

# Indonesian Government Diplomacy on Protecting Indonesian Migrant Workers in Papua New Guinea During Covid-19 Pandemic

<sup>1\*</sup>Made Selly Dwi Suryanti, <sup>2</sup>Melpayanty Sinaga

<sup>1,2</sup> International Relations Study Program, Universitas Cendrawasih, Papua – Indonesia

\*Corresponding Email: [sellydwisuryanti@gmail.com](mailto:sellydwisuryanti@gmail.com)

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## Abstract

*COVID-19 Pandemic that started from the end of 2019 and developed in 2020 has changed international world order. That changed felt by all countries in the world, including Indonesia. The rapid raising of casualties made the government taking a lockdown policy. It was meant to protect their citizens and prevent a more massive spreading. That protection is not only applied for the citizens in the country but also for the citizens living abroad like Indonesian migrant workers. One particular case that became the focus of this research is the migrant workers who works in Papua New Guinea (PNG). Human right is a main instrument in protecting the citizens. That is the importance of government in this case. This research aims to analyze Indonesian diplomacy strategies in protecting the rights of migrant workers who works in PNG during the Pandemic with humanity aspect as its main concern. Method that is used in this research is a descriptive qualitative using primary and secondary data through interviews and literature study from relevant and validated sources. The result of this research shows that Indonesian Government is taking the model of protection diplomacy in protecting Indonesian migrant workers in PNG.*

**Keywords:** COVID-19, Indonesia, Migrant, Workers, Human Rights.

## Abstrak

*Pandemi COVID-19 yang dimulai pada tahun 2019 akhir dan berkembang pada tahun 2020 telah merubah tatanan dunia internasional. Perubahan tersebut dirasakan oleh seluruh negara termasuk Indonesia. Korban yang meningkat, membuat Pemerintah mengambil kebijakan lockdown. Hal tersebut dilakukan guna melindungi warga negaranya dan mencegah terjadinya penyebaran yang lebih masif. Bentuk perlindungan tersebut tidak serta berlaku pada warga negara yang berada di Indonesia namun juga untuk Pekerja Migran Indonesia (PMI). Salah satu contoh kasus yang hendak diteliti ialah PMI yang berada di Papua New Guinea (PNG). Hak Asasi Manusia adalah instrumen utama dalam melindungi warga negara. Karenanya, peran negara sangat penting dalam hal ini. Penelitian ini bertujuan untuk melihat bagaimana strategi diplomasi Pemerintah Indonesia dalam melindungi hak-hak PMI di PNG sepanjang pandemi Covid-19 berlangsung, yaitu pada tahun 2020 dengan tetap mengedepankan unsur-unsur kemanusiaan. Metode yang digunakan dalam penelitian ini ialah deskriptif kualitatif dengan menggunakan sumber data primer dan sekunder melalui teknik wawancara dan studi literatur dari sumber-sumber yang relevan dan tervalidasi. Hasil penelitian menunjukkan bahwa Pemerintah Indonesia mengikuti model diplomasi perlindungan dalam melindungi para Pekerja Migran Indonesia di PNG.*

**Kata kunci:** COVID-19, Tenaga Kerja, Indonesia, Hak Asasi Manusia.

## INTRODUCTION

The COVID-19 pandemic changes the world order and has implications on all levels of countries in the world. One of the countries affected by this virus is

Indonesia. Not only has this caused fatalities, but this virus has also "killed" people's jobs and has halted all activities, starting from teaching and learning activities, work, and others. These activities are limited through a government policy called "lockdown". This policy must be implemented and obeyed by all Indonesian people so that their citizens are protected from the virus and prevent a more massive spread. The basis for the lockdown policy issued by the Government of Indonesia can be seen through Regulation No. 11 of 2020 regarding the Determination of Public Health Emergency Corona Virus Disease 2010 (COVID-19) (Keputusan Presiden Republik Indonesia No. 11 Tahun 2020) and Law num. 6 of 2018 concerning Health Quarantine (Undang-Undang Republik Indonesia No. 6 Tahun 2018). This form of policy by the Indonesian government is an effort to protect its citizens from the threat of this global disease outbreak.

The government's policy in protecting its citizens does not only apply to the domestic order or the scope of Indonesia. However, the government in this case also pays attention to the condition of Indonesian Migrant Workers abroad. This is done because the Indonesian government is responsible for the rights of its citizens in accordance with the 4<sup>th</sup> paragraph of 1945 Constitution which reads:

*"and then, other than that, to create an Indonesian Government that protect the entire Indonesian nation and the entire Indonesian homeland and to promote public welfare, educate the nation's life and participate in carrying out world order".*

Indonesian Government protect their migrant workers in many ways. One of them is by passing the law number 18 of 2017 regarding the protection of Indonesian Migrant Workers. That law, specifically in article 21, regulate about the protection of Indonesian migrant worker during their work. Not only that, protecting the Indonesian migrant workers started even before they departure. Indonesia Government does an in-depth interview to their citizens who want to work abroad to make sure they know what they're doing and that they get proper information regarding their preferred country.

In addition, the policies made by the Government of Indonesia related to the protection of Indonesian migrant workers are also contained in the Law on Foreign Relations Chapter V Protection of Indonesian Citizens Article 19 (b) which states that the Representatives of the Republic of Indonesia are obliged to provide protection, in accordance with national laws and regulations and laws and regulations. international custom (Undang-Undang Republik Indonesia No. 37 Tahun 1999). These two instruments reinforce that the role of the state is urgently needed to guarantee the rights of its citizens both inside and outside the Indonesian state.

In this regard, this research will discuss more specifically about Indonesian Migrant Workers residing in Vanimo, Papua New Guinea (PNG). Papua New Guinea is one of the countries where Indonesians seek work from both the formal and informal sectors. The number of Indonesian migrant workers in PNG also increases every year. This increase can be seen based on statistical data from BP2MI, per period 2017 – 2019 the number of

Indonesian migrant workers in PNG has increased. The figure reaches thousands with details; in 2017 as many as 225, in 2018 as many as 132 and in 2019 as many as 1,034 people (BP2MI, 2021). Indonesian migrant workers who works in PNG are mostly from Sulawesi (South Sulawesi), Kalimantan (West Kalimantan), and Java (Central Java and East Java) (BP2MI, 2021).

During the pandemic and in protecting Indonesian migrant workers in PNG, the State as one of the dominant actors in international relations has an important role to play in protecting its citizens. The pandemic urges the state, in this case the Indonesian government, to prepare several strategies or steps to protect its citizens who work abroad. As one of the steps or the government's strategies is through diplomacy. Diplomacy can be defined as things that a country does through negotiation and dialogue or in other ways that prioritize peaceful relations between countries. Cornago in his book also defines diplomacy as an act, institution, and word which is the key to basic understanding of the historical evolution of the international system which includes the evolution of functions and public interests (Cornago, 2008). Therefore, this research will look at two big things, namely, what is the condition of Indonesian workers in Papua New Guinea? and what is the Indonesian Government's diplomatic strategy in protecting migrant workers in Papua New Guinea during the Covid-19 pandemic?

## **METHOD AND THEORY**

### **Method**

This study used qualitative research methods. Qualitative research methods are

described as methods used to describe phenomena. Kirk and Miller define qualitative research as a certain habit in social science which basically looks at human observations both in its area and in terms (Moleong, 2018). Another definition from David William says that qualitative research is a process of collecting data in a natural setting, using natural methods, and carried out by a person or researcher naturally (Moleong, 2018). In this case, qualitative research methods are used to describe the Indonesian Government's diplomatic strategy in Protecting Indonesian Workers in Papua New Guinea during the COVID-19 Pandemic.

The technique used in collecting data is through in-depth interviews or in-depth interviews with relevant stakeholders such as state actors, in this case representatives of the Indonesian state in Papua New Guinea and other actors. The actor we interviewed was the Indonesian Consulate in Vanimo and the method used is online via "zoom" platform. Another technique is through documentation that can be done by searching and reviewing library materials in the form of books, journals, newspapers, reports from certain institutions, other scientific works that are relevant to the research theme raised or known as literature studies. The data obtained through documentation and interviews will be processed, interpreted by focusing on sharpening the meaning described in the form of words and elaborated by verifying the data.

### **Theory of Diplomatic Protection**

The obligation of a country to protect its citizens abroad is called by Diplomatic Protection. According to Forces diplomatic protection is "an action taken by a country

to another country where a person or a national property gets wrong treatment or negligence that can be attributed to the destination country" (Forcese, 2006). This means that the role of the state is urgently needed to provide protection and deal with the problems faced by its citizens when they are abroad.

Forcese (2006) stated that in the implementation of diplomatic protection there are several conditions that must be met, namely: 1) International mistakes, the sending country is obliged to provide protection to its citizens in the event of a violation of international law. This is contained in article 3 of the 1961 Vienna Convention (VCDR) which states, "protecting in the receiving state the interests of the sending state and its nationals, within the limits permitted by international law"(United Nation, 2005) Exhaustion Local Remedies, namely diplomatic protection of a country (legal assistance of a country to its citizens) can be carried out if the citizens of that country have gone through local legal remedies in the receiving country; (3) Link of Nationality, namely diplomatic protection that can only be done by the state when its citizens experience acts of violation of international law by other countries (Forcese, 2006).

This is regulated in the International Law Commission Draft Articles on Diplomatic Protection 2006 (United Nation, 2006), precisely in article 3 paragraph (1) which states that: "The state entitled to exercise diplomatic protection is the State nationality." it is further stated that, "for the purposes of diplomatic protection of natural persons, a state of nationality means a state whose nationality the individual sought to be

protected has acquired, descent, succession of states, naturalization or in any other manner, not inconsistent with international law." The meaning of this article is that a person's citizenship can be obtained by birth, descent, state succession, naturalization or other means that are not inconsistent with international law. This requirement is in line with the principle of passive citizenship which stipulates that a country has jurisdiction over a person. who violate the law in the territory of another country with legal consequences that befell its citizens. Therefore, the state has the authority to carry out legal functions to its citizens when the countries where the violation occurred are unable and unwilling to punish the perpetrators of the violation. These responsibilities and obligations are carried out by the diplomatic and consular functions of a country.

This function is contained in Article 5 of the 1963 Vienna Convention concerning Consular Relations. Where one of the points states that, "Consular functioning constitution in: protecting in the receiving State the interests of sending state and of its nationals, both individuals and corporate bodies, within the limits permitted by international law" (Vienna Convention on Diplomatic Relations). Based on the statement, it is explained that the consular post of the sending country in the receiving country has an obligation to protect its citizens and their interests.

In this regard, the relevant protection diplomacy model is used to describe the research to be discussed. This can be seen when groups of migrant workers or Indonesian people who are abroad for certain business encounter problems, the role of the state is needed in dealing with

this. For example, in the case that occurred in Papua New Guinea, during the pandemic several problems arose, ranging from delays in paying salaries by companies, complicated repatriation processes, access to health and so on. Therefore, the role of the state is important and must be presented to help migrant workers, especially those in PNG. This protection diplomacy model is a manifestation that the state is responsible for protecting its people in accordance with the constitution.

### **Human Rights**

Talking about human rights means talking about the individual of every human being in the world. Human rights can be interpreted as needs that exist in individuals and are protected by the government or the state. This is in line with what was stated by Austin-Ranney that human rights are a space owned by individuals and are clearly regulated in the constitution and in practice their implementation is guaranteed by the Government or the local state. Rights are basic things that humans have since they were born, one of which is the right to live.

According to the Universal Declaration of Human Rights (UDHR), there are five types of human rights that are owned by every individual: 1). Personal Rights, meaning that everyone has the freedom and guarantee of life on their own, 2). Legal Rights, meaning that every individual will get guaranteed protection under the law, 3). Civil Rights and Political Rights, meaning that every individual has the right to participate in political elections either as a voter or elected, and every individual has the right to join the government environment, 4). Subsistence's

Rights, meaning that everyone has a guarantee for the existence of resources that can support the life of the individual, the last 5). Economic, Social and Cultural Rights, meaning that every individual in a country has the right to find work, take education and develop their culture and this is guaranteed by the government or the country where they live (Triyanto, 2013).

Based on a brief explanation of the definition of human rights and types of human rights, this concept is also relevant for the author in conducting research on Indonesian migrant workers during the pandemic. Whereas Indonesian migrant workers residing in PNG are part of the State's responsibility, in this case the Indonesian government. Therefore, basic needs such as the right to life protection, which is included in personal rights, the right to obtain resources (subsistence rights), the right to legal protection (legal rights) and economic, social, and cultural rights will be reflected in the phenomenon of workers. Indonesian as a member of ASEAN vows to prioritize peaceful diplomatic approach in any cases (Setiawan and Suryanti, 2021). This concept will be the author's analytical knife in seeing how the role of the state as the main actor in international relations is urgently needed to guarantee the rights mentioned above in the case of Indonesian migrant workers during the pandemic in PNG.

## **RESULT AND ANALYSIS**

### **Indonesia Migrant Worker**

Indonesian Migrant Workers are Indonesian citizens who work abroad for economic purposes. Indonesian migrant workers in this case are both men and

women. Their motive for working outside Indonesia is to fulfill their economic needs. Most of the types of workers they take are as household assistants, factory workers and construction workers. Apart from that, there are also types of Indonesian migrant workers who work as beauty or spa waiters.

Based on the type of work, Indonesian migrant workers then select countries that are likely to provide higher economic benefits. However, for certain types of work, many Indonesian migrant workers also choose ASEAN countries as their place to fulfill their economic needs. For example, in Malaysia, many Indonesian migrant workers work as household assistants, then in Taiwan Indonesian migrant workers usually work as crew members (ABK) with the type of work as sailor and fisherman.

Apart from several ASEAN countries, Papua New Guinea is also one of Indonesian migrant workers goals because it has a gross domestic income based on purchasing power parity of US\$28.01 billion with a per capita income of US\$3,500 (CIA, 2021). Papua New Guinea is the object of the author's research, which will be discussed in more detail about Indonesian migrant workers here. Papua New Guinea located in the Pacific part of Indonesia adjacent to the Papua Province.

Broadly speaking, the population of PNG is Melanesian, Papuan, Negrito, Polynesian and Micronesian (CIA, 2021). Most of the population in PNG work in agriculture because of its abundant natural resources. The agricultural sectors include Cocoa, Coffee, Copra, Sugar, Tea, rubber, fruits, potatoes, vanilla and vegetables. Apart from agriculture, there are also jobs in the mining sector, such as gold, copper, silver and oil mining (CIA, 2021). This means that, when viewed from economic income and natural resource potential, PNG has advantages and potential for migrant workers to work there.

Moresby. The capital is a place where Indonesian migrant workers make a living. From 2017 to July 2021 the number of Indonesian migrant workers working in PNG was approximately 1,456 people. The data was taken based on information from the Indonesian Migrant Workers Protection Agency (BP2MI). Most of the working sex are male and work in the mining sector, some are also female working in the kitchen and in shops or supermarkets as cashiers. Table 1 shows the data on the number of Indonesian migrant workers between 2017 - 2021 which the author has recapitulated.

Table 1. Indonesia Migrant Workers in PNG

Num.	Year	Amount
1	2017	225
2	2018	132
3	2019	1.034
4	2020	0
5	2021	65
<b>Total</b>		<b>1.456</b>

Source: Personal Interview with the Indonesian Consulate in Vanimo

Based on table 1, the number of immigrants working in PNG is not too

many. However, every year there are always migrant workers working there

except in 2020. This happened because in 2020 there was a COVID-19 pandemic which hampered Indonesian migrant workers outflow and entry. However, in 2021 from January to April, the number of Indonesian migrant workers working in PNG began to increase after 2020. This means that PNG still has potential for Indonesian migrant workers to work and earn a living there.

### **Diplomatic Protection for Indonesia Migrant Worker in PNG**

COVID-19 pandemic that occurred around the world has indeed changed the order of the country. The impact is also felt as good from the able-bodied to the able-bodied. Almost all parts of the world are experiencing economic downturns, especially those working in the private sector. Indonesians are one of them who work as migrants abroad. In this section, the author will look at PNG as a country that is used as a place to find jobs for Indonesian migrant workers. The provinces studied by the author are West Sepik Province and Western Province. The results of the research were obtained through a direct interview with the Consulate General of the Republic of Indonesia for PNG.

On the pre-pandemic period, the number of Indonesian migrant workers in these two provinces was approximately 985 people. Based on the results of the author's interview with the Indonesian Consulate in PNG, that Indonesian migrant workers work mostly in palm oil companies and timber or logging companies (Simarmata, 2021). In terms of gender, most of them are male and have families, while there are also female workers who are assigned to manage the kitchen. Indonesian migrant

workers who works in the oil palm and timber sector have been facilitated by their respective companies. For their survival, they are placed in a camp or in other words, a joint venture house where they work. Therefore, for their basic needs such as eating, drinking, bedding has been provided, but what needs to be borne by themselves are secondary costs such as toiletries and their supporting equipment.

The pandemic period in PNG also greatly affected the activity patterns of Indonesian migrant workers there. As is the case in Western and West Sepik Provinces, that at that time companies such as palm oil and logging experienced a lot of decline, as a result several Indonesian migrant workers were laid off, dismissed unilaterally, delayed salary payments, food supplies or logistics were hampered, there was no clarity for Indonesian migrant workers whose contract has expired to travel back to his hometown. Meanwhile, other problems faced by Indonesian migrant workers as well as triggering the emergence of these impacts are related to the closing of the SKOUR-Wutung border gate and the implementation of the lockdown system which means that all travel activities, whether carried out by air, land and sea, are stopped.

With cases like the one above, for the basic rights of migrant workers to be considered and protected, the role of the state as the main actor in international relations is needed. In handling this case, the state was present through the Ministry of Foreign Affairs of the Republic of Indonesia, then assigned its unit through the Consulate General in PNG to help overcome the problem. The form of protection carried out by the State is carried out based on the constitution,

Minister of Foreign Affairs Regulation no. 5 of 2018 concerning the protection of Indonesian Citizens (WNI). The Minister of Foreign Affairs explains the definition of protection for Indonesian citizens abroad, namely "...any effort that is taken to serve and protect the interest of Indonesian Citizens who lives abroad" (Simamarta, 2021). That statement emphasized that in handling the Indonesian migrant workers case in Papua, the Ministry of Foreign Affairs will pay attention to the "service" and "protection" aspects as part that are mutually bound and inseparable from each other. The form of service and protection will be carried out by considering Indonesian laws, local laws, as well as international customs and laws.

With the role of the state through the Indonesian Ministry of Foreign Affairs, this form of service and protection is covered in the form of protection diplomacy. The form of protection diplomacy is listed in the Strategic Goals of the Ministry of Foreign Affairs of the Republic of Indonesia, one of which is the 4<sup>th</sup> goal that read "The protection of Indonesian Citizens abroad and a prime public services" (Simarmata, 2021). Meanwhile, the policy direction and strategy in question is to ensure that state actors exist through the establishment of a protection system for Indonesian citizens abroad based on the spirit of humanism or in other words the spirit of caring and partisanship with a focus on increasing aspects, prevention, and self-detection.

During the pandemic, the foreign ministry refocused its policy direction as a priority of Indonesia's diplomacy for PNG. The objectives are, (1) To strengthen Indonesian migrant workers protection; (2) support efforts to overcome the pandemic, both from the health aspect and the socio-

economic impact; (3) Can continue to contribute to world peace and world stability (Simarmata, 2021). At the beginning of the pandemic, the focus of Indonesia's diplomacy was to provide protection for citizens and those exposed to COVID-19. However, because the 2020-2021 pandemic has not yet ended, and during the lockdown, the Indonesian government through the Ministry of Foreign Affairs is trying to continue to provide facilities to Indonesian migrant workers to make it easier to access Indonesian migrant workers if they experience problems.

Indonesia's diplomatic efforts that have been carried out during the pandemic for Indonesian migrant workers in PNG are, (1) Ensure the health conditions of Indonesian citizens/ Indonesian migrant workers during the pandemic; (2) To record and monitor Indonesian citizens directly affected by the COVID-19 pandemic; (3) Providing assistance with COVID-19 equipment; (4) Disseminate information on conditions in the local country; (5) Ensure with employers that Indonesian migrant workers rights are fulfilled in difficult times / Return of financial rights of Indonesian citizens abroad; (6) Accelerate the processing of documents related to Indonesian citizens, such as passport services; (7) Facilitate the repatriation of Indonesian migrant workers from PNG through the border (Simarmata, 2021).

The way to implement these efforts is to identify them directly in the field. The consulate in this case checked the camps of each company to ensure Indonesian migrant workers conditions were safe, besides that several meetings were also held to listen to the problems faced by Indonesian migrant workers. These



aspirations will then be conveyed and discussed to the company, for example, one of them is related to delayed salaries or leave problems. In order to pay attention to Indonesian migrant workers conditions there, the consul made diplomatic efforts to companies to ensure the availability of vaccines for Indonesian migrant workers, while related to efforts to repatriate Indonesian migrant workers and accelerate the process of processing documents related to Indonesian migrant workers, the consulate made efforts to pick up the ball by directly visiting the camp and retrieve the necessary documents. These steps were taken to facilitate Indonesian migrant workers access during the pandemic, because in managing documents and looking for needs during the pandemic it took a lot of time to get to the city.

These efforts were then realized by providing several facilities to Indonesian migrant workers in PNG. This facility is similar to the time when the Consul would repatriate Indonesian migrant workers to Indonesia through the border. When the lockdown was still in effect, some Indonesian migrant workers were sent home other than because their work contracts had expired, some were also terminated unilaterally. Efforts that were then made by the consul so that the repatriated Indonesian migrant workers could pass through the border was by communicating via telephone between President Joko Widodo (Indonesia) and Prime Minister Marape (PNG) who agreed, among other things, the importance of cooperation between the two countries in tackling the spread of COVID -19, then efforts to support each other and help the return of citizens of the two countries through the Skouw – Wutung border. In

addition, other facilities provided by the Indonesian Consulate to Indonesian migrant workers are by utilizing social media and telephone hotlines to facilitate communication between Indonesian migrant workers and the Consulate.

The diplomacy carried out by the Indonesian side towards PNG in protecting the Indonesian migrant workers was not without problems. Some of these obstacles were experienced by the Indonesian Consulate in PNG such as the distribution of information for Indonesian migrant workers which is difficult to reach, the difficulty of getting PCR because the health facilities in PNG are not adequate, the difficulty of obtaining permits from the local government, especially in urgent cases such as health problems, cost overruns when Indonesian citizens are already present. at Vanimo while the permit process has not yet been completed. In this case, Indonesian migrant workers who came from remote areas to get the permit had to stay in Vanimo for a few days, and this also affected the budget of the Indonesian Embassy in PNG. Jayapura, Papua, because the fastest route to enter the territory of Indonesia is by using the land route through the Skouw – Wutung border.

Based on the result of this research, it is apparent that protecting Indonesian Migrant Worker in PNG during the pandemic requires various strategy. Diplomatic Protection used by the Indonesian government is not only about giving information and access, but also by direct visitation to check the actual condition of the migrant workers. Meanwhile, granting access, information, and vaccination services are a form of Indonesian Government's efforts to fulfill

the Indonesian migrant workers basic rights in getting proper services and a decent life while working in other countries during the COVID-19 pandemic.

## CONCLUSION

The diplomacy carried out by the Indonesian government in protecting Indonesian migrant workers in Papua New Guinea is taking the model of protection diplomacy. Overall, the form of diplomacy taken by Indonesia as the main actor in international relations is going well, although several obstacles are still being faced. Efforts that continue to be made by Indonesia to overcome these obstacles are by approaching the local government of PNG. Migrant workers in PNG will continue to be a concern of Indonesia through the Ministry of Foreign Affairs because it has become the responsibility of the Indonesian government to pay attention to the rights of its citizens.

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