

Is Makassar a ‘Sanctuary City’? Migration Governance in Indonesia After the ‘Local Turn’

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Taking into consideration three levels of government (regional, national, and sub-national) that potentially offer protection to refugees, this paper is concerned with changes initiated by the 2016 Presidential Regulation on Handling Foreign Refugees. This regulation has delegated more responsibility for managing refugees to the sub-national levels of administration in Indonesia, which, like other nations in the Southeast Asia, has been reluctant to provide protection for refugees or any options for their integration into society. The reason for this is that, despite many vociferous demands in favor of a ‘regional solution’ in the aftermath of the 2015 Andaman Sea Crisis, most attempts ended up in abeyance. Following suit with the so-called ‘local turn’ in migration studies, which increased attention to the local dimensions of refugee protection due to the receding capacities in the major actors involved both in global refugee protection and international migration management, we direct attention to the sub-national level of refugee management in Indonesia using as a case study the city of Makassar, which has hitherto enjoyed a fairly positive reputation for welcoming refugees. By examining the current living conditions of asylum seekers and refugees in Makassar and comparing them to other places in Indonesia, we ask whether the concept of ‘sanctuary city’ is applicable to a non-Western context and, in doing so, hope to enhance current discussions of creating alternative models for refugee protection beyond the national and regional level.

Keywords: Indonesia; Migration Governance; Presidential Regulations; Refugees and Asylum Seekers; Sanctuary Cities



INTRODUCTION

An unprecedented 65.6 million people around the world at the end of 2017 have been forced from their homes by war and conflict, which means that the number of displaced people currently exceeds the number uprooted during World War II. At the end of 2016, there were close to 3.5 million refugees, 2.7 million internally displaced people, and more than 1.5 million stateless people in the Asia-Pacific region (UNHCR, 2017a). In 2016, Southeast Asia hosted a total of 2.8 million persons of concern, including over 483,000 refugees, 68,000 asylum seekers, 462,000 internally displaced people (IDPs), and over 1.4 million stateless people (UNHCR, 2018).¹ Indonesia, the focus of this article, hosted less than

1 These UNHCR statistics include figures for Bangladesh, which is not usually considered part of Southeast Asia.

14,000 asylum seekers and refugees in mid-2018, which is substantially less compared to its neighbours, such as Thailand and Malaysia. The majority of asylum seekers and refugees in Indonesia come from Afghanistan (56%), Somalia (10%), and Myanmar (8%). Southeast Asia has the weakest normative frameworks for refugee protection of any region, apart from the Middle East (Klug, 2013). Most Southeast Asian states simply never felt obliged to sign the 1951 Convention Relating to the Status of Refugees (Refugee Convention) (Davies, 2008).

The countries producing the largest numbers of refugees currently are Afghanistan, South Sudan, Syria, and Myanmar. Against widespread politicized perceptions of a 'refugee crisis' in Europe, the United States, and Australia, the majority of displaced people lack the will and the means to travel long distances, tending to stay relatively close to their home countries. On these grounds, when critical migration scholars speak of the 'global refugee crisis', they usually mean a political crisis of compassion and thus tend to emphasize the lack of collective responsibility and binding commitments for hosting displaced people. In light of the absence of trans-regional and global schemes to deal with the many challenges that displaced people face, the topic of so-called South-to-South hospitality has recently re-entered academic studies and regained attention (Pacitto & Fiddian-Qasmiyeh, 2013). Spontaneous acts of coping with large inflows have raised expectations and increased the pressure for temporary or permanent integration of refugees and asylum seekers in countries that are usually not among the typically Western resettlement countries.

Particularly during so-called times of extraordinary irregular movements, such as the 2015 Andaman Sea crisis when thousands of Rohingya arrived in insular Southeast Asia by boat, politicians and humanitarian advocates issued calls for 'regional solutions' to address the hardship of forcibly displaced people (Fontaine, 1995). Given the extremely low accession rate to the 1951 United Nations Convention Relating to the Status of Refugees and its associated 1967 Protocol², the search for 'regional solutions' in Southeast Asia is tied to high hopes for alternative forms of protection that are not as strict as those set out in the Refugee Convention. In the aftermath of the Andaman Sea crisis, the combined efforts of the multilateral fora and mechanisms that were deployed to resolve the situation, including the Association of Southeast Asian Nations (ASEAN) Ministerial Meeting on Transnational Crime as well as the Bali Declaration on People Smuggling, Trafficking in Persons, and Related Transnational Crime and its Regional Cooperation Framework, ended up in abeyance, leaving it rather uncertain "whether they have improved the region's preparedness to respond to such events in the future" (Gleeson, 2017, p. 6).

This article seeks to contribute to the debate on regional solutions by taking into consideration also national, and more importantly, sub-national approaches. Since there is no functioning regional mechanism to deal with displaced people in Southeast Asia, and considerable doubt that one might ever materialize, it is necessary to scrutinize the temporary admittance of displaced people into each Southeast Asian host country and the prevalent complementary and alternative forms of

2 Only three out of 11 Southeast Asian states have ratified the 1951 Refugee Convention: Cambodia, the Philippines, and Timor-Leste. It is unlikely that Indonesia will sign and ratify the Convention in the near future.

protection available for them at both national and sub-national levels.³ For this article, Indonesia was chosen because of its geopolitical significance within the Asia-Pacific region. Like all but three Southeast Asian states, Indonesia is not a signatory to the Refugee Convention and thus not legally obliged to offer protection to refugees (Tan, 2016). Out of the three durable solutions envisioned by the United Nations High Commissioner for Refugees (UNHCR), only two are available for refugees in Indonesia: voluntary repatriation to their countries of origin and, if this is not possible, resettlement to a third country. Local integration is not a legal option so far. However, because of the ongoing influx of new asylum seekers, global resettlement fatigue, and deterrence policies in the region, *de facto* integration is about to happen in Indonesia and elsewhere in the region.

Makassar has been chosen as a case study for this article because of its functional role in accommodating asylum seekers and refugees. As Indonesia's fifth largest city, Makassar is often referred to as Kota Angin Mamiri (city of breeze) because of its seaside location.⁴ Also, due to its long-standing tradition as an important trade hub and host for a large sea-faring and migratory population, Makassar enjoys a reputation as being cosmopolitan and tolerant (Sutherland, 2011). Although Makassar had frequently seen the temporary stay of internally displaced people from different conflict areas within Indonesia, only from 2010 onwards did the city become a hub for foreign asylum seekers and refugees. Not only does Makassar have an immigration detention center (IDC), but it also has a range of community shelters. In 2011, the International Organization for Migration (IOM) started using two hotels for housing asylum seekers and refugees who could not be placed in the IDC (Missbach, 2017a). The number of shelters has grown in recent years, with 18 available in August 2017 for 1,158 asylum seekers and refugees (IOM, 2017). At the end of 2017, 13,840 asylum seekers and refugees were registered with the UNHCR all over Indonesia. Of these, 1,838 were living in Makassar, 564 of whom languished in the IDC and other forms of temporary detention, despite the growing consensus among Indonesian government agencies that immigration detention facilities should no longer be used for housing refugees and asylum seekers for the long term (UNHCR, 2017b).

When measured against Makassar's reputation as a city known for welcoming refugees, current developments – after the issuance of the Presidential Regulation No. 125/2016 that we define here as a watershed moment as it sought to formalise the 'local turn' in Indonesia – represent a dramatic deterioration in hospitality. In this paper we scrutinize the handling of refugees in Makassar under the premise of 'sanctuary cities' – a broad term applied to cities that have policies in place designed to limit cooperation with federal immigration enforcement actions and deportation and instead offer some community-driven forms of hospitality and protection – and ask whether any of the approaches that were developed in the United States and Europe are in Indonesia. Critical readers might think that this application of a concept that was developed in more affluent societies onto a non-Western context is

3 Unlike many other studies dealing with the decentralized politics of Indonesia, we define 'local' here as primarily the urban setting, rather than the province or regency, which is usually considered the main sub-national entity.

4 Makassar is the provincial capital of South Sulawesi, located on the southern part of Sulawesi Island. It is a major port city with a majority Muslim population of around 1,7 million.

epistemologically naive, but to us it is of utmost (political) importance to shed light on how non-Western refugee hosting societies operate, as they are often ignored within the current global scenario.

Whereas several authors have scrutinized the handling of refugees on a national level (Kneebone, 2017; Tan, 2016), we pay attention to sub-national approaches, in part because of the local turn expedited by the Presidential Regulation No. 125/2016. In this article, we argue that whereas the sanctuary city and the way it is practiced elsewhere (outside of Indonesia) depicts an emancipative bottom-up approach, the local turn in Indonesia stands primarily for a top-down approach that seeks to shift responsibility for refugee protection and migration management from the national to the sub-national level without equipping the local stakeholders or offering budgetary concessions. Overall, as our case study will show, the handling of asylum-seekers and refugees remains shaped by rightlessness, restrictions, and reprimand, despite a few nascent initiatives driven by the Makassar municipality and to a lesser extent local communities.

This article is the outcome of collaborative effort between researchers based in Indonesia and Australia, who have conducted interviews over more than a year, individually and as a team, with national and local stakeholders involved in the management of refugees. In 2017, the authors observed three *sosialisasi* (information-sharing) events related to the implementation of Presidential Regulation No. 125/2016 in Jakarta (one national and one provincial) and in Makassar. During several research trips to Makassar, usually for a week at a time, the authors established contact with a number of asylum seekers and refugees in their community shelters and kept in contact with some of them through social media. This article is based on a variety of sources, including formal interviews with authorities and informal conversations with refugees, online communication via social media with selected informants, and Indonesian-language press reports and grey literature. The article is divided into three main parts: First we explain the sanctuary city concept; then, we introduce the Indonesian context with regard to its hosting of asylum seekers and refugees over protracted periods of time and particularly the changes aspired by the issuance of Presidential Regulation No. 125/2016; and finally, we offer a detailed portrayal of Makassar and its local policies vis-à-vis refugees and asylum seekers. The theoretical lessons learnt from the research are fleshed out in a brief conclusion.

THE 'SANCTUARY CITY'

The concept of the sanctuary city has gained significance and popularity worldwide as local communities have welcomed and protected refugees and asylum seekers in defiance of restrictive state policies (Bauder, 2017; Darling, 2010; Hintjens & Pouri, 2014; Nyers, 2010; Squire & Darling, 2013; Villazor, 2010). Its popularity and spread across several geopolitical contexts means that the concept now refers to variety of practices and policies, which differ substantially across different national and local contexts. Bauder (2017) has categorized two contesting forms of the sanctuary city that are worth summarizing here. The first concept derives from the United States context, which advocates non-cooperation with federal immigration authorities and challenges the mainstream discourse of citizenship and belonging, whereas the

second derives from the United Kingdom and is much more focused on the culture of hospitality, engagement, and social inclusion.

Non-Cooperation and ‘Local Citizenship’

The sanctuary city concept originated in Berkeley, California, in 1971 to protect US Navy sailors who resisted the Vietnam War. City law prohibited city officials from assisting the implementation of federal law at that time. The concept evolved and inspired subsequent generations to protect undocumented immigrants, refugees, and asylum seekers across the US (Bauder, 2017). For example, in San Francisco advocates have interpreted the concept as providing a place where ‘local citizenship’ (as opposed to national citizenship) is granted to undocumented refugees and asylum seekers. This approach, fostered by local authorities, was characterized by non-cooperation and non-compliance with US federal immigration law, which placed restrictions considered harmful to refugees (Villazor, 2010). From 1987, San Francisco became a ‘city of refuge’ in response to the US federal government’s denial of protection to asylum seekers from El Salvador and Guatemala (Villazor, 2010). Two years later the city passed an ordinance confirming its non-cooperation and non-involvement with federal immigration law, declaring that “no department, agency, commission, officer or employee of the City and County of San Francisco shall use any city funds or resources to assist in the enforcement of federal immigration law” (Villazor, 2010, p. 583). One way of translating this decision into everyday policies was the ‘don’t ask don’t tell’ approach, applied by the local authorities and service providers, which discouraged local stakeholders from inquiring about anyone’s legal migration status and revealing it to federal officials (Villazor, 2010).

As well as upholding the principle of non-cooperation with federal immigration law and law-enforcement officials with regard to asylum seekers, the sanctuary city concept, as enacted by San Francisco local authorities, contained ideas for challenging the formalistic and normative discourse of citizenship and belonging. In its legalistic sense, citizenship is a concept that came into being with the rise of the nation-state and refers to the “formal or nominal membership in an organized political community” (Bosniak, 2000, p. 456). From this perspective, to be a citizen means to possess the legal status, acknowledged by the state, of being part of a nation. Holding citizenship is connected with the possession of certain rights and duties, but undocumented immigrants not only lack citizenship in their place of residence and, consequently, access to certain basic rights, but also often have very few options to ever legalize their status without enduring punitive consequences for their presence in that place of residence.

Through San Francisco’s sanctuary law, undocumented immigrants are eligible for local citizenship. As citizens of the city, they have equal status with local residents in terms of rights, privileges, and obligations (Villazor, 2010). In practice, when dealing with public sectors such as schools and healthcare services, they will not be asked about their immigration status and, if their status is known, it will not be revealed to the federal immigration officers. The only exceptions to the law concern adult immigrants who have committed crimes and felony. The local citizenship law was supported by the issuing of “identification cards to residents regardless of legal

status, the promotion of low-cost banking, and the city's long-standing opposition to immigration raids" (Gavin Newsom, Mayor of San Francisco, quoted in Villazor, 2010, p. 591).

In 2018, the Federation for American Immigration Reform estimated that more than 500 US jurisdictions – both states and municipalities – had adopted sanctuary policies. However, many sanctuary cities now face severe repercussions from the federal government under President Trump and its highly restrictive immigration acts, and they have frequently been threatened with cuts in federal funding. Despite the threats, a number of sanctuary cities, including Berkeley, have reaffirmed their status and commitment as sanctuary cities and promised to protect all residents, regardless of their immigration status, by not supporting, communicating with or submitting to the demands of federal Immigration and Customs Enforcement officers.

Hospitality, Engagement, and Reframing the Discourse

The sanctuary city model crossed the Atlantic in the early 2000s to the United Kingdom, where the City of Sheffield from 2005 onwards embarked on a popular reconceptualization of the concept in a way that continues its "long tradition of offering a welcome to refugees" (Wainwright, 2003). As the first city to the Gateway Protection Program – a collaborative program between UK national government, UNCHR, local authorities, and national NGOs – Sheffield has been actively involved in enabling the most vulnerable refugees to gain access to services and participation in the wider host community (Darling, 2010). The sanctuary city movement in the UK, generally speaking, has been centered on offering hospitality and protection to asylum seekers and refugees, and making the city a welcoming place for them. In 2009, the city council of Sheffield drew up a manifesto outlining key areas of concern, and 100 supporting organizations signed on.

According to Darling (2010), the local stakeholders in Sheffield based their approach on three main principles, which were translated into various activities. First, they aimed to rally political support by establishing a network of civil society agencies (academia, local communities, organizations, business, refugee and asylum seekers groups), partly to demonstrate the legitimacy of the movement. Second, they sought to apply visual strategies to mark the city as a welcoming city for refugees and asylum seekers, for example, by providing signs to organizations and local communities that declared their support for the sanctuary city movement, by distributing postcards to individuals on how they could support refugees and asylum seekers, and developing infographics that debunked myths about asylum seekers to make people think again. Third, they encouraged active engagement between refugees, asylum seekers, and local residents through various interactions and events, including cultural events such as dancing and concerts, shared meals, and giving honorary awards to citizens in recognition of their endeavors to provide to refugees and asylum seekers.

The main philosophy behind Sheffield's sanctuary city approach was the strategic application of ideas of hospitality and engagement to offer an alternative discourse to the public in Sheffield, which was intended to make local residents proud of their culture of welcoming refugees and asylum seekers but also set out explicit expectations for future benefits from the welcomed refugees in order to create a more vibrant host

community inclusive of all its residents. Sheffield became the UK's benchmark which led to the establishment of the network of about 15 sanctuary cities in the UK, but the outcome of the 2016 referendum in which Britons voted to leave the European Union and the anti-immigration sentiment that fueled it now pose difficult challenges for advocates of the sanctuary city movement.

Before moving on to our Indonesian case study, it is necessary to contrast the two contending perspectives and practices of sanctuary cities to establish a basis for comparison with our case study from Makassar. Generally, the sanctuary city model in the UK appears to be more encompassing than the US model, as it seeks to engage not only local officials, but also civil society organizations, religious groups, and grass-roots communities. While the sanctuary city concept in the UK is centered around ideas of generosity and engagement and a struggle for abstract justice grounded in hospitality, the US model is marked by non-cooperation with federal government officials and by the notion of local citizenship, thus envisioning a more “concrete political struggle” (Squire & Darling, 2013). Having replaced the notion of asylum with sanctuary, UK sanctuary city advocates perceive refugees and asylum seekers as guests who deserve a warm welcome, good treatment, and protection, at least for a period of time. Critics of this approach have remarked that rather than providing tangible and legal solutions for marginalized refugees and illegalized asylum seekers, such urban sanctuary initiatives tend to offer only symbolic gestures that actually contribute to the normalization of the precarious situation of refugees and asylum seekers. In contrast, the spirit of sanctuary cities in the US is rooted in much broader debates on the possession of human rights and protection on a permanent basis and is, therefore, more than just a friendly welcome and a diffuse expectation towards refugees and their contributions to the host communities. Non-cooperation with federal government immigration acts and law-enforcement officials and the enactment of the idea of local citizenship signifies equal status and rights for residents and immigrants in a city from the very start rather than in the undetermined future and without the explicit expectations for benefit in return for the friendly welcome.

THE ‘LOCAL TURN’ OF REFUGEE MANAGEMENT IN INDONESIA

International migration concerns the movement of people across national state boundaries, and, as such, its management, regulation, and supervision are primarily the tasks of national governments. At the global level, the paradigm of migration management “strives for a coordination of states’ regulatory (inter)-actions to render international migrations predictable and beneficial for all stakeholders” (Ahouga, 2018, p. 1524). However, this national-centric migration management has been questioned in recent years by analysts of both the macro- and micro-politics of migration, in large part because international migration affects, first and foremost, sub-national governments, which become the actual locus of migration. This view is also reflected in the findings of the UN Joint Migration and Development Initiative (JMDI), which say that “the drivers and impact of migration are often most strongly felt at the local level”, but at the same time “local governments have not received the same level of attention as other stakeholders, while their involvement and potential impact on the connections between migration and development is crucial” (JMDI, 2008). The

localness of migration effects is felt more strongly, considering that migrants are rarely, if ever, equally distributed within national borders. In fact, "immigrants may often feel closer and more connected to the city they live in than to the country they have arrived in" (Jørgensen, 2012, p. 244).

The importance of local actors in migration management and integration policy has been indicated by a number of scholars (Caponio & Borkert, 2010; Jørgensen, 2012; Penninx, 2009; Schmidtke, 2014). Although urban anthropologists, geographers, and sociologists have studied urban refugees for at least two decades, inter-governmental and supra-national migration organizations, such as JMDI and IOM, have only recently shifted their attention to local stakeholders and settings. For example, in 2015 IOM convened a Conference on Migrants and Cities, which sought to "bring together ministers, high-level government officials, mayors and other local authorities, the private sector and civil society organizations to discuss the complex dynamics of human mobility at city and local level" (IOM, 2015). This strategic shift, often dubbed the local turn in migration management, is a trend that "seeks to engage new [local] actors in its endeavour to create coordinated strategies and practices regulating international migration" (Ahouga, 2018, p. 1524). The unifying theme of this local turn is the need to recognize the strong effects of migration on local actors and, thus, the important role they can or should play in migration governance.

IOM's Conference on Migrants and Cities in 2015 also marked the institution's key role in pushing for greater inclusion of actors at the sub-national level. IOM claims to provide services "to address the migratory phenomenon from an integral and holistic perspective . . . in order to maximize its benefits and minimize its negative effects" (IOM, 2007, p. 3). As the most prominent proponent of the migration management paradigm, it claims to serve its member states by promoting and implementing "a regulated openness to international migration flow" (Ahouga, 2018, p. 1526). However, in the context of the local turn within global migration management, IOM plays a key role in engaging "local actors in order to further 'diffuse' and legitimise migration management's regulated openness to the local scale through an articulation of different space-times" (Ahouga, 2018, p. 1526).

In Indonesia, which in the three decades before 2000 experienced only the infrequent arrival and passage of asylum seekers and refugees through its territory, the state had only minimal involvement in regulating and providing services to those people. In the absence of any basic legal provision for the treatment of refugees, subsequent Indonesian governments preferred to delegate these tasks to the UNHCR and the IOM. Much of the funding for these organizations and their programs for refugee status determination, resettlement, or repatriation came from the Australian government and other international donors (Hirsch & Doig, 2018). Indonesia perceived its role first and foremost as 'transit country' and was mostly concerned with speedy regular and irregular departures from its shores. Given that Indonesia has become a bottleneck for asylum seekers and refugees in the last five years, as fewer are resettled and very few embark on irregular departures, Indonesia now faces the prolonged presence of these people. Rather than approaching this challenge centrally, at the national level supported by national funds, the current Indonesian government under President Joko Widodo aims to shift the challenge down to the next level of government.

In the context of Indonesia, the local turn has been marked by the issuance of

Presidential Regulation (PR) 125/2016 on the Treatment of Refugees and Asylum Seekers in Indonesia, which is now the main legal instrument governing the treatment of refugees in Indonesia. The PR covers five aspects: search and rescue of refugees; housing them; securing them; supervising them; and funding of related activities (Missbach et al., 2018). Except for search and rescue, which is coordinated by national organizations, the four other aspects contain provisions that clearly reflect a local turn in Indonesian refugee policy. In this context, local governments (*pemerintah daerah*) are given, to a certain extent, both authority and responsibility caring for refugees in their jurisdictions.

This is not to say that local governments had no role in managing refugees and asylum seekers living in their areas before the PR was issued. In fact, the PR can be considered as formalizing practices that were already in place in a more informal way. Local governments *did* make policies that affected the lives of refugees in their areas and they also worked with central government bodies and international migration and refugee organizations before the PR came into force. For example, in Makassar, the local government efforts to support handling asylum seekers and refugees and their accommodation in alternatives to immigration detention has been acknowledged by the central government as a success (Panga, 2016). Makassar was the first city in Indonesia to sign an MoU with IOM. Signed in September 2015, this MoU served as a platform for coordination between the municipal government and IOM to address issues related to refugees and asylum seekers. Through the MoU, the relevant services and work units (*Satuan Kerja Perangkat Daerah/SKPD*) under the Makassar government, such as the local departments of education, healthcare, and social affairs are required to provide basic services to refugees and asylum seekers, supported by IOM funding (Malia, 2016; Syukri, 2015). The Makassar government has even claimed it has produced a blueprint for the management of refugees in Makassar to be used elsewhere in Indonesia (IOM, 2016).

So far, the PR is the most important marker of the local turn in Indonesia's refugee management because it signals a deliberate attempt by policy-makers to turn to local actors and position them at the center of Indonesian refugee governance, supported (but not directed) by national agencies. It assigns formal responsibility to local governments and empowers them to use their resources to carry that responsibility. On the one hand, this shift of responsibility could be seen as empowering local stakeholders and giving them a say in the management of refugees rather than just serving as "a passive setting for the interventions of international organisations and states" (Ahouga, 2018, p. 1524) that often tend to ignore local authorities and local civil society organizations. On the other hand, there is the risk that local stakeholders might get easily overwhelmed by their new tasks and responsibilities. For example, under the PR, local governments, such as the Makassar municipal government, are required to identify suitable accommodation for refugees and provide temporary accommodation while they do so. The PR states that the local government should use its own assets (land, buildings, etc.) to house refugees. The operational and maintenance costs of these assets as they are being used for housing refugees are charged to the central government in a loan scheme. The PR lays out strict criteria for the housing, which must, for example, be close to healthcare services and religious facilities, be within the same municipality as the nearest immigration detention center, and be

reliably secure. As for the provision of basic necessities, such as clean water, food, and clothing, health and sanitary services, and religious amenities, the PR provides for this to be facilitated by international organizations, because funding such requests would be far beyond the means of most local governments. This provision in the PR means, however, that the housing must also meet quality and safety standards set by the international organizations, such as IOM, which tend to be higher than what is considered appropriate for local (Indonesian) tenants. Another consequence of the PR, however, is that when international organizations are no longer offering financial support for refugee-related tasks, local governments are in big trouble.

Under the PR, the local governments now have the authority to use their budget (*Anggaran Pendapatan dan Belanja Daerah/APBD*) for refugee-related program expenses. In a series of PR information-sharing events it was made clear that local governments can use their APBD to cover the costs of transfer and placement of refugees in community housing, of renting temporary accommodation until more permanent shelter is available, and even of funerals. These expenses are to be allocated under unforeseen expenses (*Belanja Tak Terduga/BTT*), and program expenses allocated through services and work units (SKPD) under the governor and mayor/regent. However, spending money on politically unpopular activities, such as providing for refugees, is something many local leaders are unwilling to do, as it runs counter to their political interests and reputation (Missbach et al., 2018).

In sum, the practices, and from 2016 also the legal provisions, of refugee management in Indonesia have certainly taken a local turn. Arguably, the central government and its agencies still have significant authority over the fate of refugees and asylum seekers, but as we have shown, the powers and role given to the local governments are equally critical, if not more so, to their welfare as those of the central government. Against this backdrop, can a local government use this power and serve as a sanctuary for refugees and asylum seekers coming to Indonesia for prolonged periods of time? In order to see what the local turn has meant for asylum seekers and refugees in Indonesia we turn to our case study in Makassar in order to consider whether or not the treatment of refugees and asylum seekers in Makassar resembles either of the sanctuary city approaches outlined above in any way. We have structured our deliberations and reflections on the potential and challenges of such a possible framing loosely around, first, local government involvement in protecting refugees, second, local civil society organizations, and third, local host communities.

OUTSOURCING REFUGEE PROTECTION TO LOCAL ACTORS: THE EXPERIENCE OF MAKASSAR

Generally speaking, until early 2018 Makassar had a reputation for being a rather hospitable city for refugees and asylum seekers (“IOM Puji Toleransi di Makassar”, 2016). The main reason for this was the openness and welcoming approach by the municipal government. Not only had the local city government allowed for the establishment of IOM-sponsored community shelters to be used by refugees and asylum seekers who were released from immigration detention centres (IDC), but the city government was also more supportive of allowing some refugee children to attend local schools

(Hafanti, 2018).⁵ Makassar is still considered a good model for creating community shelters and alternatives to detention (ATD) (Missbach, 2017a). It has been successful in placing a good number of refugees outside the local, prison-like immigration detention centre, in shelters that meet international quality and safety standards. The PR has formalized this role for local government – a role that is strategic and crucial for the welfare of refugees. It is probably the role that has the greatest impact in current refugee management, as accommodation is tightly connected to the provision of food, water, health care, education, and spiritual/religious services. In this regard, the inclusion of local government in refugee governance under the PR is not incidental, but rather a recognition of the vital role that local government can play.

What makes Makassar most attractive to refugees is, however, the relatively quick transfer from immigration detention centers to community shelters, which were like “paradise” compared to the IDC (IRIN, 2014). Because of its reputation, not only did hundreds of asylum seekers move from other Indonesian cities to Makassar where they surrendered to immigration authorities to be placed briefly in detention or directly in a community shelter (Missbach, 2017a), but detainees in IDCs in other Indonesian cities also staged protests and demanded to be transferred to the Makassar IDCs in anticipation of prompt transfer to community accommodation (Jonker, 2017). The initial hospitality, however, might not suffice to make Makassar resemble a sanctuary city. Makassar’s attractiveness for refugees and asylum seekers, who relocated themselves from Jakarta, made the city a victim of its own success. Because of these spontaneous arrivals, local migration authorities eventually demanded that newcomers be stopped (Cipto, 2016). Because fewer asylum seekers have been coming to Indonesia since 2015, the number of newcomers to Makassar started to decrease.

Similar to other Indonesian refugee hubs, Makassar only saw some rudimentary involvement of Indonesian NGOs, such as the faith-based organisation *Dompnet Dhuafa* and *Palang Merah Indonesia* (Indonesian Red Cross) which became involved in facilitating some medical services and some recreational activities (Suryono, n.d.). Some local NGOs collaborated with the municipal authorities in providing special services to underage and unaccompanied minors. However, most of this involvement remains rather basic and temporary. There is little long-term engagement or sustainability to be expected any time soon. The specific reasons for this remain unclear. Generally speaking, Indonesian civil society organisations have little interest in refugee matters and only very few have dedicated their attention and resources to helping refugees stranded in Indonesia (Suaka, 2016). The main exception was the arrival of ca. 1,800 Rohingya in Aceh in May 2015, which saw an enormous amount of spontaneous donations (Missbach, 2017b).⁶

Whereas sanctuary cities elsewhere, particularly in the UK, can count on the strong support from local civil society organisations and also volunteers, a lot of the positive developments for refugees in Makassar can be attributed first and foremost

5 In most other refugee hubs, refugees organized their own schools as access to state-funded education proved very difficult. Learning in Indonesian schools helps the refugee children to learn Bahasa Indonesia much faster, which is positive for their local integration.

6 The exemption appeared not least because the Rohingya are a persecuted Muslim minority from Myanmar and their destiny struck a chord with Indonesian Muslims who donated generously to readily available networks and charities.

to the city's mayor, Mohammad Ramdhan 'Danny' Pomanto, renowned for his friendly outreach to asylum seekers and refugees. For example, on his initiative, the local government organized community outreach seminars to inform local inhabitants of Makassar about asylum seekers and refugees (Marzuki, 2016). Asylum seekers and refugees were invited to local carnivals and fairs (Alfian, 2017). The relationship between the mayor and some refugees was particularly close, as he offered, for example, his private residence for an exhibition of paintings by refugees (Saldy, 2016). In return, Mayor Pomanto knew how to play to the gallery by appearing in public with young asylum seekers and refugee children who pronounced their gratitude to him for their positive treatment in Makassar (Warga Imigran Persembahkan Kado, 2017). Last but not least, in January 2016, Pomanto received an award for "the support and collaboration in handling asylum seekers and refugees" from the Indonesian Ministry of Law and Human Rights (Kusuma, 2016). Although there have been some outstanding individuals in the recent local government who, like Mayor Pomanto, have supported the well-being of refugees in Makassar, it is uncertain whether this level of support will be maintained under different mayors in the future. Caring for refugees serves no voter base, so this budget allocation is a politically unpopular decision for any mayor. Moreover, the APBD requires approval from the local legislative body (*Dewan Perwakilan Rakyat Daerah/DPRD*), where the politics relating to the city's budget decisions are very contentious. Consequently, it is difficult to expect that any meaningful sum of funding will be set aside to care for refugees.

In the past, it was relatively easy for Makassar to emerge as a success story in refugee management, as it did not require the expenditure of any taxpayers' money. With the announcement by the IOM in March 2018 to decrease its funding for refugees and the limited range of other international funding sources, the PR puts Makassar and the Indonesian government in a difficult position regarding budget allocation. The response from the Makassar government and the Indonesian government will determine whether taking the local turn is, in fact, a viable option. The latest developments in Makassar, however, signal an end to the friendly welcome of refugees and a more restrictive treatment of them. Despite these aspirations to do away with immigration detention for refugees and asylum seekers, the treatment of refugees and asylum seekers in Makassar remains imbued with security and surveillance motives, even in non-custodial accommodation facilities (Missbach, 2017a).

While the PR generally indicates the local turn by empowering actors at sub-national level, in ways consistent with existing practice in Makassar, its implementation still suffers from an absence of operational guidelines, which makes it difficult for the Makassar government to determine the practical steps it must take to fulfil the responsibility mandated by the PR. On the one hand, the Makassar city government had already gained considerable experience in housing refugees prior to the implementation of the PR, which meant that Makassar had no real difficulty in carrying out its responsibility as mandated by PR. On the other hand, as technical and implementation guidance that was to follow the PR's issuance had not been circulated and explained to the city government, local officials were not in a hurry to implement the provisions of PR. In mid-February 2018, about two dozen of immigration officers raided several community shelters in the city of Makassar and arrested

several refugees in an unusual show of force.⁷ The reasons for the raids and arrests put forward by local immigration authorities were mostly linked to non-compliance. Inhabitants of the shelters must comply with certain rules and regulations to avoid being put back into the overcrowded prison-like IDC on Makassar's outskirts.⁸ These rules range from curfews, the prohibition to drive motorbikes, drink alcohol, or make noise at night. As shaky videos captured during the raid on cell phones show, the young men were taken from their rooms while other inhabitants watched in fright.⁹ Unwilling to accept such conduct, shelter inhabitants across the city staged a peaceful protest in front of the local UNHCR office and complained about their arbitrary treatment by local immigration authorities (Freischlad, 2018; Nur, 2018; Padmasari, 2018). Peaceful protests continued until September 2018, but with less press coverage.¹⁰

At first the local media appeared to be sympathetic to the refugees' cause and pointed to a new head of immigration detention who was testing the boundaries of his authority with that of other authorities involved in refugee matters. In order to push back against their negative portrayal in the media, local immigration authorities held a press conference, in which they blamed refugees for all kinds of moral vices, such as drinking alcohol, having affairs with the spouses of police officers living nearby, and engaging in same-sex activities and paedophilia (Cipto, 2018; Prayudha, 2018).¹¹ Although it might sound utterly absurd to many readers, in Indonesia such rumors easily fall on fertile ground and create tensions, as a number of anthropologists have demonstrated (Bubandt, 2008; Herriman, 2010, 2015). The local government, which had done much in support of refugees, remained rather silent throughout this tense period, not least because of upcoming local elections that might bring a change in local government. Until these arrests, demonstrations, and anti-refugee smear campaigns, Makassar was a rather friendly place, but those times might be coming to an end sooner than later, not least due to the absent support from the Indonesian central government and the decreasing funding from IOM. Whatever potential Makassar held to become a sanctuary city, might therefore vanish before it ever unfolds properly.

CONCLUSION

In this article, we have shown that over the last years migration management and refugee care in Indonesia has indeed seen a local turn, which means that cities and regencies now play a greater role in accommodating and managing asylum seekers and refugees than in the past, when the central authorities perceived the handling of

7 The authors were first alerted to these raids in phone calls and Facebook postings by several refugees living in some of the shelters.

8 Unfortunately, the rules are often spelled out rather vaguely, leaving plenty of room for immigration authorities to exercise discretion (Missbach, 2017a).

9 One such video went viral on social media, see <https://m.youtube.com/watch?feature=youtu.be&v=YakmTzFQeaY>.

10 Indonesian filmmaker Andrianus 'Oetjoe' Merdhi captured some of the protests in his recent documentary *Respite*, see <http://amerdhi.mengoceh.de/respite-trailer2018/>

11 For the full press conference, see <https://video.okezone.com/play/2018/02/22/1/109444/waduh-imi-gran-di-sulsel-kerap-mengganggu-istri-aparat>

asylum seekers and refugees their exclusive task. We have argued that this local turn was an essential reaction to the failure of creating a regional protection mechanism that would provide a more concerted way of dealing with incoming asylum seekers within the region based on the existing regional legal frameworks, such as the ASEAN Human Rights Declaration (Gleeson, 2017). Furthermore, we have reasoned that this local turn in Indonesia – although set in motion informally prior to the issuance of the PR – was eventually formalised through the decree. Unwilling to create a comprehensive protection framework for asylum seekers and refugees on the national level and provide the necessary funds to run it, the Indonesian central government has sought to shift the responsibility to sub-national levels, first and foremost regencies and municipalities. Indonesian cities became a locus of sanctuary, but – judged on the criteria for what constitutes the best practice cases for sanctuary cities elsewhere – they fall short of meeting any of those.

There is a fine distinction between the local turn of refugee care and the concept of sanctuary city. While the former has only been emerging in the last decade or so, the latter has been around since at least the 1970s. Local turn is a set of efforts undertaken by international and national actors to include local actors in the management of international migration. The goal of this inclusion is to create better policies and practices in regulating migration, considering that local actors are the ones affected the most by it. As such, it is clear that the local turn lacks normative orientation as to what kinds of 'regulation' it wants to pursue. The concept of sanctuary city, on the other hand, clearly has normative goals, i.e. protection from deportation, hospitality, engagement, and social inclusion. It advocates a certain 'kind' of regulations that aim for a better treatment of migrants.

While both have different goals in mind, it does not necessarily mean that both are mutually exclusive. Empowering local actors in migration governance should *prima facie* support the establishment of sanctuary cities, if not its pre-requisite. There are, however, aspects of the local turn that may hinder the goals of sanctuary city. The local turn as a phenomenon in migration management and refugee care is usually characterized by a top-down approach, where actors at the international and national level 'ask' sub-national governments to be more proactive in migration governance. This puts sub-national governments as passive recipients of responsibility that spill over from the top. As such, the hierarchical nature of this relationship may remain, hindering meaningful policy initiatives from below. Another aspect of local turn that may contradict sanctuary city is the prominence of local state actors over local non-state actors, particularly the civil society. As the case of UK has shown, civil society activism is the key driver for sanctuary city. Whether the local turn can meaningfully empower civil society as an important local actor for refugee care remains to be seen.

Nowadays, the majority of asylum seekers and refugees is living in Indonesian cities and their surroundings. Initially it was only Jakarta, where the UNHCR has its main office, but later on also other big Indonesian cities – such as Makassar, Medan, and Surabaya – started to attract asylum seekers and refugees. So, it is fair to say that Indonesia's refugee population has predominantly been an urban one. Yet, cities in Indonesia have not displayed the same welcoming reception or the autonomous sanctuary in the same way as what sanctuary cities have been well-known for in the US or in the UK, which remain somewhat consistent despite the growing

anti-immigration sentiment in recent years and the rise of President Donald Trump who is openly hostile towards sanctuary cities. Whereas sanctuary cities elsewhere were primarily an emancipatory act against the discriminating federal migration laws or the hostile state more generally – driven by local activists and progressive local stakeholders – in Indonesia the appointment of cities as responsible units was ordered by the central government. This top-down instruction that saw very little consultation of local stakeholders vis-à-vis the more organically grown bottom-up initiatives, particularly in the UK, thus draw a number of consequences in what cities in Indonesia can actually offer refugees and asylum seekers residing there. For a final conclusion on the consequences of the local turn in migration management and refugee care in Indonesia (as currently implemented through the PR), we need to continue our close observations of the situation and the upcoming developments on the ground in Makassar and elsewhere in Indonesia.



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