysia or India?

Najeeb : Well, because it closer to Australia, and as of my knowledge Indonesia has the largest Muslim population in the world, higher than Malaysia.

Q : Okay, do you consider the facilities provided by the UNHCR in Indonesia to be satisfactory?

Najeeb : Yes, they are good. But we also desire employment"

Q : Are you confident that it your resettlement in Australia is approved, you will be able to find employment immediately?

Najeeb : Yes. I am confident with my skills. I graduated with excellent grades when I was a student in Afghanistan

Q : But are you aware of the qualification required in Australia's labor market?

Najeeb : Not exactly, but it is the UNHCR's responsibility to find employment for us

Q : What if Australia decided to not accepting any more refugees?

Najeeb : Once again, that is the UNHCR's responsibility. They made a promise, and we have various administrative selections and interviews, but despite passing them, we were never sent to Australia

As it shown from the interview with Najeeb, that is misunderstandings regarding the definition of refugees and the role of the UNHCR have emerged. In the interview with Najeeb, a refugee representative, he has his own interpretation of refugees and perceives the

UNHCR as a job placement agency. This reveals a significant misunderstanding that contradicts the true definition of refugees, who are individuals seeking protection after fleeing their homes. The role of the UNHCR in Indonesia is to provide assistance in such cases. However, Najeeb suspects that the documents he provided during his stay permission and interviews were for securing employment in Australia, implying that the UNHCR has failed to fulfill their promises to refugees.

In reality, the interviews conducted with Najeeb and other refugees were part of the refugee status determination (RSD) process, which grants them legal refugee status in Indonesia. This status ensures their protection under international laws and the UNHCR. While countries that have ratified the 1951 Convention do not require RSD, Indonesia, as a non-ratifying country, necessitates this process.

Furthermore, when asked about working permissions for refugees in Indonesia, Kesbangpol stated that granting such permissions would potentially provoke social tension. This issue has been acknowledged by the UNHCR as well (Rudenimpku.imigrasi.go.id, 2022):

"The problem at hand is complex, as every country must prioritize its national interests and sovereignty. Indonesia, in particular, is already grappling with limited employment opportunities. Hence, it is infeasible for the government to provide work permits for refugees. The facilities received by refugees, including their accommodation in Pekanbaru, are provided by the UNHCR. The UNHCR rents the premises from the Riau government, which regulates the arrangement."

This research reveals that the role of the UNHCR extends beyond education, providing refugees with monthly allowances and health insurance. The UNHCR acts as an effective advocate for the government, as evidenced by Presidential Regulation No. 125/2016. This regulation has brought about changes to existing regulations pertaining to the status and treatment of refugees in Indonesia. For instance, the Minister of Law and Human Rights Regulation No. M.HH-011.OT.01/2009, which designated RUDENIM (Refugee Detention Center) as the sole shelter for refugees in Indonesia, has been modified. Since the

implementation of Presidential Regulation No. 125/2016, refugees are recognized in two distinct groups: those who have successfully undergone RSD by the UNHCR and are acknowledged as legal refugees, and they receive accommodations during their transit period in Indonesia (Untari & Masrur, 2020).

In conclusion, the interviews conducted with Najeeb and other refugees highlight the prevalence of misunderstandings concerning the definition of refugees and the role of the UNHCR. The UNHCR's primary function in Indonesia is to provide protection and assistance to refugees, not act as a job placement agency. The interviews also shed light on the necessity of the RSD process for refugees in Indonesia. Additionally, the challenges posed by granting work permits to refugees are acknowledged by both the UNHCR and the Indonesian government. The UNHCR's role extends to advocating for refugees and bringing about changes in regulations to enhance their status and treatment in Indonesia.

D. Access to Other Basic Human Rights

Another aspect of UNHCR's self-reliance program is to address refugees' access to other basic human rights. The right to a decent place to live and live, the right to legal protection and access to the court, the right to provide documentation including a passport, the right to have a religion and practice one's religion, the right to be free from fear, the right to receive proper treatment, and the right to citizenship are some of the fundamental rights that refugees often lack.

In the case of refugees in Riau, Indonesia, access to these basic rights has been a challenge. The refugees have expressed their concerns and grievances regarding their rights during their demonstrations. They feel that their rights as human beings have been neglected and that they are treated as second-class citizens.

One of the major issues raised by the refugees is their lack of access to legal protection and documentation. Without proper documentation, refugees face difficulties in accessing essential services and benefits. They are unable to obtain a passport, which restricts their mobility and ability to travel freely. Furthermore, without legal protection, refugees are vulnerable to exploitation and abuse.

Access to healthcare is another concern for the refugees. In the past, they were receiving healthcare services from a private hospital, Awal Bros Pekanbaru. However, recently they have been transferred to Arifin Ahmad General Hospital, which has caused disappointment among the refugee community. They believe that the quality of healthcare has decreased, and they express concerns about the safety and well-being of themselves and their families (Untari & Masrur, 2020).

The issue of livelihood and income is also crucial for the refugees. They rely on the monthly financial support provided by UNHCR, which amounts to Rp. 1.3 million per adult and Rp. 500,000 for each child. However, many refugees find this support inadequate to meet their needs and support their families. They express a desire for better job opportunities and higher wages to improve their living conditions.

It is important to note that UNHCR plays a vital role in advocating for the rights of refugees and providing support. However, the final decision on matters such as resettlement, job opportunities, and access to basic rights ultimately rests with the host country's government. UNHCR's role is to accompany and assist the government in finding solutions to these complex issues.

The Multi-faceted Role of UNHCR as an Arena or Forum: Facilitating Solutions and Addressing Misunderstandings in Refugee Resettlement

The role of UNHCR as an arena or forum encompasses multiple aspects. Firstly, as an international organization, UNHCR serves as a platform for various stakeholders to convene, make decisions, initiate agreements, and engage in consultations. Secondly, UNHCR's role as an arena or forum is also evident in its ability to facilitate global exchanges, provide information to countries, engage in diplomatic activities, establish Memoranda of Understanding (MoU), and uphold international norms set by other organizations.

Following the initial demonstration by refugees on November 15th, 2021 across Indonesia, UNHCR has actively engaged in consultations with the refugees to address their concerns and find suitable solutions. The first step taken by UNHCR was to request the refugees to submit a letter outlining their demands. This letter was received by UNHCR on

November 16th, 2021, the day after the demonstration. The contents of the letter are presented in Figure 8.

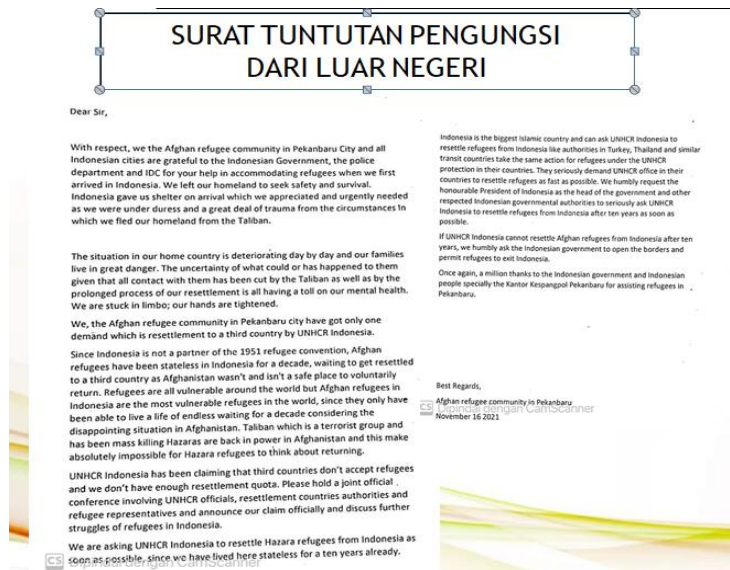


Figure 8 Refugees Letter of Demands

Source: (UNHCR, 2022)

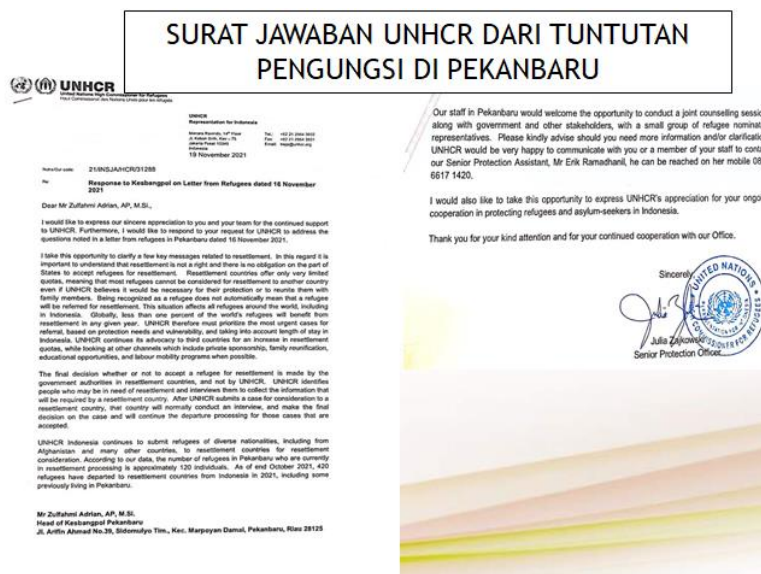


Figure 9 UNHCR Respond Letter

Source: UNHCR, 2022

In response to the letter from Afghan refugees, UNHCR clarified certain points of confusion regarding the resettlement process, as depicted in Figure 9. It became apparent

from Figure 8 that there was a misunderstanding between Afghan refugees and UNHCR regarding the concept of "resettlement" that needed to be clarified. During interviews on August 20th, 2022, Rio Okto Edward, the Head of Sub-Division of Conflict Handling, Kesbangpol, Pekanbaru City, stated:

"We are not responsible for providing any facilities to the refugees. All refugee facilities are provided by UNHCR. Indonesia does not accept refugees, but IOM and UNHCR manage the process, and our government has issued Perpres 126, 2016, which mandates our cooperation with UNHCR in hosting refugees during their transit here. In terms of funding, we do not provide anything; all funding comes from IOM and UNHCR. As for their accommodation, we follow the directions of the President, who is in synergy with UNHCR. UNHCR has been doing its best."

The Head of Sub-Division for Conflict Handling, Kesbangpol, Pekanbaru City, emphasized UNHCR's significant role in Pekanbaru city. Additionally, Figure 9 highlights certain points from UNHCR's response letter, which are as follows:

1. Resettlement is not an inherent "right," and there is no obligation for states to accept refugees for resettlement.
2. Countries only accept a very limited number of refugees. This means that although UNHCR aims to assist refugees in reuniting with their resettled family members in the host country, the probability of resettlement is less than 1% worldwide per year.
3. UNHCR's mandate to protect and uphold the rights of refugees is fulfilled through advocacy, accommodation, and support during their transit period.

The resettlement process itself is ongoing. In Riau, 120 refugees were resettled, leading to a decrease in the total number of refugees in Pekanbaru City from 1,200 to 848 people by the end of October 2022. Complete details of the total number of refugees in

No	Name of The Residence	Country of Origin								Gender		Total
		Afg	Irn	Irq	Mmr	Pak	Ple	Sdn	Som	F	M	
1	IDC Pekanbaru		-	-	-	-	-	-	-	-	-	-
2	Indah House	77	-	-	24	-	-	-	5	52	54	106
3	Satria Hotel	42	-	-	-	6	-	-		21	27	48
4	D'Cops House	105	-	2	-	1	-	-	-	108	-	108
5	Siak Resort	105	-	-	7	2	-	-	-	114	-	114
6	Fanel House	66	1	-	1	2	-	18	1	89	-	89
7	Tasqya House	96	2	4	30	5	-	2	-	85	54	139
8	Orchid House	130	9	-	-	-	6	-	-	81	64	145
9	Nevada Kost	99	-	-	-	-	-	-	-	56	43	99

Pekanbaru in 2022 can be found in Figure 10.

Figure 10 Refugees Data in Riau, 2022

Source: (UNHCR, Number of Refugees by Nationality, 2022)

UNHCR's role as an arena or forum is further exemplified by its counseling programs conducted in collaboration with the government and other organizations such as Dompet Dhuafa Indonesia and ACT Indonesia. UNHCR actively assumes this role and plays an optimal role in this regard.

In carrying out its role, UNHCR has implemented various actions, including open mediation and consultation sessions to allow refugees to express their concerns. This approach is considered preferable to demonstrations, which often result in violations of Indonesian regulations and procedures, such as the Law No.9, 1998 concerning Freedom of Expressing Opinions in Public, Law No. 35, 2014 regarding Amendments to Law No.23,

2002 concerning Child Protection, as they sometimes involve children during school hours. Additionally, demonstrations may also contravene the Minister of Home Affairs Instruction regarding PPKM Levels 3, 2, and 1 during COVID-19, and the Regional Regulation 2001 concerning Order, which requires refugees to comply with the regulations applicable in Indonesia.

While UNHCR has made significant efforts in carrying out its role, effectively stopping the demonstrations has not yet been achieved. Kesbangpol acknowledges that dialogue forums have been provided multiple times for refugees, but demonstrations continue to occur in large numbers. This indicates that a comprehensive solution to this problem has not yet been found.

To address this challenge, UNHCR is actively seeking solutions from various parties, including other organizations, government bodies, academicians, and the police. The first meeting, held on December 28, 2021, involved a forum discussion with the epistemic community and academicians in Riau province. Another forum was conducted on November 3rd, 2022, involving officers from the Riau Province Police, highlighting the importance of gathering solutions from multiple stakeholders. Open discussion forums have been a consistent approach taken by UNHCR since 1995 in addressing refugee-related issues.

The Independence of UNHCR as an International Organization

To assess UNHCR's dependency, it is crucial to acknowledge that UNHCR is solely governed by the United Nations (UN) as its operations derive from the UN's direct mandate. This mandate outlines UNHCR's primary objectives, including promoting the ratification and implementation of international conventions, improving the conditions of refugees, facilitating repatriation or local settlement efforts, promoting the admission of refugees to host countries, facilitating asset transfers, obtaining refugee-related information from governments, maintaining communication with governments and intergovernmental organizations, establishing contact with private organizations, and facilitating coordination among all stakeholders involved (Romsan, 2003). UNHCR's tasks are regulated by the UN General Assembly and the Economic and Social Council (ECOSOC), and its mandate is

defined by UNHCR Statutes. The UN High Commissioner holds responsibility for overseeing UNHCR's collaboration with the UN High Commissioner Assistant for Protection and Operations, while supervisory duties are carried out by the Independent Oversight body, ensuring the independence of UNHCR's management from external intervention. Moreover, UNHCR remains committed to principles such as neutrality, transparency, independence, consultation, relevance, and integrity in its dealings with member countries.

As an independent actor, UNHCR operates with approximately 18,879 personnel across 137 countries, primarily engaged in field operations. The complexity of UNHCR's operations spans diverse tasks, from recruiting and ensuring the safety of colleagues in hazardous environments to procuring essential supplies and chartering aircraft. UNHCR's Geneva headquarters houses specialized departments responsible for overseeing critical areas such as operations, protection, external relations, human resources, and finance. Additionally, regional bureaus serve as intermediaries between field offices and the headquarters.

Analyzing UNHCR's independence from member countries reveals its significant autonomy. Rather than being heavily influenced by other nations, UNHCR's role lies in influencing and aligning state decision-making with its mandate. UNHCR operates freely, seeking various avenues to promote refugee rights under international law, including establishing cooperation with relevant stakeholders. Despite Indonesia not being a signatory to the 1951 Refugee Convention and lacking a fair and efficient national asylum procedure, it demonstrates willingness to assist and consider adopting measures in line with UNHCR standards to address refugee issues (Rudenimpku.imigrasi.go.id, 2023).

Regarding neutrality, UNHCR is recognized for its impartiality in determining refugee resettlement. The final resettlement decision rests with third countries, and UNHCR facilitates the process by forwarding relevant documentation to refugees who meet the qualification criteria established by the respective country, including age and skills. Mr. Rio Okto Edward, Head of Subid for Handling Conflicts at the Pekanbaru City Kesbangpol Agency, affirmed UNHCR's neutrality during the resettlement process, emphasizing that

UNHCR sends what the third country requires. While UNHCR strives to ensure a fair and effective resettlement process, it acknowledges that this process requires patience.

Conclusion

The findings of this study provide compelling evidence of UNHCR's optimal role as an international organization. Drawing upon Clive Archer's framework, which emphasizes three key elements of an organization's role - as an instrument, a forum/arena, and an independent actor - UNHCR has demonstrated effective implementation of these roles. However, the issue of ongoing demonstrations by Afghan Muslim refugees highlights the persistent challenge in finding a solution for this specific refugee group. The continued demonstrations can be attributed to a misinterpretation of the resettlement process. In response, UNHCR has taken diplomatic measures to engage host countries, seeking to expand resettlement opportunities for refugees. Additionally, UNHCR has intensified dialogue with the Indonesian government to enhance regulatory provisions concerning refugees.

Notably, positive developments have emerged, such as the issuance of Presidential Decree No. 125 of 2016, which addresses the legal status of refugees. This decree has had significant impacts on the quality of life for refugees, particularly in terms of housing, access to healthcare facilities, and the right to education up to the university level (Untari & Masrur, 2020). In Pekanbaru, for instance, there are now six official refugee residences, eight public elementary schools, one junior high school, and one university that collaborates with UNHCR and grants school permits to refugee children. Although private hospitals no longer provide healthcare services, refugees still benefit from free health check-ups at clinics in Pekanbaru, as well as at Arifin Ahmad Hospital.

In conclusion, while the issue of Afghan refugee demonstrations persists, UNHCR has taken proactive measures to address the challenge. By leveraging diplomatic channels to secure resettlement opportunities and engaging with the Indonesian government to improve regulatory frameworks, UNHCR is actively working towards finding a resolution. Furthermore, notable advancements have been made in the legal recognition and provision

of essential services to refugees in Pekanbaru. These developments signify progress in enhancing the well-being and opportunities available to refugees within the region.

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