

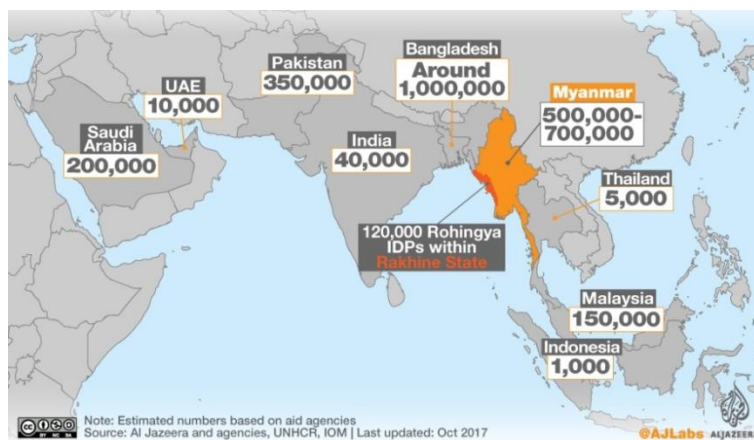
# The Rohingya Crisis: Implications to Malaysia as a Maritime Nation

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The catastrophic humanitarian crisis in Rakhine state since the late 1970s has resulted in nearly 1 million Rohingya refugees fleeing mainly to Bangladesh and other neighboring countries including Malaysia. Most headed by land into Bangladesh's Cox's Bazar district while others travelled by sea to Indonesia, Malaysia, and Thailand through the Straits of Malacca and the Andaman Sea.

## Destinations of Rohingya refugees



Source: Al Jazeera

## Foreseeable Implications for Malaysia

As the world's worst refugee catastrophe, the Rohingya crisis has impacted not only Myanmar but also neighboring states in the region including Malaysia. For the past 40 years, Malaysia has been a major transit venue for refugees seeking either temporary or permanent refuge from devastating conflicts in the region and further afield (Mohamed, 2016) including those from Myanmar. The Rohingya issue is of major concern to maritime nations and viewed by research experts and think tankers as a possible threat to peace and stability in the region in the near future.

### I. National Security Threats: Maritime Refugees

Despite being a non-signatory to the 1951 Refugee Convention and its 1967 Protocol (Mohamed, 2016), Malaysia has continued to accept Rohingyas refugees on an ad hoc basis on humanitarian grounds. In fact, Malaysia received large inflows of Rohingya refugees by boat

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between 2012 and 2015, with nearly 100,000 refugees making their journey across the Bay of Bengal and the Andaman Sea (See Figure 1). Efforts have been made by the Malaysian government to manage the Rohingya refugees including the recent introduction of a pilot scheme providing them legal employment to enable them to make a living in the country before relocation to third world nations (Kumar, 2017). However, the scheme does not address the position of unregistered Rohingya refugees who are forced to lead a precarious existence on the margins of society and at risk of arrest as illegal immigrants since they do not have proper “refugee” validation under the United Nations High Commissioner for Refugees (UNHCR).

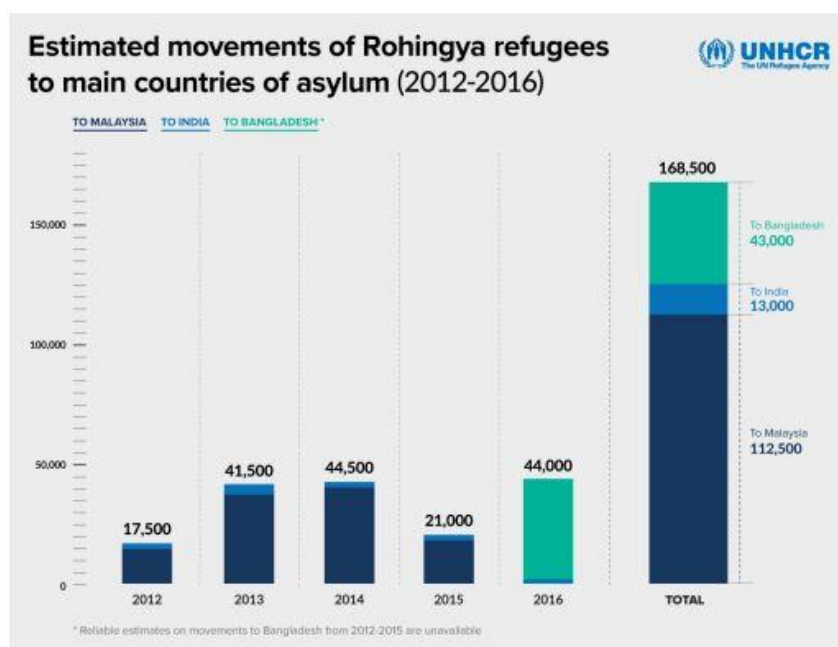


Figure 1: Estimated maritime movement of Rohingya refugees (2012 - 2016)  
Source: UNHCR

Such a situation gives rise to emerging social issues among them with many often forced into transnational organized crime (TOC) thus creating enforcement issues for government agencies. This is something that Malaysia has to be aware of since, as underlined by a Royal Malaysian Police’s report, organized crime groups seek new approaches or opportunities to branch out beyond their traditional parameters in the region. At the same time, Malaysia is seen as a source country and a target for women and children trafficking due to its strategic geographical position and economic development. A study by Newland (2015) states that smuggler camps were discovered in April and May 2015 on both sides of the Thai-Malaysia border following the massive maritime refugee migration in early 2015 which had complicated government efforts to control their borders. The management of unregistered Rohingya refugees in Malaysia could provide the impetus for criminal groups to spread their illegal activities in the country especially in human and drug trafficking. Rohingya refugees without the UN card in Malaysia can be involved directly or indirectly in such activities by being tricked, recruited, lured or even coerced for commercial sexual exploitation, forced labour, and drug trafficking as they do not officially hold any status in the country.

Such a situation could escalate to terrorism-related activities in this region. According to Malaysia’s Foreign Minister (Channel News Asia, 2017), the humanitarian crisis is used as a tool to advance terrorism-related activities in the region. A study found that militant groups recruit refugees by offering them basic needs that host countries fail to provide. The dire

situation of these Rohingyas is a ripe opportunity for militant groups to broaden their terror linkages in this region. With the sense of recognition provided by the militants, it is rational that the Rohingya communities, desperately seeking an identity, would join them. If militant activities become uncontrollable in this region, the security assets and arrangements of the surrounding nations including Malaysia would be placed under much pressure to curb attacks on the maritime communities. Thus, inappropriate handling of the Rohingya crisis in the country would likely be a main impediment in safeguarding national peace and stability.

## II. Pressure on the Malaysian Geo-Economic Situation

While terrorism activities underscore the “nightmare” to national and regional security, their danger to the Malaysian economy cannot be ignored. According to experts, recent terrorist attacks in Southeast Asia seemed to mainly focus on foreign visitors. In fact, the August 2015 and January 2016 attacks in Bangkok and Jakarta by IS mainly targeted foreigners. Thus, if foreign visitors are the core terrorist targets in the Southeast Asia region, they or even foreign investors will lose confidence or not feel secure to come to the region, and create possible negative impacts on Malaysia’s economy. This is because Malaysia leverages on economic opportunities available in and along the Malacca Straits which has outstanding infrastructures, her strong institutional and legal framework, is pro-business, and has natural as well as man-made attractions for foreign investors and visitors (Khalid, 2014).

The Straits of Malacca, one of the oldest and busiest shipping lanes in the world, serves as a vital channel for cargo and people movements between the Indo-European region and the rest of Asia and Australia (Shahryari & Arshad, 2011). Besides, the waterway is a vital channel for energy shipments for the economic powerhouses of China, Japan, and South Korea to fuel their economies. According to Villar and Hamilton (2017), nearly one-third of the 61% of total global petroleum and other liquids production transported on maritime routes in 2015 crossed the Strait of Malacca, the second-largest oil trade chokepoint in the world after the Strait of Hormuz. Apart from that, 83,740 trade and oil vessel transits in 2016 and the presence of major container ports make the straits one of the world’s busiest (See Figure 2). In fact, Malaysia’s economic growth and its trade registered much improvement last year, and bilateral trade with China reached about US\$96.03 billion (Ong Ka Chuan, 2018). Malaysia’s Melaka Gateway project, an offshoot of investments from China’s Belt and Road Initiative is also situated in the Malacca Straits which increases Malaysia’s geo-economic interests riding on the waterway. Therefore, any form of terrorism activity in the region would place the Straits of Malacca as a primary target and seriously impact Malaysia’s geo-economic situation and undermine mutual trust among her trading partners.

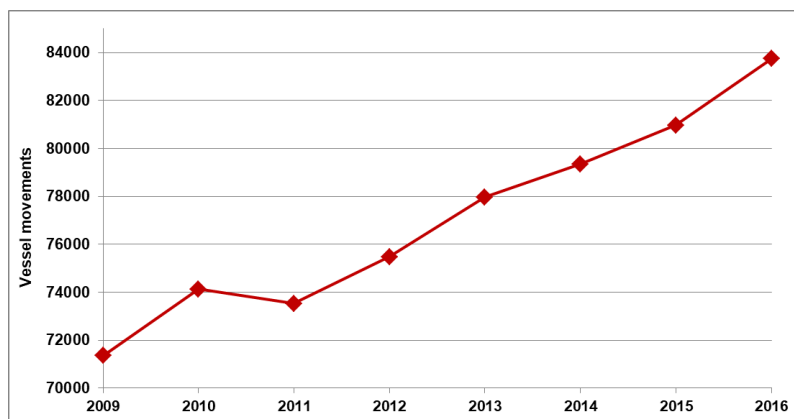


Figure 2: Straits of Malacca: Annual Traffic, 2009 – 2016

*Source: Marine Department Malaysia*

### **III. Geo-strategy Dilemma**

The Rohingya crisis is expected to encroach on the geo-strategy of the Straits of Malacca as the straits is used as a primary route by those fleeing persecution. On the other side of the coin, the straits is known to have a major bearing on Malaysia's development and has a high profile in diplomacy as well as international relations from centuries ago (Permal & Yunan, 2014). Besides, the straits plays a critical role in the life of many nations around the globe as it is one of the most important shipping waterways in the world from both economic and strategic perspectives (Rahman, Saharuddin & Rasdi, 2014). Apart from that, the straits holds a number of interest among many nations around the globe especially ASEAN member states, global maritime powers such as the US, regional powers including China, Japan, India and South Korea, and distant powers like the EU (Permal & Yunan, 2014). Such interests by many powers are motivated by the fact that the straits constitutes the primary sea lane of communication between the Pacific and Indian Ocean thus stressing the fragility for geopolitical stability in the region and security of international navigation.

Insurgencies and the threat of TOC including terrorism in the region arising from the Rohingya crisis especially in the Malacca Straits would greatly increase safety and security concerns among the users of the waterway. Further, it may also lead foreign powers to be involved in the management of the straits. While the involvement of too many players may, generally speaking, be effective in curbing illicit transboundary activities, it also gives rise to a militarization effect, akin to what is developing in the South China Sea. Similar to China's naval deployment in the South China Sea, under the guise of providing additional safety and security in the Straits of Malacca military force deployment by several non-littoral states having a major interest in the Straits could compromise the jurisdiction of the littoral States in the Straits of Malacca. Involvement of non-littoral States in maintaining the peace, security, and stability in the Straits of Malacca would disturb the existing security arrangements in the Straits of Malacca and may adversely affect Malaysia's pragmatic relationship with global and regional counterparts.

#### **Improving the Management of Rohingya Refugees in Malaysia**

According to the UNHCR, as of end of February 2018, there were some 154,400 refugees and asylum-seekers registered with it in Malaysia of which 68,510 were Rohingyas. However there is still a significant number of undocumented Rohingyas in Malaysia. For that purpose, the Malaysian government can establish an Instant Comprehensive Registration System (ICRS) for Rohingya refugees consisting of biometric verification that would lead to easy tracking of their movements and activities. A coordinated system such as the ICRS is required to monitor and update records on the actual numbers of Rohingya refugees apart from those registered under the UNCHR. Perhaps, this system can be proposed to the Rohingya Community-Based Organizations (a project-based UNHCR funding programme providing a range of services to refugees) located around the country (Wake & Cheung, 2016) which would facilitate the registration of undocumented refugees under the UNHCR. Through this, the government would be able to trace any Rohingya refugees associated with any form of illegal activities such as drug and human trafficking in the country. This initiative would likely check the expansion of illegal activities by criminal groups involving Rohingyas due to the tight security system. In developing such a comprehensive system, the Malaysian government could seek advice from the UNHCR on the approach and method to register the Rohingyas. Possibly, the system would be able to facilitate better refugee management that may occur in the near future. Significantly,

higher control would come with the success of the Malaysian pilot scheme since it would translate into more registered Rohingyas in the territory being allowed legal employment to make a living before their relocation to third world nations.

The international community lauded Malaysia for its successful handling and management of asylum seekers during the influx of Vietnamese refugees into the country in the 1970s and 1980s. That event led the country to draft the International Comprehensive Plan of Action (CPA) for Indochinese Refugees in Kuala Lumpur in March 1989 and its subsequent adoption at the international conference in Geneva in June of the same year (Mohamed, 2016; Robinson, 2004). The establishment of the CPA not only stemmed the flow of boat people from Vietnam, Cambodia, and Laos but also provided a framework for refugee status identification for asylum seekers from these countries and their voluntary repatriation and resettlement to third countries.

Through proper coordination with third countries and countries of origin, Malaysia successfully managed to provide temporary refugee protection for the Vietnamese boat people at the Pulau Bidong refugee camp in Terengganu while they were processed by the UNHCR to determine their refugee status (Mohamed, 2016). The CPA ended officially on 6 March 1996 and there has been no other comprehensive plan of action established to manage refugees in Malaysia. Perhaps, the time has arrived for Malaysia to initiate a multilateral approach on a joint comprehensive action plan in the management of the Rohingya in Malaysia by referring to the previous CPA. A multilateral approach in this regard would not only facilitate refugee management in the country but also strengthen pragmatic relations among the nations involved.

Over the long term, Malaysia has to address the gap in the legal framework on the management of the Rohingya refugee situation in the country. Being a non-state party to both the 1951 Refugee Convention and its 1967 Protocol and the 1954 Convention on the Status of Stateless Persons should not hinder government efforts to set up a national legislative and administrative framework. This would play a vital role in processing maritime asylum seekers and refugees and enable them to acquire legal working rights and access to health and education. This would also greatly facilitate the UNCHR in registering them for UN refugee status and allow Malaysia to make a clear distinction between undocumented workers (illegal immigrants) and refugees as illegal immigrants often blend themselves with maritime refugees during their journey to Malaysia by passing through the Straits of Malacca. Having national legislation on refugees would not only maintain the safety and security of the nation but also strengthen its international reputation and recognition as a maritime nation for its efforts to address this issue even without being a signatory to the conventions on refugees and stateless persons.

## **Conclusion**

As a maritime nation, Malaysia has a record of success in resolving challenges in the maritime domain especially in the Straits of Malacca including on matters impacting maritime boundaries, safety of navigation, and maritime security in the straits to safeguard and uphold its national interests. In this regard, managing the Rohingya refugees in the country is an added undertaking and challenge for Malaysia as any mishandling of this issue may lead to serious threats to its maritime interests and security. The Rohingya refugee crisis has major implications both regionally and globally and Malaysia must play an active role and continue to take the initiative in addressing it. However, the country will also have to decide on its actual stand in handling the refugees from Rohingya that take into consideration all elements, including results from the pilot scheme to manage Rohingya refugees, and their implications for the national interest before arriving at a final decision on the matter.

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