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IAFOR Journal of the Social Sciences

Volume 2 – Issue 2 – Winter 2016

Edited by Dr Tingting Ying

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Ni Komang Desy Arya Pinatih is currently a lecturer at the International Relations Department, Universitas Brawijaya, Malang, Indonesia. She teaches courses and performs research in the area of Southeast Asian studies, including regionalism, transnational crime and military studies.

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Grant Pink has 27 years' regulatory and enforcement experience, in practitioner, management, and executive roles, across local, state, national and international levels. He is a Senior Adjunct Research Fellow in the School of Law at the University of New England, Australia, and received the Chancellor's Doctoral Research Medal for his PhD thesis, which considered capacity building in the area of environmental regulation, enforcement and policing. He consults domestically and internationally.

Jane Hudson has 20 years' adult learning and development experience specializing in workplace and regulatory learning. She is an experienced instructional designer and facilitator who works with regulatory agencies to deliver customized learning and development programs for their frontline officers, team leaders and managers. She is an accredited PRISM Brain Mapping practitioner and provides training across Australia for the Australian Institute of Training and Development, specializing in Instructional Design Essentials.

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Introduction

Welcome to the third issue of the *IAFOR Journal of the Social Sciences*. Our journal encourages critical ideas and theories from different perspectives about society and aims to contribute to an open avenue for new theoretical developments in this broad field of the Social Sciences by providing a space for international dialogue and critical approaches.

Streaming from IAFOR's annual event The Asian Conference on the Social Sciences, the journal establishes a venue for academic research across the variety of complex and multifaceted fields of the Social Sciences. The journal takes into consideration cultural, political, social and economic phenomena through their historical developments and contemporary evolution. It explores the interplay between society, politics and economics; the dynamics of globalization and international relations.

The *IAFOR Journal of the Social Sciences* is committed to an approach based on scientific studies and is open for contributions from various disciplines, including sociology, political science, anthropology, media and other studies.

In our first paper **Kulani Wijayabahu** rethinks the reason for obeying that was presented by transnationalists through the Transnational Legal Process (TLP) from the perspective of international relations. The paper recognizes that TLP is the best way that states can begin to engage in reconstructing national interest and identities of states to accomplish human betterment, as well as signifying the process of TLP in the law-formulating process even if internalization is the challenge, although TLP may not be the best way to make state obedience into International Law.

In the second paper we move to Asia, where **Ni Komang Desy Arya Pinatih** examines the very interesting case of the impact of regionalism at the regional level on the rise of transnational crime at the sub-national level by using the implementation of the ASEAN framework agreement on visa exemption to its member states and its implication for the rise of transnational crime in East Java Province, Indonesia. The author gives policy recommendations about how to combat transnational organized crime by taking advantage of the models on anticipating transnational organized crime.

The third paper brings us to Thailand, where **Pannarai Subsandee** offers us a vivid description of the particular characteristics of the mental health level of personnel and the effect upon knowledge, attitude and practice regarding the students in elementary inclusive schools by studying the effects of the human capital of teachers and educational personnel on students with learning disabilities. The results of the multiple discriminate analysis show a significant increase in the knowledge, attitude, and practice of the personnel after the training. Further counseling or professional therapy should play an important role in laying down new policy and a specify development plan to improve education at the elementary level in Thailand.

In the fourth paper **Grant Pink** and **Jane Hudson** examine the role of teaching and learning from the perspective of an environmental regulator, arguing that changes are needed and should consider contemporary approaches to teaching and learning practices for staff engaged in regulatory or enforcement positions.

India is under the lens in our fifth paper, in which **Veera Gupta** reports on field studies on the dropout of Children with Special Needs (CWSN) and Specific Learning Disability (SLD) children in India with educational planning, providing evidence that CWSN are getting enrolled but not being retained in the schools. These findings are significant for examining existing policies for access and retention in schools, modifying teaching learning strategies, evaluation provisions and incentives schemes to retain the enrolled CWSN. The author proposes suggestions for educational planners to build inclusive education in India and also to achieve the target of universal learning along with universal enrollment.

The final paper gives a glimpse into the tribulations and successes of the Chinese-Filipino in Lanao del Norte in the Philippines. **Rose F. Langbid** and **Michael Anthony R. Ngo** discuss the policies and the attitudes of the community towards Chinese Filipinos, offering new insights into the experiences of harsher anti-Chinese attitudes towards Chinese Filipinos in large urban places compared to those in small urban areas such as in Lanao del Norte. Despite such attitudes and feelings against the Chinese Filipinos in Lanao del Norte, they could overcome such challenges and remains a vital member of the society until at present.

I would like to thank the contributors, reviewers and editorial board for their work on this issue. We look forward to seeing you at IAFOR's 2017 conferences on the Social Sciences.

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Imposed Obedience versus Expressed Obedience: Rethinking on Transnational Legal Process

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Abstract

"Why do nations obey international law?" is one of the prominent questions that has arisen among scholars of international law. Therefore, this article anticipates to rethink the reason for obeying that was presented by Transnationalists through the Transnational Legal Process (TLP). TLP provides an opportunity for transnational actors to gather, interact, and interpret legal norms. Conversely, nationalists and Standard Point viewers criticize TLP. This was investigated through archival literature on these two schools from the perspective of International Relations. However, it is impossible to appraise either school as boon and bane can be identified. Hence, this article hypothesizes that transnational actors gather at international fora to reconstruct interest and identity of states to accumulate them to achieve a common goal despite ideational differences. As a result of that, rather ensuring human betterment, state excellence has overtaken human betterment since sovereignty and nationalism are still major concerns of states. But as TLP suggests selfish national interests of states can be altered and reconstructed via continuous participation in TLP. Therefore, this article signifies the process of TLP in the law formulating process even if internalization is the challenge.

Keywords: Transnational Legal Process, statehood, international law

> *Almost all nations observe almost all principles of international law and almost all of their obligations almost all the time.*
> – Louis Henkin

1 Introduction

States comply with International Law (hereafter IL) only as long as it fulfils its national interests. There is an absence of normative authority of IL itself and an inability to influence states that are powerful enough to violate it. This happens due to the anarchical nature of the international system.[1] Nevertheless, this does not directly and entirely comply with security dilemmas or competition among states, as cooperation is possible to some extent, though the international system (hereafter IS) looks like a 'cobweb' and goes beyond the billiard board.[2] The architecture of IS was also altered after the cold war and the world's power was balanced under unipolar power by making the United States the superpower. Apart from that, new non-state actors[3] have entered into IS as byproducts of functionalism and neo-functionalism[4].

The main intention of this assignment is to analyze the Transnational Legal Process (TLP) where interaction, interpretation and internalization operate, paying special temporal attention to the post-cold war era. The first section of this assignment will explain the functions of TLP while the second part observes the insights of TLP and the third section reviews Eric A. Posner's skeptical observations on TLP from the perspective of Standard View and Transnationalists and Nationalists debate in the US. Finally, this will sketch out what I consider to be a balanced approach to understanding the relationship between IL and Domestic Law in the post-cold war period.

2 Transnational Legal Process: TLP

TLP is a vertical process whereby public and private actors, including nation states, corporations, international organizations, non-governmental organizations, and individuals, interact in a variety of fora to interpret, enforce, and ultimately internalize[5] rules of transnational law (Koh, 1996, 183–184). As Harold Hongju Koh further explains, TLP has the following distinctive features:

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[1] Anarchy means the absence of a global authority to establish and maintain regulations to create an order in international relations. The anarchical nature exits as the international system consists of sovereign states which are the most powerful, independent and autonomous actors in the international arena.

[2] International Relations was compatible with the 'cobweb' model rather than the 'billiard ball' model as current relationships are more complicated, like a cobweb, and it is not as simple as it was before, like billiard balls, and inter-dependency can be seen among actors.

[3] Such as international organizations, non-governmental organizations, multi-national companies

[4] Functionalism promotes collective security which gathers capabilities and interest to securitize both states and humans and it focuses international integration, like the UN. Neo-functionalism addresses regional integration through supranational bodies like the European Union.

[5] According to Koh (1998, p. 642), this internalization can happen in three ways:
- Political internalization: This occurs when the political elites accept an international norm and advocate its adoption as a matter of government policy.
- Social internalization: This occurs when a norm acquires so much public legitimacy that there is widespread general adherence to it.
- Legal internalization: This occurs when an international norm is incorporated into the domestic legal system and becomes domestic law through executive action, legislative action, judicial interpretation, or some combination of these three.

1. **Non-traditional**: This breaks down two traditional dichotomies that have historically dominated the study of PIL.
2. **Non-statist**: The scope of the system does not only primarily consist of states but also non-state actors are included.
3. **Dynamic**: TLP is dynamic as it transforms, mutates and percolates up and down from public to private, from domestic to the international level.
4. **Normative**: New rules of law emerge as a result of the process of interaction which are interpreted and internalized. In fact, this process shapes law by providing opportunities for future interactions, and those further interactions will internalize those norms and thus explains the rationale behind how law influences and why nations obey.

As a result of this continuous further interactions, interests and identities of participants will reconstitute as participants repeatedly participate in the TLP as mentioned in Figure 1.
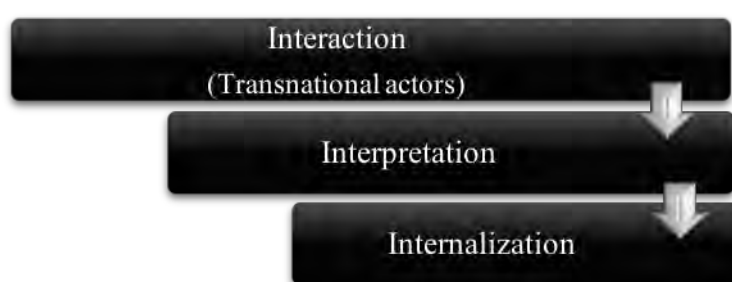

Figure 1: Transnational Legal Process

This process provides an answer to why nations obey IL referring to the concepts of **interest** and **identity**.

2.1 Interest

According to Regulatory Liberalism (RL), states do not engage in competition or war as cooperation is possible, and RL claims that the benefits of IL, accepted "rules of the game", and international organizations would contribute to the peaceful settlement of disputes among states and enhance global cooperation (Viotti & Kauppi, 1999, p. 202). Therefore, states do not maximize their power vis-à-vis other states in a zero-sum game and they employ cooperative strategies to pursue a more complex and multi-faceted long-run national interest (Koh, 1996, p. 199) in which compliance with negotiated norms serves as a winning strategy, as in a globalized world interdependency cannot be neglected.[6] In order to cooperate and achieve national interests collectively, states and non-state actors gather in regimes[7] and within these regimes IL gets a conceptual space to play critical role in stabilizing the expectations and in reinforcing the restraints. Koh further elaborates that legal rules promote compliance with

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[6] Not only Regulatory Liberalism but also game theorists predict that states are rational and self-interested actors which pursue multiple strategies to achieve both short-term and long-term gains, depending on the relative costs and benefits of competition and cooperation, as Robert Axelrod describes in his 1984 work *The Evolution of Cooperation*.

[7] As Stephen Krasner defines, regimes are implicit or explicit principles, norms, rules and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behaviour defined in terms of rights and obligations. Rulers are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing for making and implementing collective choice.

regimes norms by reducing transaction costs, provide channels to settle disputes, triggering retaliatory action and etc.

2.2 Identity

Identity comes with political ideology, and identity theory focuses on non-state actors and domestic politics. The behaviour of national governments is influenced by individuals and transnational actors through TLP. If transnational actors have a liberal identity, then law will become universalistic and as a consequence of that IL will be formulated in a law zone rather than in a political zone (Slaughter, 1998).

However, nation states acquire their identity while considering IL as a part of their national self-interest (Koh, 1996, p. 204). Therefore, as states participate in TLP, through a complex combination of rational self-interest, transnational interaction, norm-internalization and identity formation, IL becomes a factor driving their international relations (Koh, 1996, p. 205). For instance, legal areas such as Comparative Law, Immigration and Refugee Law, International Business Transactions, International Commercial Law, International Trade Law, Foreign Relations Law, National Security Law, Law of Cyberspace, Law and Development, Environmental Law, and the Law of Transnational Crimes have now become fully recognized, integrated, and internalized into domestic legal systems.[8]

Once interaction and interpretation are done, states follow different practices in internationalizing treaty norms, which is to say, incorporating treaties into the state's legal structure. Monism and Dualism are the two principle theories describing the connection between IL and municipal laws.

3 Two principle theories: Monism and Dualism

The main distinction between Monism and Dualism is that monists assume a unified internal and international legal system while dualists prefer to distinguish between the internal and international legal system.

3.1 Monism and delegation theory

In a monist legal system, IL is considered joined with and part of the municipal law of a state, as demonstrated in Figure 2. IL gets mindlessly incorporated into the internal legal system by ratification of an IL.[9] Delegation theory[10] emphasizes IL delegates' rule-making power to each state in accordance with the procedure and system prevailing in each state, in accordance with the constitution and rules of the treaty or convention that member states sign and agree upon (LawNotes.in, n.d.). Monism attributes primacy to IL and treats it as a superior legal system. Both laws are applicable on human such as municipal law directly and IL indirectly through States. Neither of them is a system nor are they separate from the system. Therefore, Monism theory does not have any transformation as treaties are considered to be self-executing.

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[8] From remarks made by Harold Hongju Koh (2006, p. 2) at the plenary session on *"What Is Transnational Law and Why Does It Matter?"* at the 2006 AALS Annual Meeting in Washington, D.C. on January 4, 2006, which share ideas with Harold Hongju Koh, *The Ninth Annual John W. Hager Lecture, the 2004 Term: The Supreme Court Meets International Law*, 12 Tulsa J. Comp. & Int'l L.

[9] According to Hans Kelsen, an Austrian jurist and leader of the Monist school of thought, IL or municipal law mediately or immediately regulates the conduct of individuals.

[10] This theory comes with Monism and further explains the incorporation between international and municipal law.
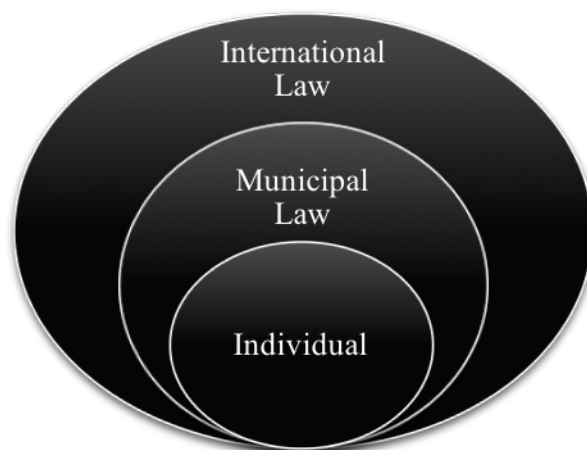
Figure 2: The connection between Municipal and International law under Monism theory

3.2 Dualism (Pluralism)

Dualism emphasizes that the rules of international law and municipal law exist separately and cannot purport to have an effect on, or overrule, the other (Shaw, 2003, p. 122). This prevails as fundamentally and relatively the nature and system of *inter* and *intra* laws are varying. Therefore, Dualism attributes primacy to municipal law and considers it a superior legal system.[11]

Moreover, Dualists argue that IL cannot be directly applied to domestic legal systems unless it is transformed into municipal legislation, as Dualism accepts the separation between IL and municipal law. This transformation can happen in accordance with the following theories, as demonstrated in Figure 3.
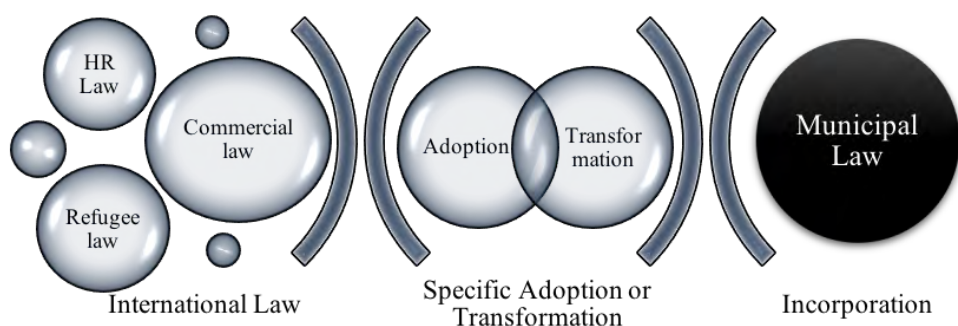
Figure 3: Dualism theory and legal transformation process

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[11] Dualists give these three reasons to justify their argument:
- The origins of international law and municipal law are different as international law is the common will of states and municipal law is the will of a state itself.
- The subjects of municipal law are individuals whereas the subjects of international law are states.
- The substance of municipal law is law if sovereign over individuals whereas international law is not above but between sovereign states.

Specific Adoption Theory	Incorporation/Transformation Theory
IL cannot be applied in sovereign states unless and until the sovereign state specifically adopts that law by way of enactments.	IL undergoes transformation as it spreads universally. For an instance, International Convention law can be transformed into domestic law through legislative incorporation (*inter alia*) or automatic incorporation [12].
State Practice: **India**	State Practice: **United States**
International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights have been adopted in India under the Protection of Human Rights Act, 1993. Similarly, the Model Arbitration Law (MAL) of United Nations Commission on International Trade Law was enacted by India as the Arbitration and Conciliation Act, 199.	The US has internalized international legal norms into US domestic law[13] through a range of interpretive techniques such as 1. Constitutional interpretation 2. Treaty interpretation 3. Incorporation of customary IL into domestic law 4. Direct statutory interpretation of statutes that expressly incorporate IL 5. Indirect statutory interpretation in accordance with the so-called "Charming Betsy" canon[14] 6. By interpreting state law in light of rules of IL.

Table 1: Specific Adoption Theory and Transformation Theory

However, if emphasizing the fact that participating in TLP is a constructivist process, this reconstitutes national interest and identity. Therefore, states obey IL as a positive result of this reconstruction.

4 Rethinking on TLP

4.1 Skeptical observation: Standard View
Eric A. Posner (2004, p. 23-28) presented his concept Standard View (SV), which counters TLP. He essentially brings the following counter arguments against TLP:
  1. First he mentioned that SV does not go in line with Realism as cooperation prevails and cooperation creates IL, although IL has a minimalist quality.

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[12] Legislative incorporation is used in the UK, Commonwealth countries and Scandinavian countries, while France, Switzerland, the Netherlands, the United States, Latin American countries and some African and Asian countries use automatic incorporation.

[13] Roper v. Simmons, 543 U.S. 551 (2005) (referencing international norms and practices in holding unconstitutional executions of offenders who were under the age of eighteen when their crime was committed); Sosa v. Alvarez-Machain, 542 U.S. 692 (2004) (discussing status of customary international law as federal common law); Olympic Airways v. Husain, 540 U.S. 644 (2004) (interpreting the Warsaw Convention); Lawrence v. Texas, 539 U.S. 558 (2003) (referencing international norms and practices in holding unconstitutional the criminalization of consensual, adult, private, same-sex sodomy); Atkins v. Virginia, 536 U.S. 304 (2002) (referencing international norms and practices in holding unconstitutional executions of offenders with intellectual disabilities) .

[14] This requires courts to construe ambiguous federal statutes to comport with governing rules of international law.

2. The world does not influence the state's interest and state interest is reflected at the international fora through states' behaviour.

3. The role of court is dull as political branches determine the foreign policy and the judiciary only follows those decisions with regards to IL. Therefore, political branches[15] decide the enforcement of laws as agents.

Posner's counter arguments undermine TLP as political branches can either support or suppress TLP.[16]

4.3 Transnationalists versus Nationalists

This section essentially focuses on the debate between Transnationalists and Nationalists[17] in the United States. Koh (2006, p. 749) presents this debate as follows:

- The transnationalists tend to emphasize the interdependence between the United States and the rest of the world, while the nationalists tend instead to focus more on preserving American autonomy.
- The transnationalists believe in and promote the blending of international and domestic law; while nationalists continue to maintain a rigid separation of domestic from foreign law.
- The transnationalists view domestic courts as having a critical role to play in domesticating international law into US law, while nationalists argue instead that only the political branches can internalize international law.
- The transnationalists believe that US courts can and should use their interpretive powers to promote the development of a global legal system, while the nationalists tend to claim that US courts should limit their attention to the development of a national system.
- The transnationalists urge that the power of the executive branch should be constrained by judicial review and the concept of international comity, while the nationalists tend to believe that federal courts should give extraordinarily broad deference to executive power in foreign affairs.

4.4 After the cold war

TLP is being challenged by the US after the 9/11 attack in terms of prisoners or war[18], the death penalty, execution of juveniles etc. In 1991, "during the Gulf War, the US and its allies used a coercive approach, but within a framework of IL, to force Saddam to leave Kuwait through Security Council resolutions that created an inspections regime that was initially working" (Koh, 2004, p. 346–350). Finally, without having UNSC second resolution, the Bush administration invaded Iraq and won a smashing military victory. This shows that TLP has been defeated by US national interest.[19] This erupted the during Bush administration as Bush

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[15] Legislature and executive.

[16] The honest reason behind this is that state sovereignty maintains its supreme authority in the international system even though IL attempts to regulate the system. Therefore, national interest and identity surpass collective cooperation approaches like TLP if they threaten national interest.

[17] The group of Justices, including Breyer, Souter, Stevens, Ginsburg, and Kennedy, represent the contemporary Transnationalists camp, while the Nationalist camp is represented by Chief Justice John Roberts and Justices Scalia, Thomas, and Alito. These two camps have different perspectives on TLP discourse.

[18] "At this writing, three cases have been argued before the U.S. Supreme Court this term – the Guantanamo cases arising from the D.C. Circuit, the Jos Padilla case in the Second Circuit and the Yasser Hamdi case in the Fourth Circuit. Each of these cases asks whether U.S. conduct is consistent with the Geneva Conventions as well as the U.S. national interest and tests the extent to which our Supreme Court will internalize these international standards into U.S. law" (Koh 2004, p. 352).

[19] The main advantage that the United States had was that they have unsigned the International Criminal Court (ICC) treaty, and Iraq is not a party to that treaty either. In addition to that the United States is still holding

pursued a doctrine which relied on coercive and power-based internationalism as his foreign policy.

Apart from these counter arguments, IL is sometimes impossible to internalize due to the following reasons:

1. Reasons of power and coercion
2. Reasons of self-interest
3. Reasons of liberal theory – both rule legitimacy and political identity
4. Communitarian reasons
5. Nationalism

5 Conclusion

National interest and identity are fixed, and it is a product of the national political process which reflects the values and preferences of the public. Briefly, it emerges within the state. Therefore, states comply with IL till it advances national interest and identity. Material factors like power, international law, economic advantages, soft power strategies determine and reshape national interest and identity.

Conversely, since the end of the cold war, the world has become smaller and there are an immense number of dynamic and new threats which go beyond national territory. Hence individual approaches are not any more appropriate to overcome those threats. As an inevitable consequence, complex interdependence has been growing to ensure national survival which is national interest – the prime goal of a state.

TLP is one of the efforts used to gather at one forum, interpret norms and internalize those norms as laws into the domestic system by agents. Undoubtedly, TPL is a collective approach which can be a threat to someone else's national interest since a continuous TLP causes reconstruction of the national interest and identity of a state.

However, predominantly it should not be forgotten that in current phenomena still, national interest is prioritized as the prime objective of a state and it is solid. According to Realists, states are rational actors that only participate in international fora to gain comparative advantages.

When considering the discourse on TLP, it is worth indicating that TLP is a better option in that states can overcome dynamic threats such as climate change, cyber insecurity, economic insecurity, piracy, illegal maritime activities and so on through a collective approach. Because TLP creates an opportunity to bring national interests as a common interest which aims to accomplish human betterment.

Obeying or disobeying depends on state decision and, as constructivists mention, ideational factors are much important than material factors.[20] In that sense, although state identity and

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Guantanamo without Geneva Convention Rights, as well as being one of the countries which permit the execution of juveniles.

[20] Ideational factors are neglected by Realism and Liberalism schools of thought when they develop their discourse on International Relations and both of these schools thought that state identities and interests are exogenously given. But Constructivism views the material world as shaped by human action and interactions which are determined by dynamic normative and epistemic interpretations of the material world.

interest is reconstructed as a result of TLP, it represents a hybrid between IL and domestic law that can be downloaded, uploaded and transplanted from one national system to another national system which aims for human betterment. Because dynamic facets of new threats in the post-cold war era cannot be eliminated alone. If IL is formulated to protect humans, TLP is the best way to alter ideational factors like values, norms and interest of states to make this world a better place to live in. Because TLP influences states in active ways to obey IL by internalizing those into domestic laws. Moreover, human security is very important and much emphasized in the post-cold war period, and human security of another country should not be threatened by selfish national interests. But initially TLP may clash with national interests, as supranationalism is not simple to establish in a heterogeneous world.

Perhaps TLP may not be the best way to make states obey IL, but it is a better way that states can begin to engage in reconstructing their national interest and identities to accomplish human betterment.

According to these findings, this can be concluded with the reinterpretation of Louis Henkin's above-mentioned quotation as follows:

> Almost all nations **will** observe almost all principles of international law and almost all of their obligations almost all the time **if those aim to protect humans without concentrating on state excellence**.

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ASEAN *Framework Agreement on Visa Exemption* and Transnational Crime: East Java Case Studies

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Abstract

The rise of regional power comes with its consequences. ASEAN, as the only regionalism in Southeast Asia, is widely known for promoting ASEAN Community as its main purpose, with three main pillars: economic community, political and security community, and socio-cultural community. In order to support the idea of "integrated community" and accelerate the readiness of state members, especially in preparing the free flow of goods, labour, and services, ASEAN launched the ASEAN *Framework Agreement on Visa Exemption.* At one point these ideas about accelerating and integrating ASEAN members, especially through people-to-people connection, seem perfect; however, this scheme provides a new challenge to the security of ASEAN member states, especially non-traditional threats, such as transnational crimes. This article examines the impact of regionalism at the regional level on the rise of transnational crimes at the sub-national level. By using the implementation of the ASEAN *Framework Agreement on Visa Exemption* to the member states and its implication on the rise of transnational crime in East Java Province, Indonesia, this paper seeks to: (1) examine the impacts of regionalism at the regional level to the rise of transnational crimes at the sub-national level; (2) identify the patterns of transnational crime at East Java Province, Indonesia, following the implementation of ASEAN *Framework Agreement on Visa Exemption*; (3) assess the relation between the free visa policy in the Southeast Asia region and the rise of transnational crime at the sub-national level, especially in East Java Province, Indonesia; and by using the models on anticipating transnational organized crime, give a policy recommendation on how to combat transnational organized crime.

Keywords: regionalism, transnational crime, ASEAN *Framework Agreement on Visa Exemption*

1 Introduction: regionalism in Southeast Asia

The regionalism trend in some regions of the world has demanded total adaption amongst its member states in order to attain common goals. In the literal sense, the concept of regionalism originated from the word "region", which means: "Regional grouping that identified based on geographical proximity, culture, trade and mutually-benefited economic interdependence, communication and participation in international organizations" (Hopkins & Mansbach, 1973).

Referring to the description above, some understanding can be concluded that "region" terminology is the main basis for regionalism. Geographical proximity is the main requirement for regionalism emergence in a region; however, it can't be denied that there are some other factors in the development, such as historical proximity, socio-cultural, and intra-region economic interdependence, regarded as other factors influencing regionalism construction. The European Union in Europe, the African Union in Africa, Mercado Comun del Sur (Mercosur) in South America and the Association of Southeast Asian Nations (ASEAN) in Southeast Asia are some regionalism examples that have been formed on the basis of geographical proximities.

The Association of South East Asian Nations (ASEAN) is an example of regionalism in Southeast Asia. ASEAN was formed in the spirit of common history and common fate and in the beginning was founded to create regional stability in Southeast Asia and to increase economic development for the member states. To obtain these goals, ASEAN created more intense cooperation schemes, one of which was by forming an ASEAN Community with 3 (three) main pillars, ASEAN Economic Community, ASEAN Security Community and ASEAN Socio-cultural Community. The main argument was to integrate Southeast Asian countries completely, politically, economically and socio-culturally and was planned to be fully realized in 2015. In practice, all agreement schemes at the regional level were directed to support the 3 pillars reinforcement of the ASEAN Community, starting from the signing of the preferential trade agreement in 1977, then the ASEAN Free Trade Area (AFTA) in 1992, the ASEAN Framework Agreement on Services (AFAS) in 1995 and the ASEAN Investment Area (AIA) in 1998. All economic agreement schemes in Southeast Asia in the end would conclude with ASEAN Community formation. One of the most important schemes that are regulated on AEC schemes are the free movement of labor, goods and services. It means that after AEC realization in 2015, free movement of labor, goods and services will be on a more massive scale in the Southeast Asian region. To support this scheme, ASEAN initiated some acceleration mechanisms to ease the ins and outs of labor, goods and services. One of them is visa liberalization for citizens of the member states.

The ASEAN Framework Agreement on Visa Exemption was launched during The 39th ASEAN Ministerial Meeting on July 25, 2006 in Kuala Lumpur as an important scheme made to support and accelerate intra-ASEAN and labor liberalization. In general, this scheme contained free visa regulation for 14 working days after the entry date for ASEAN members' citizens travelling across Southeast Asia. The ASEAN Framework Agreement on Visa Exemption is a continuation of the ASEAN Tourism Agreement signed on November 4, 2002 in Cambodia and the ASEAN Framework Agreement on the Priority Sectors signed on 29 November 2004, all of which, in general, are intended to support intra-ASEAN travel (ASEAN Framework Agreement on Visa Exemption, 2006).

On one hand, the ASEAN Framework Agreement on Visa Exemption scheme is seen as a major step in achieving the ideals of ASEAN integration as a whole, namely, the integration of aspects of the political and security, economic and socio-cultural community. Visa-free regulation is

considered to be a solution to the administrative barriers that make it difficult for citizens of ASEAN to travel within ASEAN. On the other hand, visa-free regulations have also had negative impacts on the security of its member states, particularly when associated with the emergence of a new perspective of looking at post-cold war security in which other forms of threats are no longer solely seen as traditional threats (military), yet now it has evolved towards non-traditional threats (non-military). This is reinforced by the growing threat of cross-border crime (transnational organized crime). It cannot be denied that visa-free policy would also provoke an increasingly heavy flow of people in these countries, so that the possibility of intra-ASEAN movement will be the more massive threat of transnational organized crime, which later will be more open not only at national level but also at the provincial level, so the urgency to do the mapping of transnational organized crime is becoming increasingly strong. Several ASEAN member countries responded to this visa-free policy by strengthening bilateral immigration relations. Among those relations are Visa Exemption Agreement between Thailand and Myanmar on a limited visa-free basis between the two countries, signed in 2013, and a similar agreement co-signed between Indonesian and Myanmar in 2014 in order to facilitate the flow of tourists between the two countries (UNWTO, 2014). This fact becomes relevant because the regional level talks on visa-free regulations have evolved towards the establishment of the ASEAN Common Visa governing the imposition of ASEAN member countries' joint visa which applies to citizens outside ASEAN, so the steps to strengthen the intra-ASEAN security need to be formulated.

2 Methodology and conceptual framework: Transnational crime

The growth and development of transnational crime (TC) is one serious issue that is now being faced by countries in various parts of the world. Although at first transnational crime is a normal criminal act, in its development transnational crime has turned into a national security threat as the implications of the increase in activity are likely to be massive and the impact is "transnational". On the other hand, the term "transnational crime" then undergoes expansion to the meaning of "transnational organized crime" because in some cases the perpetrator is no longer an individual or individuals, but already has a neat organizational structure. It can be justified by citing the United Nations Convention Against Transnational Organized Crime that transnational crime itself "has serious crime, structured and transnational effect" (United Nations Convention Against Transnational Organized Crime, 2004). Hence, the definition of transnational crime is then based on

> a group of three or more persons that was not randomly formed, existing in a period time, acting in concert with the aim of committing at least one crime punishable by at least four years incarceration, in order to obtain, directly or indirectly, a financial or other material benefit and transnational means not only offences committed in more than one state, but also those that take place in one state but are planned and controlled in another state. (United Nation Convention against Transnational Organized Crime, 2004)

The discussion about transnational crime indeed cannot be separated from the initial definition of transnational crime, because this is the definition that will be converging on our starting point when analyzing transnational crime, whether a transnational crime is then seen as an "ordinary criminal act" or as a "security issue". This initial mapping will have implications on our perspective on transnational crime, model approaches used and the remedial action that can be used to anticipate transnational crime (Ralf Emmers, 2003). The UN itself divides transnational crime into several categories: money laundering, terrorism, theft of art and culture, intellectual property theft, illegal arms trafficking, aircraft hijacking, pirates,

cybercrime, drugs trafficking, environmental crime, trafficking of organs human beings, corruption, fraud and financial crimes (Mueller, 1998). Meanwhile, on the transnational crime convention in the region as outlined in the ASEAN Plan of Action to Combat Transnational Crimes *(ASEAN-PACTC)* in 2002, the type of transnational crime in the sphere of ASEAN cooperation was narrowed down to only 8, namely: illicit drug trafficking, human trafficking, sea piracy, arms smuggling, money laundering, terrorism, international economic crime, and cybercrime (ASEAN-PACTC, 2002).

The wider and more developed the definitions and categories of transnational crime combined with the development of globalization, advances in transportation, communication and financial system on the one hand and the phenomenon of human security on the other hand increasingly making transnational crime more dangerous when compared to ordinary criminal acts. In fact, by exploiting the lack of government control in several "blind spot areas" such as borders, it is no doubt the effect of transnational crime is not only detrimental to the individual but also to the country's sovereignty. For example, in 2009 more than 12 million people were estimated as the victims of human trafficking (Interpol, 2010). If this fact is compared with the growth of other types of transnational crime then we will get a very worrying trend.

Transnational crimes record can be traced to the 1920s in the United States. At that time new characteristics in general criminal activity appeared, namely: the aggressive nature and scope of cross-border activity identified from the Cosa Nostra in New York. (Calcagni, 2010). Then in the mid-1970s, the United States government identified other new characteristics that criminal acts did not only pursue financial motives alone but also political motives and ideology. Besides, handling this new criminal act would not involve only one country but would require joint cooperation between two or more countries to cope.

For several decades after, along with rapid advances in information technology, communications and transportation systems had a significant impact on the increased activity of transnational crime. Later in 1975 for the first time transnational crime became one of the topics discussed in the UN Assembly, although concrete steps to handle the new transnational crimes were executed twenty years later with the launch of the Palermo Convention or the United Nations Convention Against Transnational Organized Crime (UNTOC) in 2000. The Palermo Convention contains a comprehensive definition on transnational crime. The crime characteristics are considered "unique" and have the effect of "transnational", as well as a transnational crime action plan, ratified by more than 150 member states and since implemented into the national law of each country.

2.1. Anticipation model on transnational crime

The increasing trend of transnational crime from year to year in various parts of the world is characterized by more varied methods of transnational crime and requires integrated solution in the long term. There are several models of handling transnational crimes that have been implemented to reduce the spread and impacts of transnational crime. Bruce G. Ohr, in his article titled "Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes", notes the importance of the legal aspects in combating transnational crime. Reflecting on the experience of the United States in combating transnational crime, Ohr offers several mechanisms to combat transnational crime, such as: (1) the establishment of units handling transnational crimes, such as the Organized Crime Strikes Force that performs the function of intelligence, recruiting informants, electronic surveillance to military operations; (2) the establishment and implementation of laws to ensure the eradication of transnational crimes through RICO (Racketeer Influenced and Corrupt Organizations Statute) legislation;

and (3) the cooperation initiation at the international level through the signing of cooperation on MLATS (Mutual Legal Assistance Treaties) extradition and the deployment of US law enforcement agencies to other countries in the transfer of knowledge scheme (Ohr, 1999). In line with the opinion of Ohr, Sheptycki, Jaffel and Bigo in their article titled "International Organized Crime in the European Union" also saw the need for internal support in combating transnational crime. Using case studies combating transnational crime in Europe, Sheptycki et al. offer the Organized Crime Threat Assessment (OCTA) method. Generally, OCTA combines three levels of integration combating transnational crime at the level of legislation, the level of law enforcement and administrative level (Sheptycki et al., 2011). Sheptycki et al. understand very well that one of the shortcomings combating transnational crime at the internal level is the lack of coordination between levels, so by the strengthening all three levels it is expected to combat transnational crime to the maximum.

Unlike Ohr and Sheptycki et al., who emphasize aspects of integrated handling, both internal and external, Jharna Chatterjee offers a different approach in combating transnational crime. In his article "The Changing Structure of Organized Crime Groups" Chatterjee explains that tackling transnational crime cannot be generalized into one model. Chatterjee's argument is motivated by the fact that the trend of transnational crime in the twenty-first century is no longer homogeneous, but heterogeneous. The data presented by Chatterjee show that there is heterogeneity in the types of transnational crime in the various regions of the world. For an example, in the African continent, the emerging trends of transnational crime are drugs trafficking and money laundering, in Latin America the trends are human trafficking and drug trafficking, while in Asia the trends of transnational crime are people smuggling, human trafficking and counterfeit goods (Chatterjee: 2005). Heterogeneous transnational crime trends in the end also have implications for the proper handling methods deemed appropriate to combat transnational crime for each region. Therefore, Chatterjee adopts alternative methods of combating transnational crime, which come from Phil Williams and Roy Goodson, based on heterogeneity through five models, namely: (1) the first model is based on political conditions; (2) the second model is based on economic conditions; (3) the third model is based on social conditions; (4) the fourth model is also known as The Risk Management Model; and (5) the fifth model is Composite Model (Williams and Goodson, 2002). In the end, though Chatterjee adopted Goodson's five models, he also stressed the importance of synergy between policy makers, law enforcement and the public at internal level as well as the formation of a joint operation schemes at bilateral, regional and international levels to ensure the eradication of transnational crime on maximum and sustainable so that the potential emergence of transnational crime in the future can be reduced to the lowest level.

3 Results and discussion

3.1 East Java overview
In general, viewed from the types and spread, there is heterogeneity of transnational crime in some regions of the world. As stated previously by Chatterjee (2005) that in Southeast Asia human trafficking, drugs trafficking, money laundering and people smuggling are the dominant emerging transnational crimes. Meanwhile, in Indonesia, the transnational crime variants that appear dominant are illegal immigrant smuggling, drugs trafficking, illegal trade of wild animals, illegal timber smuggling, etc. (UNODC, 2013). There is a significant increase in the trend of transnational crime; if taken from the period of the year 2012 there were 24.502 cases of transnational crime reported to the authorities, later increasing to 34.513 cases in 2013 (Ananta, 2013).

Of all the provinces in Indonesia, East Java is a province with an area of 47157.72 km^2 with an estimated population of 38,268,825 people in 2013 (Kementrian Dalam Negeri RI, 2013), while the general crime rate recorded in East Java in 2013 almost reached 35,000 cases within the period of 2012 to 2013. The crime records in the statistics also included transnational crime that occurred in East Java in that period. In general, transnational crime, as indicated in East Java, includes, among others, human trafficking, people smuggling, drug trafficking and cybercrime.

Related to the implementation of the ASEAN Framework Agreement on Visa Agreement, there is an increasing trend of travellers, especially intra-ASEAN.
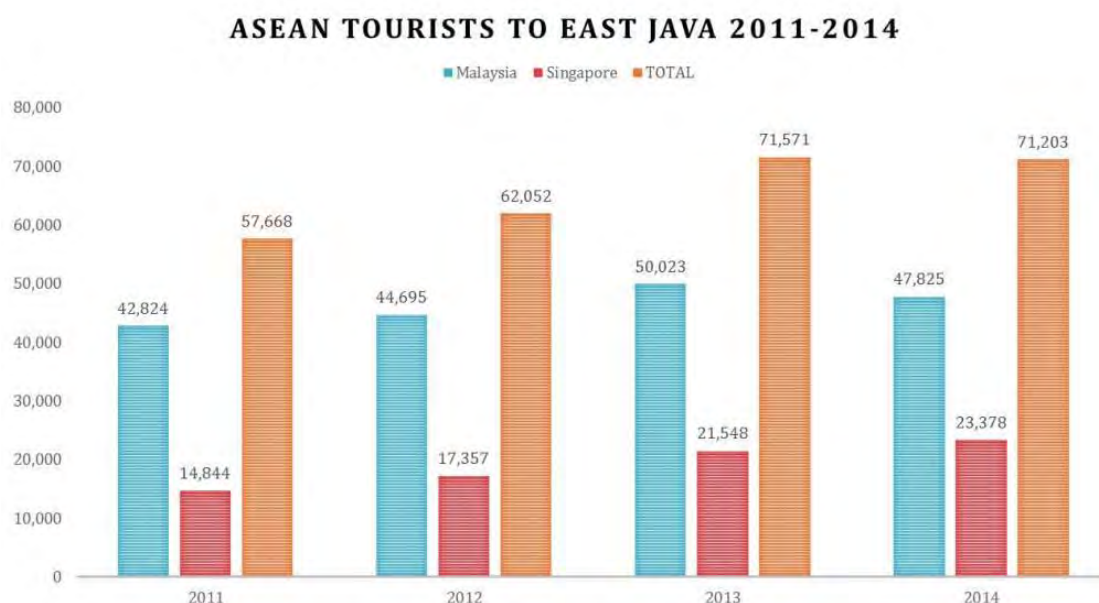
Figure 1: ASEAN tourists to East Java, 2011–2014
Source: www.asean.org

Amongst tourists from 9 other members of ASEAN, only Malaysian and Singaporean tourists have significant contributions and are recorded in the statistics. From 2011 to 2014, the number of tourists from the two countries increased following the ASEAN Framework on Visa Exemption in 2006.

3.2. The patterns of transnational crime in East Java Province, Indonesia, following implementation of the ASEAN Framework Agreement on Visa Exemption
After implementation of the ASEAN Framework on Visa Agreement the number of transnational crime cases recorded by the East Java Regional Police tends to increase. This indicates that East Java is one of the provinces that is vulnerable to transnational crime compared to other provinces in Indonesia, so the identification of transnational crime in the province of East Java becomes urgent, in addition to getting a comprehensive picture of the mapping of transnational crime in the province. These interventions have also been created to provide recommendations of what relevant parties, especially the government, need to do to anticipate the spread of transnational crimes.

First, cases involving human trafficking illegal workers. East Java is one of the largest contributors to migrant workers in Indonesia. A large number of migrant workers is also a source of vulnerability for their illegal workers. Problems commonly faced are incomplete

document, falsification of documents, illegal recruitment agency, and mistreatment of migrant workers abroad. The second case is people smuggling, the smuggling of human activity. Since Tony Abbott served as Australian Prime Minister, Australia stopped being willing to accommodate illegal immigrants and asylum seekers, securing and patrolling their territories against people smuggling. Therefore, the people smuggling crime rate has declined since 2013. Third, the case of drugs trafficking. Data from the Ditreskoba (Drugs Division) of East Java Regional Police shows drugs trafficking trend is increasing every year. In addition, drugs trafficking actors vary, coming not only from Indonesia, but also from Africa, China, and ASEAN countries such as Malaysia, Singapore, and Thailand. The methods include the handling of police investigations that can be done disguised as a buyer or a postal employee, arresting the perpetrators, and investigating the networks.

3.2.1 Human trafficking. According to the East Java Regional Police, one of the most common transnational crimes in East Java is human trafficking. The high incidence of human trafficking in the East Java region, apart from weak oversight, is caused by the fact that East Java is one of the origin provinces with the highest number of Indonesian Workers (TKI); therefore, high mobility is also implicated in the high incidence of human trafficking in East Java. Data regarding illegal workers' cases affiliated with trafficking in East Java can be found in Figure 2.
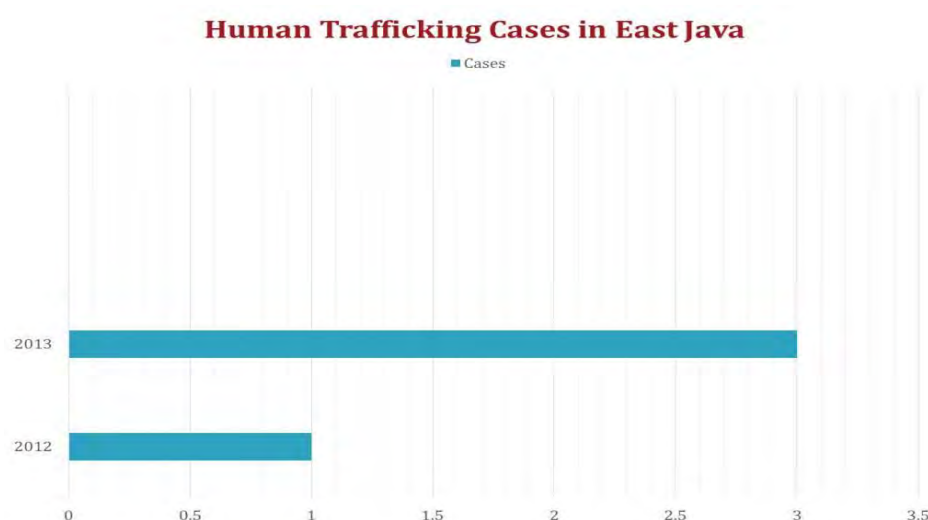
Figure 2: Human trafficking cases in East Java
Source: East Java Regional Police, August 29, 2014

Figure 2 shows the the numbers of illegal migrant workers (human trafficking) cases that are handled by the East Java Regional Police. In the figure it can be seen that the number of illegal migrant workers' cases from 2012 to 2013 has increased; there was one case in 2012 and in 2013 there were 3 cases, with specification document forgery.

In handling cases of human trafficking or illegal migrant workers, the East Java Regional Police perform investigations and cooperate with Indonesian representatives to handle such cases. In general it can be concluded that trafficking in East Java has increased. Neighboring countries such as Hong Kong and Malaysia are the main destinations for human trafficking. This is due to several districts in East Java being pockets of Indonesian workers, which means that the mobility of people in East Java Province is relatively high. The mechanism of handling such cases of human trafficking in East Java is generally carried out by the police, who rely on

cooperation among law enforcement agencies and NGOs who focus on issues of migrant workers.

3.2.2 People smuggling. A second transnational crime activity that has increased quite a lot in East Java Province is people smuggling. People smuggling cases are common among asylum seekers entering neighboring countries, especially Australia. But the attitude of the Australian government, which firmly rejected these asylum seekers, did not reduce the quantity of people smuggling crimes. Figure 3 shows the data on human trafficking in East Java Province.
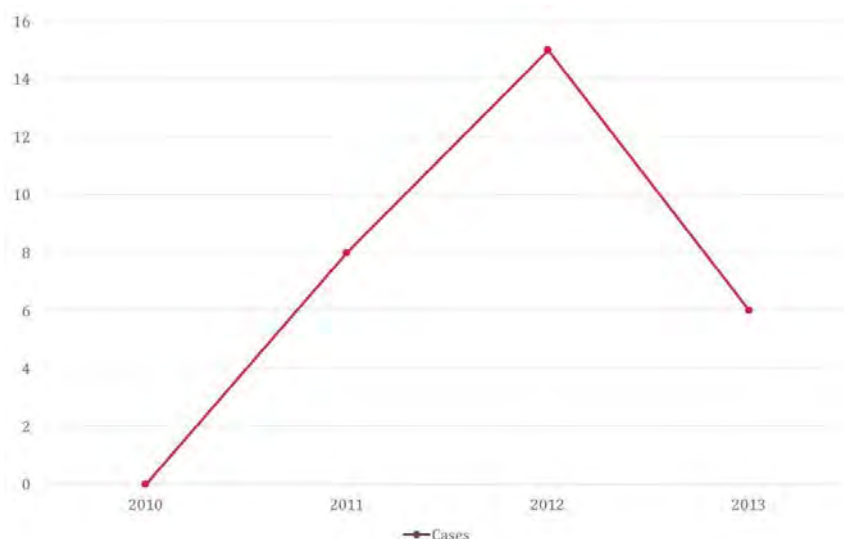
Figure 3: People smuggling cases in East Java
Source: East Java Regional Police, August 29, 2014

Figure 3 shows the number of cases of people smuggling handled by the East Java Regional Police. Based on the table, in 2010 the number of cases handled by the East Java Regional Police was nil. According to the East Java Regional Police, this is because the unit that handled the case was new, founded since 2011, so data from the previous years did not exist. Meanwhile, in 2011, the number of people smuggling cases handled by the police was 8.

Based on the interview with East Java Regional Police in 2014, it is identified that for the year 2012, the number of people smuggling cases handled by the East Java Regional Police experienced a rise to as many as 15 cases, with 13 cases in process and 2 people reported as on the Wanted list. Finally, in 2013, the number of cases decreased to 6, with 3 people and 3 others in process status in the investigation. Broadly speaking, the perpetrators of people trafficking in these cases were foreign citizens who also doubled as smugglers and Indonesian citizens who worked as drivers. The victims mostly came from the Middle East-Africa region and countries in conflict such as Afghanistan, Iraq, Syria, Palestine, Somalia, Kuwait, Iran and one of the Southeast Asian countries, namely Myanmar.

According to the report compiled by the East Java Regional Police, there are some areas in East Java Province that become vulnerable spots of people smuggling cases. The areas in question cover Tuban, Madura, Pacitan, Trenggalek, Ngawi, Blitar, Malang and Banyuwangi. People smuggling committed by perpetrators of such cases is done through the land which can be divided into three lines, namely Java North Coast Line, Central Pathways via Pacitan, and Madiun Line.

Many areas in East Java that have contributed to the distribution of human trafficking victims have received serious attention from East Java Regional Police. To handle this, the East Java Regional Police have a mechanism for handling methods such as law enforcement. Based on data obtained from the people smuggling unit in East Java Regional Police, law enforcement are disclosure, and the investigation smuggling form a syndicate, prioritize foreign smugglers or actors, investigate with Extradition Act against immigrants who are proved to be a smuggler in the country of destination, as well as creating a database and link chart regarding the regional smugglers syndicate.

It can be concluded from the above explanation that in general the activity of people smuggling in East Java Province experiences stagnation or decline. There are two main things that influence the decline of people smuggling activity in East Java Province. The first is the handling method performed by the East Java Regional Police based on syndicate disclosure and investigation, also supported by some extradition agreement schemes to destination countries of people smuggling. Secondly, on the external side there are fairly proactive policies by Australian government as the smuggling's destination country from Indonesia that firmly rejects asylum seekers who, on average, enter Australia through smuggling. Both of these are proven to reduce people smuggling activities in East Java Province.

3.2.3 Drugs Trafficking. Based on data from the Action Plan for the Implementation of Regional Policy and Strategy of Prevention and Combating Drugss Abuse and Trafficking East Java Province Year 2011-2015, the distribution of illicit drugss in the ASEAN region and surrounding countries showed significant progress. The spread of drugs abuse in Indonesia in 2008 amounted to 1.99% of the Indonesian population aged 10-59 years. In 2010 the percentage was expected to increase to 2.21% and in 2015 rose to 2.8%, equivalent to 5.1 to 5.6 million people. Based on research results from BNN with Puslitkes UI in 2008, 1 in 20 students/college students in Indonesia had abused drugs.

The flight path between Surabaya and Jakarta included crowded lanes making it easier for courier, transporting and drugs delivery from Jakarta to Surabaya in which illicit drugs, shabu-shabu, ecstasy, heroin, amphetamine are transported from Jakarta. Drugs-related crime cases themselves in East Java from year to year show an increasing trend and the spreading mostly affects Surabaya (Interview with Head of Drugs Divison of East Java Regional Police, 2014).

Indonesia is one of the most attractive markets for drugs traffickers because of its vast territory and population. East Java is one of the provinces that are the main destinations of drugs trafficking in Indonesia. Drugs in East Java will be sent to other areas. Drugs distribution in East Java starts from Juanda Airport, Surabaya. Then the drugs mostly widely circulate in Surabaya, Madura, Jember, and Malang. In addition, the drugs in East Java also circulate to East Indonesia, such as to Bali, NTT, NTB, Sulawesi, and Papua.

The drugs trafficking network in East Java comes from different countries; not only from ASEAN countries, but also from Africa, China, and the United Kingdom. The transnational drugs network is a powerful and neat network, so it is difficult to track. Methods to circulate the drugs may vary, for example, by forming a relationship with Indonesian citizens. The offenders can also pose as tourists or send packages to Indonesia. Most perpetrators are males. Based on the data and interview results obtained by the authors, it can be concluded that (1) the drugs circulation in East Java is increasing every year, (2) drugs trafficking comes partially from ASEAN countries such as Malaysia, Singapore, and Thailand, and (3) Indonesia,

especially East Java, is a good market for drugs trafficking. Most drugs in East Java are circulated in Surabaya, Madura, and major cities in East Java. In addition, drugs from East Java are also sent to East Indonesia, such as Bali, NTB, NTT, Sulawesi, and Papua.

In the end we can conclude that the transnational crimes occuring in East Java have varied trends and nature. Perpetrators and victims of transnational crimes in this paper included human trafficking, people smuggling, drugs trafficking and cybercrime, including not only foreign citizens but also civilians of Indonesian nationality. With regard to the focus of this study that tries to look at the transnational crime movement in the region, according to the results obtained from this study I found that perpetrators and victims from ASEAN countries in terms of quantity are insignificant when compared with the perpetrators and victims from Indonesia or countries in other regions.

Based on the data presented above, in general the mechanism on addressing transnational crime only relies on law enforcement on the part of police forces. This means that the police are the only actors who perform the handling of transnational crime although in practice they are assisted by NGOs that focus on certain issues of transnational crime. The police perform 3 stages in dealing with transnational crime cases, namely investigation, arrest, and examination. However, the police only act on the report and they have limited personnel, so transnational crime rates could be higher than the data held by the police. If this is compared with handling models of transnational crime in fact there are many ways that can be done to anticipate and combat transnational crime. On average the models are based on preventive and sustainable or long-term aspects. An example is the social model that is done by embracing the local community and empowerment against the transnational crime perpetrators such as human trafficking perpetrators who are mostly housewives in areas that become pockets of labor/migrant workers. By involving the community in handling transnational crimes it is expected that the public would show awareness that transnational crime issue is a common issue. Therefore, the program of transnational crime handling could be sustained in the long term. This will eventually lead to further reducing transnational crime or even eradicating the crime altogether.

4 Conclusion

The idea to achieve the ASEAN Community and the three pillars, namely, ASEAN Economic Community (AEC), ASEAN Political and Security Community (APSC), and the ASEAN Social and Culturual Community (ASCC) in 2015 has forced ASEAN member states to accelerate and adjust in all sectors to ensure the readiness of the entire sectors in facing the scheme. In order to support the ASEAN Economic Community in which there are the liberalization of goods, services and labor, ASEAN created *ASEAN Framework Agreement on Visa Exemption* scheme in which the main objectives of visa exemption for citizens of ASEAN member states are to support intra-ASEAN acceleration and people mobility, especially labor. In general, this scheme includes the regulation of visa-free for 14 days starting from the entry date for citizens of ASEAN member states who are travelling in Southeast Asia.

Although this scheme is seen as an advance in the integration of the ASEAN community, on the other side the visa-free regulations have also negatively impacted the member countries, especially when associated with a new perspective of non-traditional security threats that are characterized by the increasing criminal threat from transnational crime. Because it cannot be denied that visa-free policy would also lure people flow increase between intra-ASEAN countries, the massive threat of transnational crime is also likely to be more severe. Therefore,

the research on "Transnational Crime Mapping in East Java Province Post Entry ASEAN Framework Agreement on Visa Exemption for ASEAN Member Countries" is increasingly urgent.

There are some interesting findings obtained from this research. Among these are: (1) of eighteen categories of transnational crimes as published by the UN, there are four types of transnational crime that emerged in East Java, namely human trafficking, people smuggling, drugs trafficking, and cybercrime; (2) there is an increasing trend of transnational crime in East Java after the implementation of the *ASEAN Framework Agreement on Visa Exemption*; (3) on average the origin of transnational crime perpetrators are in East Java Province, mostly from Southeast Asian countries; (4) handling methods of transnational crime cases in East Java as well as the efforts made by law enforcement still rely heavily on the only actor, which in this case is the East Java Regional Police. Consequently, on average the handling methods are still repressive; hence, that model cannot be used for the long term.

5 Recommendations

Based on the findings obtained in the previous chapters of this research, there are several suggestions and recommendations, as follows:

1. The need to perform transnational crimes mapping in other provinces as a base line study. Due to different spreading of transnational crime in each province, we need different handling models for each province.
2. The need for involving other actors in the handling model of transnational crimes. This is because on average transnational crimes occurred mainly based on social issues (poverty); hence, the involvement of other actors in transnational crime would obtain comprehensive mapping.
3. The need to implement a handling model of transnational crime based on various conditions, such as social aspect, economic aspect, political aspect, hybrid, and composites. So, the handling could create long-lasting impacts in the future.

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Human Capital of Teachers and Education Personnel Affecting Students with Learning Disabilities in Elementary Schools

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Abstract

The study of human capital of teachers and education personnel affecting students with learning disabilities in elementary schools aimed to study the mental health level of personnel and the effect upon the knowledge, attitude, and practice regarding the students in elementary inclusive schools. The two-stage random sampling group included 300 teachers and education personnel in the schools under the Chachoengsao Primary Educational Service Area Office 1. The mental health average score was 48.4 from the full score of 60, which was considered to be the same level as the general population. 52.67% of the personnel had average mental health while 32.66% had higher mental health than average. However, 14.67% had lower mental health than the average. The personnel's score on the knowledge, attitude, and practice regarding the students was 37.82 from a full score of 56, which was considered to be moderate level. 56.67% were at a high level and 43.33% had a moderate level score. Most of the personnel had no experience of the specific training and more than half had no experience working with the students with learning disabilities. The results obtained from the multiple discriminate analysis using the correlation analysis in average of bivariate analysis showed the significant increase (p-value = 0.05) in the knowledge, attitude, and practice of the personnel after the training. Further counseling or professional therapy should play an important role in laying down new policy and a specify development plan to improve education at the elementary level in Thailand.

Keywords: knowledge, attitude, practice, students with learning disabilities, mental health

Introduction

It has been shown that education is the key process for sustainable human development, enabling the development of a country to proceed at full capacity. As a result, humans can coexist peacefully in society. Thailand focuses on the education of the population as a major force in driving various mechanisms within the country. According to the education budget for the fiscal year 2015, the Ministry of Education receives about 20.54% of the national budget, or 4.06% of the gross domestic product (GDP) (Ministry of Education, 2015). The education system reflects the efficiency and quality of the citizens. His Majesty the King had bestowed a royal guidance upon the school principals and the students who received the awards by the Ministry of Education on the Academic Year 1975 at Dusidalai Hall, Chitralada Villa Royal Residence on Friday July 22, 1977:

> Education is a vital tool in the development of knowledge, thinking, behaviors, attitudes, values, and individual moral conduct to be a good citizen with quality and efficiency. When the nation consists of citizens with quality and efficiency, the development of the country would proceed smoothly. The obtained result would be definite and swift… (His Majesty the King's Royal Guidance, 1997).

The important ideology of education is to provide for lifelong education and build the Thai society as a learning society. This will lead to the creation of quality of life and social integration between intellectual, morality, and culture (Office of the Education Council, 2005). The goal of educational management is focused on the development of Thai citizens to be "proficient, decent, and happy". The government sector is also giving priority to the education from early childhood through life by the enactment of laws and formulates plans regarding the educational management including the educational management for individuals with special needs as shown in the National Education Act 1999 and the National Constitution Amendment (No. 2) 2002, Section 10 (Constitution of the Kingdom of Thailand, 2007). It states "the educational management must provide individuals with rights and opportunities equally to the basic education of good quality no less than twelve years that the State must provide throughout the country without educational expense". And the second paragraph states that "the educational management for individuals with disabilities, such as physical, mental, emotional, social, communication, and learning, those who are unable to care for themselves, those who cannot afford caretaker, or disadvantaged must be provided specially with rights and opportunities to basic education". The Persons with Disabilities Education Act 2008 refers to the educational management mentioned in Article 5 for disabled individuals in which they have a right to be educated without any expense from birth or when they are disabled throughout life. They will also receive technology, facilities, media, services, and other assistance for education.

The Ministry of Education specifies nine types of disability in the notification by the Ministry of Education regarding the categories and criteria of the disabled in education by 2009 including visual impairment, hearing impairment, intellectual disabilities, physical or movement disabilities, learning disabilities, speech and language impairments, behavior or mood disabilities, autism, and individuals with overlapping disabilities. The government sector has prepared and specified the National Education Act 1999, the Amendment (No. 2), and the Persons with Disabilities Education Act 2008 to serve as a guide for the educational management of the citizens within the country. This shows that the government sector has given priority to education to all children including the children and youth with disabilities, which are eligible to receive education without any expense with educational services of

guaranteed quality. The educational management for children with disabilities is in the form of special education such as special schools, special educational centers, and schools with joint learning programs with teachers who are able to instruct the students. This ensures the development of the children in the appropriate environment in all aspects of life in today's society. This is consistent with studies by Subsandee (2014) regarding the factors of the achievement of students with learning disabilities who study in regular classes. It was found that teachers were the key elements that affect students' learning, both their academic achievement in the course and even the students per se. The statistical significance was 0.05. This might be due to the teachers who had an obligation and a duty to pass on knowledge to students as well as to educate them to become decent and capable with proper development in all aspects of life in society.

Although the government sector has recognized the importance of educational management for individuals with special needs in the past, the current course and the disciplines of the tertiary institutes have been changing according to the popularity of society. Some schools have adjusted the course of study which is essential for individuals with special needs for the students studying under the School of Education, such as the abolition of the courses related to special education of the introduction of courses on special education combined with other subjects. This is one possible reason for the lack of educational knowledge in the field of special education. The course that indicates the basic knowledge about special education depends on each institution to determine the course name, such as 'Introduction to Special Education' or 'Inclusive Education' etc. These courses aim specifically to provide such knowledge regarding special education for students studying the Bachelor of Education programs. When these students graduate from higher education programs, most of them would work mainly in the pedagogical profession.

The current recruitment and designation of new officials to serve as teachers and education personnel who supervise the students with learning disabilities in the inclusive classes are giving the opportunity to individuals who did not graduate with a degree from the School of Education but hold professional teacher licenses to act in caring for individuals with special needs. This may create a potential gap in human capital regarding the various types of education and differences in education personnel. A graduate from a certain academic class of the School of Education may have completed the courses on special education. However, not all has been learning about special education. In addition, some teachers and education personnel did not graduate directly from the School of Education. Accordingly, they have not completed the special education related courses. The difference in educational contexts of the teachers and education personnel makes a variety of teachers and education personnel lack the understanding and the practice to care for the students with learning disabilities in the classroom.

Therefore, the study of the human capital of teachers and education personnel affecting the students with learning disabilities in elementary schools should be essential to reflect the importance of human capital to educational intellect (knowledge, attitude, and practice) in the aspect of educational management regarding the teaching of students with learning disabilities in inclusive classrooms in elementary schools. This may lead to guidelines of enhancing knowledge concerning the students with learning disabilities in inclusive classrooms for teachers and education personnel in the schools under the Chachoengsao Primary Educational Service Area Office 1.

It is recognized that the human capital, i.e., education, age, experience, and mental health, of the teachers and education personnel influences the knowledge, attitude, and practice differently. Teachers and education personnel who graduated with degrees higher than an undergraduate degree should have a higher average score of the knowledge, attitude, and practice than those who have completed an undergraduate degree. Teachers and education personnel who graduated with a teacher professional degree should have a higher average score of the knowledge, attitude, and practice than those who did not graduate with a teacher professional qualification. Teachers and education personnel who are older should have a higher average score of the knowledge, attitude, and practice than those who are younger. Teachers and education personnel who have taken special education courses should have a higher average score of the knowledge, attitude, and practice than those who do not complete any of the special education courses. Teachers and education personnel who have experience in training on special education should have a higher average score of the knowledge, attitude, and practice than those who do not have. Teachers and education personnel who have experience in teaching or working with special education should have a higher average score of the knowledge, attitude, and practice than those who do not have. Teachers and education personnel with a higher level of mental health than the general population should have a higher average score of the knowledge, attitude, and practice than those who do with the same or lower level.

The main purpose of this study was to examine the mental health of teachers and education personnel and to investigate the influence of the human capital of teachers and education personnel that affects their knowledge, attitude, and practice concerning the students with learning disabilities in elementary inclusive classrooms.

The study period is a period of one year (March 2015–March 2016).

Limitations of the study
This study examines the human capital of teachers and education personnel towards affecting the students with learning disabilities in the elementary schools under the Chachoengsao Primary Educational Service Area Office 1, which may not cover those in the other areas of primary education in the province.

Definitions
Teachers and education personnel include the school administrators and teachers of schools under the Chachoengsao Primary Educational Service Area Office 1.

Students with learning disabilities include students with defective basic psychological processes of learning which lead to listening, reading, speaking, writing, spelling, or calculation difficulties. These are not caused by the cognitive and sensory impairments, behavioral problems, and cultural differences which affect the students' learning ability resulting in low academic achievement. These students received medical check-up and are screened by the process of education.

Human capital refers to the combination of knowledge, skills, abilities, health, and individual features to create excellence and wisdom for themselves and society. This leads to increased productivity and further improved quality of life.

Knowledge, attitude, and practice in education are included in the subjective measurements of the knowledge, attitude, and practice of teachers and education personnel affecting the students with learning disabilities in the elementary inclusive schools.

Methodology

The scope of this study was planned to determine and identify both independent and dependent variables that may affect the quality of human capital in the schools under the Chachoengsao Primary Educational Service Area Office 1. The independent variables include education, age, experience, and mental health of the teachers and education personnel in the schools should be determined, while the dependent variable includes subjective questions regarding the students with learning disabilities in elementary inclusive classrooms to measure the knowledge, attitude, and practice of the teachers and education personnel affecting the students with learning disabilities in the elementary inclusive classrooms would be also identified and used in this study.

Participants

All participants were recruited from the population of school administrators and teachers from 142 schools from 4 districts under the Chachoengsao Primary Educational Service Area Office 1, which included 1,672 individuals. The sample size was determined using the two-stage cluster sampling method. We calculated the size of the sampling group by using the following formula:

$$n = \frac{N}{1+Ne^2}$$

n = Sample size
N = Population
e = Tolerances ($e = 0.05$)

The calculated sample size in the study is:

$$n = \frac{1,672}{1+1,672 \times 0.05^2}$$
$$= \frac{1,672}{5.18}$$
$$= 322.78 \quad \text{Individuals}$$

The calculated sample size above showed the minimum sample size to represent a population of 323 individuals. To uphold the integrity of the data and ensure that the results were credible, we thereby increased the sample size by 25% from the original and rounded to a whole number to get a sample of 400 individuals. The participants were selected as sample independently. The selection probability of the school administrators and teachers sample is proportional to the size (Probability Proportional to Size: PPS) (as shown in Figure 1), which had a total of 1,672 individuals. The number of participants in each district was distributed as follows:

Capital District

$$n = \frac{590}{1,672} \times 400$$

$$= 141 \qquad \text{Individuals}$$

Bang Nam Priao District

$$n = \frac{525}{1,672} \times 400$$

$$= 126 \qquad \text{Individuals}$$

Bang Pakong District

$$n = \frac{352}{1,672} \times 400$$

$$= 84 \qquad \text{Individuals}$$

Ban Pho District

$$n = \frac{205}{1,672} \times 400$$

$$= 49 \qquad \text{Individuals}$$

Protocols were constructed using a questionnaire survey, where all participants were to complete 3 sections including 8 personal questions, 15 questions measuring the happiness of the Thai citizens, and 56 questions measuring knowledge, attitude, and practice concerning the students with learning disabilities in the elementary inclusive classroom of the school teachers and education personnel. In the third section, the participants received 1 point for correct answers and received 0 points for incorrect answers.
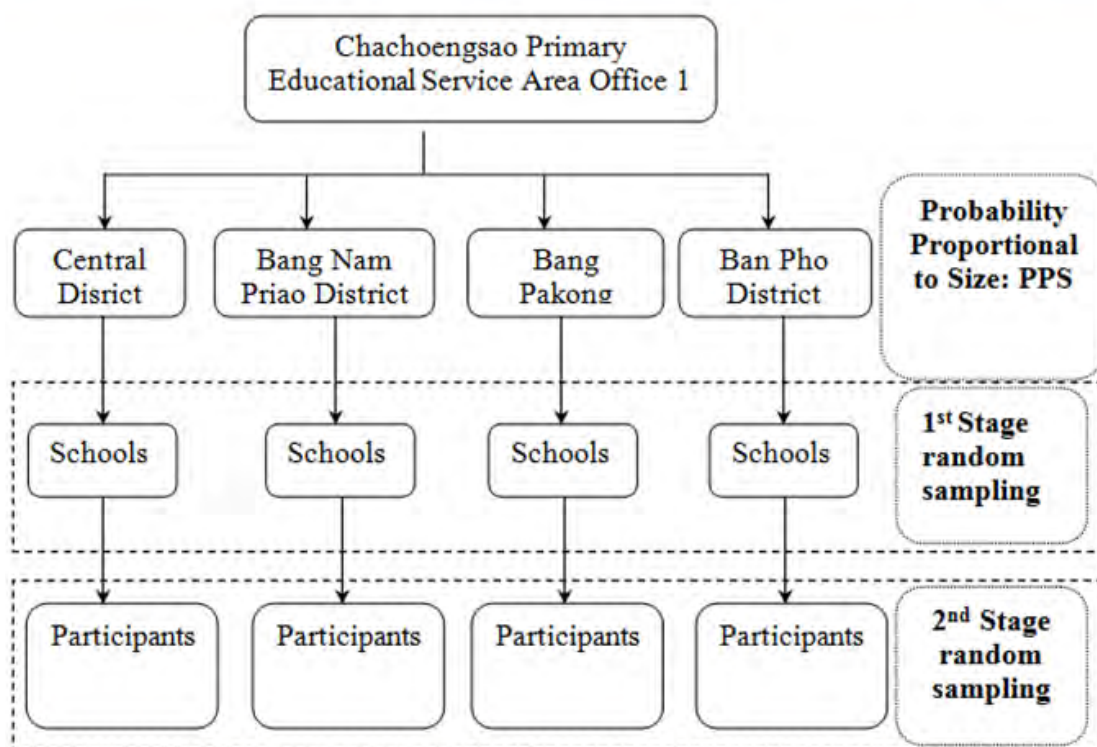

Figure 1: Diagram showing various sampling frame used in the study

Data collection
Data were collected in two steps. Firstly, we went directly to the schools located in the Capital District of Chachoengsao Province. Secondly, we requested the participants from the schools in the other 3 districts to return the questionnaires via post. We received data from 300 respondents, which was 75% from the ideal sample size.

Data analysis
Data were analyzed using descriptive statistics. In the event of categorical data, the distribution percentage was calculated. In the case of numerical data, the distribution percentage was calculated, yielding average, minimum, and maximum values. The score measuring the knowledge, attitude, and practice was analyzed using the Ratio scales. The statistical correlation analysis was analyzed using the multiple classification analysis in average of bivariate analysis. The p-value = 0.05 was set and considered to be statistically significant. The Eta and Beta (the correlation after controlling the influence of other variables) showed the extent of the correlation between the independent variables and the dependent variable with the value between 0 and 1 respectively.

Results

It was shown that an overview of the sample was quite interesting, where the general information of the sampling group was shown according to the level of the variables. The characteristics of the sampling group included sex, the highest level of education, educational background, special education course experience, special education training experience, working with special education experience, academic position, and academic standing. The distribution percentages of the variables are shown in Table 1.

Table 1. Percentage distribution of the sampling group (n = 300).

Classification	Quality (n)	Percentage
Sex		
Male	69	23.00
Female	231	77.00
Age		
23 - 35 years	75	25.00
36 - 45 years	49	16.33
46 - 60 years	176	58.67
Highest level of education		
Undergraduate Degree	232	77.33
Graduate Certificate or Diploma	5	1.67
Graduate Degree	60	20.00
Postgraduate Certificate or Diploma	2	0.67
Postgraduate Degree	1	0.33
Educational Background		
Teaching profession (B.Ed)	248	82.67
Other professions (BBA, BA and BSc)	52	17.33

Special education course		
Experienced	101	33.67
Basic special education	41	13.67
Inclusive	57	19.00
Not specified	3	1.00
No Experience	199	66.33
Special education training		
Experienced	114	38.00
No experience	186	62.00
Working with special education		
Experienced	165	55.00
No experience	135	45.00
Academic Position		
School administrator	35	11.67
Teachers	265	88.33
Academic Standing		
Assistant teacher	46	15.33
Teacher	29	9.67
Instructor	69	23.00
Specialist	155	51.67
Expert	1	0.33

In the sampling group of 300 people, there were more female respondents than male (23.00% compared to 77.00%). The average age was 46.34 or equivalent to 46 years 4 months. The standard deviation was 11.50 or equivalent to 11 years and 6 months. The minimum age was 23 years while the maximum age was 60 years. The majority was in the age group ranged between 46 - 60 years (58.67 percent), followed by the age group of 23-35 years (25.00%) and 36-45 years (16.33%).

It was also found that 77.33% of the participants hold an undergraduate degree, followed by graduate degree (20.00%), graduate certificate or diploma (1.67%), postgraduate certificate or diploma (0.67%), and postgraduate degree (0.33%). Most participants hold qualifications in the teaching profession (82.67%), while 17.33% did not have qualifications in the teaching profession. Most participants had no experience taking special education course (66.33%) while 33.67% had taken courses on special education with 19% attending courses in inclusive education and 13.67% in basic special education. It demonstrated that 62.00% had never experienced special education training and 38.00% underwent on special education training. The majority had no previous experience working with special education (55.00%) while 45.00% had experienced working with special education. A total of 88.33% hold a position as a teacher, while 11.67% served as educational administrators. The academic standings of the participants, including specialists, instructors, assistant teachers, teachers, and experts, were 51.67, 23.00, 15.33, 9.67, and 0.33%, respectively.

Analysis of teachers and education personnel and their factors
Results in Table 2 showed the mental health level of the participants according to the scores revealed by the questionnaires. The teachers and education personnel had an average mental health score of 48.40 points out of 60 points, which was considered to be in the equivalent level to the general population. The findings showed their mental health level was normal (defined as equivalent to or higher than others), while slightly more than half of the participants (52.67%) had their mental health level equivalent to the general population, whereas 32.67%

had a higher level. However, there were 14.67% of participants with lower level mental health than the general population. This should consider further counseling or therapy from professionals in the future.

Table 2. Analysis of mental health of teachers and educational personnel (n = 300)

Mental Health of Teachers and Educational Personnel	Score	Percentage
Mental Health		
Lower level than general population	0-43 points	14.67
Equivalent level to general population	44-50 points	52.67
Higher level than general population	51-60 points	32.67
Average mental health	48.40 points	
Standard deviation	4.97 points	
Minimum score	31.00 points	
Maximum score	60.00 points	

The analysis of the knowledge, attitudes and practices concerning the education of students with learning disabilities in the inclusive classrooms of the elementary school teachers and education personnel is shown in Table 3. The average score of the knowledge, attitude and practice was 37.82 points out of 56, which was considered to be in the moderate level. Considering the level of knowledge, attitude, and practice, 56.67% had a higher level of knowledge, attitude, and practice. The remaining participants had a moderate level.

Table 3. Analysis on knowledge, attitude and practice (n = 300).

Level of knowledge, attitude, and practice	Score	Percentage
Low	0-18 points	-
Moderate	19-37 points	43.33
High	38-56 points	56.67
Average	37.82 points	
Standard Deviation	5.00 points	
Minimum	24.00 points	
Maximum	48.00 points	

Summary of open-ended questions
The suggestions recommended via feedback from open-ended questions are summarized in Table 4. The important issues were classified and composed using analytical essays. The recommendations were divided into 6 main groups suggested by 16 respondents.

Table 4. The recommendations of teachers and education personnel regarding the students with learning disabilities in elementary inclusive classrooms (n = 16).

Suggestions	Quantity
1. Schools should have qualified teachers who specialized in special education.	5
2. Schools should have plans and preparation of the readiness of children with learning disabilities from kindergarten.	3
3. Schools should provide trainings with experts in inclusive education every certain period of time.	2
4. Schools should improve the teaching quality in order to aid the students' development more effectively.	2
5. Schools should invite the parents and help them to understand and encourage them to cooperate with the school system.	2
6. Combined classrooms should be established between the specialized schools.	2

It was found that teachers and education personnel were mostly concerned about the numbers of qualified teachers available, while many suggested for the schools to create plans to prepare the students with learning disabilities prior to their entry into elementary schools. Other suggestions included the increase of training and teaching quality of the teachers and the education personnel. The participants also considered the involvement of the parents into the inclusive school system. Furthermore, there should be collaboration between different specialized schools to combine their classrooms.

Human capital affects knowledge, attitude, and practice
The results of the multivariate analysis to identify knowledge, attitude, and practices are summarized in Table 5. Results showed that the independent variables under the human capital (education, age, experience, and mental health) could explain the variability of the knowledge, attitude and practice at 6.9% ($R^2 = 0.069$). Mental health affected the variability the most, followed by experience, age, and education where the values of R^2 were 0.040, 0.022, 0.006, and 0.003, respectively. The direction of the correlations was based on the established hypotheses.

Table 5. Multivariate analysis identifying the knowledge, attitudes and practices correlated to human capital (education, experience, age, and mental health).

Human Capital	Before variables control		After variables control		R^2
	Eta/ Coefficient	Hypothesis	Beta/ Coefficient	Hypothesis	
Education					0.003
Highest education	0.043	/-	0.027	/-	
Undergraduate degree	0.031	/-	0.046	/-	
Age					0.006
Years	0.032	/-	0.037	/-	
Special education experience					0.022
Course	0.054	/-	0.001	/-	
Training	0.142	/*	0.118	/-	
Work experience	0.102	/-	0.042	/-	
Mental Health					0.040
Mental Health	0.199	/**	0.198	/**	
Total					0.069

Remarks: / shows the accordance to the hypothesis
-has no statistical significance
*has statistical significance at 0.05
**has statistical significance at 0.01

Discussion

Teachers and education personnel who have higher tertiary education have achieved higher knowledge, attitude, and practice scores than those who hold only undergraduate degree. This is consistent with studies of Arayawinyoo (2006), which have shown that the differences between the knowledge and attitude of teachers with undergraduate degrees and those with higher-level degrees are statistically insignificant.

Results of an analysis of knowledge, attitude, and practice of the teachers and education personnel found that 56.67% were at the high level, while the remaining 43.33% were at the moderate level. The results show inconsistency with the study of Nopvisuttisakul (2008), which investigated the preparation of the educational management for the inclusive education of the teachers in schools under Suphanburi Educational Service Office 1, where it was found that the availability of the teachers and their understanding of the inclusive education were at the moderate level (77.14%).

The results of the human capital regarding the knowledge, attitude, and practice analysis in the level of two variables showed the variable training experience with special education demonstrated a significant difference (0.05) when compared to the other variables. This may be due to the process of training that is aimed to allow the attendants to gain knowledge or skill to achieve the desired behavior (Stirayakorn, 2004). Hence, if reinforcement is introduced periodically, it would result in increasing knowledge of the educators to skillfully manage the relevant issue.

It was also found that the issue related to mental health is significantly correlated to knowledge, attitude, and practice score. Due to the level of mental health being normal (well-being), the individuals may recognize their various capacities to encounter the stress in their lives. Consequently, they can contribute to the productivity and integrity as well as their community (World Health Organization, 2014). When combined with the concept offered by Jahoda (1958), this put forward the evaluation of the population mental health considering the attitude toward themselves, psychological and emotional development, and to be more serviceable. The assimilation of personality aids the individual to avoid too much influence from the society. The awareness of the surroundings and their ability to overcome the environment are parts of the index that indicates individual wellness of the mental health. Therefore, it can be justified that those who have good mental health would have a positive attitude to life, become sustainable, learn to share, and establish strong relationships with family, friends, and community. These social skills will help them to live and to manage their mind in recognition of the possibilities of the world as it actually is.

Suggestions and conclusion

The recommendations from this study can be used as a guideline to create a policy or set a plan to strengthen the knowledge, attitude, and practice concerning the students in elementary inclusive schools.

The study shows that training experience in special education is correlated to the knowledge, attitude, and practice concerning the students in elementary inclusive schools. To increase the knowledge regarding students in elementary inclusive schools or children with special needs, the school or relevant authorities should collaborate systemically to organize workshops for the newly employed teachers and education personnel and assemble trainings annually.

The results also indicate that mental health is correlated to the knowledge, attitude, and practice concerning the students in elementary inclusive schools. Schools and relevant agencies should be trained on the skills and knowledge related to special education. The training will enhance their working skills. This is important in today's workplace. Ultimately, if the teachers and education personnel were capable to work well, the pressure from workplace would be decreased. This creates further positive mental health.

Acknowledgements

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Teaching and Learning: The Approaches of a Modern Environmental Regulator

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Abstract

The Environment Protection Authority Victoria (EPA Victoria), located in Melbourne Australia and established in 1971, is the world's third oldest environment protection agency. Like any organisation operating for more than four decades, EPA Victoria has had to change and consider contemporary approaches to its teaching and learning practices for staff engaged in regulatory or enforcement positions. This paper considers the period from 2011 to 2015 which included an Ombudsmen Review in 2011 which was preceded by a Compliance and Enforcement Review. Both reviews led to a range of activities, initiatives and practices being taken by EPA Victoria in its journey to becoming a modern environmental regulator. Particular attention is directed to the pedagogical efficacy of EPA Victoria's Authorised Officer Induction Program (AOIP), which teaches trainee environment protection officers (EPOs). The AOIP is a structured learning program that blends formal and informal learning, theoretical and practical learning, self-directed and peer learning, and individual and social learning. The AOIP created an experiential learning environment that not only fostered the construction of the required knowledge and skills but also sought to engender the desired behaviours EPOs need to succeed in their frontline field force roles. This paper also considers EPA Victoria's recruitment and continuing professional development practices as important elements in the organisation's teaching and learning continuum. The aim was to identify opportunities for other environmental protection agencies, environmental regulators, and regulators more broadly, to learn from the Environment Protection Authority Victoria's experience to improve the capability of their regulatory or enforcement staff.

Keywords: environment, regulation, enforcement, teaching, learning

Introduction

Effective regulation is an essential part of well-functioning economies (OECD, 2010). The role of a regulator therefore is to administer regulation so that the underlying social, economic or environmental policy objectives are achieved 'in accordance with the powers and authority given to them through legislation and government direction' (ANAO, 2014, p. 3).

A modern regulator needs to be transparent, accountable, responsive and decisive in order to effectively deliver on community expectations. Environmental regulation is multi-level, multi-jurisdictional, multinational and multi-faceted and is known to be a complex and difficult process (McMahon, 2006; Emison and Morris, 2012; Pink and White, 2016). Environmental regulation contains nearly all, if not all, of the challenges associated with traditional and emerging fields of law and crime types.

The important role that regulatory professionals play in the effective implementation and enforcement of environmental regulation has been well established (OECD, 2014a, 2014b; Pink, 2016a). Equally areas relating to recruitment, training and continuing professional development of staff in regulatory agencies generally (Queensland Ombudsman, 2007; OECD, 2014b; IPAA, 2015; NZPC, 2015) and environmental regulatory agencies specifically have been subject to practitioner (Pink, 2008; INECE, 2009; OECD, 2009; Jardine, 2011; Krpan, 2011) and academic viewpoints (Farmer 2007; Van Der Schraaf, 2008).

Research purpose

The purpose of this research was to examine the journey of the Environment Protection Authority Victoria, Australia (EPA Victoria), in becoming a modern regulator. In this paper we consider how EPA Victoria has approached three key elements impacting upon a regulators effectiveness: *recruiting*, *training* and *continuing professional development* of regulatory and enforcement staff. The research aim was to identify information, options, and strategies that may assist environmental regulation agencies, and regulators more broadly, to improve their capability and capacity.

Establishing and maintaining a frontline operational workforce (hereafter field force) presents considerable challenges to environmental regulatory agencies (ERAs). To be effective, ERAs must have the capability and capacity to deliver consistent and credible regulatory activities supported by sound, evidence-based decisions. This needs to be done with the recognition that 'most regulatory regimes provide for broad discretion in how they address the harm which they are established to prevent or manage' (Krpan, 2011, p. 99). Much of this capability resides in an ERAs field force which, generally speaking, is represented by environment protection officers (EPOs).[1] This paper considers EPA Victoria's journey to becoming a modern regulator with a particular focus on their experiences in developing their field force capability.

Methods

This paper extends upon a foundational piece of research conducted by Pink (2016a) which considered the roles of regulatory and enforcement professionals engaged in responding to transnational environmental crime, specifically focusing on three core agencies: police

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[1] Across jurisdictions and agencies there are different titles for EPOs including: authorised officer, compliance officer, inspector, ranger, warden etc.

agencies, customs and border agencies, and environmental regulatory agencies. Pink and Marshall (2015) suggest there are three types of environmental agency with regulatory roles as reflected in Table 1.

Environmental protection agencies	Typically statutory bodies enacted by legislation for the purposes of administering environmental legislation.
	The activities of EPAs are closely aligned with the four main media traditionally associated with environmental regulation: air, water, pollution, and waste.
	EPAs are typically located within a broader government portfolio thereby allowing for the structural separation of policy, programmatic and regulatory activities
Environmental commodity agencies	Tend to be aligned with the specific matters or subjects (and usually associated with commodities, sectors, and industries) that they have been established to regulate[2]
Hybrid environmental agencies	Are government bodies that to varying degrees combine policy, programmatic and regulatory activities and responsibilities

Table 1: Types of environmental agencies

Pink's (2016a) research sought to identify differences and inconsistencies in order to identify potential improvements by critically comparing the organisational contexts of the three core agencies and the influence of these differing, yet related, regulatory and enforcement professions. What became apparent was that, of the three agencies, the environmental regulatory agencies had, by far, the most ground to make up in their approach to recruitment, training and continuing professional development of staff engaged in environmental regulatory and enforcement roles.

Why choose EPA Victoria as the case study agency?
During 45 years of continuous operation the EPA Victoria has matured as a regulatory agency. Its organisational longevity and experience provide a great deal of material across the three main areas under review.

Moreover, EPA Victoria has been the subject of internal and external scrutiny in the form of audits and reviews. These reviews have considered the regulatory actions of EPA Victoria:

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[2] Examples of environmental commodity agencies at the federal level of government include The Australian Fisheries Management Authority (AFMA), the Australian Pesticides and Veterinary Medicines Authority (APVMA), and the National Offshore Petroleum Safety and Environmental Management Authority.

- singularly – as was the case in the extensive internally commissioned and independent Compliance and Enforcement Review conducted 'to comprehensively assess our operations as part of the reform of EPA's regulatory approach and compliance and enforcement activities' (Krpan, 2011, p. i),
- jointly – as was the case in an examination of the regulators in the environmental portfolio (VAGO, 2012), and
- collectively – when regulation is considered on a whole of government basis (Victorian Government, 2010).

In the four-year period between 2011 and 2015, EPA Victoria:

- implemented a number of initiatives in response to the Compliance and Enforcement Review (Krpan, 2011), many of which had staff capability (recruiting, training, and continuing professional development) as central or interrelated themes, and
- played a lead role in the Australasian Environmental Law Enforcement and Regulators neTwork (AELERT), in terms of its management and governance and in respect to projects and initiatives.

The timeframe considered in this article (2011–2015) was a time of transformation for EPA Victoria in order 'to better achieve our objectives and deliver our mandate. Our aim is to be a modern, transparent and energetic regulator' (EPA Victoria, 2010, p.6). This transformation had a particular impact on its environment protection officers (EPOs) with the attendant need to develop their capability to deliver a sophisticated mix of risk-based regulatory approaches. This included the provision of authoritative advice on compliance, educating businesses about their statutory responsibilities, taking enforcement action when required and meeting the community's expectations (Krpan, 2011, p. vii). The question became what *skills*, *knowledge* and (most importantly) *behaviours* do EPOs need to succeed in this 'new' modern environmental regulator operating context?

The role of the EPO
The role of the EPO is to protect the environment from pollution by ensuring that industry complies with the *Environment Protection Act 1970,* which prevents the pollution of waterways, land and air, and provides protection from industrial noise pollution. EPOs conduct inspections of businesses and industrial premises to determine their compliance with this legislation. Where a breach of the legislation is identified, for example, discharging wastewater into a storm water drain, the EPO needs to take regulatory action to remedy the problem.

EPOs have significant statutory powers including the power to enter premises without a search warrant, compel action or stop works on a site, and initiate and/or lay[3] criminal charges. In some circumstances these powers meet or exceed the power/authority of a Police Officer which the general public are often unaware and surprised to learn. These statutory powers must be exercised wisely and in accordance with the principles of natural justice.

The EPO role is a complex one. It requires the ability to apply a diverse range of legislative, regulatory and environmental knowledge in unique ways to address the range of environmental

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[3] As a statutory authority, it is possible for departmental staff to be the Informant (Complainant) in a matter, however this is unusual for most regulatory agencies who need to go through an independent prosecuting authority like the Office of the Director of Public Prosecution (or similar).

problems encountered. As such, EPOs need a well-developed regulatory identity that supports them to appropriately exercise their judgment and discretion.

Activity	Example
Recruiting	Behavioural assessment
Training	Authorised Officer Induction Program
Continuing Professional Development	Expertise Framework

Table 2: Areas of activity and case studies considered in this paper

Results and discussion

Recruiting
Effective recruitment is a critical first step in ERAs establishing and maintaining an effective field force. While it can be comparatively easy to determine whether a person has the necessary knowledge, skills and experience, it can be much harder to determine if they also have the necessary aptitude (behavioural attributes) to succeed in the role. It is for this reason that some ERAs include psychometric testing in an effort to identify the applicant's potential to perform well in the role. Behavioural assessments, such as those outlined in Table 3, are another avenue available to ERAs to improve their ability to recruit suitable applicants.

Historically, EPA Victoria, like many of its regulatory counterparts, has used a range of recruitment methods and techniques reflecting the agencies shifting interpretation of its regulatory role. This included requiring applicants to respond to selection criteria, and/or attend interviews, and/or perform 'desk-top' or work examples. Krpan (2011) noted that 'EPA Victoria's differing interpretations of the role of its EPOs in its history and the subsequent impact on recruitment practices had contributed to business and community perception of an inconsistent regulatory approach' (p. 238). This led to a need for EPA Victoria to redefine the role of the EPO.

A small group of managers and EPOs (approximately 10 people) were interested in understanding what, if any, behavioural changes were needed between the 'old EPO role' and the 'new EPO role'. This question was pertinent not just for the recruitment stage, but also for training and continuing professional development. With a focus on EPO's observable behaviours the group decided to use a behavioural assessment tool to assist in answering their questions. Examples of some of the better known behavioural assessment tools, and their primary uses and intended benefits, are provided in Table 3.

Test	Main Use & Benefit
Belbin Team Roles (Belbin n.d.)	Identifies people's behavioural strengths and weaknesses in the workplace. Assists in team development, improving working relationships, and self-awareness
PRISM Brain Mapping (PRISM n.d.(a))	Identifies people's behavioural preferences (individually and collectively) that directly relate to personal relationships and work performance. Can provide a behavioural benchmark for a job role against which individual incumbents can be evaluated. Assists in recruitment, personal and team development, self-awareness work performance and career development
DISC (DISC n.d.)	Identifies people's behavioural strengths and challenges. Helps people learn to work more effectively with others

Table 3: Behavioural Assessments: Types and Uses.

In this instance, PRISM Brain Mapping (PRISM) was selected due its capacity to provide individual assessments along with role benchmarks against which recruits could be compared and towards which staff could be molded in their operational roles. The PRISM profiles[4] in Figure 1 have been constructed to provide an illustrative example of the difference in behaviours, between the 'old' and the 'new' EPO role) that were identified by this small working group.

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[4] See Appendix 1 for more information about the quadrants that comprise the PRISM profile.
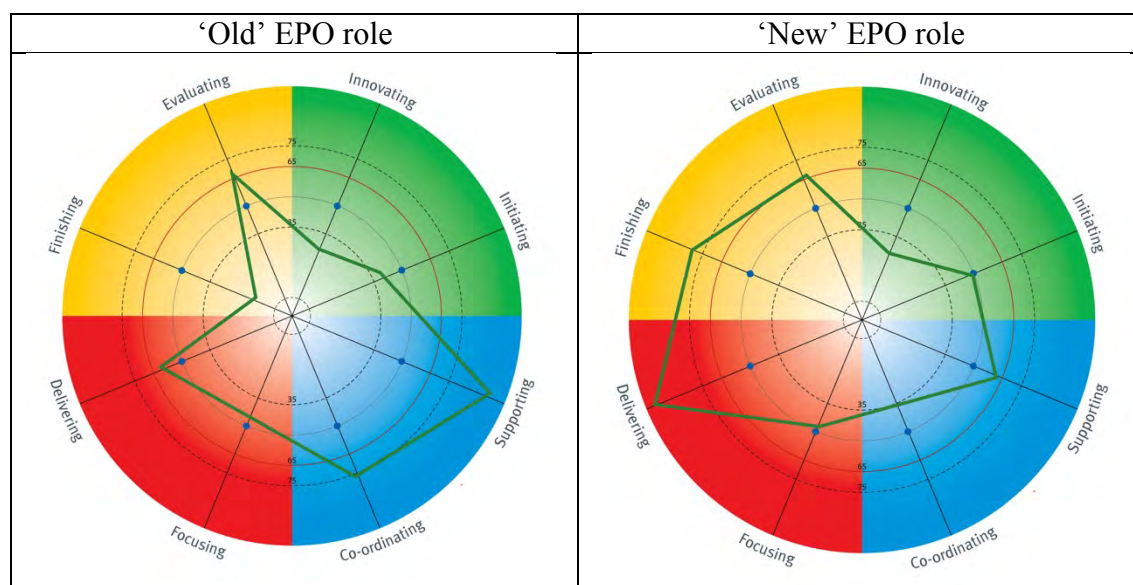
Figure 1: PRISM profiles: 'Old' EPO role vs. 'new' EPO role

In Figure 1, the 'new' EPO profile shows that to be successful in the role the incumbent should:

- enjoy working independently within a structured environment
- take responsibilities seriously
- be competent, industrious and reliable
- be good at initiating contact with strangers
- make evidence-based decisions
- be able to develop effective regulatory solutions
- work well under pressure
- work in hostile environments
- communicate complex information clearly and articulately
- share information and resources.

Training

Authorised Officer Induction Program. The Krpan Review (2011) was resolute on the importance of training, stating that '[i]n order to ensure a consistency of approaches to compliance monitoring and the role of authorised officer generally, a standard training program is required' (p.238). In this part, where reference is made to being 'authorised' it is taken to mean a person appointed, under the enabling legislation, as an 'environment protection officer' (EPO).

Historically, EPA Victoria's process for appointing an EPO was primarily done through on-the-job coaching and experience combined with attendance at four separate 3-day workshops (usually over a 6 to 18-month period). The decision to recommend appointment of the EPO as an authorised officer was made by the manager when they considered that the individual officer was 'ready'. In many ways this was a locally based decision, anecdotally reported as being done on 'gut feel' or heuristically. Furthermore, this process could take up to two years (Krpan, 2011, p. xi). Over time this approach has contributed to some significant challenges for EPA Victoria's regulatory role, most notably the challenge of inconsistent regulatory decision making. In fact, it could be argued that this was a key contributing factor, and catalyst for, the

Krpan Review (2011). Like many regulators, the systems, procedures and processes used by EPA Victoria were developed iteratively by the staff themselves. At times this occurred with limited (or in worst cases without) specialist knowledge, skill or training, and often in the absence of organisational mandate, support or oversight.

Traditional approaches to training staff can include formal and certified training, on-the-job training, various forms of work place experience and mentoring. Formal training for most ERAs is often understood to mean vocational training leading to a nationally accredited qualification, for example the Australian Certificate IV in Government Investigation (Regulatory Compliance). Whether the AOIP culminates in a formal qualification or not, it is the competency based focus, the application of learning, that is of most benefit for ERAs.

In 2014 EPA Victoria introduced a new Authorised Officer Induction Program (the AOIP), a structured program designed to prepare trainee EPOs for their role as statutory officials. The AOIP's purpose is 'to provide enough information, practice and on-the job experience so trainees are 'field ready' at the conclusion of the program and can demonstrate their competence to be appointed …under the EP Act' (EPA Victoria, 2015a, p.5).

The AOIP is a 6-month blended learning program which must be successfully completed in order to be appointed as an EPA Victoria EPO. It incorporates face-to-face training, coaching, self-directed learning, online learning, on-the-job learning and field placements. As a competency-based program the AOIP is concerned with applied skills and knowledge and therefore requires each trainee EPO to demonstrate that they have the *skills*, *knowledge* and *behaviours* to the required standard. This approach is distinct from what can pejoratively be referred to as 'learn and forget' where the focus is on learning (information and processes) by rote in order to pass an exam before moving on to the next topic or area of practice (Pink, 2016a). The AOIP also sought to support EPA Victoria's emergent culture as a modern regulator by developing the EPOs 'regulatory thinking' to exercise their judgment and discretion and utilise the full range of statutory tools available to them. Du Rées explains this as 'regulatory acumen' (2009, p. 641); Sparrow refers to this as 'regulatory craft' (2000; 2008).

To complement the development and consolidation of the EPOs 'regulatory thinking', the AOIP operates in two phases:

- Phase one: the trainee EPO works in their team for three months where they start to learn their role, become part of the team, attend corporate orientation programs, complete their probation and complete a series of prescribed learning tasks that prepares them for Phase two of the AOIP. These tasks include field visits with their mentor, a rotation into another team, first aid training, field safety e-learning and a day in Court observing a criminal matter.
- Phase two: 10-week formal learning component where the EPO spends two (2) days a week in formal classes and one (1) day a week in the office attending team meetings and doing self-directed learning. The remaining 2 days are dedicated to the trainee EPO developing their regulatory practice on-the-job with his/her mentor thereby encouraging immediate and ongoing application of their learning.

AOIP Learning Environments. The design of the AOIP has a strong cognitive constructive and socio/cultural foundation thereby recognising the subjectivity of the learners' experience along with the objective information that must be known. It is through the trainee EPOs 'lived

experience' that they develop the range of skills, knowledge and behaviours required to build their new regulatory identity.

Cognitive constructivism. Cognitive constructivism, with its recognition of an external, objective reality to the learners' internal subjective reality, is an important element in the AOIP. While the subjective nature of the EPOs learning experience is acknowledged, and designed for; there is also a recognition of the external objective constructs, that is the legal and regulatory disciplines, within which the EPO works. It is through the EPOs adaptive response to the objective external environment that their professional identity is located. This reinforces the pedagogical need for the AOIP to 'construct complete [learning] environments within which the students can learn' (Winn, 2004, p. 81) and develop their knowledge.

In cognitive constructionist terms, knowledge is viewed as the 'conceptual structures that epistemic agents, given the range of present experience within their tradition of thought and language, consider viable' (Von Glaserfeld, 1989, p. 3). Knowledge construction is viewed as a dynamic process situated in the interactions between the learners internal and external environments:

- the internal environment including the learners' cognitive abilities, values and beliefs, emotions, perceptual filters, personality, confidence and current state of knowledge.
- the external environment including the social and cultural structures and the traditions of thought and language where the learner resides. This external environment defines how knowledge is to be known, what knowledge is worth knowing and what is not.

The AOIP learning environment is designed to facilitate the trainee EPOs development of the necessary conceptual structures to be an effective field regulator; and to do this within the context of the EPA Victoria as the employing organisation, and as a regulator operating in its respective criminal jurisdiction. Marton (2006) suggests: 'if there is something you want to remember, want to be able to recall, rehearse it again and again and then you will be able to recollect, to say it, to say it again' (p. 382). The AOIP is also designed to facilitate the movement of learning from short term memory to long term memory using repetition and variation to develop the desired habits of thinking. The AOIP 'provides multiple opportunities for the trainee EPOs to put into practice what they learn in the training' (EPA Victoria, 2015a, p. 12). This is evident in the blend of structured class-based learning and on-the-job learning where trainee EPOs are exposed to a diverse range of environmental regulatory problems that enable them to develop their burgeoning regulatory craft.

Socio-cultural learning. Being situated in their communities of practice provides trainee EPOs with the opportunity to engage 'in a dual process of meaning making' (Wenger, 2012, p.1). By participating in the communities' activities and conversations they learn how to use the 'full range of physical and conceptual artefacts—words, tools, concepts, methods, stories, documents, links to resources, and other forms of reification—that reflect our shared experience and around which we organise our participation' (Wenger, 2012, p. 1).

This approach meant that the trainee EPO immediately commenced their legitimate peripheral participation in these communities, potentially reducing the disconnect between formal classroom education and 'the real world' on the job. Wenger (2012) suggests that 'a community of practice can be viewed as a social learning system [with] emergent structures, complex relationships, self-organisation, dynamic boundaries, ongoing negotiation of identity and cultural meaning' (p.1). In the AOIP, the trainee EPOs were immediately placed in the different

communities of practice that combine to shape their professional identity and agency. This included their substantive team, their fellow learners and the broader organisation. Taking this approach enabled the trainee EPOs to begin 'learning in the context of our lived experiences of participation in the world' (Wenger, 1998, p.3). Social learning also supports EPA Victoria's 'interconnected communities of practice through which an organisation knows what it knows and thus becomes effective and valuable as an organisation' (Wenger, 1998, p. 8).

The potential for transformation. A key challenge to becoming an EPO involves the need to develop a regulatory way of thinking, that is the schemas and mental models of a frontline regulatory official. This challenge offers the opportunity for transformative learning. On this, Pugh (2002) suggests that 'individuals undergo transformative experiences when they actively use a concept, find that it allows to see aspects of the world in a new way, and personally value this way of seeing' (p.1104 as cited in Taylor 2007, p. 180).

Transformative learning involves a change of perspective, a paradigm shift where the EPO critically examines their prior interpretations and assumptions to form new meaning and thereby alters their world view. Mezirow (1996) tells us that transformative learning is 'the process of using a prior interpretation to construe a new or revised interpretation of the meaning of one's experience in order to guide future action' (p. 162, as cited in Taylor 2007, p. 173). Brookfield (2000) reminds us that learning can only be considered transformative if it involves a fundamental questioning or reordering of how one thinks or acts. While the opportunity for transformation is afforded to the trainee EPO, it is important to recognise that this cannot be assured. Mezirow & Associates (2000) remind us that we need to be sensitive to the potential for transformative learning by facilitating the kind of learning environment that makes it a possibility.

At the time of writing, the AOIP has been in place for two years and is embedded into EPA Victoria's organisational processes for appointing authorised officers. It is viewed as part of the robust process that EPA Victoria applies to recruiting, training and appointing EPOs (EPA Victoria, 2014, p.3). Its impact and influence is reflected in the following comments:

> "EPA was incredibly proud of its Authorised Officers and the hard work they performed. This significant investment in our people strengthens our ability to protect the environment for current and future generations," Cheryl Batagol, Chairman of EPA (EPA Victoria, 2015b)

> "…we now have more than 80 well trained authorised officers…they are competent, confident, and well equipped to exercise the powers we have conferred on them." John Merritt, CEO of EPA (AELERT 2015).

> "The training has provided me with a strong foundation for us to work with the community and businesses on important issues," Mr. Nicholls, Trainee EPO (EPA Victoria, 2015b)

> "Since joining EPA, I have been very impressed with talents and dedication of everyone here, as well as the investment the EPA makes through the Authorised Officer training to ensure its people are equipped with the right skills and understanding to do an effective job on behalf of the Victorian community," Mr. Poole, Trainee EPO (EPA Victoria, 2015c).

Continuing professional development
Continuing professional development (CPD) is the other key element used by ERAs to ensure the maintenance and ongoing development of their staff's regulatory capability. CPD both enables continuous improvement and helps preserve organisational knowledge.

Despite environmental regulators being cognisant of the benefits associated with having a highly trained workforce, Pink's (2016a) research has indicated that most environmental regulatory agencies focus more on the immediate needs of recruiting and training staff than they do on CPD. Further, the research finds that CPD in ERAs at best was occurring on an ad hoc basis[5], and at worst was largely non-existent. This is not surprising given the relatively recent emergence of ERAs when compared to other parts of the public service.

The Expertise Framework Program (The Expertise Framework). The Expertise Framework was established in 2011 in response to criticisms in the Compliance and Enforcement Review 2010 (Krpan, 2011), that EPA Victoria's technical experts had lost their visibility in the community and the organisation itself (Curtin, 2015b). Its focus was to recognise and reward 'experts in EPA's environmental areas that are critical to the organisation' (AELERT, n.d). This focus defined 'technical' knowledge as being scientific knowledge… [which is] embodied in key staff members 'in the areas of air quality, inland water, marine water, waste, landfill, land and groundwater and odour' (EPA Victoria, n.d.(a)). Accordingly, the aims of the Expertise Framework focused on 'recognising and rewarding experts in EPA's environmental areas considered critical to the organisation and appointing Principal Experts who:

1. provide advice on complex environmental issues to EPA's decision makers;
2. lead and an expertise community, in their area of expertise, within the organisation;
3. mentor the next generation of experts;
4. represent the EPA at community engagements and to the media (AELERT, n.d.).

A hierarchical structure (principal experts with associated communities of practice) and a comprehensive process for appointing those principal experts was developed to ensure that the right people with the right 'technical' (scientific) knowledge were selected (Curtin 2015a). While the Expertise Framework Program commenced as a response to the concerns noted above, it can also be considered a part of the EPA's CPD as it seeks 'to capture and make available, so it can be used by others in the organisation, the information and knowledge that is in people's heads as it were, and that has never been explicitly set down' (Koenig, 2012, para.7).

Knowledge management and learning are closely related disciplines and, despite their differing histories, share a common purpose to improve organisational performance through increasing capability (Moore, 2009). It is through learning that knowledge is shared (e.g. from expert to novice), acquired (e.g. novice from expert) and developed (e.g. through application in new/unique situations).

An important contribution of the Expertise Framework Program toward the development of EPA Victoria's regulatory capability can be seen in the transfer of the technical experts embodied, tacit knowledge to the EPOs (Curtin 2015a, p.53). Tacit knowledge, being non-declarative, can be difficult to share as it is 'embedded in the minds and bodies of its

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[5] See Table 3 in Pink (2016b).

practitioners, and cannot be converted into prescription; (written, spoken, signed, and so on)' (Polanyi, 2002). Providing opportunities for coaching, mentoring and problem solving can be effective ways of releasing tacit knowledge. The Expertise Framework provides such opportunities and early indications have been that it has contributed to the dissemination of the designated expert's tacit knowledge as noted by Curtin above.

Discussion and analysis

The paper has demonstrated that the three standalone activities—recruiting, training and continuing professional development—overlap and inter-animate to a large extent. Each aspect is now considered briefly in turn.

Recruiting

The importance of recruiting the right people for the EPO role cannot be overstated. It is at this this first stage where the decisions ERAs make have a significant impact on the future success of the individual recruited to the role and the capability of the organisation more broadly. The significance of this point is reinforced by the Victorian Public Sector Commission who state that 'poor recruitment costs time, money and effort… The costs can be direct (for example, advertising, remuneration) or indirect (for example, performance problems, lower team morale, reduced productivity). Combined, they can add up to 2.5 times the salary of the role' (VPSC, n.d., para 2).

The use of behavioural assessment tools in recruitment is an avenue that the authors believe ERAs could usefully explore further. Where psychometric tools provide insight into personality traits and cognitive styles, behavioural assessment tools offer the ability to focus on observable behaviours, which can be adapted, as well as establish organisationally-based role benchmarks. This has the potential to significantly enhance the efficacy of ERAs intra- and inter-agency recruitment decisions.

This use of PRISM, in this case study, as a tool to measure the behavioural preferences of a successful EPO provided some useful insights into this complex role. The use of PRISM has not yet extended to become a mainstream consideration for recruitment and organisational development within EPA Victoria. In the opinion of the authors, the use of behavioural assessment tools can make a valuable contribution to environmental regulators in understanding and more clearly defining the role of the EPO and anticipate its use will increase over time.

Training

Having recruited staff, the focus then moved to training. The benefits of the AOIP include its capacity to integrate formal learning with on-the-job learning thereby enhancing learning transfer and the development of the desired regulatory thinking. Its flexible delivery model aims to have minimal disruption to EPAs 'business as usual' functions while also recognising the complexity of the EPOs role and the value of a formal competency based learning program.

The AOIP has made an important contribution to the EPA Victoria's knowledge management through capturing and sharing the tacit regulatory knowledge of its field force and has been embedded into the organisations processes for appointing authorised officers. The AOIP is seen as being part of the robust process that EPA Victoria applies to recruiting, training and appointing EPOs (EPA Victoria, 2014, p.3). Support for, and evidence of this, is reflected in

the fact that the 'EPA is proud to continue to support and value its authorised officers as our frontline regulators' (EPA Victoria, n.d.(b)).

Continuing professional development

The third stage, after training, relates to continuous professional development. The Expertise Framework has become a central and important element in EPA Victoria's continuing professional development and knowledge management strategies.

In the opinion of the authors, the Expertise Framework Program could be extended to include two categories for Regulatory Professionals. One for those staff engaged in operational work and another for those who provide support and capacity building for the former. Such an approach would clearly and demonstrably acknowledge the EPAs core regulatory purpose, and provides the potential for EPA Victoria to develop a more sophisticated understanding of the complex interplay between regulation and science.

It is expected that CPD activities will increase in coming years. This is based upon a number of recent publications which, when taken together, provide a clear sense that there are multiple and intersecting sub-national, national, regional and international drivers to advance the professionalism of environmental regulators (NZPC, 2014; OECD, 2014a; OECD, 2014b; IPAA, 2015; AELERT, 2015).

Conclusion and recommendations

EPA Victoria has initiated some ground-breaking approaches to the recruitment, training and continuing professional development of its regulatory and enforcement staff. The aim of this research was to examine these approaches in order to identify information, options and strategies that might assist other environmental protection agencies, other environmental regulatory agencies, and regulators more broadly, to increase their effectiveness.

In the recruitment phase we considered the potential value of behavioural assessments to both understand and define the role of the Environment Protection Officer; in the training phase we examined the Authorised Officer Induction Program and the value of its contribution to the initial development of EPOs; and in the continuing professional development phase we considered the Expertise Framework in terms of recognising, capturing and sharing expert knowledge.

We have seen there is much that environmental regulatory agencies, and regulatory agencies more broadly, can learn from EPA Victoria's experience as it transformed itself into a modern regulator. However, further research is required to understand the range of factors that affect the emerging professionalism of the EPO role. While this could be done by individual agencies, it is suggested that ERAs are well placed to be assisted by environmental enforcement networks and academic and research institutions so that practical and implementable solutions might be found to benefit the collective membership.

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Appendix 1: PRISM Brain Mapping: An overview of the quadrant model (PRISM Brain Mapping n.d.)

Quadrant	Behavioural dimension key points
Green (top right); expression and holistic thinking	Innovating, generates ideas and creates original solutions. Initiating, Articulate and persuasive, establishes rapport easily, good at achieving 'win-win' negotiations
Bottom right (Blue); harmony and personal relationships	Coordinating, makes good use of other peoples' skills, encourages participation, seeks consensus Supporting, Supportive of others, handles routine or repetitive work well
Bottom left (Red); achievement, order and control	Delivering. independent and self-motivated, works well under pressure, likes structure and organisation Focusing, copes well with adverse conditions, high pressure negotiating skills
Top left (Gold); accuracy and attention to detail	Finishing, attention to detail and accuracy, good at communicating complex data, follows tasks through to completion Evaluating, makes astute decisions based on facts, checks the pros and cons of all options

Educational Planning: Dropout of CWSN and SLD children in India

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Abstract

India is striving for universal enrollment up to secondary level in schools. The planning documents reveal that Net Enrollment Ratio (NER) is 88.1 for primary, 70.02 for upper primary, and Gross Enrollment Ration (GER) is 66.4 for secondary and 39.3 for Sr. secondary classes in India. The paper analyses the data on disability in schools as reported under Unified District Information System of Education (UDISE), which is collected since 2010 on ten types of disabilities. The data reveals the pattern of enrollment and dropout of CWSN as a whole and SLD specifically as it is hidden disability and misses the focused attention of educational planners. The findings reveal that dropout of CWSN starts from class V onwards. The education system is retaining 12.02% CWSN and 5.3% SLD only in class XII who were enrolled in class I. The findings point out that CWSN are getting enrolled but not being retained in the schools. Thus these findings are significant to examine existing policies for access and retention in schools, to modify teaching learning strategies, evaluation provisions and incentives schemes to retain the enrolled CWSN. The drop out of SLD from the education system is a very big loss to the country as these children are geniuses and could prove to be big assets. Besides enrolled children there is a large number of out of school CWSN who need to be enrolled. The paper would help educational planners to build inclusive education in India and also to achieve target of universal learning along with universal enrollment.

Keywords: policy on CWSN, enrollment of CWSN, dropout of CWSN, retention of SLD

Universal secondary education is the goal

The Sustainable Development Goals (SDG) has specifically mentioned 'education' as one of the seventeen goals. Education for all boys and girls up to secondary level is to be achieved by the year 2030. India is one of the countries striving to achieve the target. In the year 2000, Millennium Development Goals (MDG) were agreed upon by 189 countries. In continuation of the MDGs, and on completion of the target year of MDG in 2015, SDGs have been planned for the countries. India has made significant progress on many goals but is off-track on the targets to achieve universal enrolment and completion of elementary education (UN, 2015). Since India has lagged behind in the achievement of educational goals of MDG, it is all the more challenging to achieve next level of goals as defined in the SDGs. In the SDG the aim is for education to not only become universal for elementary level but the goal now has been scaled up to secondary level. It is a challenging task because India has to strive to achieve universal elementary education as well as secondary education by 2030. Nevertheless it is the challenge educational planners have taken upon themselves. In order to plan for the strategies to achieve the target by 2030, it is desirable to study the status of enrollment and retention at present in India, demographic profile and identify areas to be strengthened.

Status of enrollment in education in India

The total targeted population for universalisation of education up to Sr. secondary level is 301.4 million in the age group of 6-17 in India. If we further divide it in age cohorts there are 206.11 million persons in the age group of 6-13 for elementary level education and 95.32 million children for the secondary level education in the age group of 14-17. However, out of 301.4 million, only 254.8 million are enrolled in classes I- XII in the year 2013-14 (MHRD, 2014). The enrollment is neither evenly distributed in all classes nor corresponding to age cohort in the population. There is difference in enrollment in various stages of education. The Gross Enrollment Ratio (GER) is 97.0% in elementary education level in India in the year 2013-14 and Net Enrollment Ratio (NER) is 88.1% for primary level and 70.02% for upper primary level for the year 2013-14. At the secondary stage the GER for the classes IX to X is 66.4% and for the classes XI to XII is 39.3% for the same year (MHRD & NUEPA, 2014). The enrollment figures thus show that children are getting enrolled but are not retained and are not progressing to higher classes.

The SDG target is to retain the children in school up to class XII. To explore why the system is not able to retain children and also who are these children who drop out, a national survey was conducted by Ed.CIL in 2014 and the findings are similar to the report of the Planning Commission of 2012. It is reported that it is most difficult to enroll children with disability. Both the surveys pointed out that a major chunk of out of school children are those with disabilities. It may mean that 47 million children out of 301.4 million children were are not enrolled or who have dropped out could be the children with disability.

Out of the 2.21% disabled population in India, 1.54% is in the age group of 5-9 years and 1.82% in the age group of 10-19 years (Census, 2011). Of this only 1.17%, i.e. 25.6 million children, are enrolled in classes I-XII (Mehta, 2015). This paper attempts to study the number of children with disability in the country, their retention and transition from lower classes to higher classes in the school, their share in the GER and in NER. This paper explores the possibility that low GER and NER could be due to non identification and low retention of CWSN in the education system.

Disability: sources of data

The numerical estimation of children with disability is contingent upon the definition of disability adopted for enumeration purposes. There are two Acts which define disability. As per Persons With Disability Act (PWD) 1995, there are seven types of disabilities. These are Blindness, Low vision, Leprosy-cured, Hearing impairment, Loco motor disability, Mental retardation, Mental illness. Besides the PWD Act there is the National Trust Act which defines four types of disability, namely Autism, Cerebral Palsy Mental Retardation and Multiple Disabilities. Most of the education policy and planning documents such as Sarva Shiksha Abhiyan (SSA) and Rashtriya Madhyamic Shiksha Abhiyan (RMSA) have adopted the definition and types of disabilities as given under PWD Act and national Trust Act. The PWD Act is under revision. The revised PWD Act may provide a more comprehensive list of disabilities by merging the two and adding a few more.

There are at present three sources of data on disability in India. These are Census, National Sample Survey Organisation (NSSO) and District Information System in Education (DISE). The three data are not only collected by three different government organizations but cover different categories of disability. Census data is considered less reliable since data on disability is 'self reported'. The same is true of NSSO data on disability. The NSSO data has additional demerit of being based on sample population. The DISE data is based on school and household data collected annually by teachers. Moreover, identified children are diagnosed for type and degree of disability by the medical team. Therefore DISE data is considered comparatively more reliable data on disability in India for planning of education. The DISE has taken ten disabilities in its ambit. These are Blindness, Low vision, Hearing, Speech, Locomotor, Mental retardation, Learning disability, Cerebral palsy, Autism and Multiple disabilities. It has dropped Leprosy-cured and Mental illness of PWD Act and has added Speech, Cerebral palsy, Autism and Learning disability in its database (Mehta. A., 2013). The children with disability are called Children with Special Needs (CWSN) in the educational policy documents. For this paper UDISE data on disability is analyzed and CWSN term is used for students with disability.

In India, household surveys and special surveys are carried out every year by all states to identify CWSN under a centrally funded programme Sarva Shikha Abhiyan (SSA). It is estimated that 27.79 million children are CWSN. Out of that 25.03 million children with special needs (90.07% of those identified) are enrolled in schools. Further 12946 children with special needs are being covered through School Readiness Programme and 01.85 million children with special needs are being provided home-based education in 31 States/ UTs. In all 97.19% of the identified CWSN have been covered through various strategies (MHRD, 2015).

The enrollment status of CWSN in the classes from I to class XII is studied to understand their retention in the elementary as well as secondary education. The enrollment of CWSN in the last four years in the elementary classes is as given in Table 1.

Years | Classes	I	II	III	IV	V	VI	VII	VIII	Total
2010-11	66,869	62,250	67,789	69,011	68,448	62,423	60,268	45,318	5,02,376
% of Total (I-VIII)	13.31	12.39	13.49	13.73	13.62	12.42	11.99	9.02	100
2011-12	1,08,623	1,08,496	1,16,399	1,13,793	1,11,542	96,131	92,978	83,535	8,31,497
% of Total (I-VIII)	13.06	13.04	13.99	13.68	13.41	11.56	11.18	10.04	100
2012-13	3,22,078	3,23,081	3,53,704	3,36,422	3,07,497	2,59,432	2,41,630	2,04,798	23,48,642
% of Total (I-VIII)	13.71	13.75	15.05	14.32	13.09	11.04	10.28	8.71	100
% of Total (I-XII)	12.55	12.59	13.79	13.11	11.99	10.11	9.42	7.98	91.58
2013-14	2,98,625	3,43,149	3,79,357	3,64,245	3,35,768	2,75,583	2,70,890	2,36,523	25,04,140
% of Total (I-VIII)	11.92	13.70	15.14	14.54	13.40	11.00	10.81	9.44	100
% of Total (I-XII)	10.69	12.28	13.58	13.04	12.02	9.86	9.70	8.46	89.66
2014-15	2,43,916	2,85,093	3,39,328	3,48,274	3,23,461	2,59,288	2,50,706	2,29,965	22,80,031
% of Total (I-VIII)	10.69	12.50	14.88	15.27	14.18	11.37	10.99	10.08	100
% of Total (I-XII)	9.52	11.13	13.25	13.60	12.63	10.12	9.79	8.98	89.04

Source: Elementary Education in India, Analytical Tables 2010-11 *(PP-95),* 2011-12 *(PP-95),* 2012-13 *(PP-102),* 2013-14 *(PP-100),* 2014-15 *(PP-95).*

Table 1: Enrollment of CWSN at national level

Table 1 shows that there is an increase in enrollment of children in classes II III and IV in the following year. It is 66869 in the year 2010-11 in class I and has gone up to 3,64,245 in the year 2013-14 in class IV. However, this increase is not sustained. The data of the same year also shows that in all the years the enrollment numbers are declining after the class IV, the decrease in the enrollment starts and continues up to class VIII. In the year 2012 there are 3,07,497 students enrolled in class V. The enrollments declined to 2,29 965 in the year 2014-15 in class VIII. Similarly, the table shows that enrollment is increasing every year from the previous year except the year 2014-15. The increase in enrollment is a good indicator of the interventions made by the government for universal elementary education. The position of increase and sustainability of enrollment year wise and class wise is depicted in Figure 1 for better understanding.
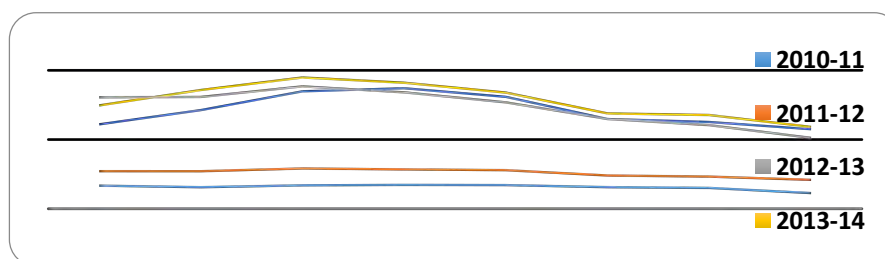
Figure 1: Enrollment of CWSN at National Level (Classes I to VIII)

Figure 1 shows that enrollment of CWSN in the classes in the years 2011 and 2012 is low and is more or less same in successive classes. Whereas enrollment has significantly increased in the years 2013, 2014, 2015 in lower classes but has declined in higher classes. Decline is prominent in the classes VI and VIII. This suggests that enrollment strategies of a door to door survey by teachers have been successful in enrolling children. However, retention of the children in the school remains poor.

The status of enrollment in secondary and higher secondary classes may further indicate and strengthen the fact that strategies for retention are weak. The enrollment of CWSN in secondary classes is given in the following table:

Years |Classes	VIII	X	X	XI	XII	Total I-XII
2012-13*		83,535**	87,037	23,362	21,831	25,64,407
% of Total (I-XII)		3.25	3.39	0.91	0.85	100
2013-14	2,36,523	1,27,833	99,718	32,260	28,683	27,92,634
% of Total (I-XII)		4.57	3.57	1.15	1.02	100
2014-15		1,21,756 (48.52%) Dropped	97,815 (23.48%)	31,709 (68.20%) Dropped	29,337 (9.06) Dropped	25,60,648
% of Total (I-XII)		4.75	3.81	1.23	1.14	100

Source: DISE Database

Notes: *Data for secondary classes is available from 2012-13 year only.
  ** Data not validated so not added.

Table 2: Enrollment of CWSN in senior classes

As seen in Table 2, the decrease is quite substantial. There were 1, 27,833 CWSN enrolled in class X in the year 2013. As per target, all should have transited to class X in the year 2014-15. But only 99,718 could transit. It means approximately thirty thousand children have dropped out of the system, amounting to 23.48% dropout. Again there is 68% drop after class X. This leaves only 1.14% children who were enrolled in class I to progress to XII.

To achieve universal enrollment up to secondary stage, all enrolled children of class I need to be retained in the school. The drop out from class I to XII in last five years is depicted in Figure 2.
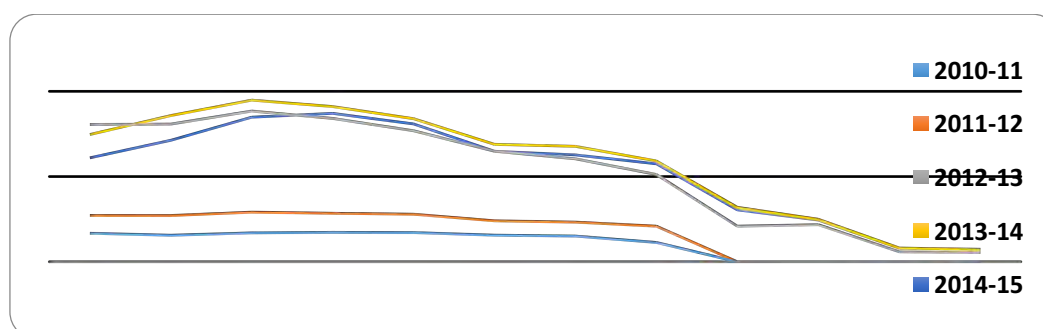

Figure 2: Enrollment of CWSN at National Level (Classes I to XII)

Figure 2 shows that drops in the enrollment are very steep. The highest enrollment is in the year 2013-14 in class I but it could not change the status of retention. The retention is not different; it is almost same in all the years up to class XII. The enrollment data of different classes clearly indicates that there are issues of retention of CWSN in the education system.

Specific Learning Disability

Thus the data shows that retention of CWSN as a whole is poor. The data presented in the following paragraphs show that it is all the more so in case of the disabilities which are not visible like Specific Learning Disability (SLD) because it is more difficult to identify SLD children. As a result, they are not taken care of. Therefore it poses a bigger challenge and tougher target for universal enrollment.

Specific Learning disability is a hidden disability. As discussed earlier, it is not included in the PWD Act. As a result, it is not covered specifically for educational provisions in terms of

funding. In the processes, hidden disability gets further hidden. As per the research findings, 15-23% of children could have SLD in any student population (Dilshad, 2006; RCI manual, n.d.; Gupta, 2014). SLD children cannot survive in the education system if special provisions are not provided to them (Gupta, 2009). The data on enrollment and retention may throw light on need of strengthening educational provisions.

As per the estimates given in the DISE, the enrollment of SLD is as given in Table 3.

Years | Classes	I	II	III	IV	V	VI	VII	VIII	Total
*2010-11	30,404	31,483	33,484	32,006	26,232	19,395	16,744	9,439	1,99,187
% of Total (I-VIII)	15.26	15.80	16.81	16.06	13.16	9.73	8.40	4.73	100
*2011-12	27,362	32,716	36,306	34,106	28,823	20,418	18,028	12,416	2,10,175
% of Total (I-VIII)	13.01	15.56	17.27	16.22	13.71	9.71	8.57	5.90	100
2012-13	29,256	38,826	44,898	44,378	35,951	25,168	22,062	10,528	2,51,067
% of Total (I-VIII)	11.65	15.46	17.88	17.67	14.31	10.02	8.78	4.19	100
% of Total (I-XII)	10.74	14.25	16.48	16.29	13.2	9.24	8.10	3.86	92.18
2013-14	28,124	40,632	49,509	49,254	41,553	28,980	26,371	20,003	2,84,426
% of Total (I-VIII)	9.88	14.28	17.40	17.31	14.60	10.18	9.27	7.03	100
% of Total (I-XII)	9.19	13.27	16.17	16.09	13.57	9.46	8.61	6.53	92.94
2014-15	24,109	32,904	41,602	42,933	39,147	27,272	24,526	19,096	2,51,589
% of Total (I-VIII)	9.58	13.07	16.53	17.06	15.55	10.83	9.74	7.59	100
% of Total (I-XII)	8.90	12.14	15.35	15.85	14.45	10.06	9.05	7.05	92.88

Source*: Elementary Education in India, Analytical Tables- 2012-13 *(PP-102),* 2013-14 *(PP-100),* 2014-15 *(PP-95).*

Table 3: Enrollment of SLD at national level

Table 3 shows that the enrollment of SLD is found highest in the class III. It is higher from classes I and II. The figure is supportive of the fact that SLD could be identified in class II onwards only when reading and writing starts. Identification in class I is also not desirable. The table also shows that though number is increasing upto class V it starts declining after that. The decline in enrollment in higher classes continues and comes down to a dismal number, i.e. 5.9% of the total enrollment in class VIII in the year 2011-12. The enrollment numbers and percentages in higher classes are given in Table 4.

Years | Classes	IX	X	XI	XII	Total
*2012-13	#12,416	6,732	1,053	1,088	2,72,356
% of Total (I-XII)	4.55	2.47	0.38	0.39	100
*2013-14	10,517	8,183	1,583	1,317	3,06,026
% of Total (I-XII)	3.43	2.67	0.51	0.43	100
*2014-15	9,266	7,292	1,403	1,299	2,70,849
% of Total (I-XII)	3.42	2.69	0.51	0.47	100

Source: UDISE
* Data taken in these academic years is from UDISE (Raw Data).
# Data taken in respective years and class is from UDISE (Raw Data) and not validated.

Table 4: Enrollment of SLD in higher classes

Table 4 shows that enrollment is declining significantly. If there were 6,732 children in 2012 in class X, only 1, 583 could progress to class XI in the year 2013-14. It shows that only one student out of four could reach to class XI. This stage is showing the greatest fall of 75% in the transition to next higher class. It is higher than the total CWSN dnrollment drop which was 66%. The dropout is so huge that only 0.47% of children could progress to class XII from class I. The fall in enrollment of SLD at various levels is also depicted in Figure 3.
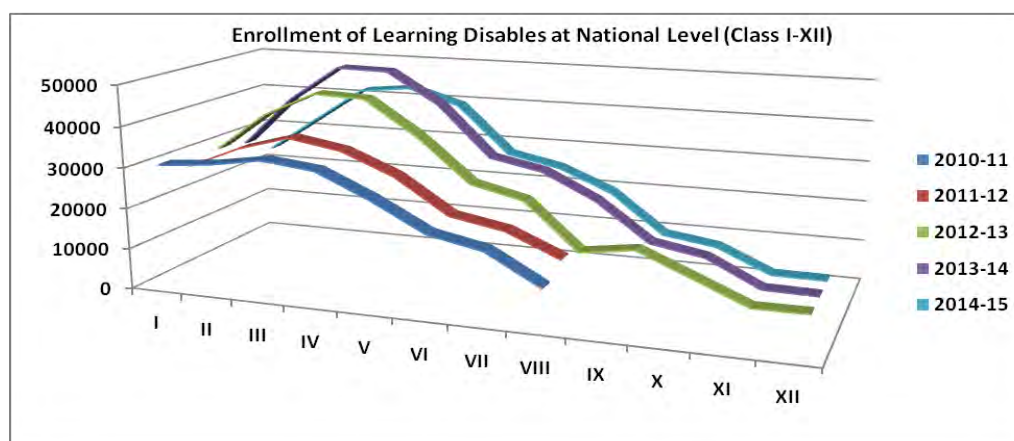
Figure 3: Enrollment of Learning Disables at national level (Class I-XII)

Figure 3 shows that SLD are enrolling in various years which may not be corresponding to their number in the population. But even those who are enrolled are finally dropping out of the system. The dropout pattern observed of SLD has similarity to CWSN data. It is higher in classes VI, VIII, X and XI. But the degree of the dropout of SLD is much higher than the drop out of the CWSN.

The droppot of CWSN is a cause for concern, but drop out of SLD is bigger concern as it is hidden disability. Moreover, SLD are bestowed with such talents which if harnessed can result into genius and if not, may get into anti social activities (RCI manual, pp 163). Further schools are meant to be learning places. Therefore this dropout phenomena is to be arrested by the educational planners. The drop out data provides the scope of work, nitigrities of the work and challenges to be overcomed by the planners for making education universal in India. The dropout and retention of CWSN and of SLD is further discussed below.

Dropout analysis

The analysis of dropouts presents the range of the problem, quantum of work for the educational planners. The drop out of CWSN in various years is calculated from the enrollment of class I to the enrollment of class XII in that particular year. Though actual picture could be presented if data was available of all the twelve consequent years. However, data of one single year is taken with the assumption that pattern of enrollment was same in the last eleven years. The drop out and retaintion percentages of CWSN and SLD are presented in Table 5.

	CWSN		SLD	
	Dropout	**Retained**	**Dropout**	**Retained**
2012-13	93.22	6.7	96.28	3.7
2013-14	90.39	9.6	95.31	4.6
2014-15	87.97	12.02	94.61	5.3

Source: Calculation based on UDISE data

Table 5: Drop-out analysis of CWSN and SLD Class I-XII in percentages

It is encouraging to note that the data given in Table 5, which shows that drop out of CWSN and of SLD, is reducing every year. It was 93.22% in 2012-13 and went down to 87.97% by 2014-15. It has almost doubled the retention of CWSN from 6.7% to 12.02%. However the

retention of SLD is fifty percent lesser than CWSN. If retetion reached 12% in the case of CWSN, it remained at 5.3% for SLD in the year 2014-15. It is found that the retention is increasing, but the rate of increase is not sufficient. And it leaves a large scope of work to be done. The scope of work left for enrolled CWSN and SLD is depicted in Figure 4.
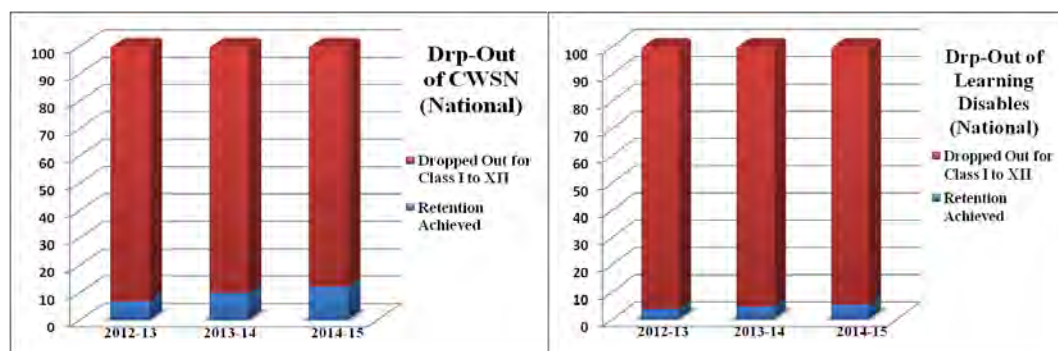
Source: based on UDISE data

Figure 4: Retention and dropout of CWSN and SLD

The red area in chart presents the dropped outs during the course of progression from class I. It is the target area yet to be achieved. The GER of all the students in elementary , secondary and Sr. secondary level as mentioned earlier is 97%, 66.4% and 39.3% respectively. The charts shows that GER of CWSN and SLD is much lower. It should match the GER of all other students.

Although gloomy, this paper presents only the status of those among the CWSN who are enrolled in the system. The enrollment of out of school CWSN and non Identified SLD in the school population is another and greater challenge. As mentioned earlier CWSN and SLD both are under identified in the population. The number could go up to 30% of the population but it is only 1.17% at present.

Conclusion

Transition from elementary level to secondary level is a requisite for universalization of secondary education. Therefore a dropout along the way is a challenge for the educational planners. Although a number of strategies have been formulated and implemented to address dropouts. One of them is 'no detention policy' till class VIII. Besides that strategies specifically under SSA and RMSA to support education of CWSN include assessment camps to identify disability, appointment of resource teachers at block level, training of teachers, transport allowance, corrective surgery, aids and appliances, counseling to parents, resource room at each block, provisions during exams and special funding per child at Rs. 3000/- per year.

As evident from the enrollment data analysis presented in this paper, these strategies are not sufficient and there is need to upscale all these measures. To upscale, educational planners need authentic and comprehensive data. However, as pointed out in this paper that data on disability in India is not fully reliable. Therefore there is need for comprehensive and reliable house hold surveys for enrollment of CWSN. The surveys should be done by trained para medical professionals. After the identification, each student needs regular medical checkup for management of the disability. The enrolled CWSN need to be followed up for addressing medical needs and educational needs continuously. One-time medical aid given in the form of corrective surgery or aids in the form of clippers, wheel chairs etc. are not sufficient for

retention in the schools. Besides medical need, there is requirement to focus on individual educational need of the CWSN.

There are 301.4 million children who need to be retained in the educational system. Out of these, as per research estimate 30% could be CWSN i.e. 90.42 million including SLD. As discussed, only 2.56 million CWSN are enrolled in the year 2015 up to class XII including SLD. Out of that only 0.27 million are SLD against the expected number of at least 66.35 million. There is a greater need to focus on hidden disabilities. Their identification is not adequate. Only 0.70% SLD is identified of total enrollment. It is grossly below the norm.

Non identification of SLD could be the reason of dropout of many children in the total general population. Educational planners need to focus on comprehensive identification of all CWSN, particularly SLD to enhance GER and to achieve universal enrollment up to sr. secondary level.

It is recommended that besides making elementary education compulsory, there is need to evolve strategy which is successful in retaining CWSN in the educational system. One good example could be of that Amar jyoti model. It is a holistic approach. It provides for medical, social, recreational, physical and academic needs of the CWSN in the school itself (Amar Jyoti, 2015).

At present Government is spending up to Rs.3000/- per CWSN. Most of it goes into disability management activities. There is no focus on learning devices for CWSN. Moreover, requirement of every CWSN varies from each other. The facilities provision needs to be according to the needs of every CWSN. It is a tall order of requirement. Government of India may not be in position to supply all the required funds. In the absence of required resources, cooperation of NGOs is must. One such example is of CBM, it is helping in few states of India to help poor disabled children (CBM India, 2016) to go to school.

To conclude, India is far behind the target of universal enrollment and achievement. In order to achieve the target of universal enrollment up to sr. secondary education by 2030, a targeted, sustained and full of resources effort of government of India is required to enroll and retain CWSN in the education system. It is only possible by proper prior planning.

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A Glimpse into the Anatomy of the Tribulations and Successes of the Chinese-Filipino in Lanao del Norte, Philippines

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Abstract

This research provides a closer look at the lives and times of a Chinese-Filipino community in the province of Lanao del Norte, Philippines as they encountered various challenges in the "new community" since leaving their homes in China. As one of the overseas migrants who settled in the Philippines, they have been viewed differently by the colonial government and the society. However, their role and contributions in the province has been considerably of significance when it comes to the development of the commercial trading activities. Although considered a minority in their "new community", the methods, attitudes and skills these Chinese-Filipino have in their entrepreneurial activity have propelled them to dominate the commercial activities in the province. By exploring on the lives of a Chinese-Filipino community in the province, this paper will give an insight to the following: 1) how the Chinese-Filipino were able to adjust and adapt to their "new community", 2) what were the challenges they faced in a foreign society, and 3) how they were able to overcome and established their foothold in the community. For this research, personal interviews were conducted together with the data and documents gathered to provide a substantial narrative to the study. However, the scope of this paper focuses only on the Chinese-Filipino community in the province of Lanao del Norte and does not reflectthe general conditions of the Chinese-Filipino communities in the Philippines.

Keywords: Chinese-Filipino community, tribulations, successes, Lanao del Norte

Introduction

When it comes to the economic development of the Philippines, the discussion would not be complete without mentioning the role of the Chinese in its context. Since the early years of Spanish colonization, the Chinese has played a significant role in the growth of commercial trading in the country. Goods from other regions of the world have been brought and introduced in the Philippines by means of commercial trading, even before the Europeans "discovered" the region. And since then, the Chinese have been influential in the transformation of the economic activities in most of the provinces in the Philippines, especially in large urbanized areas.

However, most of the Chinese began as peddlers, vendors, skilled laborers and small-time traders along the streets in various provinces of the country. The policies and laws by the government have been formulated to curtail the economic control of the Chinese, who later would become business tycoons and owners of large companies in various industries. In fact, from the list of Forbes 2015 Richest Filipinos, 16 out of the top 25 are Chinese or of Chinese descent. But despite the economic dominance, the Chinese were still a minority as they only constitute 1.3%[1] of the total population. Their rate of success in the world of entrepreneurship along with their refusal to assimilate to the local society, have been contributory to the development of anti-Chinese attitudes and behaviors.

During the Spanish colonial period, the Chinese have been labeled and depicted as disloyal, coward, selfish and cunning. First, the socio-cultural resistance displayed by the Chinese towards the attempt of the Spanish colonial government to convert them as their subjects or "little Spaniards" have been the basis for questioning the loyalty of the Chinese. Policies and laws were drafted and implemented to either force the Chinese to assimilate or to segregate them away from the "Filipino" society. Because of such policies, most of the Chinese succumbed to the colonial government for the fear of being the targets of expulsion and deportation from the country. Secondly, the entrepreneurial skills of the Chinese as to how they engage themselves in doing business have given them the image as cunning and selfish. The "way" they operate and run a business have been at times misunderstood especially by the locals. One of the reason for this concept was the emergence of a class distinction, wherein it portrays the natives as poor and rural, and the Chinese as rich and urban (Weightman, 1967, p. 277).

Such hostilities and attitudes against the overseas Chinese and the Chinese-Filipino were prevalent especially in larger urbanized areas in the Philippines like Manila, Iloilo, Cebu and Davao. The economic potentials in these areas were mainly the reason why the Chinese engage themselves in commercial trading, resulting to an increase in population. And since the area possess commercial opportunities, this also attracts other Chinese to established their commercial trading activities in these areas.

But despite such attitudes and hostilities against them, it did not prevent the Chinese (which later became Chinese-Filipino) from establishing footholds in their "new community".

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[1] From the 2005 census conducted in the Philippines, out of 87, 857, 470 from the total population, there are only 1,146,250 Chinese in the country.

The setting

The locale of this paper sets its scope within the province of Lanao del Norte, Philippines. Lanao del Norte is situated in Northern Mindanao, along the northwest and southwest coast of the island of Mindanao. It has a total land area of around 3,346.57 square kilometers (1,292.12 square miles)[2], which comprises almost around 19% of the land area in Region 10. Lanao del Norte is bounded in the north by Iligan Bay, in the east by the provinces of Lanao del Sur and Bukidnon, in the south and southwest by the Celebes Sea, and in the west by the province of Zamboanga del Sur and Pangil Bay. Its geographical location makes the province as the bridge that connects Western Mindanao to Central and Eastern Mindanao.

Methodology

In providing the narratives on the lives and times of a Chinese-Filipino community in the province of Lanao del Norte, a qualitative approach was employed. The information about the tribulations and successes were shared and personally narrated by the Chinese-Filipino along with the information from the locals in the province. Personal interviews were conducted with key informants and respondents to incorporate oral history to this paper that would give more substance to the data collected. In addition, personal immersion and observation was also made since both the researchers are from the province.

Literature survey

After browsing through books, academic journals, undergraduate and Master's theses, memoirs and online sources, the data and information gathered were then carefully examined and reviewed. In this study, a list of key terms was made and were surveyed from various sources of data such as the Mindanao State University-Iligan Institute of Technology Libraries, the National Library in the Philippines, Iligan City Government Offices and the personal archives from the Filipino-Chinese Community.

The overseas Chinese and the Philippines

Although several studies and researches have been conducted regarding the earliest contacts between the Filipinos and the Chinese, there has not been a definite date yet determined. Records would tell that as early as the 10th century, regular trade was conducted between the two. This claim was supported by (1) the texts from the *Song Shi,*[3] (2) the chronicles from the *Zhu Fan Zhi*[4] and (3) the account from *Wenxian Tongkao*[5] (Miclat, 2000). Moreover, the trade contacts between the Chinese and the Filipinos can also be affirmed to the geographical distance between Philippines and Taiwan. The two countries are not just Asian neighbors in the region but are the closest of neighbors with only 52.8 kilometers of waters that separates

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[2] Data taken from the PSGC Interactive. National Statistical Coordination Board. Makati City, Philippines. Retrieved 10 November 2014.

[3] Translated as the *History of the Song Dynasty* which was published around 1343-1374. This document is also considered as one of the official Chinese historical works that records the history of the Song Dynasty.

[4] *Zhu Fan Zhi* (A Description of Barbarous People) or also known as *Chu Fan Chi* is the first detailed account describing the trade relations between China and the Philippines in the 13th century. This account was written by a Song Official named *Chau Ju-Kua*, who was appointed as Commissioner on Foreign Trade in the 12th century.

[5] Translated as "A General Investigation of Chinese Cultural Sources", this 14th-century account was written by a Chinese historical writer, *Ma Duanlin*. The 348-volume work was published in 1317 which refers to the Philippines as *Ma-i*.

them. (Hsiao, 1998) The discovery of Oriental ceramics[6] in several places in the Philippines have also further proved the presence of trade between Asian communities (Miclat, 2000).

Records indicate that there has been contact between the Chinese and the Filipinos as early as the 10th century. Before the coming of the Europeans, the Chinese were conducting trade almost everywhere in the country with goods such as silk, porcelain, spices, furniture and jewelry with the natives. However, it was the discovery and the colonization by the Spaniards of the Philippines in the 16th century that provided lucrative economic opportunity for many male Chinese. It stimulated the migration of Chinese in the country in larger numbers than ever before (Wickberg, 1962). And since the Spaniards were setting their focus on maritime commercial trading with Mexico, it gave the Chinese the opportunity to engage in retail trade. Thus, the Chinese gradually began to dominate the commercial trading in the country. The Spaniards later became dependent to the Chinese traders or the "Sangleys"[7] and saw its economic importance (Wickberg, 1962). The Spanish colonial government encouraged and tolerated the Chinese traders for the goods that they brought to the communities. Its significance was in fact chronicled in 1571 as the *Parian de Aroceros*, famous for the rice grains sold.

However, despite being considered as economically significant by the Spaniards, the increasing number of Chinese in the Philippines later became a potential threat. The Spanish colonial government then formulated alternating policies and attitudes towards the Chinese. Such policies and attitudes were manifested in several Spanish attempts to: (1) convert the Chinese to Catholicism, (2) stage several massacres, (3) deport those who were suspected as threats to other provinces in the country and (4) expel the Chinese from the Philippines (See, 1997).

The socio-cultural resistance demonstrated by the Chinese in their refusal to assimilate to the society under Spanish rule has raised suspicion that question their loyalty. Moreover, the fear that another uprising might occur similar to the 1574 so-called invasion of Limahong, the Spanish colonial government was keeping its guard to the growing number of Chinese in the country. In 1593, tension between the Chinese and the Spanish colonial government escalated when Governor-General Gomez Perez Dasmariňas was assassinated by the Chinese rowers in the flag ship that was set to invade Moluccas. As a retaliation, the son of the murdered Governor-General sought the assistance from the Chinese authorities in Fujian to capture the assailants. However, the tension did not end there. A series of massacres towards the Chinese were recorded in 1602[8] and 1603[9] wherein more than 50,000 Chinese were killed by the Spaniards.

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[6] As further stated by Miclat (2000), traditional Chinese ceramics that were discovered in the Philippines display symbols of Imperial power such as the dragon and the phoenix; fishes, pearls and blossoms; the Eight Precious Things/Treasures (Ba Bao) namely jewel or pearl, cash coin, open lozenge, pair of books, mirror, musical jade stone, pair of Rhino horns and the Artemisia Leaf; and the Magic Weapons of the Eight Taoist saints, namely He Xiangu (Bamboo Stick), Cao Guojiu (Castanets), Li Tieguai (Gourd), Lan Caihe (Flower Basket), Lu Dongbin (Sword), Han Xiangzi (Flute), Zhang Guolao (Fish Drum) and Zhongli Quan (Fan).
[7] From the Hokkien term which means business or trade. The Spaniards used the term to refer the Christianized Chinese as "travelling merchants".
[8] There were at least 30,000 Chinese (merchants, officials and civilians) killed in Luzon in what was known in Chinese History as the Luzon Tragedy. The survivors of the massacre fled to Wawa (Guagua) for safety.
[9] As discussed by Borao (1998) At least 24,000 Chinese were killed by the Spaniards when Three Ming Mandarins arrived in Manila on a strange mission. This sparked fear to the Spanish government, who were already familiar to some sporadic threats of conquest. The so-called strange mission by the three Mandarins was to reconnoiter a "tree that bears gold", in which the Spaniards suspected as an advance party for a possible invasion of Manila.

In Manila, the Spanish colonial government promulgated the policy of isolation to the Chinese. This was the establishment of a separate area exclusively for the confinement of the Chinese (both Christianized and un-Christianized). Located outside the Walled City of Intramuros, the exclusive area known as the Parian[10] became the "home" of the Chinese. (Madrid, 2012) It was now their residence, trading area and shops for artisans and was a destination of trade and commerce. Yet, the Parian was kept under the watchful eye of the Spanish colonial government.

In 1754, the concern towards the increasing number of Chinese in the country has prompted the Spanish colonial government to expel and deport the non-Christianized Chinese from the country. Because of the action by the government, several overseas Chinese were forced to embrace and assimilate to the society by allowing themselves to be converted to Catholicism. The fear of expulsion and deportation was the primary reason on why several Chinese began to assimilate themselves in the society. In addition, those Chinese who still refused to be Christianized were deported to far flung provinces of the country to lessen the concentration of Chinese in Luzon. Those deported individuals were known as *deportados* or "forcibly deported people" as a form of punishment against the Chinese.

However, under American rule, the living conditions of the Chinese began to have a more liberated atmosphere. It was described that the Chinese benefited most during the American colonial rule even though the Chinese were not given equal rights compared to the Filipinos and the Americans especially when it came to the utilization of the country's natural resources. Still, the Chinese managed to become influential to the economic life of the country since the Americans imposed less restrictions during their regime (Tan, 1993).

The birth of the Chinese-Filipino

Despite the passage of policies and laws towards the Chinese, the economic opportunities of the country have greatly attracted them to continue to engage in the commercial activities. Assisted by a kin-based migration network, the Chinese in the Philippines used any means to the immigration policy to allow their friends, relatives and family members to enter the country. Thus, the number of Chinese in the Philippines has greatly increased between the years 1899 and 1939.[11]

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[10] An exclusive area where Chinese were confined, specifically those unbaptized Chinese. It is like a Chinese Ghetto. The establishment of the *Parian* was a product of institutionalized racial segregation under Spanish rule. It was during the rule of Spanish Governor-General Gomez Perez Dasmariñas that the *Parian* in Manila was established in 1582. The purpose was to keep the Chinese away from the natives to prevent a possible collaboration that may challenge their rule. Randy Madrid (2012) described that in 1636, Governor-General Sebastian Hurtado de Corquera made the first reference to its Chinese origin when he stated that the Chinese should live in a place which has been built for them near the walls of Manila in the language of the Chinese, the Parian. The term Parian or "Padian" was from the old Malay word "Puntahan" or "Pariyan", which means "Town Square or Plaza" that later evolved into a trading area or Market. According to Madrid (2012), the term originated from the word "Chien-nei" which also means "Trading Area".

[11] The 1899 figure was a semiofficial figure on the estimated population of the Chinese in the Philippines as the Schurman Commission has relied on the testimony of a Chinese Capitan, Don Carlos Palanca Tan Quien Sien; 1903 was the first comprehensive census conducted using the criteria of country of birth; in 1904, the archipelago-wide registration of Chinese residents; the 1918 census used the criterion of citizenship; the 1921 was from the Wood-Forbes Commission Report; 1933 was from the unpublished report of the Philippine Bureau of Health; in 1935, from the Chinese Economic Bulletin; and 1939 was from the registry of the Chinese consulate in Manila.
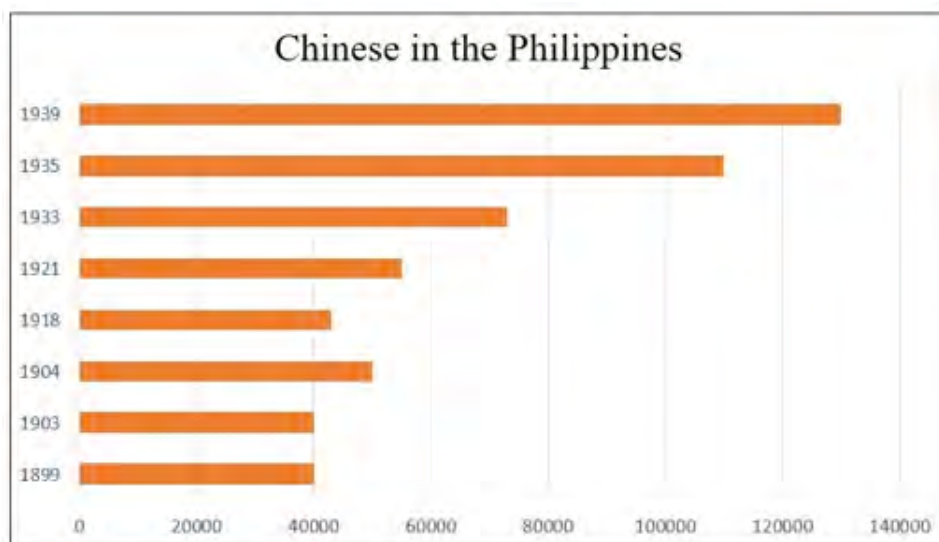
Figure 1: Number of Chinese in the Philippines from 1899 to 1939
Source: Wong (1999, p. 5)

After the post-war period from 1946 to 1975, the Philippine Government did not have a consistent policy towards the 600,000 Chinese that were accounted in 1972. It has been stated that the Chinese in the Philippines were the most legally undigested group in all Southeast Asia (Tan, 1993). The emergence of the growing Filipino Nationalism has also contributed to the formulation of anti-Chinese policies. However, compared to Indonesia and Malaysia, anti-Chinese movement in the Philippines was mostly limited to the control of the Chinese to the economic activities. Over the years, the anti-Chinese sentiments grew and were becoming increasingly stronger. The result was the acquisition of Philippine Citizenship by the Chinese in the following legal venues: (1) the Congress under the American regime passed the Philippine Act of July 1902,[12] (2) Philippine-born offspring of Chinese fathers and Filipina mothers[13], and (3) the naturalization of the overseas Chinese through the Letter of Instruction No 270[14] (Wong, 1990). The venues stated above were now the means for the overseas Chinese to fully exercise their legal rights as Citizens of the Philippines, thus giving birth to the emerging class, the Chinese-Filipino class.

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[12] Stating in Section 4 that all inhabitants of the Philippines who were Spanish subjects on the 11th day of April 1899 shall be deemed and held citizens of the Philippine Island.

[13] Whose parents were not legally married, as based from the Philippine Supreme Court ruling that the nationality of the child should follow that of the mother.

[14] Naturalization of deserving aliens by decree under the regime of President Ferdinand Marcos which was signed on 11 April 1975.

Nationality	1970		1971		1972		1973		1974		1975	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Chinese	94,963	86.2	96,090	85.9	98,305	86.8	119,062	86.1	105,453	86.1	90,401	83.0
American	9,554	8.7	9,951	8.9	9,377	8.3	11,537	8.3	9,947	8.1	11,601	10.7
Spanish	1,114	1.0	904	0.8	779	0.7	1,062	0.8	780	0.6	757	0.7
Indian	1,392	1.3	1,333	1.2	1,364	1.2	1,625	1.2	1,469	1.2	1,482	1.4
British	499	0.4	595	0.5	528	0.5	956	0.7	843	0.7	975	0.9
German	462	0.4	487	0.4	462	0.4	548	0.4	441	0.4	417	0.4
Belgian	274	0.2	289	0.3	307	0.3	307	0.2	277	0.2	243	0.2
Mixed Nationalities	1,939	1.8	2,135	1.9	2,094	1.8	3,169	2.3	3,191	2.6	2,932	2.7
Stateless	29	_,_	27	_,_	26	_,_	46	_,_	34	_,_	52	_,_
TOTAL	110,226	100	111,811	100	113,243	100	138,311	100	122,435	100	108,860	100

Figure 2: List of nationalities who became naturalized Philippine citizens
Source: Cortes (1997, p. 363)

Lanao del Norte and the opportunity

In the quite agricultural province of Lanao del Norte, it was in the late 1850s that Chinese began to settle in the area, either as *deportados* or of their own free will. In the then pueblo of Iligan,[15] the first group of Chinese migrants arrived in 1885. Moreover, the residential and travel restrictions towards the Chinese were not that strict unlike in Luzon, resulting to the formation of Chinese communities in other provinces. Anti-Chinese sentiments were harsh and prevalent in the society in urbanized areas in Luzon and in Visayas. The settlement of the Chinese in the provinces, especially in Lanao del Norte, can be attributed to the following reasons: (1) to seek better opportunities and lucrative locations for commercial trading, (2) to search for a better atmosphere away from the unjust prejudices they experienced from other areas, and (3) several Chinese were part of the *deportados*, who were sent by the colonial government to the provinces in Mindanao.

Since most of the locals in Iligan, which at that time was still a pueblo, were in the labor sectors such as farming, fishing, constructions and government workers, the Chinese have position themselves in the commercial arena as merchants and middlemen without facing such competitions from the locals. They began to open their retail stores or simply known in the country as "sari-sari store" while others became sidewalk peddlers and laborers. In the 1918 census conducted by the Philippine Commission in Iligan, there were only 65 Chinese, 55 males and 10 females, out of the total population of 4,635. Comprising only around 0.1% of the population, the Chinese were confined in a Parian located near the Spanish fort named Fort Victoria. Here, the Spanish government gave the Chinese freedom to merge with the locals. Despite such freedom from the colonial government, the Chinese were not permitted to move in and out of the area not until a great flood destroyed the fort in 1917 (Ngo, 2009).

Tribulations and successes in the province

A social distance emerged between the migrants and the locals because of the differences in language, customs, traditions and culture. The locals seem to have developed distrust towards the Chinese Filipinos and on the other hand, the Chinese Filipinos had anxiety towards the

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[15] Previously spelled as Yligan during the Spanish period.

locals (Omohundro, 1975). Such trials faced by the Chinese Filipinos in the province are categorized as: Social Exclusion, Economic Dominance and Educational Challenges.

Social exclusion

Despite becoming a Philippine citizen by naturalization, the locals in the province display an apparent suspicion and distrust towards the Chinese Filipino. These suspicions and distrusts manifested by the locals towards the Chinese Filipinos points to the following issues: the question of their loyalty, the possibility being used as tools for the spread of communism and their choice of isolation to the majority society (Langbid, 2014).

Such issues emerge from the perception of the locals that these Chinese were a dangerous group. Although the Chinese were often viewed as less than dirt as an individual, however, as a collective group, they were perceived as a precursor of communism (Weightman, 1967). For the locals, the reservations towards the Chinese Filipino can be summed up on the notion of bringing a different culture in the province and their refusal to adopt the local culture. This action by the Chinese Filipinos raise suspicion to the locals as to why they should bring and exercise their culture in the country. One of the issues that was highlighted was the question of their loyalty, by this statement:

> These Chinese should not be trusted for they are cunning and are not truly a Filipino. Why would they bring their culture in the province and refuse to adapt to our culture? Is it because their loyalty and allegiances remains with China? They are probably here to spread Communist ideas.[16]

The refusal of the Chinese to assimilate to Filipino society was one of the reason why they were deliberately segregated from the majority of society. This action towards the Chinese left a lasting effect that made the Chinese to isolate themselves from the Filipino society by choice (Weightman, 1967). This can be observed in the practices, language, customs and traditions they have which basically were foreign in the Philippines. With such observations, the locals in the province justifies their impression towards the loyalty of these Chinese Filipinos:

> Coming to our province, they should have adapted the customs and practices as a form of respect. Instead, they brought with them their culture and even established their own cemetery and school. This just shows their strong connection with China than the Philippines.[17]

Furthermore, in the mid-20th century, the Chinese Filipinos were almost excluded from various socio-cultural activities in the province. This was the result of the Nationalization and Filipinization by the Philippine government to develop that Filipino Nationalism (Langbid, 2014). For this attempt, policies and laws were passed by the government to restrict and curtail the involvement of "aliens" and to encourage the Filipinos to take control of society. These policies prohibit the Chinese Filipinos from owning land and were strongly encouraged to assimilate to the Filipino society (Ngo, 2009). As a response, some of the Chinese Filipinos have taken local women as their "common-law wife" who will then purchase land under her name. Such moves often led to the impression that local women were just used to legally acquire land property. On the other hand, it was the only way for the Chinese Filipinos to start

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[16] Personal interview with a 67-year-old local businessman who requested to keep his identity unknown.
[17] Personal interview with a 77-year-old local housewife who grew up in the province.

their business by acquiring lands legally. Moreover, the Chinese Filipinos were also the targets of "corrupt" officials who tried to extort money by using deportation and expulsion as threats (Ngo, 2009).

> There were officials who extorts money every time a Chinese renews his Alien Certificate of Registration (ACR). If they refuse, these officials will then submit a deportation report against the Chinese. Because of fear, most of the Chinese had to comply with the demands from the officials. Others no longer renewed their ACR and had to change his name to a Filipino name.[18]

The restrictions from the laws imposed by the Philippine government and the actions of "corrupt" officials towards the Chinese Filipino have provided realization that the only way their community could survive and further develop was to unite. Thus, they created an elaborate network of social and economic relationships based on lineage, hometown, surname, commerce, trade and cultural and political associations. Such associations have boosted and maintained a sense of communal identity and cohesiveness in an environment that is sometimes hostile to them (Wong, 1999).

In 1930, the Lanao Filipino-Chinese Chamber of Commerce Inc.[19] was founded and became the biggest and most important defense association of the Chinese Filipinos in the province (Legaspi and Vergara, 1996). The association later spearheaded the establishment of the Chinese Language School and the Chinese Cemetery in the province to preserve the Chinese culture and practices for their children.

Economic dominance

The economic position the Chinese Filipino have in the province greatly contributes to some hostilities from the locals. From rice milling business to retail stores, the Chinese Filipinos have been dominant when it comes to entrepreneurship. Their "way of doing business" combines with frugality, makes them more successful businessmen than the locals. Their frugality has been the reason why they were described by the locals as *tihik* or *kuripot*, which are local terms for being very thrifty (Langbid, 2014). However, their "way of doing business" seems to have an impression on the locals.

> These Chinese would usually resort to have an under the table transaction to allow them to continue with their business despite of clearly violating some rules when it comes to conducting trade.[20]

When the Philippine government amended its policy to nationalized retail trade through the passage of the Retail Trade Nationalization Law and the Rice and Corn Trade Nationalization Law,[21] the Chinese were hit the hardest (Tan, 1993). This is because retail trading was their main income generating activities. The severity of the restrictions towards the Chinese have resulted to the practice of bribery to allow them to continue with their business. Such actions

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[18] Personal interview with Mr. Roger Suminggit, whose father was a pure Chinese.
[19] Founded by Mr Sy Seng Tiok, who became its first president, as a merchant association for the Chinese businessmen in the province.
[20] Personal interview with a 54-year-old local businessman who owns a hardware store.
[21] These laws were attempts by the Philippine Government to curtail and exclude all foreigners from the business, allowing only companies owned by Filipinos to operate.

have been cited by the locals as proofs that the Chinese were dishonest when it comes to business (Weightman, 1967).

> The strict restrictions that have been imposed to us (the Chinese) in doing business greatly affected our family. My parents had to do something for us to have something to earn, otherwise, we won't have anything to eat. Our family were just simply doing what we had to do to survive.[22]

For the Chinese in Lanao del Norte, such laws did not prevent them from engaging in trade with the locals. Several Chinese transferred the ownership of the business to the members of their family who were naturalized. For others, they had no other option but to close their business resorting to alternative ways to earn money.

> My father decides to sell hotcakes and pancit (cooked noodles) along the streets of Iligan just to earn some money. Others were into shoe shining, scrap collectors, and farmers. While some of his friends even became household helpers and street vendors in other municipalities to make ends meet.[23]

The letter of Instruction No. 270 under President Ferdinand Marcos rejuvenated the Chinese (now Chinese Filipinos) as they became naturalized citizens of the Philippines (Langbid, 2014). The commerce and trade in the province soon became their playground again as they were now able to renewed the business they operated. Retail stores, hardware, restaurants, rice mills, bakeries were almost controlled by the Chinese Filipinos. This economic dominance of the Chinese Filipinos when it comes to commerce and trade, came into clash with the rising Filipino middle class, who in turn, regards the Chinese Filipinos as business rivals and an obstacle. (Weightman, 1967) To some locals, they accused the Chinese Filipinos of cheating when it comes to business. Although the locals admit that the presence of the Chinese Filipinos have been very significant, there were still some speculations and suspicions against them.

> From the time the Chinese opened their store, I noticed that they were selling their goods at a cheaper price than the average price value in the market. Sometimes they even had this buy one take one offer, and still gained profit from it.[24]

The Chinese "way of doing business" requires one to have patience and the perseverance in dealing with customers. Most of the time, their business is a family-operated type wherein every member of the family was expected to help. Such attitudes and practice contributes to the higher rate of success of the Chinese Filipinos in business. Despite being ridiculed or verbally abused by the locals, the stores of the Chinese Filipinos were still patronized by the locals compared to other stores.

> My parents taught me everything when it comes to business transactions, especially in dealing with people. Our business is operated by the whole family to inject to our mind the value of how hard it is to earn at an early age. My father always reminds me with the idea that no matter how small our profit in a day will be, if it is continuous, it is much better than earning bigger profit but seldom.[25]

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[22] Personal interview with Mr. Santiago Ong, an upholstery owner, whose parents were both Chinese.
[23] Personal interview with Prof. Rodolfo Yu, a retired professor from MSU-IIT.
[24] Personal interview with a 63-year-old Filipino businessman who owns a retail store.
[25] Personal interview with a 55-year-old Chinese Filipino businessman who manages a grocery store.

Educational challenges

The aspiration of the overseas Chinese to educate their children and to rear them as true-blooded Chinese paved way for the conceptualization of establishing a Chinese school in the country. However, establishing a private Chinese education was prohibited during the Spanish rule. The Anglo-Chinese School, which was first Chinese school in the Philippines, was only established in 1898 (Sussman, 1976).

With some anti-Chinese attitudes and feelings in the province, it was never easy for the Chinese to establish a Chinese Language School in the area. The suspicions from the locals have made it difficult for them, especially for their children, who were sometimes targets of ridicule from the society. The popular phrase *Intsik wakang, baboy tikangkang*[26] was commonly used to mock and ridicule the Chinese.

> During our younger years, my brother and I were sometimes the targets of jokes from our neighbor. They call us "Intsik waking", and in that time, we don't even know what that means. We didn't mind them since they were our playmates. But sometimes other kids also tried to call us such names.[27]

On 12 November 1938, the Chinese in Lanao del Norte had concentrated their efforts for the establishment of a Chinese school. This move was then spearheaded by the association with the support of the Chinese community in the province. Since there were only a few Chinese at that time, the school started with only a little more than ten students and operates in the same building with the association. Before the outbreak of the war, the Chinese educational system was patterned with China's educational system. However, in 1951, when the school was re-opened, it adopted Taiwan's educational system.

In 1947, the Chinese were given favorable news regarding the operation of schools. The Treaty of Amity between the Philippine Government and the Kuomintang gave the two countries the liberty to establish schools for the education of their children. During this period, the majority of the Chinese Schools were registered, financed and controlled by the Taiwan Government with the assistance of local Chinese businessmen (Sussman, 1976). This eventually lessened the perception of the locals connecting them to Communism but still there were those who distrusted them.

> Chinese education was introduced to spread the idea of Communism. By using the Chinese language as the medium of instruction in school, they do not want other people to understand what they were discussing. Chinese have strong connections with China, and that's the reason why they wanted to bring the Chinese education and culture here in the province.[28]

With the attempt of the Philippine Government for the Nationalization on all aspects of the country, the Chinese school was not exempted. In 1972, the Philippine government amended its policy concerning schools which Filipinized all private schools in the country. The policy would Filipinize the administration, supervision, instruction (that includes textbook control)

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[26] Literally means "Bow-legged Chinese, overturned pig", the pig representing a piggy bank that states the Chinese is already poor since his piggy bank is overturned.
[27] Personal interview with a 46-year-old Chinese businessman.
[28] Personal interview with a 54-year-old local businessman who owns a hardware store.

and service staff of all schools run by foreign nationals. This was just the start because by January 1973, when the new constitution was ratified, it states in Article XV, section 8 (7):

> Educational institutions other than those established by religious orders, mission boards and charitable organizations shall be solely owned by citizens of the Philippines, or corporations or associations' sixty per centum of the capital of which is owned by such citizen.

The Lanao Chinese School (renamed Lanao Community School) had to impose new regulations. Despite being considered a Chinese language school; the medium of instruction was restricted to English and Tagalog. Chinese language studies were limited to around 12 – 15 periods only per week. Even the choice of textbooks had to be approved by the Department of Education (Quimbo, 1987). However, for the Chinese, regardless of the new regulations imposed, still had to encourage their children to carry on with their Chinese education by means of tutorials and private lessons (Ngo, 2010).

> The need for the next generation to continue to use and value the language and culture of the Chinese is still very important. My parents would always tell me to always be proud of our culture and by that, I also need to impart to my children the value of the Chinese language and culture for them to also understand their grandparents. Although now, it may be difficult, but still, I am encouraging my children to speak in Chinese especially inside the house.[29]

For the non-Chinese locals in the province, the establishment of the Chinese School will only eventually result in the separation of Filipino and Chinese youth (Sussman, 1967). This concept also holds true in the province since the locals perceived the Chinese school as an exclusive institution for the Chinese. And, the propagation of the Chinese language will just create this Chinese identity that separates itself from the community.

Concluding notes

As Chester Hunt (1956) stated that this behavior was the result of the three hundred years of Spanish rule and a half century of American regime that creates a Filipino attitude which is oriented away from the culture of which it is in territorial proximity and towards the standards of the West. Forced to leave their homes because of dire conditions, the Chinese Filipinos seek greener pastures in the Philippines for economic opportunity and stability. Although they had no intentions at first of making the country as their permanent home, regulations and restrictions have prompted some of them to obtain Philippine citizenship to avoid deportation and expulsion from the government. The geographical proximity of the country to South China attracts many immigrants, especially to places where economic opportunities are abundant. This led to the increasing influx of the Chinese in the Philippines who then were seeking economic opportunities to various places in the country.

The policies and the attitudes of the community towards the Chinese Filipinos clearly varies depending on the society they are in. the Chinese Filipinos in large urban places experience harsher anti-Chinese attitudes compared to those who are in small urban areas such as in Lanao del Norte. The years of colonization under the Spaniards, Americans and even a short era of the Japanese have contributed to the emergence of a Sino phobic attitude. Despite becoming a

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[29] Personal interview with a 61-year-old Chinese businessman who is a member of the association.

Philippine citizen, the Chinese Filipino in Lanao del Norte still experience distrust from the locals by bringing and practicing their culture into their new society. Also, the entrepreneur skills and their "way of doing business" have been the reasons why they became the targets by the locals. Policies and laws were passed to curtail their involvement in the business activity. Despite being blamed or used as scapegoats by the society, the Chinese Filipinos remains dominant when it comes to the economic control in the country. And lastly, their objective of teaching their children with the language and education from their homeland was also restricted but it does not prevent them from introducing a Chinese education in the country. Despite such attitudes and feelings against the Chinese Filipinos in Lanao del Norte, they could overcome such challenges and remains a vital member of the society until at present.

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