



Indonesia and the Global Compacts on Refugees and Migration

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The adoption in December 2018 of the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration signals major commitments by States to address people movement. The Global Compacts are also significant in their emphasis on international cooperation, especially as they relate to other issues requiring multi-dimensional responses, such as the prevention of transnational crime, the handling of international conflicts, the protection of human rights, and development.

Indonesia itself has an interest in adopting and implementing both Compacts. This national interest can be seen in Indonesia's efforts to strengthen the protection of its migrant workers abroad, and to deal with asylum seekers and refugees who transit through (or end up remaining in) Indonesia.

Indonesia is a country that has sent many of its citizens abroad to work in various sectors. According to a 2017 study by the World Bank, there are around nine million Indonesians working abroad in various countries who remit US\$8.9 billion to the Indonesian economy – equivalent to one per cent of the country's GDP and around 30 per cent of Indonesia's total foreign direct investment.¹ Of course, these numbers do not include people who seek work irregularly, and it has been reported that around 1.9 million Indonesians working overseas – many of whom are women – are undocumented or have overstayed their visas.² Undocumented workers are highly vulnerable to international organized crime, such as human trafficking and the illicit drugs trade. Many Indonesian migrant workers bypass official government overseas placement and permit requirements, due to the persuasion of the traffickers. The Indonesian government, via overseas crisis centres, received 4,475 complaints in 2017 from Indonesian migrant workers overseas, including 71 confirmed trafficking cases and 2,430 with trafficking indicators.³

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¹ World Bank, *Indonesia's Global Workers: Juggling Opportunities and Risks* (World Bank 2017) 2, 14.

² US Department of State, '2018 Trafficking in Persons Report: Indonesia' <<https://www.state.gov/j/tip/rls/tiprpt/countries/2018/282673.htm>> accessed 10 November 2018.

³ *ibid.*

In terms of asylum seekers and refugees, Indonesia has long served as a transit country. This can be traced back to refugees fleeing conflict in Indochina in the 1970s, while more recent cases include refugees from Afghanistan, Iraq, and Rohingya fleeing from Myanmar, among others. In 2017, there were 13,840 people seeking protection in Indonesia, of whom 9,795 were recognized refugees and 4,045 were asylum seekers.⁴

Indonesia is not a party to the 1951 Refugee Convention or its 1967 Protocol, and it does not have a policy to integrate refugees into the community. However, it respects the principle of *non-refoulement* and seeks to ensure that recognized refugees can be resettled in third countries. These conditions mean that Indonesia has become a transiting, processing, and waiting country for those who seek asylum. Refugees and asylum seekers are living in limbo as the waiting period for resettlement is very uncertain and they are not formally eligible to work, although some have become self-reliant and live autonomously among the local population.⁵ These are usually people who arrived in Indonesia legally (most commonly benefiting from Indonesia's visa-free countries or visa-on-arrival policies) but who subsequently declared themselves to UNHCR or the IOM in Indonesia as asylum seekers (*Pengungsi Mandiri*). It is interesting to note that Indonesia does not differentiate in law between the terms 'asylum seekers' and 'refugees.' It refers to 'refugees' (*Pengungsi*) as all people who seek protection, but distinguishes whether they are 'internal' refugees (*Pengungsi Dalam Negeri*) or 'foreign' refugees (*Pengungsi Luar Negeri*).

The resettlement of refugees to other countries deserves specific attention. Indonesia, as a member of the international community, does not want to violate the rights of refugees, but at the same time is limited in its capacity to handle and protect refugees within its borders. The current situation is a 'ticking bomb': asylum seekers, refugees, and the Indonesian community are variously experiencing negative impacts of long waiting periods due to a lack of support from the international community.

This is where the Global Compacts are relevant. Indonesia relies on greater international cooperation to enhance the protection of Indonesian workers abroad, as well as that of asylum seekers and refugees in Indonesia. Therefore, it is natural that Indonesia welcomed the two Global Compacts. Although not legally binding, the two instruments contain a collection of principles of international law and plans for more intensive cooperation between States in responding to issues of concern and increasing protection.

⁴ 'UNHCR Global Focus: Indonesia' <http://reporting.unhcr.org/node/10335#_ga=2.94735580.1924209507.1542579315-941033703.1531792257> accessed 20 November 2018.

⁵ Presidential Regulation of Indonesia No 125 Concerning the Handling of Foreign Refugees (2016) manages the presence of asylum seekers and refugees in Indonesia, but does not address how they can become self-reliant. Instead, it simply reaffirms the need for coordination and facilitation with the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). See further Antje Missbach and others, *Stalemate: Refugees in Indonesia – Presidential Regulation No 125 of 2016*, Centre for Indonesian Law, Islam and Society, University of Melbourne, Policy Paper No 14 (2018) <https://law.unimelb.edu.au/__data/assets/file/0006/2777667/CILIS-Paper-14_Missbach-et-al_final.pdf>.

With these two Compacts, Indonesia can put its hope in addressing refugee protection and migration as a 'global public good', where all States share the burden of such protection. The four objectives of the Refugee Compact (easing pressures on host countries; enhancing refugee self-reliance; expanding access to third-country solutions; and supporting conditions in countries of origin for return in safety and dignity) would greatly assist Indonesia in providing support to asylum seekers and refugees.

When it comes to the protection of Indonesian migrant workers, it is necessary to strengthen bilateral cooperation on labour migration issues between Indonesia and destination countries through memoranda of understanding and other bilateral means. Further, it is necessary to strengthen coordination between the Indonesian government and its embassies and consulates abroad to collaborate more effectively in providing support to labour migrants. These initiatives are in line with one of the Migration Compact's goals, namely to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting, and fulfilling their human rights and providing them with care and assistance.