

In Endless Transit: Contributions and Challenges for Refugee-led Initiatives in Indonesia

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Executive Summary

Refugee-led initiatives (RLIs) have emerged as a critical force for refugee protection and solutions worldwide. Yet, despite their growing prominence, these initiatives remain poorly understood by policymakers, humanitarian actors, and donors, resulting in insufficient recognition and funding. In the Asia-Pacific region, this knowledge gap is especially pronounced, with RLIs struggling to gain the support they need to fulfill their potential.

Forming part of a larger research project that looks at RLIs across the region, this report explores the ways in which RLIs in Indonesia support and engage with their communities and other stakeholders, as well as the barriers that they face when conducting their work. Drawing on online surveys and key informant interviews with a range of individuals with personal experience of RLIs in Indonesia, the report finds that:

- Indonesia is home to a vibrant community of RLIs that provide many kinds of support to their communities, ranging from education and health services to legal support and livelihood opportunities.
- The emergence of these RLIs can be traced to changes of policy in Australia in 2014 that fundamentally altered the character of the refugee experience in Indonesia, with temporary stay quickly becoming protracted. This gave rise to new needs—such as for education for children who were remaining in Indonesia for longer than originally anticipated—that were not being met by the government or other organisations, and RLIs were established to fill the void.
- RLIs in Indonesia are well structured and their members display a strong sense of common purpose and mission. They are also responsive to the needs of their communities and base their decisions on lived experience and sustained engagement with their communities.
- RLIs in Indonesia embrace national and gender diversity. Every RLI examined caters to multiple nationalities and, although the refugee population in Indonesia is predominantly male, women are well represented in RLI leadership in the country.
- RLIs face a number of common challenges in Indonesia, most notably relating to resourcing, government restrictions, organisational challenges, and increasing desperation on the part of refugees in Indonesia. Legal registration is a particular challenge, and prevents RLIs from opening bank accounts and forming operational partnerships with a range of other organisations.

The report recommends that:

1. Donors consider ways to provide enhanced support to RLIs in Indonesia through funding, capacity building support and other avenues, including by investigating ways to support RLIs to reap the benefits of registration.
2. UNHCR take steps to address concerns that the existence of RLIs in Indonesia—and participation in their activities—are negatively impacting refugees' prospects of being resettled.
3. Australia reconsider its policy position not to resettle anyone who registered with UNHCR in Indonesia on or after 1 July 2014, in view of the present policy's detrimental impact.
4. The Government of Indonesia consider pledges that it could make at the second Global Refugee Forum in December 2023 to enhance refugee rights and wellbeing in Indonesia.

Introduction

Although Indonesia has a relatively small refugee population by global standards, with approximately 14,500 refugees and asylum seekers in a country of 270 million people, the refugees who live there have been very active in establishing and running their own community initiatives to fill gaps in the assistance and support provided by the Government of Indonesia and the international community.

Drawing on in-depth primary research conducted with refugee-led initiatives in Indonesia, this report examines the emergence of refugee-led community activities

Research Context

Refugee-led Initiatives

Refugee agency has long been a focus of refugee studies. This focus has sought to replace assumptions about refugees as passive recipients of assistance with a more realistic appreciation of their capacity to shape their own lived realities.¹ In recent years, there has been a particular focus on the capacity of refugees to self-organise and the phenomenon of the 'refugee-led organisation' or, less frequently, 'refugee-led initiative' (RLO or RLI). For the purposes of this research, the term 'refugee-led initiative' has been preferred (largely for reasons of scope),² and is broadly and inclusively defined to include "organisations, community groups, or other groups that are led by persons that identify as refugees."

However, despite increased attention to the work of refugee-led organisations and initiatives, even today '[h]umanitarian actors usually assume social protection ... to fall entirely under the remit of government initiatives, social enterprises, and civil society actors' and do not conceive of refugees themselves having a major role in addressing situations and circumstances that adversely affect people's wellbeing.³ As a result, the work of RLIs is often invisible, unrecognised and under-supported by the international community.

Refugees and RLIs in Indonesia

According to the United Nations High Commissioner for Refugees (UNHCR), Indonesia currently hosts 14,500 refugees and asylum seekers.⁴ About half of these live in one of the 84 'community housing locations' that have been established across the country by the International Organization for Migration (IOM), where they are provided with housing, a fixed monthly allowance, basic health support, and informal educational and vocational training programs.⁵ The remainder are self-supported and live in the community.

Indonesia has received relatively little attention in discussions of refugee agency and RLIs, beyond a handful of studies examining the RLIs providing education to refugees.⁶ A number of the features of the refugee experience in Indonesia over the past decade, however, make it a particularly relevant case study for the examination of RLIs.

Indonesia is not a signatory to the 1951 Refugee Convention, nor its 1967 Protocol, but it is Party to a number of relevant human rights treaties, including the Convention Against Torture, the International Covenant on Civil and Political Rights, the Migrant Workers Convention, and the Convention on the Rights of the Child. Indonesia was a founding member of the Asian-African Legal Consultative Organization in 1956, an inter-governmental and juridical body that developed and unanimously adopted the Bangkok Principles on the Status and Treatment of Refugees in 1966, with addenda in 1970 and 1987, and a revision adopted in 2001. Although such principles are of an advisory character, they purport to identify general principles of refugee law recognised by Member States. Aside from these legal frameworks, the proliferation of forums, processes, institutions, and declarations in Asia now constitute what has been called a 'migration regime complex'. This includes ASEAN as a forum for dialogue and its Human Rights Declaration, the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, the Jakarta Declaration, and the Special Meeting on Irregular Migration in the Indian Ocean.⁷

Domestically, a number of human rights are recognised by the Indonesian Constitution, including that '[e]very person shall have the right to be free from torture or inhumane and degrading treatment, and shall

have the right to obtain political asylum from another country'.⁸ In 1999, the Law on Foreign Relations No. 37 required that 'The President shall determine policy with respect to foreign refugees taking into account the views of the Minister ... [to] be set forth in a Presidential Decision'.⁹ Such a policy was not pronounced until 2016 when a Presidential Regulation on the Handling of Refugees was passed.¹⁰ The utility of the above laws, policies, and principles should not be overstated, but neither should they be disregarded. One must consider the question of implementation and recognise the fact of common practices that are inconsistent with the law.¹¹



While Indonesia does allow refugees and asylum seekers to reside in Indonesia, it does not currently allow refugees to work, access many government services, or grant them a pathway to permanent residency or naturalisation in Indonesia.¹² This policy approach can be understood, in part, by the fact that, historically, Indonesia has been considered — and has described itself as¹³ — a 'transit country', where many refugees and asylum seekers stay temporarily before seeking to make an onward journey or to be submitted by UNHCR for resettlement in a third country. This may also be, in part, a remnant of the Comprehensive Plan of Action for Indochinese Refugees that was in place between 1988 and 1996, during which time Indonesia served as a place of temporary refuge until either resettlement or voluntary return and repatriation was possible.

At the first Global Refugee Forum, held under the auspices of the Global Compact on Refugees in December 2019, Indonesia pledged, inter alia, to enable refugee children to enrol in primary and secondary schools in Indonesia, including government-funded public schools.¹⁴ UNHCR Indonesia recently reported that 850 of the 3,500 refugee children in Indonesia (24%) are now enrolled in national schools,¹⁵ though many barriers remain.¹⁶ These include language barriers (with refugee parents preferring their children to be educated in English as they hope to be resettled in an English-speaking country), cultural differences and bullying.

the government also announced that refugees that had registered with UNHCR in Indonesia after 1 July of that year would not be eligible for resettlement in Australia.²⁰

These policies have created 'a bottleneck effect, with Indonesia left to play host to a burgeoning number of asylum-5.44i8 9 Td4easylum-5.f

Many refugees in Indonesia have responded to the protracted nature of their displacement,

Methodology

This research was undertaken in the context of a broader research project that seeks to better understand the ways in which RLIs contribute to refugee protection and solutions, and the challenges they face while providing their services, in the Asia-Pacific region. A team of six professional researchers, including three researchers with lived experience of displacement who also have experience in leading and working with RLIs in the Asia-Pacific region, together designed the focus questions of the research and the research tools. The research aims to answer four central questions:

Baqir asked fifteen RLIs in Indonesia to participate in the research. These RLIs were in the Greater Jakarta area and in Madan. Out of these fifteen initiatives, ten completed the online survey, and nine agreed to participate in in-depth interviews, which took place between December 2021 and February 2022. Given his own extensive experience with RLIs in Indonesia, Baqir was also interviewed by another member of the research team.

Whilst some RLIs preferred that their participation in this research remain confidential, others preferred to be identified. These RLIs included:

- Refugee Touch Charity - Greater Jakarta Area
- 4All Learning Center - Jakarta
- HELP (Health, Education and Learning Program) for Refugees - Jakarta
- Refugee Learning Center (RLC) - Cisarua, Bogor
- Skilled Migrant and Refugee Technicians (SMART) - Greater Jakarta Area
- The Sisterhood Community - Jakarta
- Cisarua Refugee Learning Center (CRLC) - Cisarua, Bogor

Before the interviews, the interviewee received an information sheet that answers the frequently asked questions about the research. Additionally, at the beginning of the interviews, we took verbal consent from the interviewees regarding their participation and confidentiality. Although the research team made provisions for interpreters if needed, all the interviews were conducted in English. We took notes of the responses of our participants during the interviews and each interview was also recorded for cross-referencing. The interviews each lasted for 1.5 to 2 hours. During the interviews, we asked 35 questions to explore different elements of the four research questions. We also compensated for the valuable time of our participants who joined us for one-on-one in-depth interviews and filled out the online survey with an equivalent local currency of \$AUD 75.

Following the surveys and interviews, Baqir and Patrick analysed the data and drafted this report. Najeeba and Tristan provided oversight and input on strategic direction.



Research Findings

A number of broad observations can be made about the 10 RLIs that participated in the research:

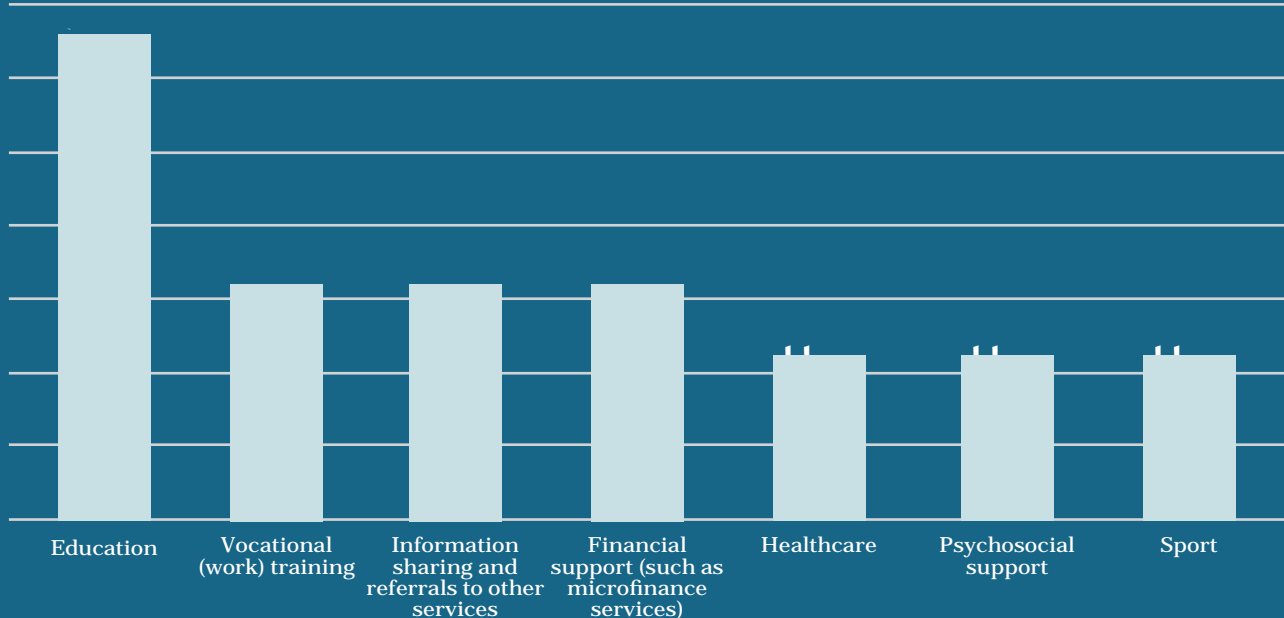
- All of the currently-operating RLIs in Indonesia that the research team is aware of were formed after the changes of Australian policy in 2014 (discussed above) had altered the fundamental character of the

I. How do RLIs support their communities and others?

Although relatively few in number, the RLIs that were the focus of this research provide a wide range of support to their communities. This includes:

- Primary and secondary education for children
- Language instruction (primarily English and Bahasa Indonesia) for adults
- Basic food assistance
- Housing support
- Health services, including mental health support and addiction counselling
- Legal support, including legal aid, advocacy support, and information about UNHCR processes and procedures
- Support and services specifically for refugee women
- Financial services, including microfinance
- A range of livelihoods activities in agriculture, artisan crafts, beauty services, and IT
- Social activities, including organised sport.

Most common area of focus among RLIs



Although the RLIs focus on serving the refugee communities, there have been some efforts to serve the local Indonesian population, including by teaching English to people living near to the learning centres. This has helped ensure good relationships between the learning centres and their neighbours.

The founding stories of the RLIs examined in this research follow a common theme of entrepreneurial responsiveness. The story consistently starts with a basic human need — such as for education, health services, safe spaces for women, livelihoods, or simply knowing that one's skills could be put to good

use — that is not being met and that, in view of the refugees' uncertain length of stay in Indonesia, needs to be addressed. There is a recurring theme of RLIs being established specifically to fill needs whilst refugees wait for resettlement; and some needs, such as for English-language skills, are clearly oriented towards future resettlement.

In response to these needs, a small number of refugees (usually fewer than 10, sometimes with the support of non-refugees from Indonesia or elsewhere) take the initiative to self-organise and develop solutions to address them, without significant support from the government or international agencies. Indeed, many initiatives were deliberately established in response to government-imposed restrictions. For example, learning centres were established in response to restricted access to formal education, and volunteering and capacity building opportunities were developed in response to the prohibition on employment. Although, as noted above, the Government of Indonesia now permits refugees to enrol in national schools ('provided there is space at the school'.³⁰).

and almost a quarter of refugee children in Indonesia are enrolled, so it is likely that there will continue to be a role for RLIs in providing education into the future, in particularly because they offer instruction in English (which is more desirable for refugees hoping to be resettled). RLIs will also have an important ongoing role to play in educating adults, especially in the areas of English literacy and providing computer, personal finance and livelihood skills.

The earliest established RLIs in Indonesia (i.e. in 2014 and 2015) mainly focus on the provision of education to the refugee community (both children and adults). As the refugees' length of stay in Indonesia has grown, however, the scope of activities undertaken by relatively recently-established RLIs has expanded to meet further needs. Decisions about which needs to address are not made by reference to complicated humanitarian needs assessments, but they are made with an awareness and understanding of needs based on lived experience and sustained engagement with the community.

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The idea came when we realised that many refugee women in Jakarta are illiterate. They can't

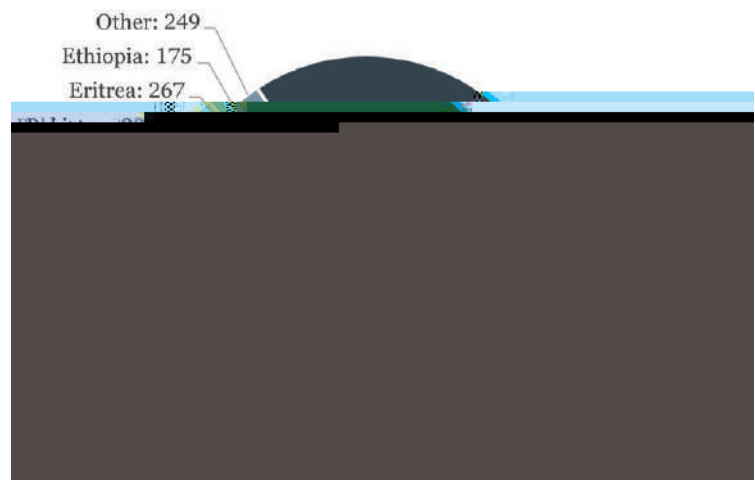
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...within an hour we had over 100 people. The two others looked at me and said, 'Do you want to continue registering them, or stop?' I looked at the crowd and thought they had come from far, I cannot send them away, so we continued until the afternoon. We ended up registering around 200

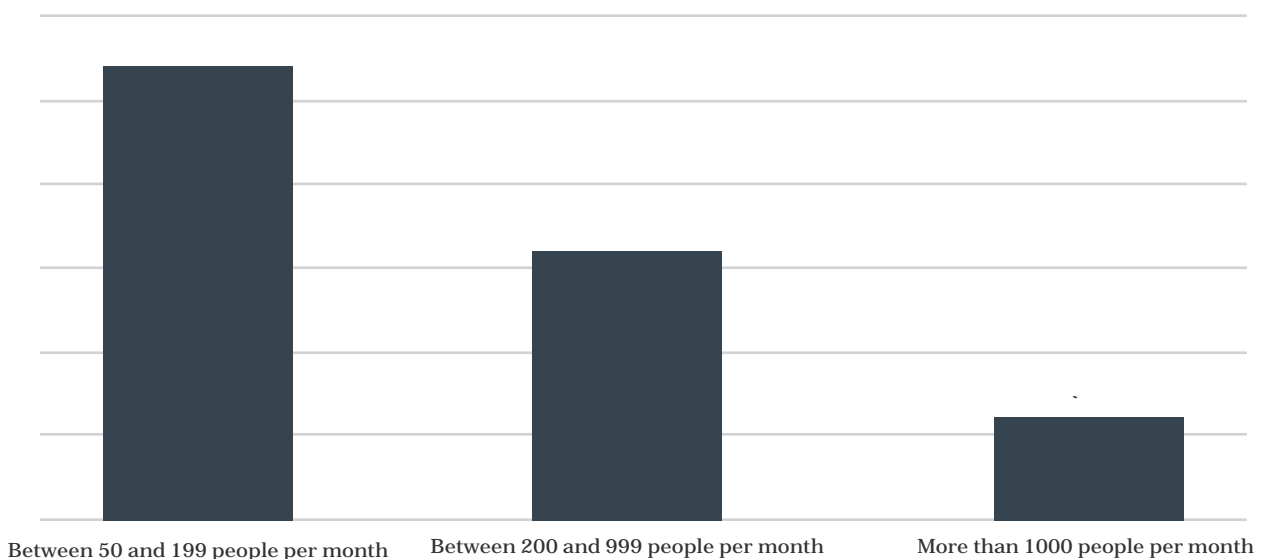
II. How do RLIs engage with and represent their constituents/members?

Contrary to other literature that views RLIs as often being 'organised along tribal, ethnic, [religious] or national lines of solidarity',³² RLIs in Indonesia serve diverse constituencies, with not a single RLI catering to just one nationality (although there are natural nationalities of focus, given linguistic and cultural barriers). Representatives of the 10 RLIs examined for this research noted that their communities consist of refugees or asylum seekers from Afghanistan, Cameroon, the Congo, Eritrea, Ethiopia, Iraq, Kenya, Kuwait, Madagascar, Pakistan, Palestine, Somalia, South Sudan, Sri Lanka, Uganda, and Yemen. Given that they represent 56% of refugees in Indonesia,³³ it is unsurprising that refugees from Afghanistan were most frequently mentioned as being represented in the communities served by these RLIs.

Country of origin of refugees and asylum seekers in Indonesia, 2020



Number of refugees served by each RLI



All RLIs strongly focus on refugee empowerment while ensuring their activities are responsive to the needs of their community. Most implement a participatory approach in the planning and execution of their activities; however, the level of community participation varies. Some RLIs have regular in-person meetings with their communities to discuss the work of the RLI (though these were disrupted due to COVID-19), whilst another has established WhatsApp messaging groups to allow for ongoing discussions. Before making major decisions, one RLI circulates a questionnaire to the community in a range of languages to begin a discussion around the issues in question. One of the learning centres waited until 50% of parents were in agreement before they recommenced in-person learning during the pandemic. One RLI shares its financial records annually in the interests of transparency, whilst others make their financial records available to community members upon request.

A number of RLI representatives expressed the view that these participatory approaches strengthen their relationships with the community and improve service offerings.

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This year we are adding a hairdressing program for females. It was commonly suggested by the parents. The number of requests from the parents was more than 30. Then I talked with the board members to see the possibilities of adding hairdressing in our program. After the board's approval, we added the hairdressing class to our program. Most of the time the idea of new activities comes from the community. They come to the management and then the management discusses it with the board members.

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From Afghanistan - Cisarua Refugee Learning Center

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We have a WhatsApp group with different refugee groups. We have one or two admins in the groups. We discuss with refugees any changes in the items in the care packages. Each year we evaluate our care packages and based on the suggestions of the community, we add or remove items from their packages.

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III. How do RLIs engage with other stakeholders?

Operational partnerships

Attitudes towards — and needs for — operational partnerships with other organisations vary across the RLIs that participated in the research. Some appear to be quite self-sufficient and do not consider themselves to be in need of operational partnerships. Some expressed a great interest in and need for such partnerships (but expressed the view that they did not know how to go about forming them), whereas others appeared to be satisfied with their existing partnerships.

Engagement with UNHCR

All of the RLIs have had some experience engaging with UNHCR, though perspectives vary. Some spoke of their 'wonderful relationship' with UNHCR, specifically mentioning the training and other support that UNHCR has provided, whereas others found partnership with UNHCR and its partners 'bureaucratic' and 'time-consuming'.

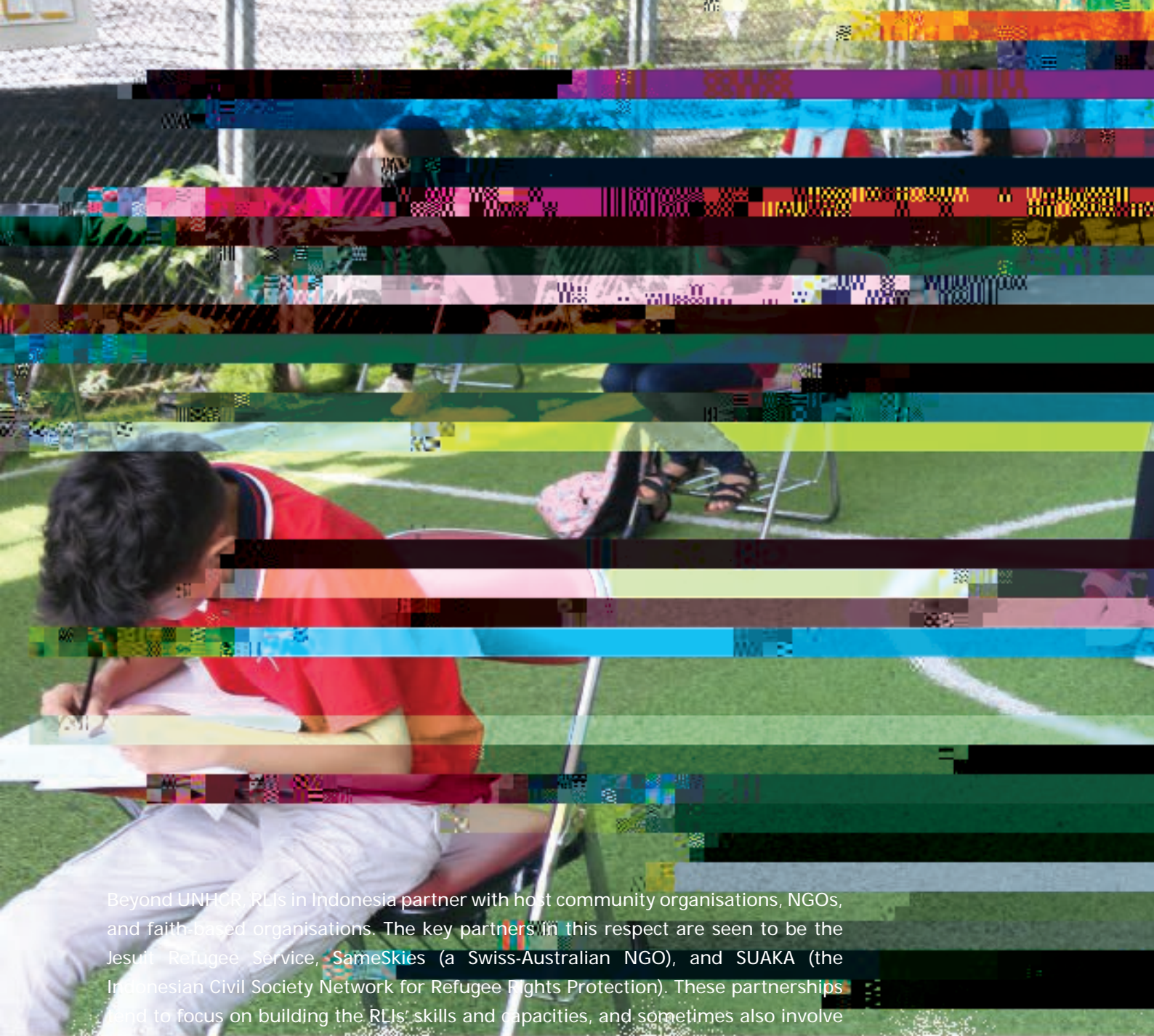
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UNHCR doesn't work

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There is also considerable consternation within some parts of the refugee community in Indonesia that the RLLs — learning centres in particular — are causing a reduction in resettlement numbers because they demonstrate the long-term viability of refugee life in Indonesia. Some refugees believe that the more



Beyond UNHCR, RLIs in Indonesia partner with host community organisations, NGOs, and faith-based organisations. The key partners in this respect are seen to be the Jesuit Refugee Service, SameSkies (a Swiss-Australian NGO), and SUAKA (the Indonesian Civil Society Network for Refugee Rights Protection). These partnerships tend to focus on building the RLIs' skills and capacities, and sometimes also involve

case. Between 2016 and 2018, RLIs, especially those located in the Cikarang area, were operating in a competitive environment. They would not share any resources, contacts, networks, knowledge, or experiences with each other. From 2017 to 2018,

IV. What barriers do RLIs face when undertaking this work?

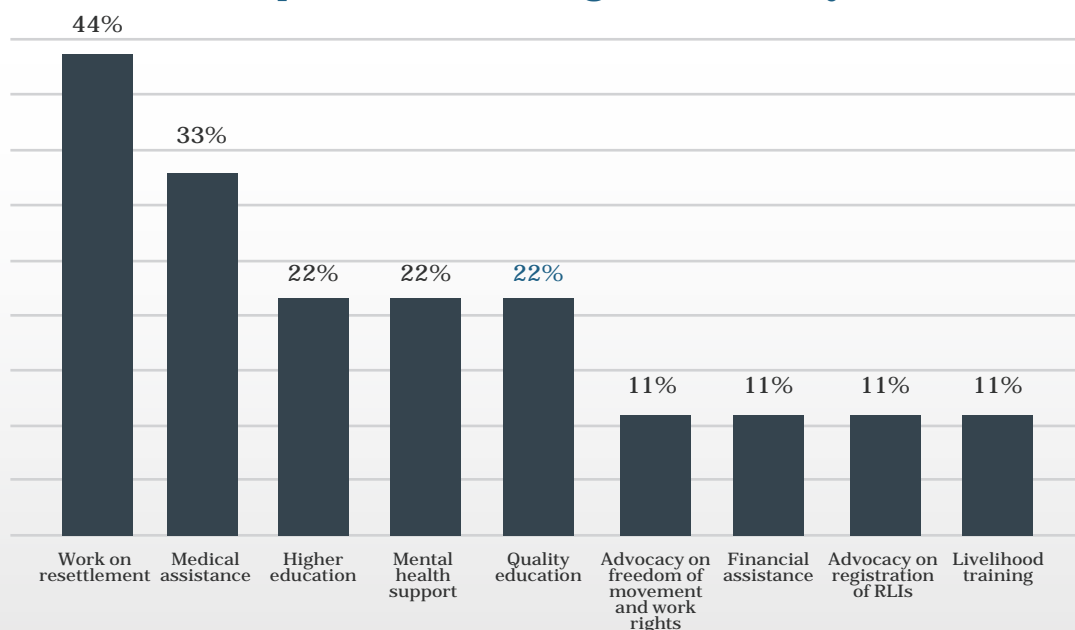
The key barriers that RLIs face in Indonesia relate to resourcing, government restrictions, organisational challenges, and increasing desperation on the part of refugees in Indonesia.

Most common barriers faced by the RLIs

Resourcing

All RLIs that participated in this research described themselves as being under-resourced, both in financial and human terms. They struggle to raise funds for their activities (and for overhead costs, like building rental) and lack expertise relating to the needs that they are trying to address. The learning centres, for

Gap areas in the refugee community



Governmental restrictions

The difficulty of RLIs to formally register as legal entities is a considerable barrier. RLIs find that a lack of legal registration hampers their ability to form operational partnerships by undermining the trust of potential partners, and by rendering them unable to apply for grants and enter into contractual relationships.

Perhaps the greatest challenge resulting from the inability to register is the fact that RLIs cannot open bank accounts. This impedes fundraising efforts significantly. RLIs that are not registered are able to use bank accounts set up under the names of individuals (Indonesians or non-refugee foreigners), but many donors are sceptical of transferring funds to the bank accounts of individuals only indirectly connected with the organisation.

Of the RLIs that participated in the research, only two are legally registered as Yayasan (the Indonesian word for foundation). They find their legal status to be helpful for fundraising, establishing partnerships, and building good relationships with local government officials.

One of the major challenges in obtaining legal registration for an RLI in Indonesia is the finding and recruitment of local individuals who are trustworthy and committed to giving their time to fulfill necessary functions. In particular, a locally registered Yayasan requires five individuals to serve in official functions, and these must be Indonesian citizens or people legally permitted to work in Indonesia (this does not include refugees). Registration also requires the preparation of lengthy documentation by a notary, with associated fees and charges.

There is, therefore, a pathway for RLIs to register as legal entities in Indonesia, though it does require a relationship of mutual trust with five Indonesian citizens (or work visa holders) who are willing to serve in an official capacity. Registered Yayasan must also retain auditable financial records (requiring skills that RLIs do not typically possess) and pay taxes. If an RLI is planning for considerable expansion, including by applying for grants or fundraising from larger donors, this process may be worthwhile. RLIs who are financed by individual donors not deterred by the lack of legal registration and who plan to continue to operate on a relatively small budget, however, will see little reason to pursue registration.



If we were registered, we could find a sustainable donor and we could also provide credible certificates to our students for their education. It could also help with finding professional teachers.

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From Afghanistan -
Refugee Learning Center



The main challenge is lack of legal entity. It creates lack of credibility in funding which results in a lack of collaboration because it creates barriers to partnership. It also limits the program to grow further for example hiring employees.

A A A

From Somalia - Founder of the
Sisterhood Community Center



It poses the challenge of trust. If we work with some organisation, the first thing they will ask is for our credibility. Without legal identity, potential partners could not trust us. With a legal identity, we could partner with more people, and it could bring more opportunities.

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Organisational challenges

RLIs in Indonesia face a range of operational and management challenges. Commonly cited challenges relate to:

- volunteers, including their recruitment, management, retention, training, psychosocial support, and compensation;
- general management skills and capacities, such as leadership, program planning, and management, fundraising and proposal writing, HR, communication, and IT and financial skills; and



Volunteers need opportunities to improve themselves. They say they always share their knowledge but there is no way for them to improve. They are mentally exhausted, and they need a higher compensation rate.

A A

From Afghanistan -
Cisarua Refugee Learning Center

Increasing desperation

As Indonesia has transitioned from a transit country to a bottleneck country, the uncertainty has fuelled increasing desperation amongst the refugees living there. Writing in 2018, Brown observed that:³⁵

The long, uncertain wait for resettlement that refugees now face in Indonesia may have created their very motivation to self-organise in order to address the community's immediate needs and to ensure that time in Indonesia is not simply 'wasted'.

Four years later, it appears that refugees in Indonesia are no longer waiting to be resettled but coming to terms with the fact that they may never be. Far from motivating refugees to self-organise, the state of limbo is now causing them to lose hope.

Among other things, this is causing challenges for RLLs in the country. Those interviewed for this research report a loss of motivation, as well as deeper mental health challenges amongst volunteers (and the associated difficulties of recruitment, management, and retention), to accusations from the wider refugee community that the RLLs are responsible for the slow rate of resettlement. This is an urgent challenge to be addressed.

“

When I stepped down, one of the main reasons was burn-out ... I did not want to continue ... everything was a feeling of demotivation, rather than satisfaction ... it was a huge burden of responsibility, and the expectations of the community were high.

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It is an overall challenge that all refugees in the community face lack of hope for their future.

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From Afghanistan -
Cisarua Refugee Learning Center

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Conclusion

This too, however, is an area in which refugees are self-organising, with refugees in Indonesia actively seeking complementary pathways to leave the country and start their life in a third country. Some of the refugees who arrived in Indonesia before July 2014 are exploring the private sponsorship program in Australia. Meanwhile, through one of the RLIs and other networks, a growing number of refugees are also resettling in Canada through private sponsorship programs. The complementary pathway program of one RLI (which prefers to remain anonymous) to resettle refugees in Canada is progressing successfully. This indicates a huge need and potential for INGOs to work with RLIs in Indonesia on complementary pathways such as skilled migration and private sponsorship.

There is also, however, an important role for Indonesia itself. Building on the promising pledges made by the government at the first GRF in 2019 (noted on p. 8 above) and looking forward to further pledges at the second GRF in 2023, there appears to be room for refugees, their supporters and influential states (including the major resettlement states for refugees in Indonesia) to advocate for a more permissive environment, not only for the activities of RLIs but more generally for the rights of refugees in Indonesia.

Recommendations

This report therefore recommends that:

1. Donors consider ways to provide enhanced support to RLIs in Indonesia through funding, capacity building support and other avenues, including by investigating ways to support RLIs to reap the benefits of registration.
2. UNHCR take steps to address concerns that the existence of RLIs in Indonesia—and participation in their activities—are negatively impacting refugees' prospects of being resettled.
3. Australia reconsider its policy position not to resettle anyone who registered with UNHCR in Indonesia on or after 1 July 2014, in view of the present policy's detrimental impact.
4. The Government of Indonesia consider pledges that it could make at the second GRF in December 2023 to enhance refugee rights and wellbeing in Indonesia.

References

1. See, for example, Barbara Harrell-Bond, *Imposing* (1986, Oxford University Press).
2. In particular, there is a risk that 'refugee-led organisation' is interpreted to require some kind of formal registration. Given that — as this paper explores in the context of Indonesia — an inability to register is a key challenge that many RLIs face, the broader terminology has been preferred.
3. Evan Easton-Calabria & Kate Pincock 'Refugee-led social protection: reconceiving refugee assistance' (2018) 58. See also Kate Pincock, Alexander Betts & Evan Easton-Calabria, 'The Rhetoric and Reality of Localisation: Refugee-Led Organisations in Humanitarian Governance' (2021) 57 719, 729 ('UNHCR Uganda's approach to refugee-led organisations can be understood as a continuation of its ongoing SURYLGHUEHFLDURRGHO
4. UNHCR, _____.
5. International Organization for Migration, _____.
6. See, for example, Thomas Brown, 'Refugee-led education in Indonesia' (2018) 58 *Forced Migration Review* 64; Thomas Mitchell Brown, 'Building Resilience: The Emergence of Refugee-Led Education Initiatives in Indonesia to Address Service Gaps Faced in Protracted Transit' (2018) 11 165.
7. Sebastien Moretti, _____
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8. Constitution of the Republic of Indonesia, Article 28G.
9. Indonesia, Law on Foreign Relations, Act No. 37 of 1999, Article 27
10. Government of Indonesia, 'Regulation of the President of the Republic of Indonesia No. 125 Year 2016 Concerning the Handling of Foreign Refugees' (31 December 2016)
<KVVZZUHIZRUOGRUJSGGDHHHSGI>
11. See Brian Barbour, 'Beyond Asian exceptionalism: refugee protection in non-signatory States' (2021) 67 42.
12. Brown, 'Refugee-led education in Indonesia', above n 6, 64. See also Brown, 'Building Resilience: The Emer-

