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Rohingya Refugees in Malaysia: Need for Policy Rethink

By Chan Xin Ying

Synopsis

With the United States closing its doors on refugees, the Malaysian authorities should prepare long term strategies to accommodate over 200,000 Rohingya within its borders who lack rights and legal protection.

Commentary

PRESIDENT TRUMP'S refugee ban had crushed resettlement dreams of countless Rohingya refugees in Malaysia as the United States is the largest resettlement country. According to the United Nations High Commissioner for Refugees (UNHCR), there are approximately 56,000 registered Rohingya card holders; other non-governmental organisations have estimated a total of 200,000 Rohingya refugees residing in Malaysia.

While the Malaysian government has been active in promoting awareness about the Rohingya Muslims, domestically hundreds of thousands of Rohingya refugees continue to languish in poverty and the lack of rights in the society. Despite the fiery protest rally in Kuala Lumpur and the allocation of US\$2.2 million humanitarian aid to the Rohingya in Northern Myanmar, little action was undertaken by the government to help the Rohingya refugees within its borders. What approaches can the Malaysian government consider to alleviate the plight of the refugees within its territory?

Neither Temporary Nor Illegal Anymore

First of all, the Malaysian government must acknowledge that most Rohingya refugees are likely to stay permanently in the country. In fact, even before Trump's refugee ban, resettlement rates had been low for Rohingya refugees. The perception of *'temporary*

hosting' had caused the least effort by the Malaysian government to grant the refugees working rights and proper access to health and education.

More often than not, ad hoc policies are adopted rather than long term strategies. Thus, the community is eventually locked into a state of destitution. Secondly, the Malaysian government should grant legal recognition for the refugees. Without legal recognition, refugees will continue to be viewed as illegal migrants. For years, registered and non-registered refugees are arrested together with illegal migrants in massive dragnets by the Malaysian police. The local community has exhibited resentment towards the refugees who are considered illegal migrants.

Being a non-signatory to the 1951 Refugee Convention and its related 1967 Protocol should not be a reason for any country, including Malaysia, to deny lawful recognition of refugees. The 1951 Refugee Convention, which is later amended by the 1967 Protocol, defines a refugee and the kind of legal protection, assistance and social rights a refugee is entitled to. The convention also defines a refugee's obligation to host countries and the principle of 'non-refoulement'. According to this principle, host countries should not return a refugee to a country where he or she faces serious threat to his or her life.

Indonesia signed a Presidential Decree (Perpres) in January 2017 which provided the definition of 'refugee' based on the 1951 Refugee Convention. The decree includes institutions that are obligated to manage refugees in Indonesia and re-affirms the availability of alternatives to detention for refugees with special needs and vulnerabilities.

Pilot Project 2017: Malaysia Needs to do More

Lastly, the Malaysian government should move towards granting basic rights and eliminating discrimination towards Rohingya refugees. In March 2017, the government made a breakthrough by launching a pilot project with the collaboration of the UNHCR, which allowed Rohingya refugees to work legally in Malaysia with a temporary working permit. It was hoped that the project will be translated into something more meaningful including better access to health services, education and less discrimination in the society.

Despite government claims that the refugees are not interested in the programme as only 40 Rohingya registered, the Malaysian government did not do enough to identify the demography and needs of the refugees. The project allocated the refugees to work in plantations and manufacturing sectors hidden in industrial areas and countryside.

Most of the Rohingya reside in urban centres such as Subang and Kuala Lumpur where they have established schools. Hence, employment opportunities need to be created in the cities instead of rural areas.

Potential Pool for ISIS Recruitment

Rohingya Muslim Cannot Wait was quoted from Malaysian Prime Minister Najib Razak's speech during the Organisation of Islamic Cooperation (OIC) Summit in January 2017. The dire situation of Rohingya refugees must be resolved as soon as

possible before ISIS infiltrates the group. ISIS has a record of recruiting refugees by supplying basic necessities and money, which the host country failed to provide.

It was reported that ISIS had offered up to \$2000 and supplied food to recruit from refugee camps in Lebanon and Jordan. Rohingya in Malaysia who have no rights, are ill-treated, feel unwelcomed and desperate, are ideal candidates for ISIS recruitment. In fact, according to Iman Research, Malaysian militants had been recruiting Rohingya and dispatched them to the Philippines for training. Furthermore, if ISIS could offer a sense of belonging or identity, it is plausible that the Rohingya communities, who longed for recognition, would join ISIS.

The Malaysian government has to act fast before the situation turns for the worse, especially on the issue of ISIS' infiltration. By implementing legal recognition and granting basic rights to the Rohingya community, the refugee issue in Malaysia could be resolved once and for all.

For the past decades, UNHCR and other related Malaysian and Rohingya community NGOs have organised and built mechanisms which Malaysia can rely on. The Malaysian government should further cooperate with these mechanisms to deal with issues such as health, accommodation and livelihood training. The pilot project by the Malaysian government in 2017 is a positive sign of cooperation between the government and UNHCR. More such approaches in other areas could be taken to support the group face the future.

Chan Xin Ying is a Research Analyst with the Malaysia Programme at the S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University, Singapore. She previously worked with the United Nations High Commissioner for Refugees (UNHCR), Kuala Lumpur.

Nanyang Technological University

Block S4, Level B3, 50 Nanyang Avenue, Singapore 639798
Tel: +65 6790 6982 | Fax: +65 6794 0617 | www.rsis.edu.sg