

URBAN REFUGEE GOVERNANCE IN ASEAN COUNTRIES

POP UP DISCUSSION SERIES: #6
RDI UREF

WEBINAR REPORT

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Pop Up Discussion Series: #6

Urban Refugee Governance

in ASEAN Countries

Webinar Report

Resilience Development Initiative – Urban Refugees (RDI UREF)

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Abbreviations

GCM	Global Compact for Migration
GCR	Global Compact for Refugees
IDP	Internally Displaced Person
IOM	International Organization for Migration
RSD	Refugee Status Determination
UNHCR	United Nations High Commissioners for Refugees

Introduction

The influx of refugees into countries and cities is an emerging global issue. In 2018, there are more than 70.8 million possibly displaced people worldwide. Asia and the Pacific alone hosts some 4.2 million refugees, the majority from Afghanistan and Myanmar, 2.7 million IDPs, and 1.6 million stateless persons. Of this number, two-thirds live in urban areas. The roles of cities in migration management are also acknowledged in the 2016 New Urban Agenda, the 2018 Global Compact for Migration (GCM), and Global Compact for Refugees (GCR). This includes recognizing the need to support local authorities, finding new mechanisms for local engagement, and identifying new ways of working between humanitarian and development actors. Therefore, there is an urgency to gain a better understanding of the refugee issue. Since the issue is perennial, we would be expected to see more refugees and displaced people in the future due to war and conflicts, climate crisis, and economic crisis precipitated by the COVID-19 pandemic.

For more than 40 years, the Southeast Asian region is known as a transit destination of refugees from countries such as Myanmar, Afghanistan, Pakistan, Iran, Sri Lanka, and African countries. The influx of refugees in this region increases annually, whereby host countries in Asia-Pacific experienced a 3% increase in the number of refugees over ten years.¹ Furthermore, more than 280,000 refugees and asylum seekers currently live in Thailand, Malaysia, and Indonesia, making these three countries the largest host countries for refugees in the regional cooperation body, ASEAN.²

As the regional cooperation body, ASEAN relies on ad hoc treaties for migration coordination such as the Jakarta Declaration on Addressing Irregular Movement of Persons in 2013, the Bali Process in 2016, and other developments. Nevertheless, ASEAN has not yet developed a regional response to refugee governance. Also, most ASEAN member states, including Indonesia, Malaysia, and Thailand, did not ratify the 1951 Refugee Convention and its 1967 Protocol. Their perspective sees the Convention as a westernized protocol that initially aimed to protect refugees after World War II.³ Therefore, refugees and asylum seekers cannot settle permanently in those countries. Nevertheless, Indonesia, Malaysia, and Thailand abide by the principle of non-refoulement that made those countries are expected to play an essential role in governing refugees in Southeast Asia.

The absence of arrangements in the ASEAN context makes ASEAN member states struggle to find sustainable solutions and practical approaches to handling refugees and asylum seekers. Different refugee management approaches in the three countries have made refugees and asylum seekers encounter different experiences during their transit, such as the country with the highest number of refugees and asylum seekers. Thailand still sees the issues of forced migration as an immigration issue. Together with UNHCR, the government initiated 'Provincial Admission Boards' to screen refugees and asylum seekers from Myanmar before being officially registered

¹ UNHCR, "Global Trends: Forced Displacement in 2019" (2019), <https://www.unhcr.org/5ee200e37.pdf>

² McConnell, A. "European Civil Protection and Humanitarian Aid Operations" (2019), https://reliefweb.int/sites/reliefweb.int/files/resources/thailand_malaysia_and_indonesia_2019-07-10.pdf

³ RLI, "Why is Asia Known as the Region that Rejects the Refugee Convention?" (2019), <https://rli.blogs.sas.ac.uk/2019/04/15/why-is-asia-known-as-the-region-that-rejects-the-refugee-convention/>

in the government's camps.⁴ Malaysia's approach to refugee management has been ad hoc, as seen in 2015 when the government permitted the refugees to temporarily stay in their territory and treat them as illegal migrants. Unexpectedly, the Malaysian government applying a pilot system to allow 300 Rohingya refugees to work in the plantation and manufacturing sector.⁵ In Indonesian case, the recent arrival of Rohingya Refugees in North Aceh, although problematic, demonstrates society's willingness to contribute to refugee management. Nevertheless, the Indonesia government still has lots more to work on refugee governance, mainly to ensure that the jurisdiction and regulation in handling refugees will adequately address the current refugee situation and the future influx. Also, to raise awareness and build a lively discourse on refugees' issues among Indonesian society.

The described situation shows gaps and challenges in the national and regional context, particularly in the local (city) context, on refugee governance. It instigates a question regarding the ASEAN regional cooperation and the refugee and asylum seeker governance in the ASEAN countries. COVID-19 pandemic adds another locus on the refugee management issues. Importantly, since this Pop Up Discussion Series takes the theme of urban refugees, local governments' role in refugee management in the ASEAN countries will also focus on the discussion.

The objective of Pop Up Discussion (PUD) No. 6 is to gain insights from the speakers regarding refugee governance in three ASEAN countries (national and local levels) and regional cooperation to the intended audiences (academics, researchers, students, refugees community, other groups/stakeholders and individuals), a networking platform for speakers and audiences as well as knowledge dissemination.

This sixth installment of the PUD series was held on 23 October 2020, 15.00 - 17.30 Jakarta Time (GMT+7). This series was attended by 172 participants/audiences on Zoom, eight host/moderator/speakers/organizers, and 235 viewers on the RDI YouTube channel. Dr. Akino Tahir acted as the host, and Dr. Nino Viartasiwi was the moderator. PUD 6 was conducted in a talk show format, in which the moderator shaped the whole discussion through questions to the speakers. The first session began with questions from the moderator to the first two speakers and quick Q&A from audiences. The second session proceeded by the moderator, questioning the third and fourth speakers, and quick Q & A from audiences. Lastly, in a third session, all speakers were in one panel to respond to questions from the moderator with cross comments and the last round of Q&A from audiences. Participants delivered their questions through the Q&A feature on Zoom and on the YouTube comment box.

This report presents a summary of all discussions and audiences' Q&A sessions.

⁴ Petcharamesree, S., "ASEAN and its approach to forced migration issues" (2016), *The International Journal of Human Rights*

⁵ Munir-Asen, K., "(Re)negotiating refugee protection in Malaysia: implications for future policy in refugee management." (2018), Discussion Paper, No. 29/2018, Deutsches Institut für Entwicklungspolitik (DIE), Bonn

Summary of Interactive Panel Discussions

1. First Session: Hui Ying Tham and Katchada Prommachan

Hui Ying Tham (Asylum Access Malaysia)

The moderator's first question to Hui Ying Tham is on the definition of Urban Refugee, to set the basic understanding for the audiences throughout the discussion. Hui Ying Tham explains that in her knowledge, urban refugees are refugees who are not in an encampment situation. Hui Ying further mentions that the definition of urban refugees depends on the context they are living in. For instance, in Malaysia, all refugees are urban refugees because Malaysia doesn't have refugee camps. Most refugees live in different parts of Malaysia, so they're not just limited to one particular area or in a refugee camp.

The second point of discussion is on the general situation of urban refugee governance in Malaysia. According to Hui Ying, at the end of August in 2020, about 180,000 refugees and asylum seekers are registered at UNHCR Malaysia. The majority of refugees and asylum seekers are from Myanmar, mostly Rohingya and some Burmese ethnic groups. Other demographics, including Afghanistan, Syria, Yemen, Pakistan, Somalia, Iraq. In terms of the geographical distribution, most of them are in Kuala Lumpur and Selangor, the central states in Peninsula Malaysia, followed by the northernmost state, Kedah, and the southernmost state, Johor. Those places are where the large population of refugees is currently living.

Hui Ying also mentions that there has been little support provided by the Malaysian government to refugees since Malaysia is not a signatory of the 1951 Refugee Convention. Also, it lacks a legislative or administrative framework for refugee protection and identification. UNHCR is the only body that determines the status of asylum seekers. However, in the past, the Malaysian government has provided certain groups of refugees with some level of the right to stay and the right to work. Still, all of it has been very ad hoc and limited to specific groups of refugees.

To respond to a follow-up question about the migrants' classifications in Malaysia, Hui Ying explains that Malaysia is also one of the destinations of the so-called illegal immigrants and economic immigrants. Those terms have been utilized by the government to distinguish between those under the UNHCR and illegal migrants or economic migrants. In Malaysia, UNHCR is the only international body that determines the status of refugees. Thus, the RSD is based on UNHCR documentation and the UNHCR's database. Nonetheless, there are times when it is a little problematic for the refugees' status; that is where they are unregistered. The process of RSD is a long one; hence, Malaysia frequently has refugees who are seeking asylum that nevertheless have been arrested and detained due to the absence of a particular framework. However, through certain authorities, the government will contact the UNHCR to ask them to conduct the determination process, whether or not the person does have status. Nevertheless, it has been done through more extensive communication between the government authorities and UNHCR.

On the discussion point about the most pressing issue on refugee governance in Malaysia, Hui Ying further explains that the right status to stay or the legal status is one of the most important things. Without recognition or any form of status, such as the basic recognition of being able to move around, refugees are subject to be arrested or to be detained and unable to access anything (e.g., livelihood and education).

On the refugee management division between the federal government and state governments, Hui Ying explains that the procedure is very federal-government based. Consequently, the state government has very little space for navigating or deviating beyond what the federal government has stated. For instance, a federal-state regulates local housing that rules out housings shouldn't be rented out to non-Malaysians. This statement has led to the eviction of refugees from the places that they were renting. Also, there are little gaps that appear during the COVID-19 situation.

Katchada Prommachan (HOST International Thailand)

Katchada Prommachan also starts the discussion by responding to the starter question of the definition of Urban Refugees. According to Katchada, urban refugees in Thailand are those who are not staying in the refugee campsite but the urban area. In Thailand, most people know that the state has resettlement camps and those camps are along the Myanmar border, in which the majority of Burmese people live in that facility under the Ministry of Interior. However, the definition of the urban refugee is more or less similar to the definition of refugees in camp: they are people who are fleeing their home country due to armed conflicts, persecutions. Thus, they cannot stay in their home country and need to seek protection and asylum in Thailand.

In the current situation regarding urban refugee governance in Thailand, Katchada explains that most refugees are from Pakistan, Palestine, Syrian, Afghanistan, Sri Lanka. Other populations of refugees are from neighboring countries such as Laos, Vietnam, Cambodia, and the Rohingya people who came from the deep south of Thailand. Most of the refugees live around Bangkok and the Greater Bangkok area, while most Rohingya refugees live in the deep south of Thailand. Nevertheless, there is a different situation for those living in the southern part of Thailand. To access UNHCR services in Thailand, if they claim themselves as Rohingya people, they are automatically recognized as refugees, which are different from the others. They will also be resettled to the United States and have to contact the police or any Thai government authorities to carry out that process. But it also depends on the situation, because some people may not want to claim themselves as Rohingya – and that case has to be processed through other channels.

Thailand is a non-signatory of the 1951 Refugee Convention; hence, it doesn't recognize refugee rights. Another issue in domestic law regarding urban refugee populations who obtained Euro-Asia cards. Those refugees are considered illegal migrants who don't have the right to work and access civics activities or services. Nevertheless, the Thailand government had developed one of the MoU on the determinations of the measure and approach for alternatives to detentions of the children in immigration detention centers. Formed last year, this is a kind of support from the government concerning the children and family detained in the detentions (including the urban refugee children and family) to ensure they will not be detained when they get arrested. They can be released from the detention camps with the bill and have the condition to be reported every 15 days.

Furthermore, this is the latest legislation or a new approach from the Thailand government: regulation of the prime minister's office on the screening of alliances entering a national screening mechanism. Usually, when people seek asylum, they have to go to UNHCR and join the process to determine the right to claim refugee status. After this regulation is launched, all implementation will shift from UNHCR to the immigrations. However, since immigration is one of the police agencies, this may make the refugees more reluctant to process their status.

Katchada further explains that the UNHCR in Thailand is also working closely with two international organizations, the Asylum Access Thailand (AAT) and the Center for Asylum Protection (CAP). AAT provides legal consultations while CAP offers legal assistance for those who need any kind of assistance during the process of any submission to UNHCR. Even though they are being rejected from the RSD, they can ask for support from the lawyer to reopen the case,

and the lawyer will have to collect more new evidence and ensure that evidence is sufficient for UNHCR to reconsider the RSD.

Regarding the point of discussion on the most pressing issue in urban refugee governance in Thailand, Katchada explains that it is related to the urban refugee's relatively new concept for Thailand's central and local governments. Sometimes people thought that urban refugees are similar to immigrants. Urban refugees have different conditions compared to economic migrants. Local people don't understand that even though refugees don't have access to work, they can stay in Thailand. But the situation without the right to generate income makes it difficult to live in Bangkok. If their existence is not being acknowledged, it will lead to difficulties in providing protection for the refugees.

2. Second Session: Zico Pestalozzi and Dr. Antje Missbach

Zico Pestalozzi (SUAKA)

Zico Pestalozzi, the third speaker, starts the discussion by responding to a question on the most pressing issue regarding Indonesia's urban refugee governance. According to Zico, the most pressing issue in the context of Indonesia is refugee regulation. The presidential decree is merely a standard operational procedure, such as on what to do when refugees are stranded or being found in the territory, and how to register and to put them in the shelters. In the end, the supervision is limited on how to provide protection to the refugees. There has been no further provision regarding access to education, health care systems, or livelihood activities. Presidential regulation doesn't regulate independent living refugees. In Indonesia, all refugees live in urban areas. However, not all the urban refugees are covered in the system that enables them to receive support from the organization (e.g., IOM) or immigration supervision. For example, in Jakarta, most refugees are independent who have to survive on their own or have to seek shelter and other supports for their daily needs by themselves. The presidential regulation is still neglecting those refugees.

On the question of the fundamental problems related to regulations from the Indonesian national government and local governments, Zico argues that it is the government's perspective that needs to be changed. As the presidential decree is the current approach for refugee management in Indonesia and it revolves in the context of the emergency situation, it does not provide clear guidance regarding what to do when the refugees have to live in Indonesia in the context of uncertainty.

On the possibility to have a bigger local government's role in refugee management, Zico offers a suggestion that while waiting for the national regulation to come and to have more collaborative refugee governance in Indonesia, the local government may start with making their initiatives and innovation for handling the refugees in their areas. However, it needs to be understood that the presidential regulation may restrict their movement or industry because the presidential decree doesn't give the local government the legal basis, especially regarding the technical issue and budgetary mandates to do any kind of activities.

Dr. Antje Missbach (Freiburg University)

The fourth speaker, Dr. Antje Missbach, started the discussion by answering the question on the current relevancy of transitory context in discussing the refugee situation in Southeast Asia. Antje begins with a brief explanation regarding the transit term. The term is often a metaphor and idea of a person arrives in a specific place with the intention of leaving, with the period in between is going to be relatively short. However, there's no precise definition regarding that period; it could be relatively short (a few months) or even a year. Nevertheless, the conditions have changed due to both internal and external factors. The latter has determined the movements of asylum seekers and the deadlock in these movements, the status, and the impacts on Indonesia, Malaysia, and Thailand.

Antje further explains that the push factor is likely related to the increase in the number of refugees globally. Therefore, the more people move, the more people try to find a safe place. On the other hand, there is a resettlement fatigue phenomenon. Indonesia is located in the special route of migration, making it an interesting transit country. People who seek asylum come to Indonesia, finding out that the process of status determination and the entire immigration process will take a relatively short time. Subsequently, Indonesia is considered a fast ticket, and those who are impatient can even choose to travel by boat. Simultaneously, the decrease of the annual resettlement quota in Australia has tremendously impacted the length of stay of refugees in Indonesia. This phenomenon urges us to reflect and reconsider the idea or the metaphor of transit. Antje points out that all concerned parties should stop treating the refugees in the context of an emergency situation, move away from the emergency mindset, and normalize refugees' presence.

On the local governments' roles in refugee governance, Antje explains a study that she conducted in Makassar. Makassar was chosen as a case study because it has a high reputation among refugees. Around four or five years ago, people would try to register in Makassar and come back at that time, and sometimes they even agreed to be detained for short periods because they could be transferred to another shelter for detention. At the time of the study, the local government of Makassar was very open to new ideas. The mayor had put some efforts to integrate refugees, including allowing the refugees to access education. The rationale is because the mayor was pushing a smart city agenda, and the mayor has a different understanding regarding 'citizens' of the city: citizens are not only people with Indonesian passports, but also every person who lives in Makassar is considered as part of the city. This sense of belonging is seen as a positive driver to improve or enhance a communal life. The case of Makassar can be seen as an excellent example for other local governments in Indonesia.

Antje also emphasizes that if there is no special funding from the central government, the budget will undoubtedly be a big problem for the local government. It may force the local governments to use their finances. Subsequently, local government in several areas had utilized the budget item for emergency funds. This matter should be considered because the budget for refugee management should be separated from the budget for emergency incidents (e.g., disaster). The government, other stakeholders, including the local people, should stop treating the refugees within the emergency framework and start to acknowledge their existence within our society.

3. Third Session: All Panelists

Moderator: From listening to Indonesia and Malaysia, and Thailand cases and again listening to the similarity of the refugee government in the three countries that you can relate, maybe what is the common thing?

Hui Ying Tham

A: It's a bit difficult to pinpoint one thing there's just so many similarities, I think in terms of like the barriers that we see certainly the whole issue around the lack of a legal framework and policy. I remember actually sort of mentioning about how you know how people were talking about the right to work and when the barriers were like stealing jobs and that's we hear the exact same arguments, the exact same things. So, I think I would sort of maybe stop there, because otherwise I'll take up too much time. But really, I think that they're just so similar in terms of the responses and in terms of the lack of that legal framework and the problems that arise from that lack of legal people.

Katchada Prommachan

A: I think this thing that I could say that about the legal framework, that is not clear enough. And the government don't know how to provide appropriate protection for those people and this recently it seemed to be that's most of implementation just under the UNHCR responsibility and then governments more recognize what UNHCR are doing, like the process. But even we do have UNHCR office, but somehow, it's not the state.... but of the refugee that not recognize enough. And I think it seems to be the understandings of the governments, it is still in the central part, not space around the nations.

Zico Pestalozzi

A: I think the similarities between the government between Malaysia or Thailand, even Indonesia is still the government what you call still persistence to use the security approach in the refugee governance, in a way the security approach the national security approach extended to this kind of paranoia that the refugee will disrupt the countries the refugee will cause problems in many aspects of the countries and that kind of perspective; there are a lot of research right now, article written/journal written and I think that the percentage that the refugees are going to cause the problem is because the lack of the governance from the government itself not because of the refugees. So, if the government don't even invest to make a good governance in terms of the refugee handling in a country – well, I wouldn't blame the government but I think that they invite the problem by itself because of not doing the necessary things that would put or prevent that kind of problem.

Moderator: If the central government lacks regulation, we understand that changing the law at the national level is very difficult with so many political dynamics and needs a lot of effort and time. What can we do then? We cannot just be waiting for something to happen, a miracle to happen, but we have to do something. What do you think we have to do? What is your idea? Do you have any idea about what we should do? We cannot just be waiting for a miracle for the central government's regulation, of course?

Katchada Prommachan

A: I think what we can do; it can give the example that what we are working here as a networking, that we try to work with... at the same time that's why we are waiting the government to take appropriate actions at the same time we also as a CSO network, we try to work alongside with the government that try to make a collaboration and communicate with the government and kind of offer our assistant that's okay. I think to figure what's the gap that we found from the ground and presents communicate with the community how as a CSO network can support the government work to ensure that in the country have some appropriate protection system and not work together with the government, being separate or you know that's against the government and somehow we work with the government we do understand that what's the domestic legal framework and its limitations, but we try to not use them as our message to against, that how we relate to again the government, but we try to do another way around. For example, that as a CSO, we have a lot of flexibility we do have a budget or the manpower to implement something that's the mostly the government cannot do.

Hui Ying Tham

A: So, I think that like, there are a few things that we can do and that we should do because of course we need the government to be able to pass a policy yes but it doesn't happen in a vacuum. And I think that we need to be able to create that kind of political will and there are of course many ways that we can think about it right so any policy advocacy is one way to, kind of put in the pressure but the other thing is also to look at how do we engage with the public because at the end of the day the government is responsive to their constituents right? So, we need to think about: Okay how do we create a political will? How do we kind of address the public and the public's kind of concerns? How do we deal with that at the same time, one of the things that we think about asylum access is community empowerment? So, how do we kind of move from that framework, and I thought Antje brought it up so well which was talking about like we can't think about just emergency, we can't think about it as just kind of immediate needs but what's the long-term thing? How can we prepare them for this sort of long term stay in Malaysia?

And empowering them through sort of legal empowerment, letting them know what their rights are, how to navigate the space while they're in it, and us trying to expand the protection spaces in Malaysia. For example, one area that we've looked at is labor protection. So, we're like okay lessons learned from sort of like the people have been working on migrant rights - this, something that we can also kind of expand the protection space for refugees. So really thinking about expanding protection spaces, using the time to create the political will, while also doing the sort of policy advocacy directly with the government. I think it's like a combination to really get whatever I want to be.

Moderator: How can we have this policy of advocacy, as Hui Ying mentioned to change the national government regulation?

Zico Pestalozzi

A: I think for the policy advocacy we have to do it together. Together means that it cannot be just through UNHCR, just through IOM, but also the CSO and the local NGOs have to take parts. And referring to your first question, in Indonesia context, the NGOs and the CSO, even the refugee itself have the luxury to initiate many programs or many initiatives in a small scale, very small scales.

But, that kind of activity will give what do you call the lesson learnt or the best practice and that kind of example can be fed to the government to show that this kind of activity works, this kind of activity promotes the social inclusion with the local community for example. This kind of activity of education works for the refugee children, who doesn't have any access for the formal education. For example, the activity for training like SUAKA did, a training the refugee to understand more about their rights while living in the transit countries, it's increasing the knowledge of refugees on what is their duty and law obligation while living in Indonesia. I think that kind of small-scale activities, we have the luxury to do it - and understand that the government cannot do that kind of activity because of their budget for instance or even that it's not in correlation with the government program.

But I think the local NGO, the grassroots movement can start with that, and then can be fed to the government in form of policy brief maybe or with the campaign. I think it's worth to try. And I think we understand HOST International in Thailand or Asylum access in Malaysia already tried many kinds of activities or many kinds of initiative to empower the refugee, to show that the refugee is not a burden to the host society.

Moderator: Muay, Hui Ying, and also Zico already said about civil society rules to have a policy advocacy and also filling the gap of the lack of government support to refugee management in those three countries. What do you think about the city and local governments? What is the possibility to have them? You already mentioned about that the local government is very not durable solution like but not sustainable, like the changing of the mayor and also the changes of the policy. What is the possible role actually for the local government under limited authorities and resources and also limited time frame (only for five years of one major periods in Indonesia for example)? What do you think about the local government, the breakthrough that we can attain?

Antje Missbach

A: As has been pointed out, we have to tap into different levels and so there needs to be a local turn and the beauty about like the local turn and the responsibility of local governments is that they can do a lot of things in a short period of time and they often have more freedom or more flexibility in how they want to do things because it's small scale and they can do a lot of test cases, again there's of course always the risk that things go utterly wrong.

But I think for individuals, it will be very important that they have good relations with local governments that they continue lobbying, um, city councils for participation in education formal and also like for example getting proper school certificates, not just being allowed into schools because without certificates they won't be able to do anything else. So, all these things can be changed on a local level. It's up to a local government to allow access to schools. It's up to local governments to allow exhibitions or income generating projects collaboration. So, this can be done on the local level - and we have seen a lot of good examples. I was fixable, very impressed by the local government in Langsa which is an Aceh that has written a blueprint to be used for other cities and not just Indonesia but also in ASEAN. They tried to share their experiences, what was it like to host a large number of Rohingya in 2015-2016. So, to what extent this blueprint has been printed. But there are definitely cities that are reaching out, and in order to save time they want to communicate city to city, mayor to mayor, NGO to NGO, and not always just through the

embassies and national governments. So, we do see a lot of potential for this local turn. But, I'm still of the opinion to see maybe more substantial change in the future, there also needs to be a regional turn.

And we have talked about some of the international stakeholders. Of course, international organizations: IOM, UNHCR, ASEAN are very important, but one body that has not been mentioned at all today was of course the Bali process which is setting the mindset by or defining the discourse or the terms that are being used - they are very important. And now, some NGOs have observer status, some of the people are involved in the track one and track two, background talks. I think a lot of NGOs probably have easier access than for example academics, and I think it's really up to them to try to influence the discourse.

So, a lot of the international movements across borders, is on the Bali process level, is framed as a people smuggling - but that is not the whole truth. For example, when we talk about the Rohingya, they're not just the victims who were naive enough to give money to traffickers who treat them horribly, but the whole truth is that they also cannot live in their home country in Myanmar because they've been forcibly displaced and that often these protection aspects getting a little bit lost when it comes to this regional debate. So, I think it's very important that there are some critical voices when it comes to these regional forums to remind them of like what are we actually talking about, what terminology are we using. It's not just victims of trafficking and smuggling. It's people looking for safety, for freedom, for an end to the persecution that they are suffering from.

Moderator: But, if we talk about the Bali process, my take is like that process becomes a different negotiation table; countries try to leverage their interest and like negotiate - and the refugee is just the context. Bu, this is actually a kind of negotiation between countries for the domestic interest or regional interest. Am I thinking wrong? Or because I'm not very optimistic about the Bali process, and it's not ASEAN.

Antje Missbach

A: The problem or the opportunity is that the body process, of course is also co-chaired by Australia and they are very good in pushing their national interests. And if it was up to them, they probably would get rid of certain key terms like protection altogether. But, it's up to Indonesia as a co-chair to make sure that these keywords stay in and that the framework on protection actually gets expanded rather than decreasing I would say.

I wanted to say another thing about lobbying and who to talk to, and one thing that I find often very interesting in the case of Indonesia is that the foreign ministry is very vocal and very much involved when it comes to the dealing of refugee affairs. But other ministries may be less so; Kemenkumham of course, the law and justice ministry, is very much involved. But, what about Ministry of Manpower? What about other ministries? Why don't they have so much of the same when it comes to regulating affairs of refugees. I think it would probably help to normalize some of the ad hoc treatment that we can see now.

For example, Indonesia of course is one of the few countries that has actually signed the convention for the protection of migrant labor. Indonesia is very focused and driven when it comes to protecting the rights of Indonesian migrants overseas. but when it comes to the protection of reasonable work rights of refugees in Indonesia, they don't want to really hear too much about it. I think this is a debate or discourse that needs to be taken up and to push for a bit more reciprocity, in order to maintain credibility, and by trying to improve the labor protection rights of Indonesia's going overseas.

Indonesia also has to grant certain guarantees and certain rights to people coming to Indonesia, and of course they are not coming as labor migrants. That's understood. But we also do know in order to live a kind of dignified life. Refugees, sooner or later, will have to work because either there are no subsidies on: a) Permanent basis, or b) They really want to earn their own living. So again, I think it would be good to try to connect these issues and when lobbying and also trying to involve more stakeholders on the national level, not just the usual suspects so to say. Because of course there's only so much that the foreign ministry can do when it comes to refugee affairs as long as they are the most involved ministry then they will always have this kind of short-term focus and this more like external looking orientation. But we do also need to involve these ministries that are more responsible for labor rights inside of Indonesia.

Q & A Session

1. First Q & A Session with Hui Ying Tham and Katchada Prommachan

To Hui Ying Tham

1. *Ad hoc policies in Malaysia are largely dependent on refugee country of origin or ethnic group. In the past, we see that refugees from Philippines, Cambodia, Bosnia, Indonesia was provided by the option of residence, but it has not been the case for Rohingya in Myanmar. In your opinion, what is the main reason for this different treatment of Rohingya compared to other refugee groups?*

A: I can't really speak like the government, because it's an exhaust policy. In the past, there have been certain reasons why they've decided to grant some groups the right to stay. But the refugee situation is actually vastly different, so were talking about the last few refugees who had the options to stay. So, the ones that you've mentioned were in the 90s, and that situation is quite different right now. We're looking at much higher numbers, and from the government's perspective we are allowing refugees to stay here on a humanitarian basis and they're probably reluctant to grants any more rights beyond what they feel like appropriate given the situation. It's just that the numbers that we are looking at, quite different, and the entire refugee situation and response has changed drastically from the past.

2. *Can you explain more about the pilot project for Rohingya refugees that you mentioned before? How many participants of Rohingya refugees? How does government decide which refugee group eligible for the project or not? And how long does the pilot project occur?*

A: There isn't actually a lot of publicly available information about the pilot project except that because this is something that was government's initiative. The idea in the beginning was for 300 Rohingyas and it's supposed to be on a signing up basis. In terms of the actual numbers, I can't quite remember. So, the plantation sector wasn't great for a variety of reasons; basically, there's a lack of understanding about the Rohingya population, like what their skills were and having them to move to like a plantation so among other reasons. And then for the manufacturing sector it's a little bit better and still ongoing. So, I don't think that there's the time frame, so this was around 2017 and the manufacturing sector is still on going.

To Katchada Prommachan

3. *How is the involvement of local government in addressing the refugee issue in Thailand? Does Thailand have sort of best practices from any city mayor or local government in handling refugees?*

A: Since we are trying to advocate this issue to the central government first, because maybe the situation and the urban refugees, mostly they are living in Bangkok, and the policy makers mostly in the central government. We try to advocate and ensure that the central government have a clear understanding on what is the kind of appropriate protection as a Thai country can provide. We have regular meeting with the government's agencies, together

with coalition on the refugees' rights and stateless people. HOST also working with one of the members of CSP together to advocate to the central government as the national level. But for the local government level, we also have client in many areas, in Bangkok and also the Greater Bangkok. But we slightly try to make a connection with the local government. But to be honest, it's not very easy because it's a very new issue and because the local government would think that those of them are my clan people - so we have to re-correct and re-understand to make sure that they understand, and come to work with them. It's not easy, but I can say this under process, that we are trying to make sure that, to increase the engagement from the local government, not just HOST international. Also, with other CSP members, we try to work in different areas that we have the clients with, but recently, I cannot say that we do have a best practice at this moment. But we are in the state of collecting the information in each community that we are working with and we plan to make a report and a tangible example to show to the government, that urban refugees especially who are released from the detention can live peacefully together with Thai community. We do collect those data and make the report as a kind of evidence to show the government.

4. *Is there any good example that the people in Thailand accept the refugee living among them?*

A: One example from the community that HOST is working with closely. The majority of our clients are Vietnamese (Mountain Yachts) ethnic group from Vietnam. Most of them live in Nonthaburi province, a kind of suburb area. The context of communities is that the local people live together and not just the type of business city. In the past before they are arrested, they used to live there and people know that this group of people are existing in the community. But once they're released from the detention since last year and we come to work as a community-based case manager. We have to deal with many stakeholders in the local community, such as that we have to deal with the landlord to hire the rental room for them to stay and contact with the local school to ensure that children can have access to school, and try to communicate with many local facilities engaged to informal center engaged with the church because most of them are Christian, and ensure that they have some support from the local community. But it will take time to understand, we have to be careful that we won't be having and conflict or misunderstanding with the local people.

5. *How do you think the perception of local community in Thailand towards refugees and actually based on your observation or experience is there any grassroot movements to raise public awareness on refugee issues?*

A: For grassroots movements, in this current situation, we haven't gotten to that state because of the participants, the grassroots mean urban refugee themselves have to advocates. But we think that in the future that could be for them to raise awareness by themselves. But, this moment, regarding to their situations in Thailand, it's not stable. And, when we work with them, we not forecast for them to have any kind of big movements to raise awareness by themselves because it might put them at risk and to be spot by the governments. Because even we do have a national screening mechanism and regulations or we do have the MoU, but somehow the government still a lot have a big concern on national security. So, before we encourage the refugee or work with them, we have to think more carefully, to make sure that's our work not to spot the government as an enemy or against national security a lot. But, in the future they might do some social movements to advocate

their rights. Regarding to this, luckily yesterday we had a discussion with the network; as a CSP network, we are going to do a session to collect the information from the groundworks, the organizations who are member of CSP, and collect information. Also, we have to collect the record or recommendation from the refugees themselves regarding what they need and what kind of support or protection that they would like to see from Thailand. Later, as a network, we can start to advocate and to bring that result to show to the government, together with the CSP, rather than let the refugees raise their voices directly to the government. Because we would like to prevent or to avoid any misunderstanding. But, in terms of increasing the grassroots movement to advocate, we do develop a session to work with the people by providing training sessions aim to encourage them to know about what their rights are. For this part, as a HOST International, we also do many kinds of training and ensure that they understand on their rights even they can practice in Thailand. We do this conversation together with Asylum Access Thailand last year.

2. Second Q & A Session with Zico Pestalozzi and Dr. Antje Missbach

To Zico Pestalozzi

6. *If there isn't any quota for resettlement, isn't that better for Indonesia to start thinking of having some quota for refugees to transit in Indonesia?*

A: I have to answer it with legal perspective. Indonesia couldn't set the quota of how many refugees or AS that can enter or arrive in Indonesia at the certain time. It is completely contrary to the principle of the non-refoulement, where a country cannot reject any Asylum seekers that are seeking protection on country of asylum, which is Indonesia as a member of international community has to obey that kind of legal principle. I think the non-refoulement principle also is one of the probations in the international human rights instrument that Indonesia is a party of like, the convention against torture for example. In that sense, again short answer, Indonesia cannot make that kind of restriction, it would cause a condemnation from the international community, I would say.

And I think this question should be responded by strengthening the system of refugee management, because first of all we cannot reject any asylum seekers that enter Indonesia, so we have to strengthen our internal system to govern the refugees that come to Indonesia, and I think I just want to add a little bit what Bu Antje said, that is in correlation with the questions, that the stance with Indo government, with Indonesia as transit country, is try to maintain that the refugee issue is temporary. So, the temporariness is the one that causing, that is no need for legal certainty, no need for the legal framework, so I think that's why the government also relies heavily on international NGOs, like UNHCR or IOM.

In reality, I think the government also relies that the international NGOs have their own limitation, they cannot answer every need that the government deflect to them: 'This is your mandate about refugees, handle it' – And the Indonesia would just like stir clear of the responsibility, because Indonesia have to understand that as a duty bearer for this refugee issue in Indonesia.

To Dr. Antje Missbach (and also responded by Zico Pestalozzi)

7. *Since you've conducted some studies of refugee management in several ASEAN countries, in your opinion, what is the future of refugee management in the ASEAN, in which most of them are 'transit countries'? Is there a possibility for a collaboration that can address the problem of refugees, especially the Rohingya refugees, considering that ASEAN countries still adhere to the principle of non-interference?*

A: I'm a bit skeptical. Of course, it would be very desirable to have this regional approach, regional solutions stirred by ASEAN, but fifty years ASEAN still a slow-moving body, and in light of the recent emergency of the maritime arrival and the push-backs, I'd probably would not to rely so much on ASEAN. Of course, it would be nice to have a refugee task force, to have a regional legal framework for refugee protection that would all be very desirable, but I'm just a bit skeptical that we might not be seeing this and I guess the more realistic way to move

forward is to see these changes happening at the national level. And I think for those who are involved in lobbying, maybe advisable, when they talk to the government, to not talk about burdens or duties, those sort of things but to kind of point out to the potential that refugees bring as human being, as human resources.

Most of the refugees that we look at the statistics, they are very young, that means they are at the early stage of their lives, it means that it's easy to educate them, to prime them with skills, it's easy to make valuable members to the society, it's even easy to make them as taxpayers and usually these are keywords make government representative to open up their ears to pay some attention. But pointing out that refugees are not just recipients of charity or financial support but they also have potential to give something back to host society that might hopefully could change the perspective of the local and national governments, to be more open to also integrate refugees for longer period of time.

I'm not an economic expert or so, but there are enough people who have done the mathematics and they have calculated of how long or how much does it take to give somebody the opportunity to study or to educate somebody for three years in a vocational school and then assuming that this person would be paying tax for the next 30 years, there is still a lot to be gained for a national government so I guess these could be some useful exercises for lobbyists in the three ASEAN countries that we are talking about today, to see what are the benefits. And of course, we should not just limit our perspectives on economic issues there's so much more that can be gained from refugees and I always enjoyed their cooking skills in Jakarta, whenever you're a little bit bored of *nasi goreng* you can now have a Kebab made by an Afghan refugee. So, it's a great enrichment, a culinary enrichment, and there are many other examples we could probably quote here.

Moderator: But, if we talk about benefits like how, for example, they will pay tax, first they have to be able to work, right? They have to have these rights to work. This right is very lacking. That's the very one of the basics of the lack of refugee management in these three countries that there are no rights to work for refugees. So, before discussing the benefit (economic benefit) from those refugee communities, we should let them do work first and then let them pay tax.

Dr. Antje Missbach

A: Yes, of course this is a precondition. If everybody wants to earn tax, they have to give rights and that would be of the right to work and Indonesia is very much afraid that refugees might be stealing jobs or this is the usual rhetoric because there's a surplus of Indonesian labor. Indonesia has always been a labor exporting country and there's a large number of unemployed people in Indonesia and that has become aggravated during the times of corona. However, a lot of refugees bring in a different set of skills so they might not necessarily be competing with people in the informal sector they might be able to find niches for themselves without taking away job opportunities from Indonesia so again this is probably would be a wonderful task for a Phd student to study in more detail.

Zico Pestalozzi

A: I just really interested in what you just said. I mean there has been a discussion... I understand what skeptical stance coming from but I think in this year alone there's been a

discussion about the ASEAN to form a special refugee protection body. I think the AIHCR of Indonesia, representative of Indonesia, Bu Yuyun, already encouraged that the ASEAN to immediately establish a special refugee protection body because it can be one of the approaches to let the countries within ASEAN - instead of pointing fingers off the Malaysia won't receive the Rohingya, the Thailand wouldn't receive the Rohingya that's why the Rohingya kept coming to Indonesia - so that kind of pointing finger behavior is I think very counterproductive in terms of the refugee governance in ASEAN.

In ideal thinking, in ideal perspective, the refugee protection bodies would help the regional cooperation instead of regional you know, pointing fingers activities. But again, it's in ideal situation but I understand that even ASEAN with the non-interference principle, it's kind of counterproductive but I think if we can give this a shot, I don't know it might work or not. But I think it's a very good idea at least, because Indonesia, by the Ministry of Foreign Affairs always raising the rhetoric of burden-sharing, sharing responsibilities, so I think this kind of bodies would provide a specific mechanism of what is burden-sharing, what is sharing responsibility at least between the ASEAN countries.

Dr. Antje Missbach

A: And don't get me wrong, I'm not against people trying this, I'm very much in favor and of course AIHCR has done a great job she's very vocal and very present on this but then again, I think there's probably going to be a peril approach so we have the midterm, the long term and then I guess at the moment we also need a lot of short term, because just yesterday there were new reports about Rohingya being stranded and being sighted close to Aceh. So, I don't think that these people who are still on the boats and who are still coming have the time to wait until ASEAN has figured out what to do. I guess for them there needs to be a faster search and rescue mechanism to bring them on land and to prevent them from dying at sea.

8. *How to wake the government particularly central government up to see the urgency of refugee issue, for we know that it is not their priority? So, how to jolt the government?*

A: Well, I always feel unpleasant answering this coincidence because I'm not an Indonesian and it's really not my task to tell the Indonesian government what to do. I think if anybody it has to be Indonesian students or Indonesian academics to do this job like otherwise it's the white person that's usually not appreciated and rather counterproductive and it's also dangerous because I think for the Indonesian government it's quite easy to reject any sort of comments or advice given by people who are from countries that are very hostile to refugees themselves. So, again I think this is a task for Indonesians, for Thai people for Malaysian people to do. But again, I tried to explain before it is about like the normalization of refugees, refugee movements. They will be with us for all our lives, I suppose, not always from the same countries - but then again nobody is secure of not becoming a refugee.

At some point it's always good to keep in mind, we have seen people fleeing from Indonesia to Malaysia or people from Indonesia coming to Europe so there's always a possibility that something might cause the individual to leave and therefore it is good to start to think about reinstalling these reciprocal measures: what about if I need to flee for my life? How would I like to be treated by another country? So, that's one way.

But then of course also by normalizing refugees and by trying to see the positive impacts they can bring - it might be one possibility and again just maybe bringing a little example here from Germany; Germany is a society with a very old population so even those people who are very xenophobe they have to acknowledge that we do need young people and well the refugees from Syria tend to be young. So again, we might come back to having to build visions of our societies in the future and who's going to be paying checks in the future so it can be moved back to that argument that this is benefiting for the country and also the society, that's one of the arguments that have to be put towards that I think this might help.

But also, Indonesia always wants to be a champion and a pioneer for democratization within ASEAN so again it's a wonderful opportunity to maybe take up a pioneering role and see whether other countries might join. It always needs some country that is a little bit braver than the rest maybe to do the first step and maybe others will follow and I guess Indonesia, within its foreign policy, definitely has the idea of being a champion for democratization and that also involves the treatment of international refugees.

3. Third Q & A Session with All Panelists

To Katchada Prommachan

9. *Are there any refugees in other cities other than Bangkok? And if so, how many refugees are in there? Is there any NGOs working for them, similar like HOST?*

A: The first question that's how many are there that outside Bangkok, it's difficult to answer because we never collect the information together and which organizations. The number, I can say from all size, the client that we work with, who are live outside Bangkok, around 30 families that family unit not evenly. For individual basic you can multiply by four, that is average. But that's just number that HOST working as a case manager. Actually, I'm sure that it has more than the total numbers on our populations.

And the service provider who working on urban refugees, sure, so many organizations. I can give the example, the name of the organization that HOST used to work with them quite closely, in terms of being a part of a case management team together. For example, Asylum Access Thailand that provide the legal protections, and CAP protection: Center for Asylum Protections, also provide legal protections. Also, Caritas Bangkok, they provide emergency support. JRS also, we do have work in urban refugee program in Bangkok, that provides also case management and they have a service on case-based and cash-based assistance. Bangkok Refugee Center is also one of implementing partners of UNHCR that provides a cash-based assistance, cashback intervention program, and they do have health program and education program. Also, Tzu Chi foundation provides health services. They have a free clinic for refugee or for anyone, provide free clinics once a month. And IOM and UNHCR that provide also legal protection to urban refugee. Actually, it's more than that, there's many organizations. That is the NGOs part, somehow that's our proceed, especially for the case management work.

We also work closely with department of children and youth that under ministry of social development and human security. That's one part of we can call or you can call as a multi-disciplinary team - we try to ensure that our connections our relationship we engage is kind of specific service organizations, various enough, that ensure that we can respond to each family in holistic view.

To Hui Ying Tham

10. *In general, how do you assess the relationship between you and UNHCR, and the government? What are the cooperation and the contradiction?*

A: From a Malaysian perspective, UNHCR sort of started operation since the 1970s. So, that's when the Vietnamese refugees arrived in Malaysia. And I think since then, there's always been this sort of relationship, like tolerating UNHCR's presence in Malaysia, but I think it sort of goes hand in hand with the way that we view, sort of the Malaysian government view refugees. That it's temporary, it's a humanitarian basis and so the reason why UNHCR here is to process them and to resettle, and I think that probably worked early.

But early on, like obviously now, with resettlement numbers going down and the UNHCR being the only body that recognizing refugees, I think that there's always going to be like a massive tension, because like the government's expectations of how long refugees should be here for and what sort of price should be given here. So, I think that it's one that's very diplomatic, very tolerant. And I think both of them just trying to kind of come to a compromise. Because, for the Malaysian government, it's like we're talking about a UN body, and so there's only so much you can do. And I think, from UNHCR perspective as well, like their mandate is for the protection of the refugees and that has to be their priority. They need to manage the relationship as best as they can, to ensure that they can continue doing the work they do. And being the only body that recognizing refugees and providing protection for refugees, it's a very difficult position to be in.

To Zico Pestalozzi

11. *How can this principle of burden sharing be implemented in domestic Indonesian's refugee Governance, between the national and the local government? Can we follow this principle for domestic urban refugee management?*

A: Well, this is a difficult question actually but I will try my best to answer it. In terms of the governance of the refugees, between the central government and the regional government or the provincial government, the burden sharing can be understood as simply as the center government give the clear guidelines on what the provincial or the lower government: what they can do and what they cannot do. Because that's kind of the main problem on the presidential regulation. The presidential regulation doesn't give clear guidelines on how the presidential regulations should be implemented. For example, the shelter allocation in the President's regulation; even though in the provision, the provincial or the local government have the mandate or have the authorities to specifically allocate where the refugees should be sheltered, but there is no technical guidance provided within the president's regulation. I think it's not so much of the burden sharing but it's much more like a management. So, in terms of burden, I think it's kind of misconception for the refugee governance in Indonesia.

Another example, the budget; if the regional government or the local government allowed to spend money or budget like I just said, beyond the emergency allocation. So, please give the legal framework for the legal basis, hence in that way the local government would be more confident to take part of handling the refugees living in their areas. So, in that sense, there is no blaming, no finger pointing – “Hey I didn't say that you can do that, oh, but it's my area, I have to do something because you wouldn't take any responsibility of that” – so, that kind of dynamics that we want to prevent. And I think, if that guidelines are clear, it would be much more efficient in terms of the governance.

12. *In general, how do you assess the relation built between UNHCR and the government? What are their cooperation and the contradiction?*

A: The UNHCR is in Indonesia based on an agreement with Indonesia to ensure the protection of refugees in Indonesia, and mainly to conduct the Refugee Status Determination process, as Indonesia does not have the national mechanism to do such a process yet.

Indonesia has the potential, and already going in that direction, to do more in terms of refugee protection. Supports from the international NGO i.e., UNHCR is essential to give insights and inputs for maximized effort and minimalized risk in the Indonesian government effort to protect the refugee.

13. *Regardless its weakness, can PP 125/2016 be said as a huge step by the Indonesian government among other non-signatory transit countries? Do you think Indonesia is heading to openness and stronger commitment toward refugee issue? (as declared in Global Refugee Forum)*

A: It was a good step, considering that before Perpres there is a legal gap in terms of refugee management in Indonesia. Certainly, the Perpres was organized with a humanitarian mindset, and spurred by the Rohingya refugee crisis of 2015.

As for the openness and stronger commitment, it was shown by the Indonesian delegation pledge during the Global Refugee Forum in 2019. In the forum, the Indonesian delegation had also pledged, among others, to design a refugee empowerment program, and to strengthen international cooperation through dialogues with countries of origin, transit, and destination on formulating durable solutions, on the basis of respective burden-sharing and shared responsibility. (<https://kemlu.go.id/jenewa-un/id/news/3823/statement-by-hon-ms-meutya-hafid-chair-of-the-foreign-affairs-and-defence-committee-of-the-indonesian-house-of-representatives-for-the-first-global-refugee-forum-17-18-december-2019-geneve-switzerland>)

The civil society will keep track, support, and keep advocating for the pledge being implemented for refugee rights protection in Indonesia.

14. *What is the role of the SUAKA organization or other organizations, in influencing the Indonesian government, to sign the United Nations convention? Or facilitate the lives of refugees, such as education, health, or work?*

A: Signing the refugee convention is not the only way to protect refugee rights. There are many ways, one of which is to formulate refugee management rules that are appropriate to the Indonesian context and still respect the fulfillment of the basic rights of refugees. SUAKA take roles in advocating such policy by providing inputs and doing research and evidence-based advocacy to the relevant stakeholders.

15. *For Zico, what do you think about the future of handling refugees in Indonesia? Is there a tendency that there would be a regulation or refugee law as an alternative to the non-ratification of the 1951 refugee convention, because it was mentioned earlier that the current Presidential Decree is more into emergency response?*

A: According to SUAKA's understanding, the Indonesian government has yet to ratify the 1951 convention. With that, SUAKA encourages the Indonesian government to issue legal regulations that are in accordance with the context of Indonesia's needs, and most importantly respect the fulfillment of the human rights of refugees while living in Indonesia. Important points to consider are: 1. Refugees will stay longer in Indonesia, 2. The need for legal certainty for refugees as a form of respect for legal norms in Indonesia.

16. *What are the rights of refugees in refugee camps? What are the guarantees provided by UNHCR for refugees, if a refugee has not received a card from UNHCR? Can it be given by the country the refugee is visiting at the moment?*

A: UNHCR will provide documents to registered refugees. This document is a form of protection, quite like a residence permit during the period of his stay in Indonesia. The form of this document can be a letter or a card, both of which have the same scope of protection. According to the Presidential regulation Article 13 Paragraph 3, when someone in Indonesia is found claiming to be a refugee, it must be coordinated with UNHCR, to then carry out the process of determining the status of the refugee.

To Dr. Antje Missbach

17. *How effective do you think to encourage the refugees to form self-empowerment as a way to survive while living in limbo in Indonesia?*

A: I think self-empowerment is absolutely essential for an individual refugee and also for their families and larger communities. While the main outcome is of course, economic. I am convinced that there are also many positive impacts, such as education, skill developments, and also mental health. Being active prevents people from getting depressed. Here is a short text that I can very much recommend: *"Refugee-led education in Indonesia"* - Thomas Brown

To Zico Pestalozzi and Dr. Antje Missbach

18. *There is a tendency in Indonesia that the government (especially regional government) policies can quickly change due to changes in leadership. Does this also happen in other countries? How do you ensure that a good policy can survive through a change of leaders?*

Zico Pestalozzi

A: The change in policy in terms of handling refugees caused by the absence of solid legal guidelines. Currently, the presidential decree doesn't yet fully cover the aspects of handling refugees in Indonesia. The aspects of life of refugees while living in Indonesia haven't been specifically regulated, such as the right to access education, or access to health services. So far, in practice, policy maker has been forced to issue discretionary or ad hoc policies, which of course is not sustainable. When leadership changes, visions, and practices also change. A more comprehensive legal framework for handling refugees is needed so that it can serve as legal guidance and of course legal protection, not only for refugees but also for implementers in the field.

Dr. Antje Missbach

A: To answer this question, I would like to recommend some recommended readings. Hope these readings will be useful.

- *Sanctuary Cities: Policies and Practices in International Perspectives* (Harald Bauder: <https://doi.org/10.1111/imig.12308>)
- *Sanctuary Cities and Local Citizenship* (RC Villazor - Fordham Urb. LJ, 2010—HeinOnline)
- *Municipal Responses to 'Illegality': Urban Sanctuary across National Contexts* (Harald Bauder Department of Geography and Environmental Studies, Ryerson University, Canada | Dayana A. Gonzalez Graduate Program in Immigration and Settlement Studies, Ryerson University, Canada)

These readings provide overview from some countries and cities, even though the main focus isn't on the change of leadership. Hopefully the readings will be useful to you all.

Questions not answered yet

19. *Are refugees in Malaysia and Thailand. They can study in higher education. BSc, Master. If yes, what is the method followed by the Office of the Commission, so that refugees get to study?*
20. *I am interested in burden sharing that Zico mentioned previously. How is the principle of burden sharing applied within Indonesia domestic itself – between the national and local governments? Shouldn't they follow this principle?*
21. *Do refugees receive protection of human rights from the government of the country they live in? How about the distribution of food and medicine?*
22. *Will illegal refugees from other countries receive protection from the government and the citizens?*

Appendix

Webinar participants

Total number of participants: 172 on Zoom of whom hosts/moderator/presenters/organizers: 8, and 235 views on RDI YouTube channel⁶

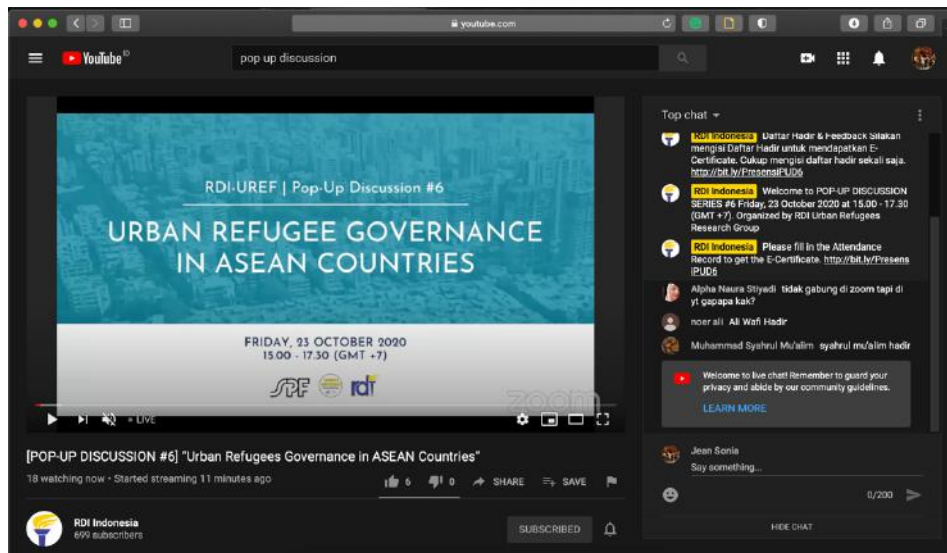


Fig. 1 Introduction on YouTube



Fig. 2 Housekeeping of PUD 6 Discussion

⁶ Pop Up Discussion Series No. 6: <https://youtu.be/sG06ycpRN10>

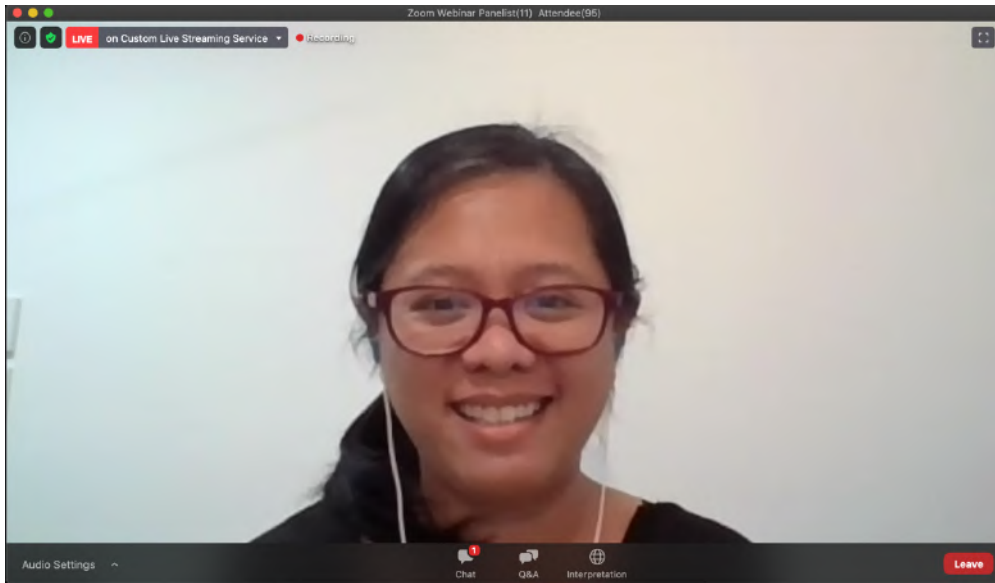


Fig. 3 Dr. Akino Tahir as the host



Fig. 4 Dr. Nino Viartasiwi as the moderator

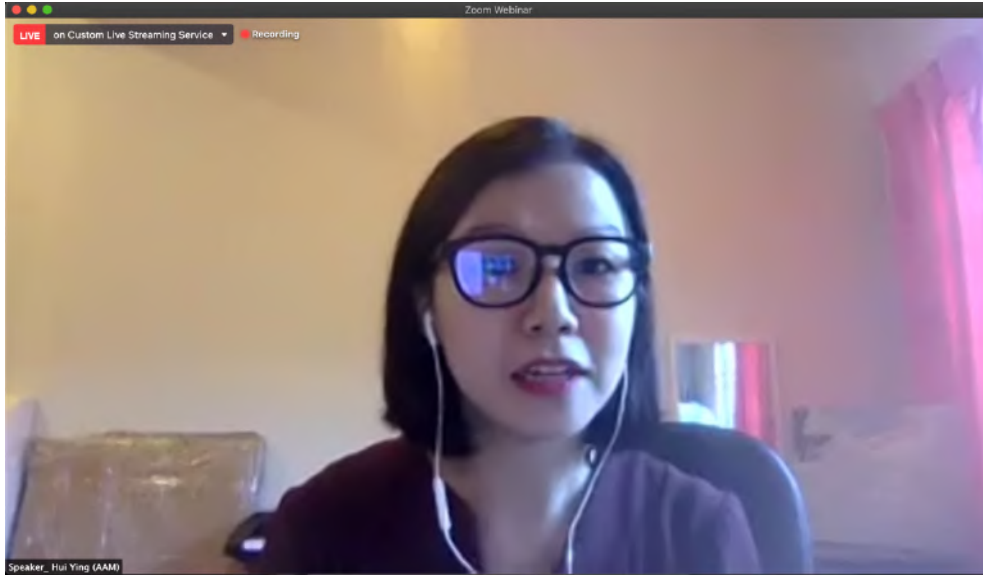


Fig. 5 Hui Ying Tham as the first speaker

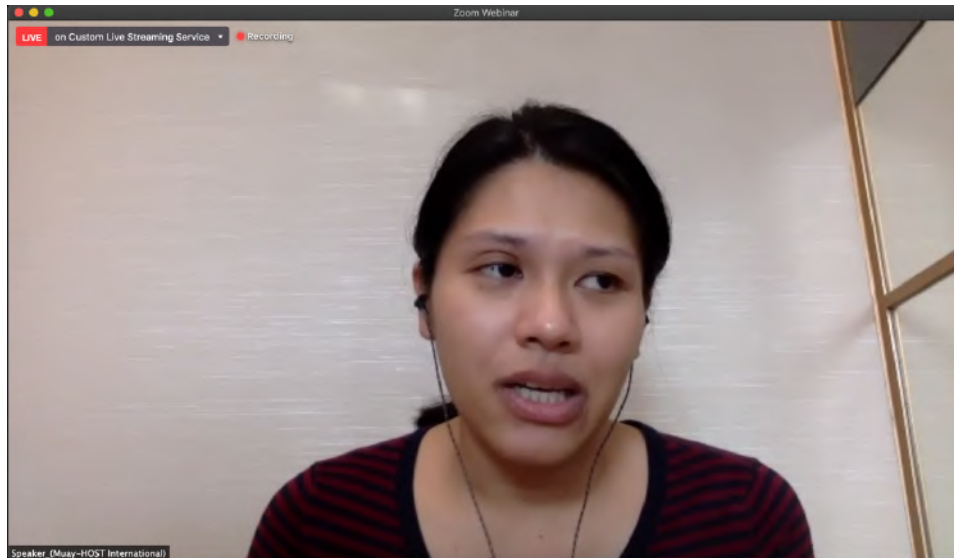


Fig. 6 Katchada Prommachan as the second speaker



Fig. 7 Zico Pestalozzi as the third speaker

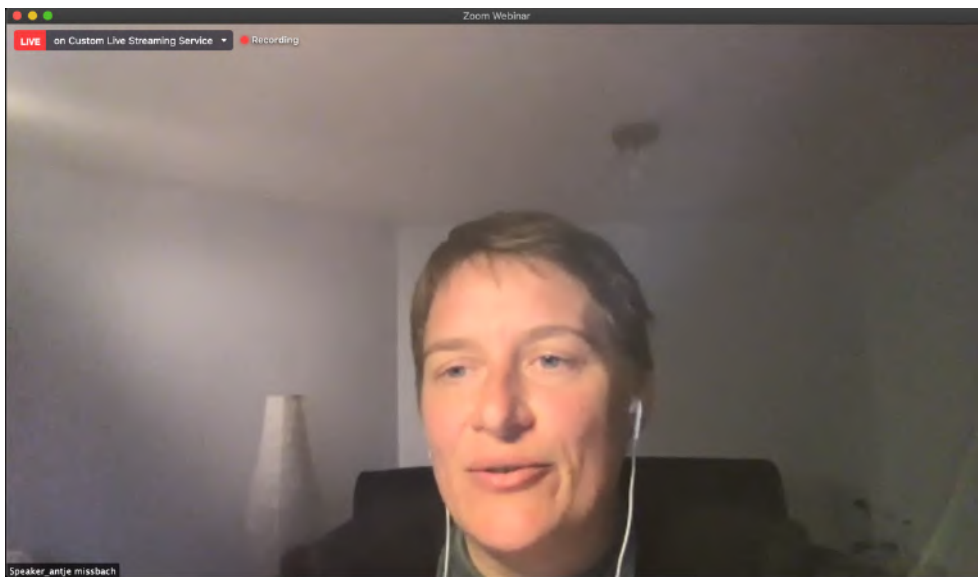


Fig. 8 Antje Missbach as the fourth speaker

Q&A Sessions

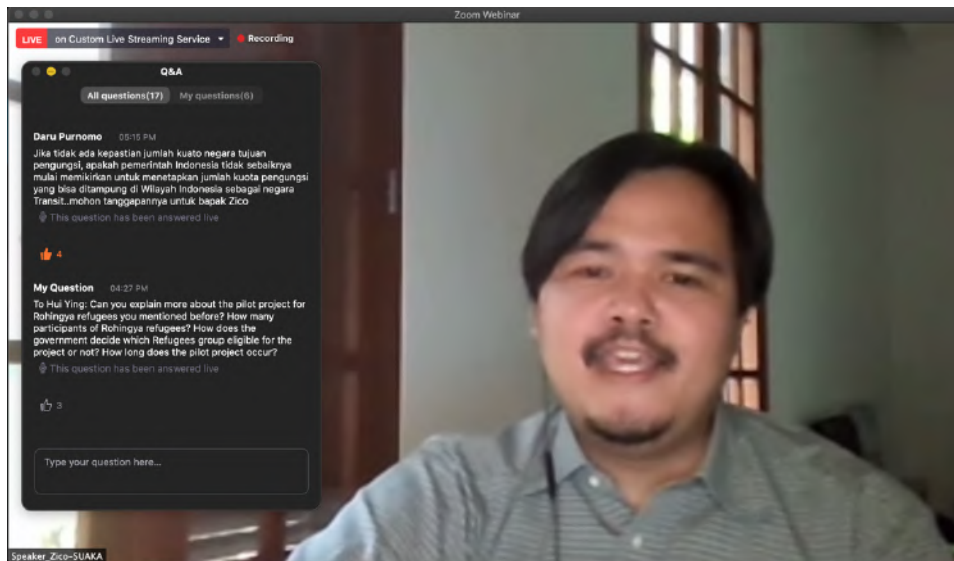


Fig. 15 The third speaker answering chosen question from Zoom Q&A

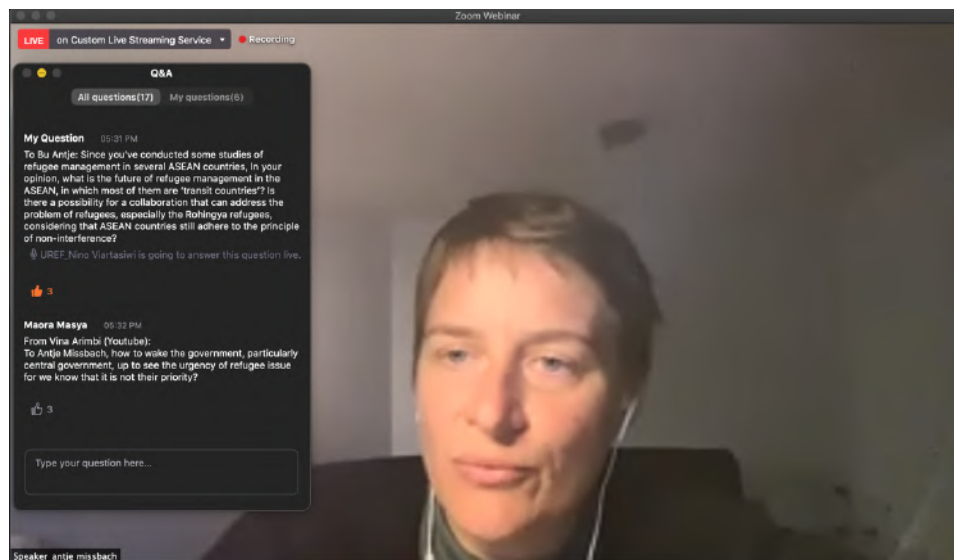


Fig. 16 The fourth speaker answering chosen question from Zoom Q&A

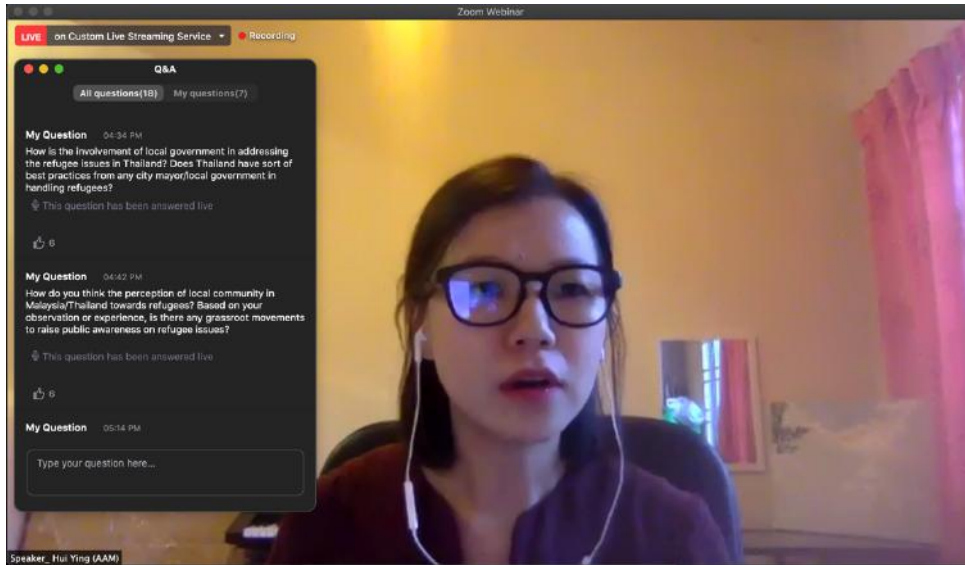


Fig. 17 The first speaker answering chosen question from Zoom Q&A



Fig. 18 The second speaker answering chosen question from Zoom Q&A

