

RESEARCH ARTICLE

The Role of Local Governments in Accommodating Refugees in Indonesia: Investigating Best-Case and Worst-Case Scenarios

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Abstract

This article analyses the “local turn” in refugee governance in Indonesia through a comparative case-study of two cities: Makassar and Jakarta. It compares how these two cities have responded to the obligations to provide alternative accommodation to detention, imposed upon them by the Presidential Regulation No. 125 of 2016 concerning the Treatment of Refugees (PR). While the shift to non-custodial community shelters has been widely praised, we discuss issues that arose when the national government shifted the responsibility for providing accommodation for refugees to local governments, without the allocation of the required funds. The outcome has been a general lack of engagement by local governments. By locating this case-study in the wider global trend of “local turns” in the management of refugee issues, we argue that, in Indonesia, the “local turn” in responsibility for refugees is not fostering a protection approach, but has worsened the conditions for refugees.

Keywords: local turn in refugee governance; Indonesia; immigration detention; alternatives to detention; refugee rights

1. Introduction

The Presidential Regulation No. 125 of 2016 concerning the Treatment of Refugees (the “PR”), signed by President Joko Widodo on the last day of 2016, introduced some key changes in the way the Indonesian government handles refugees and asylum seekers within its territory. One of these changes is the formal inclusion of local governments in the management of refugees, including the provision of appropriate, non-custodial accommodation. Under the PR, local governments in Indonesia, which include municipal and district rather than provincial governments, have been given a more significant role and more responsibility in managing refugees. In particular, local governments are responsible for designating and administering places to accommodate refugees, as stipulated in Articles 25 and 26 of the PR. This is a significant departure from the previous practice of centralizing the responsibility for handling refugees to the national government in co-operation with the International Organization for Migration (IOM)¹ and only minimally involving local governments. The transfer of responsibility from the national to the subnational level can be described generally as a “local turn” within refugee

¹ For more information on the role of the IOM, see the Introduction to this Special Issue.

governance in Indonesia.² In this instance, the local turn in refugee governance refers not only to the involvement of local governments, first and foremost municipal governments,³ but also to the involvement of civil-society groups that have started to fill some of the gaps in refugee care. We consider the most basic components for refugee care to include accommodation and access to health care and education, as well as a basic allowance to cover the expenses of food, clothing, electricity, transport, communication costs, and others.

The local turn within migration governance is not a trend unique to Indonesia—rather, in many refugee-receiving countries, it can be observed that cities and their municipal governments have become dynamic actors.⁴ Although (im)migration matters and, in particular, immigration control are the responsibility of sovereign national governments, local governments are important in the process of integrating migrants and refugees into host societies.⁵ As providers of services and resources, local governments are closer to the needs of the people, not least due to their immediate physical presence. As more active agents, municipal governments are thus pursuing their own policy strategies regarding integration.⁶

Since local governments have become part of refugee management in Indonesia, it has become evident that each city has adopted a different approach to the care of asylum seekers and refugees. The overall level of the provision of care differs substantially from city to city and these differences are in turn responsible for attracting or discouraging new arrivals. While some local governments have substantial experience in managing asylum seekers and refugees, and are open to external advice and opportunities to improve their services, others reject their responsibility and remain disengaged with refugee protection. According to an IOM Programme Coordinator, it “requires a lot of discussions and meetings [in each city] in order to advise local governments ... what their new tasks are relating to refugees.”⁷

One of the main focuses of the PR was to encourage a shift from immigration detention to non-custodial accommodation. Before the PR was enacted in 2016, in most refugee-receiving cities in Indonesia, immigration detention was the norm while non-custodial accommodation was the exception. Therefore, we consider living arrangements outside of detention centres as a litmus test of the success of the PR’s implementation.⁸ After the enactment of the PR in 2016, it took another 18 months to order the release of all remaining refugees and asylum seekers from immigration detention centres (IDCs).⁹ In March 2019, when we started our fieldwork, only 0.5% of refugees in transit in Indonesia—49 of the 14,067 refugees and asylum seekers registered with the United Nations High Commissioner for Refugees (UNHCR)—remained in immigration detention.¹⁰ However, the release of refugees and asylum seekers from detention was only the first step. The provision of satisfactory non-custodial accommodation by local governments has proven more difficult to achieve in practice.

² Missbach, Adiputera, & Prabandari (2018); Prabandari & Adiputera (2019).

³ See Suyatna et al. in this Special Issue.

⁴ Koizumi & Hoffstaedter (2015); Bauder (2017); Bauder (2019); Bauder & Gonzalez (2018); Church World Service (CWS) (2013).

⁵ Glick-Schiller & Çağlar (2009).

⁶ Zapata-Barrero, Caponio, & Scholten (2017).

⁷ Presentation by a representative of the IOM at the Workshop on “Presidential Regulation No. 125 of 2016 on the Treatment of Refugees and Asylum-Seekers in Indonesia: Opportunities and Challenges,” Depok, 20–21 March 2019, University of Indonesia.

⁸ Missbach (2016).

⁹ See the Circular Letter by Director of Immigration No. IMI-UM.01.01-2827 on *Pengembalian Fungsi Rumah Detensi [Restoring the Original Function of Immigration Detention Centres]* dated 30 July 2018.

¹⁰ UNHCR (2019).

This article compares how local governments in two Indonesian localities (Makassar and the Greater Jakarta area) have embraced the tasks of accommodating and providing care for asylum seekers and refugees. We have chosen these two case-studies for various reasons, including practical research opportunities and access to local-government officials. While our previous research in Makassar between 2017 and 2019 has familiarized us with local developments due to recurring visits, our research in Greater Jakarta (2015–19) was more sporadic and less systematic. In early 2019, we interviewed responsible stakeholders from the local detention centres, the Department of Social Services (*Dinsos*), and the Political and National Unity Office (*Kesbangpol*),¹¹ as well as a number of non-governmental organizations (NGOs) and civil-society groups. As refugee issues in Jakarta generally garner more media exposure, it was easier to follow the events there from a distance. Although the two cities we compare differ substantially in scale, with Greater Jakarta hosting about 7,000 refugees and Makassar fewer than 2,000,¹² we opted in favour of these two contrasting cases to demonstrate the diversity of the spectrum in the responses of local government to the imposition of obligations and care of refugees.

By focusing on the local implementation of the PR, this article argues that the PR has not necessarily led to better outcomes for refugees, but rather has exposed a number of fault lines in refugee protection in Indonesia. Further, we argue that the limits of care provided by local governments are tightly connected to decision-making at the national level, an absence of funds allocated to refugee issues, and lack of political will to accept responsibility for asylum seekers and refugees residing in Indonesia.¹³ Although the primary focus of this article is on local accommodation arrangements—a task that is explicitly mentioned in the PR as the responsibility of local governments—we also provide some background information regarding access to education and livelihood that are basic rights that refugees need in prolonged transit situations. The lack of the provision for such rights in the PR highlights a gap in the current regulation and the need for further reform.¹⁴ This is even more so as resettlement opportunities for refugees are limited and they are likely to spend extended time in Indonesia.¹⁵

Before turning to our case-study, and to contextualize it, we examine the idea of “local turn” in refugee protection and its potential application to Indonesia.

2. The local turn in migration governance

It is widely assumed that local migrant and refugee policies are more pragmatic and focused on the provision of protection in contrast to the policies of the national government. This pragmatism often leads to close co-operation between local governments and civil society, such as faith-based charity groups, self-organized migrant groups, and philanthropists, who offer services to refugees to complement those of the state, but not necessarily in a consistent manner.¹⁶ Needless to say, co-operation between local state

¹¹ *Kesbangpol* is a unit mandated by the central government, set up under both provincial as well as municipal and district governments, whose job is to assist the governor/mayor to implement, co-ordinate, and evaluate policies related to the Pancasila ideology and national awareness; administration of domestic political and democratic life; maintaining economic, social, and cultural resilience; fostering inter-tribal and intra-tribal harmony, as well as harmony among religious, racial, and other groups; facilitating mass organizations; and implementing national vigilance and management of social conflict (Regulation No. 11 (2019) of the Ministry of Home Affairs). Generally, anything related to foreign presence/influence in Indonesian society is under the purview of *Kesbangpol*.

¹² UNHCR, *supra* note 10.

¹³ For more detail on this point, see Suyatna et al. in this Special Issue.

¹⁴ Adiputera (2018); Kurniasari (2019).

¹⁵ See the Introduction to this Special Issue.

¹⁶ Vermeulen & Stotijn (2010).

actors and non-state actors does not always proceed harmoniously, and conflicting interests and aspirations held by different stakeholders often materialize. The devolution of tasks concerning refugee management from the national to local level and the emergence of new interactions at the local level with non-state actors have consequences for legitimacy and accountability.¹⁷ To be successful, clear portfolios and well-defined hierarchies that identify precisely the different powers and responsibilities for handling refugees are needed for both local-government and non-state actors.¹⁸ The question that we explore in this section is the relevance and application of these ideas to Indonesia, in the context of the new role of local governments under the PR.

Globally, there has been a strategic shift in recent times toward a more local approach to migration management.¹⁹ This shift was marked by IOM's Conference on Migrants and Cities in 2015, which sought to bring together ministers; high-level government officials, mayors, and other local authorities; the private sector; and civil-society organizations to discuss the complex dynamics of human mobility at (the) city and local levels. Growing attention on local actors is in part a response to the global crisis in migration and the realization that "the drivers and impact of migration are often most strongly felt at the local level."²⁰ While, in some countries in the Global North, embracing the local turn was something that local governments and authorities were eager to do as a way of expressing their support for refugees, and in sharing the management of refugees issues, in Indonesia, the "local turn" has been imposed on local governments and authorities, rather than initiated or welcomed by them.

The local turn in migration governance that is happening through movements in many refugee-receiving countries worldwide is known by various labels, such as "sanctuary city," "refuge city," or "solidarity city."²¹ These cities not only provide safe spaces for refugees and migrants, but also play an important role in delivering settlement and integration services,²² often in partnership with the national government. As an increasing global trend, the local turn is sometimes a form of protest against harsh national policies. Some cities in Europe, for example, grew impatient with national decision-making, particularly with respect to sea-rescue missions in the Mediterranean.²³ In many cases, sanctuary cities have been driven by partnerships between local authorities and progressive civil-society groups to navigate restrictive asylum policies at the national level, particularly in the US, Canada, and the UK, and lately also in European cities, as exemplified in studies of Barcelona, Freiburg, and several Dutch municipalities.²⁴ While a rights-based agenda might have initially been the driving force behind the involvement of civil-society actors, the humanitarian aspect—of providing immediate care, such as food donations, second-hand clothing, free language courses, and free counselling—has become an important motivation over time, especially if the provision of basic rights by the state is inadequate.

In contrast to such locally driven sanctuary movements, it is clear that national governments are increasingly keen to involve local governments in the management of refugees, to compensate for their own deficiencies. Schmidtke attributes this trend to the "need to respond to locally specific challenges in regulating migration . . . by the general downloading of responsibility to lower levels of governance and a more market-based

¹⁷ Careja (2019).

¹⁸ Suyatna et al. in this Special Issue also argue that clarification of powers and responsibilities is needed between the different levels of government.

¹⁹ Caponio & Borkert (2010); Zapata-Barrero, Caponio, & Scholten, *supra* note 6; Ahouga (2017).

²⁰ JMDI (2008).

²¹ Bauder & Gonzalez, *supra* note 4.

²² Shields, Drolet, & Valenzuela (2016).

²³ Lippert & Rehaag (2013); Galaski (2019).

²⁴ Agustín & Jørgensen (2019); Bauder & Gonzalez, *supra* note 4; Kos, Maussen, & Doomernik (2016).

management approach.”²⁵ Another author dubbed this as an attempt to “disaggregate government” by transferring “national functions” in regulating migration, being “inadequately” fulfilled “to the more capable local actors.”²⁶ From this angle, the local turn is seen as a top-down and economic measure undertaken to resolve co-ordination problems at the national level.

The case of Indonesia post PR seems to fit this top-down economic explanation well. Tasking cities with the responsibility for accommodating migrants and refugees is primarily a top-down decision coming from national government.²⁷ On the other hand, this shift has also led to bottom-up initiatives as new civil-society actors have arisen to respond to the needs of refugees in community accommodation. However, with the initial exception of Makassar, as explained below, we argue that the concept of “sanctuary” city has not developed in Indonesia.

Turning to the cities themselves, the experiences to date show that cities do not respond uniformly to the issue of refugees. A recent study of cities in Germany, Luxembourg, and the Netherlands shows “significant variations on the horizontal as well as the vertical levels, within and between the countries being studied” and finds that three factors influence the shape of local responses to refugees, namely the local population, the local stakeholders, and the orientation of national policy.²⁸ One of the key issues in regard to the local turn and refugee reception, in general, is funding. While the national government might in some cases provide financial support to local governments and stakeholders for them to carry out their tasks of accommodating refugees and asylum seekers, in many cases, local communities have to rely on their own funding—a task that can be at times overwhelming and become a cause of resistance to welcoming refugees mid- to long-term.²⁹ The affluence of cities, in turn, can cause differences in handling refugees within the same state, as in our case-studies from Makassar and Jakarta.

This article aims to contribute to the ongoing debate with a perspective from the Global South by comparing the seemingly divergent responses from the local governments of Makassar and Jakarta, although both administrations act under the same national legal and policy framework, namely the PR. While Makassar, at first sight, might seem like a sanctuary city, as it pioneered more humane forms of accommodation outside of IOM-funded detention centres,³⁰ it was not able to maintain a welcoming stance after the enactment of the PR. As will be discussed in greater detail in the next section, like Jakarta, Makassar nowadays suffers from the absence of political will to dedicate local funding to proper and sustainable forms of accommodation for refugees.

Before discussing the differences in the implementation of the PR and its different outcomes for refugees and asylum seekers in Jakarta and Makassar, it is necessary to provide a short summary of how asylum seekers and refugees were dealt with in Indonesia before the PR came into effect.

3. The PR and refugee management in Indonesia

As explained in the Introduction to this Special Issue, before the PR was signed, Indonesia had not enacted laws to process refugee claims. Rather, when Law No. 6 of 2011 on Immigration came into effect, it provided a default securitized response from the state

²⁵ Schmidtke (2014), p. 93.

²⁶ Ahouga, *supra* note 19, p. 13.

²⁷ See Suyatna et al. in this Special Issue.

²⁸ Glorius et al. (2019), pp. 26–7.

²⁹ For the specifics of local-government budgetary mechanisms in Indonesia, see Suyatna et al. in this Special Issue.

³⁰ Missbach et al. (2018).

toward refugees and asylum seekers as “illegal immigrants.” While there were several exceptions, in reality, the practice of the immigration office was to detain “many of these people for extended periods of time.”³¹ The “Beyond Detention” campaign launched by the UNHCR in Indonesia in 2014 was one of several efforts to end the practice of detaining asylum seekers and refugees, especially minors.³²

Until 2017, the detention of refugees and asylum seekers in Indonesia was sustained by substantial financial support from the Australian government channelled to Indonesia through the IOM.³³ This trilateral co-operation between Indonesia, Australia, and the IOM was carried out under the framework of the bilateral Regional Cooperation Arrangement (RCA) 2000.³⁴ It was later reinforced by the 2007 Agreement on Reinforcing Management of Irregular Migration (RMIM). These arrangements placed the management and accommodation of refugees and asylum seekers (or “irregular migrants” as the IOM prefers to call them) in Indonesia in the hands of the IOM, with financial assistance from the Australian government. Some observers suggested that “without the very generous Australian funding channelled through IOM, it is unlikely that Indonesia would [have detained] thousands of transit migrants.”³⁵ The amount of financial assistance to the IOM increased from USD 17 million in 2001 to USD 72 million in 2016.³⁶ The support was intended to encourage the Indonesian government to prevent refugees and asylum seekers from seeking to reach Australia by detaining them in 13 detention centres and, subsequently, in other alternative accommodation facilities or a community shelter.³⁷

However, before 2016, the IOM only dealt with a certain proportion of the refugee population in Indonesia. Under the RCA, while most refugees and asylum seekers were registered with the UNHCR, some were referred to the IOM for care—in particular those who had been released from an Indonesian immigration detention centre and thus needed shelter and financial support to cover their basic needs. In contrast, people (recognized as both refugees and asylum seekers) who had never been detained in the first place and thus were not eligible for the IOM care package (which included placement in a community shelter, access to health care, and a monthly allowance of IDR 1.2 million or USD 88 per adult) had to cover their own living expenses. They were widely referred to as independent or “autonomous” refugees (*pengungsi mandiri*). As we will explain throughout this article, the incongruence between those under IOM care and the so-called “autonomous refugees” has had severe consequences that have only become more pronounced since the enactment of the PR.

The PR is the result of a long consultative process involving various government agencies, international organizations, and members of civil society.³⁸ Consistently with the outsourcing or delegating of refugee management to international organizations under the RCA described above, the Indonesian government sought to formalize the practice of local accommodation of refugees and asylum seekers outside of detention centres, in part to counter the poor human rights reputation that was building up as a result of international media coverage of the harsh conditions in immigration detention. However, the Indonesian government did not allocate any national funds required towards such a shift. We agree with Suyatna et al. in this Special Issue that making local governments in

³¹ Hirsch & Doig (2018), p. 686.

³² UNHCR (2014).

³³ Corruption was rampant under the previously generous funding arrangements by the IOM for IDCs: Missbach (2015).

³⁴ For more information on the RCA, see the Introduction to this Special Issue.

³⁵ Missbach, *supra* note 33, p. 241; Nethery & Gordyn (2014).

³⁶ Hirsch & Doig, *supra* note 31, p. 688.

³⁷ *Ibid.*; Nethery & Gordyn, *supra* note 35; Nethery, Rafferty-Brown, & Taylor (2012).

³⁸ For more information, see Sadjad’s article in this Special Issue.

Indonesia responsible for refugee care and accommodation without providing extra funds was a deflection of national responsibilities to local governments.

Under Articles 24–26 of the PR, local governments are expected to allocate and manage suitable buildings for non-custodial refugee accommodation. Most relevant for our analysis is the provision in Article 40 of the PR that local and national government funds can be used to cover the costs of refugee accommodation and care.³⁹ However, whether local governments do, in fact, allocate their budget for refugee care is contingent on a political decision at the local level. The PR does not contain legally binding obligations regarding the allocation of budget and therefore the national government can only encourage rather than force local governments to make such decisions.⁴⁰ To date, the Indonesian government still widely relies on funding provided by Australia to the IOM under the RCA and RMIM.⁴¹ Currently, the IOM in Indonesia faces substantial funding cuts from Australia. Whereas, in 2018–19, Australia provided USD 48.2 million towards the RCA, supporting the IOM's efforts to manage people seeking asylum in Indonesia and provide them with minimum care, in 2019–20, the Australian government only provided USD 27.1 million.⁴² There is little likelihood that local governments in Indonesia will be willing to use their own funds for refugee care and accommodation. We agree with Suyatna et al. in this Special Issue that, under the PR, the national government has given local governments additional responsibilities but no additional funding.

Transferring these responsibilities to the local-government level has created a number of challenges that are reflected in our case-studies. The first challenge is the absence of political will at the national level, as well as at the local level, to embrace responsibilities for refugee protection. Providing accommodation and appropriate care is considered by many local-government representatives as yet another difficult task that is not within the local government's financial capacity and that is not supported by their local constituency. As part of our fieldwork, during which we interviewed local-government representatives and attended a number of information-sharing events (*sosialisasi*), it was not rare to find local officials questioning the basis for the transferral of responsibilities to the local government and even questioning the need to protect refugees in Indonesia.⁴³

The second challenge to successfully implementing the PR at the local level concerns the lack of capacity among local officials to responsibly deal with refugee and asylum-seeker issues. Because refugee issues were formerly handled primarily by the Department of Immigration under the Law No. 6 of 2011 on Immigration, local officials lack basic knowledge and experience about the rights and needs of refugees. Despite many seminars and information-sharing sessions that were held in conjunction with the introduction of the PR, observed during our fieldwork between 2017 and 2019, a lack of knowledge could still be seen amongst local officials, who are now in charge of managing refugees.

The third main challenge concerns the handling of the autonomous refugees. In fact, amongst critical observers, it is generally agreed that the most significant shortcoming of the PR is the lack of recognition of asylum seekers and refugees who are living autonomously, as they have not been allocated to IOM-financed community shelters. Their numbers constitute roughly a third of the total refugee population in Indonesia. Given the

³⁹ See Circular by the Minister of Interior Affairs Number 185/2793/Sj regarding the Role of Local Government in Handling of Foreign Refugees to Implement the Mandate of Presidential Regulation No. 125 of 2016 concerning the Treatment of Refugees. Also see the Regulation No. 38 (2018) of Minister of Home Affairs on Guidance of the Composing Regional Budget and Expenditure in the Year 2019, which in its appendix explicitly mentions refugees as one recipient of local-government attention.

⁴⁰ On this point, see Suyatna et al. in this Special Issue.

⁴¹ Hirsch & Doig, *supra* note 31.

⁴² For the budget figures, see Commonwealth of Australia (2018) and also Commonwealth of Australia (2019), p. 22. For the subsequent budgets, additional cuts are to be expected.

⁴³ Missbach et al., *supra* note 30, p. 19.

decrease in funding by the IOM, there is practically no possibility to admit autonomous refugees to any of the existing 81 community shelters. Unlike the refugees in community shelters, these autonomous refugees do not receive monthly stipends, free accommodation, or medical care.

The majority of autonomous asylum seekers and refugees live in urban areas, such as the Greater Jakarta area. They often rent overpriced and low-quality apartments, and live off their savings, remittances, or informal jobs. Due to financial hardship, hundreds have become homeless and live on the streets. Out of despair, some have tried to be admitted to IDCs to escape living on the streets but have failed. As we will explain later, the most visible manifestation of this failure took place in Kalideres in Jakarta, where, during 2018 and 2019, hundreds of refugees camped on the pedestrian walkways outside of the detention centre, demanding to be admitted. For most of these people, there was no possibility of being transferred to community shelters—however, notably, 250 people were transferred to a centre in Tangerang, Banten province.

The following two sections explain how the three main deficiencies connected to the PR (the absence of political will, lack of capacity at the local level, and lack of recognition of autonomous refugees) shape the treatment of refugees in the two cities studied.

3.1 Makassar: from exemplary to ordinary

In March 2019, Makassar, the capital city of the province of South Sulawesi, hosted around 1,856 refugees and asylum seekers housed in 26 IOM-funded community shelters across the city, with only eight refugees still being detained in a detention centre.⁴⁴ For Makassar, placing refugees and asylum seekers into community shelters is a practice that goes back to at least 2011, when the IOM was given permission by the local government to use two hotels as alternatives to overcrowded IDCs. Subsequently, more shelters were set up to accommodate the growing numbers of refugees and asylum seekers. In September 2015, over a year before the issuance of the PR, the Makassar local government signed a Memorandum of Understanding (MoU) with the IOM on the management of refugees and asylum seekers, which was followed up by the formulation of a blueprint specifying the roles of different agencies.⁴⁵ It is fair to say that Makassar used to be a pioneering city, in which the local administration worked closely with the IOM in order to establish dozens of community shelters for refugees and asylum seekers, rather than detaining them in IDCs, as was the case in many other cities.⁴⁶ In fact, some local practices that were deemed successful in Makassar before the implementation of the PR have now been adopted as the model for handling refugees. From this point of view, the implementation of the PR seems to have done little other than to formalize the existing practices in Makassar, especially provisions relating to accommodation (Chapter IV, Articles 24–30 of the PR).

Much credit for the success in facilitating the swift transfer of refugees and asylum seekers from detention centres to shelters has been attributed to the municipal government of Makassar, especially Mayor Mohammad Ramdhan “Danny” Pomanto. His overall goodwill in extending a positive reception to refugees in Makassar was significant. Mayor

⁴⁴ UNHCR, *supra* note 10. Community shelters in Makassar are typically rented from former dormitories and newly built houses with studio-sized rooms with certain quality and safety standards set by the IOM.

⁴⁵ Common Framework for the Care of Refugees and Asylum Seekers in Makassar (2016, Pemerintah Kota Makassar). Agencies mentioned in the blueprint include the mayor’s office, subdistrict heads (*camat*), headmen (*lurah*), Department of Social Affairs (*Dinas Sosial*), Women Empowerment and Child Protection Agency (BPPA), Department of Education (*Dinas Pendidikan*), Department of Health (*Dinas Kesehatan*), Public Hospitals (*RSUD*), National and Political Unity Agency (*Kesbangpol*), Immigration Offices, Provincial Police (*Polda*), District Police (*Polres*), Sub-district Police (*Polsek*), Airport Authorities (*Otoritas Bandara dan Pelabuhan Laut*), the IOM, and the UNHCR.

⁴⁶ Missbach (2017); Missbach, Adiputera, & Prabandari, *supra* note 2.

Danny developed a vision for Makassar as a “smart city,” a cosmopolitan hub, an important trading port, and “a city for all”—implementing electronic solutions to deal with unemployment, infrastructure, and traffic management as well as service provision—therefore welcoming refugees who suited his agenda in some regard.⁴⁷ He implemented several outreach initiatives with the refugee community that included organizing awareness-raising seminars, inviting refugees to local carnivals and fairs, and even hosting an exhibition of paintings by refugees in his private residence.⁴⁸ Mayor Danny was even given an award by the Ministry of Law and Human Rights for his “support and collaboration in handling asylum seekers and refugees.”⁴⁹ His initiatives seemed to resonate well with both refugees and government institutions at the lower levels, such as *camat* (subdistrict head) and *lurah* (village head). In the Tamalanrea subdistrict, where many refugee shelters are located, one official recalled how refugees were invited to participate in community events, such as “cleaning Sundays,” which supposedly facilitated refugees to become closer with the local community and assist integration. While showing some generosity, the mayor also insisted that Makassar should not have to accommodate more than 2,000 asylum seekers and refugees at a time.⁵⁰

While Makassar used to enjoy a very good reputation amongst refugees between 2011 and 2016, which in turn attracted many newcomers, this reputation did not last. Despite the relatively progressive and welcoming attitude of the Makassar government, experiences of living in Makassar as a refugee were not all perfect. Between 2017 and 2019, refugees in Makassar staged several street protests, expressing their frustrations with their living conditions and protesting at the harsh and violent treatment of refugees at the hands of immigration officials.⁵¹ In 2018, immigration officials introduced rules and curfews for the community shelters that severely restricted the freedom of movement previously enjoyed by asylum seekers and refugees. Refugees claimed to suffer from mental stress arising from these new restrictions.

Violations of the new rules carried the risk of being placed back into an immigration detention centre for an unspecified length of time.⁵² While the PR does not require 24/7 monitoring, the making of these new rules and their enforcement were left largely to the discretion of local immigration authorities. Soon, allegations of abuse by certain guards sprung up and protesters demanded their removal from duty. From this point of view, the refugee protests had more to do with their strained relations with the former head of the immigration detention centre that was responsible for refugee supervision and new restrictions in the shelters according to the new PR rather than with the Makassar local government.

According to the PR, municipal governments are in charge of addressing the concerns raised by refugees, such as in their protests in Makassar. For example, the PR (Article 26) mandates the local government (not immigration) to designate and administer the shelters, including setting up the codes of conduct for shelter occupants. In the case of Makassar, however, in practice, this role largely involved the head of the immigration detention centre, at least until early 2019. It is therefore not surprising that the shelters were run with a firm security approach that was also characteristic of IDCs, such as locked gates, metal-grilled windows, and video-surveillance cameras. In early 2019, the Makassar government, particularly the Office of Social Affairs (*Dinsos*), started to take over

⁴⁷ The often-cited slogan is “*Makassar untuk semua—semua untuk Makassar*” (“Makassar for all—all for Makassar”).

⁴⁸ Alfian (2017); Marzuki (2016); Saldy (2016).

⁴⁹ Kusuma (2016).

⁵⁰ Interview with Ramdhan Pomanto, Makassar, 10 March 2019.

⁵¹ See e.g. Cipto (2017); “Pungungsi di Kota Makassar Tuntut Keadilan dari UNHCR” (2018); Pranata (2019).

⁵² Missbach, *supra* note 46.

responsibility for managing the accommodation of refugees as mandated by the PR. The challenge for *Dinsos* is significant—based on our interviews with several house owners, there are indications of corrupt practices occurring, as the house owners are expected to pay fees in exchange for obtaining contracts to house refugees. Therefore, it is unclear how the taking-over of responsibility by *Dinsos* for arranging accommodation will translate into changes in living conditions for refugees in shelters.

In terms of education, Makassar is among the cities that allow child refugees to access formal education in public schools, despite the absence of a national policy. According to unpublished data from the IOM, as of February 2019, there are 61 child refugees going to 18 public schools in Makassar. In the public primary school, Jongaya, the headmaster and teachers were positive about the presence of refugee children in their school and welcomed them to participate in all classroom activities and school events.⁵³ Despite several regulatory limitations—for example, refugee students cannot obtain a diploma upon completion and they also face tuition fees currently paid for by the IOM—giving access to formal education to refugee children is a significant breakthrough in Indonesia, not least because, unlike those in Greater Jakarta, refugees in Makassar have not been able to set up their own schools.⁵⁴

With respect to access to livelihood, the situation remains less certain. As in other cities, refugees are officially not allowed to access formal employment or engage in income-generating activities. In Makassar, refugees and asylum seekers are mostly under the care of the IOM and therefore live in shelters, with monthly stipends. Close supervision by immigration officials also makes it difficult for them to seek regular employment. While the need for income might be less acute among refugees under IOM care compared to autonomous refugees, this does not mean that they do not need livelihood access because the monthly allowance provided by the IOM is insufficient to cover anything beyond basic food.⁵⁵ This said, it is an open secret that some refugees and asylum seekers, especially those who live autonomously, find employment in the informal sector, for example as DJs in discotheques.⁵⁶ Some refugees also work as tutors in private schools and local universities, and are given some kind of gratuity payments for their services. Others offer catering for Persian food over online portals. The government generally looks the other way when it comes to working in the informal sector, as long as it is not too visible.⁵⁷

During our last field visit in March 2019, we learned that there were about 30 asylum seekers living in Makassar who were not under IOM care. In the majority of cases, they were family members of other refugees, who were IOM beneficiaries and whose scarce stipends they depended on. Given that the majority of refugees in Makassar are under IOM care, there has generally been a less urgent need for civil-society groups to provide basic services to refugees. At the time of our interviews in 2019, civil-society group *Dompot Duafa* had opened a health post, but its equipment was scarcer than that of most local clinics (*puskesmas*). During our fieldwork in Makassar, we did not come across any other civil-society groups that focused on refugee matters.

In conclusion, the generally positive attitude of the Makassar government toward refugees must be viewed with caveats. The significance of the IOM's reduced role in funding the shelters cannot be overstated. With the IOM's funding cuts in 2017, it is no longer possible to provide for newly arriving refugees. Even with the legal opening provided by the PR and a progressive mayor, it remained politically difficult to spend the local

⁵³ Hafanti (2018).

⁵⁴ Brown (2018).

⁵⁵ Taufiqurahman (2018).

⁵⁶ We frequently heard allegations, from both local-government representatives and also fellow refugees, that refugees and asylum seekers engaged in sex work.

⁵⁷ Interview with Iskandar Lewa, Head of *Dinsos*, Makassar, 11 March 2019.

government's money on supporting refugees and asylum seekers.⁵⁸ Moreover, Danny's term as mayor ended in May 2019. His successor does not share his interest in refugee matters.

3.2 Jakarta: passing the buck

At the time of our fieldwork in March 2019, there were 1,674 refugees under the supervision of the immigration detention centre in Kalideres, Jakarta—the third-largest number in Indonesia after Medan (2,106) and Makassar (1,825). They were accommodated in around 11 shelters—hotels and rented rooms—spreading across Jakarta and the nearby Banten province (Tangerang and South Tangerang municipalities). In addition to these registered refugees who were under the care of the IOM, Jakarta also hosted most of Indonesia's autonomous refugees and their numbers were estimated by the national immigration authorities to be more than 5,500 in March 2019. In recent years, many of them started to run out of money and were seeking to be placed in IDCs, hoping to be eligible for the care provisions from the IOM. This is one of the reasons that prompted many refugees to camp and protest outside of the Kalideres detention centre in West Jakarta.⁵⁹

As mentioned earlier, the PR does not address the situation of autonomous refugees—those who have never been detained and are living independently, and therefore had little to no effect on the lives of the majority of refugees and asylum seekers in Jakarta. For more than a decade, the Kalideres detention centre in Jakarta had been notoriously overcrowded and thus unable to accept additional refugees into its facility. Due to the shift from detention centres to community shelters in Indonesia, it is the responsibility of the local Jakarta government to find places that can serve as adequate, non-custodial shelters. Although the Kalideres detention centre was cleared and the previous inmates were relocated to shelters in Tangerang, none of the responsible authorities at the local-government level, such as *Kesbangpol* and *Dinsos*, designated any locations to be used as refugee shelters for newly arrived refugees or those who could no longer afford private accommodation.⁶⁰ As a one-off solution, the IOM relocated 256 refugees who had been camping outside of the Kalideres detention centre to community shelters in Tangerang (close to Jakarta) in March 2018. This transfer did not meet the actual demand, which kept growing as new people arrived in Kalideres in the subsequent months.

There were two factors that were cited by the local authorities as obstacles to finding suitable accommodation for refugees in Jakarta. First, it would take time for the PR to be fully translated into technical arrangements by the local government, especially to designate which agency should take on which responsibilities. Despite the fact that many refugees were sleeping rough in front of Kalideres and in other parts of Jakarta, from our observations and fieldwork, we did not get the impression that there was a sense of urgency to execute these technical arrangements in a more expedient manner or, in the words of a local-government representative, “we looked for a place, if we can't find one, that's it.”⁶¹

In Jakarta, the key agency tasked with finding a land area to accommodate refugees is the Office of Political and Nation Unity (*Kesbangpol*), unlike in Makassar, where the responsible office is the Office of Social Affairs (*Dinsos*). Despite several attempts at the municipal and also the provincial level over the course of more than a year, *Kesbangpol* had not

⁵⁸ See Missbach et al., *supra* note 30, p. 19.

⁵⁹ Missbach (2018).

⁶⁰ Interviews with several representatives of the local government in West Jakarta, the municipality that is responsible for the Kalideres detention centre, as well as with the provincial government of Jakarta, 25 and 26 March 2019.

⁶¹ Interview with Senior Official in West Jakarta (who preferred to remain anonymous), Jakarta, 25 March 2019.

been successful in finding a suitable location. Alternative ideas for allocating refugees to state-funded shelters for Indonesian orphans and the mentally ill were set aside because of their lack of capacity. One official interviewed said that, according to the “directive from above,” they were tasked to find land, not houses, in which “tents would be set up, equipped with all the required facilities for refugees, including sanitation.”⁶² It remained unclear why the local government was choosing to opt for non-permanent shelters, given that most refugees realistically have to live in shelters for long periods of time due to very low resettlement and repatriation numbers. It should also be noted that, given the extreme population density in Jakarta and its surroundings satellite cities,⁶³ empty plots of land are understandably difficult to find. Renting readily available shelters, such as rooms, houses, and apartments, thus would appear to be a more viable option.

During our discussions with local-government officials, almost all interviewees directed the conversations towards their fears of the potential social impact resulting from having permanent shelters. The permanent presence of refugees on the Indonesian host society was generally framed in negative terms. Local-government representatives also lamented that refugees camping in front of Kalideres ignored requests demanding them to relocate voluntarily to areas outside of their local government’s jurisdiction.⁶⁴ Other government representatives requested the neighbouring province of West Java to become involved in finding a solution, which meant that they expected the municipal governments in Bandung and Bogor to accept refugees from Jakarta.⁶⁵

The second major impediment for finding suitable accommodation that was frequently cited during interviews with local-government representatives was funding. Despite a number of additional regulations from the Ministry of Interior Affairs that sought to clarify the responsibilities and discretion of local governments with respect to fulfilling their tasks under the PR, the local-government representatives considered that there was a lack of clarity concerning these matters, as confirmed by Suyatna et al. in this Special Issue. While there was an expectation that the IOM would step in and offer funding, interviewees were unaware of recent cuts to the IOM’s funding.

Because of the absence of support from the IOM and the local government, many refugees and asylum seekers in Jakarta were relying for their livelihood on donations from civil-society groups and individual donors. These donors were trying to provide various kinds of assistance, including shelter, food, water, medical supplies, and other basic needs. One recently founded civil-society group is *Komunitas Selasih*, which concentrates on helping refugees in and around Kalideres. *Komunitas Selasih* had managed to secure accommodation for homeless refugees, particularly those with new-born babies and small children, and also helped to cover their basic daily needs.⁶⁶ Refugees who were living on the streets outside of the detention centre also received food donations from a nearby Catholic church amongst others. In light of the more than 5,000 refugees and asylum seekers in Jakarta who were not under IOM care, local NGOs currently did not have the capacity to compensate for the shortfalls in refugee care.

In July 2019, refugees who camped out in front of the Kalideres detention centre moved their camps to Kebon Sirih, in front of the UNHCR’s Indonesia office in Central Jakarta. They demanded clarification from the UNHCR about their future and plans for

⁶² Interviews with several representatives of the local government in West Jakarta, the municipality that is responsible for the Kalideres detention centre, as well as with the provincial government of Jakarta, 25 and 26 March 2019.

⁶³ The metropolitan area of Greater Jakarta has a population that exceeds 30 million with a total area of 4,384 km². The city proper has a population density of 14,464 people per km², while the metro area has a density of 4,383 people per km².

⁶⁴ Interview with Nurul, representative of the municipal government of West Jakarta, 26 March 2019.

⁶⁵ Interview with Ani, representative of Kesbangpol at the provincial level, Jakarta, 26 March 2019.

⁶⁶ Damarjati (2019).

resettlement as well as financial assistance. After several weeks in Kebon Sirih, the Jakarta government moved the refugees back to Kalideres and accommodated them in a former military complex.⁶⁷ The local government claimed to supply the refugees with food but could not make any promises as to how long it could keep doing so. The Jakarta governor, Anies Baswedan, was also quick to point out that his administration was helping out of humanitarian concern, but did not accept continuing responsibility.⁶⁸ In a nutshell, rather than living up to their new responsibilities under the PR, the local government in Jakarta only offered short-term sympathy and support, and failed to come up with a long-term strategy.

Further, with respect to education, access for refugee children to public schools in Jakarta was limited. There were a number of refugee-led learning centres; however, their capacities were limited and some had long waiting lists.⁶⁹ There were no data available on whether any refugee children were enrolled in schools in Jakarta but, in early 2019, 96 refugee children under IOM care in Tangerang were able to attend classes in several local public schools and private schools. Of the 358 school-aged refugees living in Tangerang, this represented only 27%.

Lastly, despite the nationwide restrictions on employment for refugees, it was not rare to find refugees working or engaging in other income-generating activities in Jakarta, especially those refugees who were living independently. These jobs and activities included working at restaurants as cooks and waiters, paid internships at newspaper agencies, interpreters, and other entrepreneurial activities.⁷⁰ Despite the official prohibition on working, local authorities seemed to tolerate these activities as long as they did not receive complaints from the local people. Most of these activities—largely informal in nature—were difficult to detect. In the past, immigration authorities organized raids, and arrested and detained offenders but, given that there is no longer funding from the IOM available for refugees in detention centres, local authorities have become more reluctant to carry out arrests for those who disregard the work prohibitions.⁷¹

4. Explaining the different outcomes of the PR

The implementation of the PR and efforts by the local governments in Makassar and Jakarta to embrace their new roles has proceeded fairly slowly. Despite this, moving all asylum seekers and refugees out of immigration detention, two years after the PR was issued, counts as a significant improvement in the management of asylum seekers and refugees in Indonesia. However, local governments continue to depend on external funding through the IOM. The funding cuts by the IOM have significantly impeded the implementation of the PR.

While Indonesia has never funded services for refugees under its national budget, but rather relied on international funding, the PR entrenches the abdication of state responsibilities even further. The current approach attests to the indifference of the national government to the long-term presence of refugees in Indonesia. While some civil-society groups and local faith-based communities provide basic provisions, including food, medicine, and shelter, to stranded refugees who have run out of money, their resources are limited and they cannot address the ongoing needs of arriving asylum seekers and

⁶⁷ Lesmana (2019).

⁶⁸ Ul Haq (2019).

⁶⁹ Brown, *supra* note 54.

⁷⁰ In fact, early in 2019, the government even allowed the UNHCR to officially hire refugees to work as interpreters.

⁷¹ Interview with Imam, from the Monitoring and Enforcement Unit of Immigration headquarters, Jakarta, 27 March 2019.

autonomous refugees who are not entitled to IOM care. Moreover, without adequate support and funding, donors are unlikely to sustain their services over a long period of time.

Unlike in Europe or North America, where relatively affluent cities have stepped in and taken over some of the costs for providing refugee care, Indonesian cities have not been able to make up for funding deficits on their own. Therefore, the “local turn” of refugee governance has had rather different outcomes. As our two case-studies have shown, local governments have handled the challenges posed to them by the PR quite differently, due to the specific factors at play in each city, as well as the different nature and scale of refugee needs in that location (i.e. autonomous versus those already under IOM care). Whereas Jakarta hosts mainly autonomous refugees (who are not covered by the PR’s provision of community accommodation) and only a few hundred previous detainees are accommodated in community shelters in Banten, Makassar has around 30 autonomous refugees, while all the others are under IOM care. It is therefore easier for the Makassar government to formulate progressive policy on refugees, as long as IOM funds its implementation. The real test occurs when external funding is absent. Therefore, it is hardly surprising that the authorities in Jakarta appear overwhelmed and unenthusiastic, in comparison to the preparedness of local authorities in Makassar. The local government in Makassar had already implemented non-custodial accommodation before the PR instigated this shift in policy, whereas authorities in Jakarta have struggled with the new challenges of having to find land or buildings to accommodate refugees and to allocate funding—especially since the IOM funding for refugees has been capped. Rather than allocating funding from the local budget to refugee care, the Jakarta government has continued not to prioritize the issue, effectively leaving thousands of refugees and asylum seekers to their own resources.

Despite these unsatisfactory outcomes of the PR, the implementation process has also opened up new space for additional discussions on rights, particularly access to education and livelihood, which were deliberately left out from the PR.⁷² In March 2019, relevant stakeholders from all over Indonesia, including the Indonesian Human Rights Commission (*Komnas HAM*), Ministry of Home Affairs, Ministry of Foreign Affairs, Ministry of Education and Culture, IOM, and Coordinating Minister for Political, Legal and Security Affairs (*Kemenko Polhukam*), but not the Department of Immigration, met to discuss options to allow refugee children access to public schools. The key outcome of the meeting was the recognition that the Indonesian government should provide access to education for refugees and that the Ministry of Education and Culture should formulate a policy on the right to education for refugees in Indonesia. While progress on this issue remains slow, it is important to note that there is at least some awareness amongst Indonesian government officials that they cannot ignore the right to education for refugee children,⁷³ even though it is not explicitly mentioned in the PR.

Whether or not progress can be made with respect to the rights to accommodation, education and livelihood for refugees and asylum seekers largely depends on political leadership. While the overall situation in Indonesia is generally not welcoming to refugees, political will can make a difference, as in the case-study from Makassar and the personal initiative that their mayor has demonstrated (compared to the situation in Jakarta). It is important that the Indonesian Human Rights Commission and its allies from civil society continue their lobbying efforts to individual representatives of the national and local governments in order to push for more provision of rights for refugees, including autonomous refugees. This suggests that revision of the PR is needed, not only to improve accommodation for all refugees, but also to grant more comprehensive rights to work and education.

⁷² See Sadjad’s article in this Special Issue.

⁷³ Suaka (2018).

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