

THE MYANMAR ROHINGYAS: CHALLENGES FACED
BY THE 'REFUGEE' COMMUNITY IN MALAYSIA, 2014-
2016

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ASIA-EUROPE INSTITUTE
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MALAYSIA, 2014-2016**

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**THESIS SUBMITTED IN FULLFILMENT OF THE
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Field of Study: Sociology and Cultural Studies

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COMMUNITY IN MALAYSIA, 2014-2016**

ABSTRACT

The purpose of this study is to highlight the challenges of social integration among the Rohingyas in Malaysia as refugees, and the extent to which the direct and indirect challenges have played a role in the process of social and cultural integration. This research, based on interviews with the Rohingyas living in Malaysia, focuses on their everyday lives as refugees. The ethnographic research design, combining semi-structured interviews provides an opportunity to analyze social relations in Malaysia. The problems and challenges of integration as refugees and their survival as a Muslim minority community from Myanmar are also discussed, based on fieldwork involving observation in some Rohingya urban settings. Library sources are used to share an overview of the Rohingyas. Findings are based on earlier research, interviews with experts on Rohingya issues, and the Rohingya communities in Malaysia. Based on case studies, the thesis concludes with a recommendation for successfully integrating Rohingya refugees in Malaysia and a policy that can be reviewed or amended. The analysis of the Rohingyas draws on the conceptual framework of Survival Migration, by Alexander Betts and Alastair Ager and Alison Strang, authors of Understanding Integration. This research indicates that the Rohingyas in Malaysia are still struggling to find their place in the host country. However, many of these refugees are coping well in Malaysia, though there is still much that could be done by local government and international bodies in ensuring the continued survival as refugees. This research also demonstrates the ambiguous status of the Rohingyas as a serious complication in their daily lives, and provides a strong basis for understanding what is happening to the Rohingyas and for determining their root problems. The findings indicate that the mastery of language, employment and the ability

to establish social networks with local people are important factors in achieving integration. In addition, there is a need to educate the host community about refugees and policies must be reviewed and amended in terms of education and employment to ensure the social inclusion and successful integration of the Rohingya refugees in Malaysia.

Keywords: Rohingya, Refugee, Stateless, Integration, Minority

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CABARAN MASYARAKAT ROHINGYA MYANMAR SEBAGAI KOMUNITI PELARIAN DI MALAYSIA

ABSTRAK

Kajian ini telah mengenal pasti cabaran dan integrasi sosial dalam kalangan masyarakat Rohingya sebagai pelarian di Malaysia. Seterusnya meneliti sejauh mana cabaran langsung dan tidak langsung mempunyai perkaitan dalam proses integrasi budaya dan sosial. Kajian ini, yang berdasarkan kepada kajian terdahulu menumpukan kepada temu bual dengan pelarian Rohingya yang tinggal di Malaysia. Reka bentuk kajian etnografi berserta temu bual separa berstruktur digunakan untuk menganalisis hubungan sosial di Malaysia. Permasalahan dan cabaran sebagai pelarian serta kelangsungan mereka sebagai masyarakat Muslim minoriti dari Myanmar turut menjadi fokus berdasarkan kajian lapangan di beberapa lokasi penempatan informan. Data primer dikumpul melalui temu bual separa berstruktur dengan pelarian Rohingya dan informan yang mempunyai kaitan dengan isu pelarian dan Myanmar. Data sekunder pula dikumpul daripada kajian perpustakaan berdasarkan bahan ilmiah, buku pelarian, akhbar dan data atas talian. Analisis menggunakan konsep *Survival Migration* oleh Alexander Betts dan Alastair and Alison Strang yang menulis *Understanding Integration*. Penemuan kajian berdasarkan kepada dapatan kajian terdahulu, temu bual dengan pelarian Rohingya dan temu bual dengan informan yang mempunyai kaitan dalam isu pelarian dan Myanmar. Hasil kajian mendapati status sebagai pelarian memberi kesan serius kepada kehidupan masyarakat Rohingya di Malaysia. Ianya menyediakan asas kepada kefahaman lebih meluas mengenai isu ini secara keseluruhannya. Berdasarkan kepada kajian kes, kesimpulan kajian mengetengahkan syor untuk memastikan kejayaan proses integrasi masyarakat Rohingya di Malaysia. Seterusnya mencadangkan jika ada dasar-dasar yang wajar dipinda atau diperhalusi. Dapatan kajian mendapati, masyarakat Rohingya di Malaysia masih berusaha untuk menempatkan diri mereka di negara tempat yang

memberikan mereka perlindungan. Di sebalik ketidakpastian hidup dan status sebagai pelarian, masyarakat Rohingya dianggap berjaya dalam integrasi dengan masyarakat tempatan. Dapatan kajian juga mendapati, bijak menguasai bahasa tempatan dan Bahasa Inggeris, pekerjaan dan keupayaan membangunkan rangkaian sosial antara faktor kejayaan integrasi. Seterusnya, penting adanya pendidikan dan pekerjaan bagi memastikan kejayaan proses integrasi dalam kalangan masyarakat Rohingya di Malaysia.

Katakunci: Rohingya, Refugee, Stateless, Integration, Minority

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TABLE OF CONTENTS

| | |
|---|-----------|
| Abstract | iii |
| Abstrak | v |
| Acknowledgements | vii |
| Table of Contents | viii |
| List of Tables..... | xiii |
| List of Figures | xiv |
| List of Symbols and Abbreviations..... | xv |
| List of Appendices | xviii |
| | |
| CHAPTER 1: INTRODUCTION..... | 2 |
| 1.1 Background Research | 2 |
| 1.2 Refugees around the Globe..... | 5 |
| 1.3 Malaysia's Response to refugees in Malaysia | 11 |
| 1.4 Statement of the Problem..... | 18 |
| 1.5 Research Significance..... | 20 |
| 1.6 Theoretical Framework..... | 22 |
| 1.7 Research Questions..... | 25 |
| 1.8 Objective of Study | 29 |
| 1.9 Scope/Limitation of the study..... | 30 |
| 1.10 Literature Review | 31 |
| 1.11 Outline of Thesis/Chapters | 43 |
| | |
| CHAPTER 2: METHODOLOGY AND SOURCES | 46 |
| 2.1 Introduction..... | 46 |

| | |
|--|-----------|
| CHAPTER 3: THE ROHINGYAS: NEVER ENDING VIOLENCE | 55 |
| 3.1 Introduction..... | 55 |
| 3.2 Who are the Rohingyas? | 60 |
| 3.3 Evolution of the word Rohingya..... | 64 |
| 3.4 The origin of the Rohingyas | 68 |
| 3.5 Rohingya and Arakan | 73 |
| 3.6 The Rohingyas: Natives of Arakan?..... | 80 |
| 3.7 The Rohingyas: Atmosphere Before and After Independence | 83 |
| 3.8 The Situation as of Today | 90 |
| 3.9 The Rohingyas Cycle of Problems | 96 |
| 3.10 The Rohingyas and Stateless | 97 |
| 3.11 Rohingya and Refugee..... | 102 |
| 3.12 The Rohingyas and Human Trafficking | 105 |
| 3.13 The Rohingyas and Bengali..... | 110 |
| 3.14 The Rohingyas and 2014 Census..... | 112 |
| 3.15 Rohingya: Militant and Separatist Movement..... | 116 |
| 3.16 The Rohingyas and 2012 Violence..... | 122 |
| 3.17 Rohingya and Genocide..... | 124 |
| 3.18 The Rohingyas and Recent Controversy | 128 |
| 3.20 The Problem of Rohingya Identity and Citizenship | 129 |
| 3.21 The Rohingyas as Community without Identity, without a Country..... | 141 |
| 3.22 Efforts to Eliminate the Rohingyas..... | 146 |
| 3.23 Types of Suffering Faced by the Rohingyas..... | 149 |
| 3.24 Conclusion | 156 |

| | |
|---|----------------|
| CHAPTER 4: JOURNEY OF FINDING FUTURE IN MALAYSIA | 161 |
| 4.1 Introduction..... | 161 |
| 4.2 The Refugee Question | 163 |
| 4.3 Diaspora Refugee..... | 164 |
| 4.4 Diaspora Rohingya | 172 |
| 4.4.1 The Rohingyas Diaspora in Thailand | 173 |
| 4.4.2 The Rohingyas Diaspora in Bangladesh..... | 176 |
| 4.4.3 The Rohingyas Diaspora in Indonesia..... | 178 |
| 4.4.4 The Rohingyas Diaspora in Malaysia..... | 181 |
| 4.5 Journey of the Rohingyas in Malaysia..... | 190 |
| 4.6 Pattern of Arrival | 191 |
| 4.6.1 New boat-people arrival | 192 |
| 4.6.2 Boat to Thailand and Overland to Malaysia..... | 192 |
| 4.6.3 Boats Arriving Directly to Malaysia Shore | 194 |
| 4.6.4 New Arrival: Changing in Pattern..... | 197 |
| 4.6.5 Long-term Population: Overland Routes to Malaysia..... | 198 |
| 4.7 Conclusion | 210 |
| CHAPTER 5: A STRUGGLE IN AN UNCERTAIN LIFE | 213 |
| 5.1 Introduction..... | 213 |
| 5.2 Challenges, Integration, Assimilation and Host countries..... | 215 |
| 5.2.1 Challenges | 216 |
| 5.2.2 Integration | 217 |
| 5.2.3 Assimilation..... | 218 |
| 5.2.4 Host countries..... | 219 |
| 5.3 Problems Faced by Rohingya refugees in Malaysia..... | 220 |

| | | |
|-------|---|-----|
| 5.4 | Life as Rohingya Refugee in Malaysia..... | 229 |
| 5.4.1 | Poverty and unemployment..... | 229 |
| 5.4.2 | No job security | 231 |
| 5.4.3 | Medical treatment..... | 231 |
| 5.4.4 | Security issues | 233 |
| 5.4.5 | Birth certificate..... | 235 |
| 5.4.6 | The issue of education for Rohingya kids | 236 |
| 5.5 | Education Problem for Rohingya Refugees Children in Malaysia..... | 238 |
| 5.6 | The Rohingyas Children and the Beggars Problem..... | 247 |
| 5.7 | Conclusion | 252 |

CHAPTER 6: INTEGRATION, ASSIMILATION AND DREAM OF HOPE254

| | | |
|-------|---|-----|
| 6.1 | Introduction..... | 254 |
| 6.2 | Integration and Assimilation: The Rohingyas Dilemma in Malaysia | 256 |
| 6.3 | The Rohingyas Refugee Community..... | 258 |
| 6.4 | Life in a Muslim Country, Malaysia: A story of Rohingyas Imam..... | 260 |
| 6.5 | Helping to help others: The spirit of the Rohingyas..... | 265 |
| 6.5.1 | Sharifah's Story | 267 |
| 6.5.2 | Ziaur Rahman's Way | 274 |
| 6.6 | The power of sports, refugee and Rohingya Football Club (RFC) | 276 |
| 6.7 | The Rohingyas Social Network..... | 285 |
| 6.8 | Refugee Integration: Malaysia's effort..... | 292 |
| 6.9 | Conclusion | 294 |

CHAPTER 7: CONCLUSION.....300

| | | |
|--|--------------------|-----|
| | BIBLIOGRAPHY | 314 |
|--|--------------------|-----|

| | |
|---|-----|
| List of Publications and Papers Presented | 333 |
| Appendix | 334 |

University of Malaya

LIST OF TABLES

| | |
|--|-----|
| Table 3.1: The Census Reports of Akyab (Sitwe) District | 71 |
| Table 3.2: Rohingya Population in Myanmar | 86 |
| Table 3.3: Population Post-Census | 86 |
| Table 3.4: Operations on the Rohingyas | 152 |
| Table 4.1: The population of refugees and asylum seekers in Malaysia | 186 |
| Table 4.2: Refugees/Asylum Seekers from Myanmar in Malaysia | 186 |
| Table 4.3: Estimated number of Rohingya in Malaysia..... | 205 |
| Table 5.1: Number of Refugees in Malaysia | 222 |
| Table 5.2: Number of Refugees by Country | 223 |
| Table 5.3: Number of Asylum Seekers in Malaysia | 226 |
| Table 5.4: Number of Asylum Seekers according to Country | 226 |
| Table 5.5: Application Status by UNHCR..... | 226 |
| Table 5.6: List of Educational Center for the Rohingyas in Malaysia..... | 242 |
| Table 6.1: Organisation Involved In Assistance to the Rohingyas Refugee..... | 290 |

LIST OF FIGURES

| | |
|--|-----|
| Figure 1.1: Map of Myanmar | 1 |
| Figure 3.1: Administration Zone in Myanmar | 79 |
| Figure 3.2: The stateless Rohingya siblings in Cheras Baru, Kuala Lumpur, Malaysia staring at a dimmed future due to their identity problem | 141 |
| Figure 4.1: Rohingya Kids with their parents in Kuantan, Pahang..... | 163 |
| Figure 4.2: The Rohingyas' Distribution in Malaysia | 181 |
| Figure 4.3 The Rohingyas' dangerous route to Malaysia | 190 |
| Figure 5.1: Rohingya Kids with UNHCR card in Kuantan, Pahang..... | 215 |
| Figure 6.1: A poster of documentary film "Selfie with the Prime Minister" | 274 |
| Figure 6.2: Group photo of RFC Team, Awani FC, TNB and Utusan Malaysia's Team during friendly match in 2015 | 277 |

LIST OF SYMBOLS AND ABBREVIATIONS

| | | |
|--------|---|--|
| 1MDB | : | 1Malaysia Development Berhad |
| ABIM | : | Muslim Youth Movement of Malaysia |
| ARNO | : | Arakan Rohingya Nationalist Organization |
| ARU | : | Arakan Rohingya Union |
| ARUC | : | Arakan Rohingya Ulama Council |
| ASEAN | : | Association of South East Asia Nation |
| ATIP | : | Anti-Trafficking in Persons |
| BBC | : | British Broadcasting Correspondence |
| BRAD | : | Burmese Rohingya Association Deutschland |
| BTF | : | Burma Territorial Forces |
| BIA | : | Burma Independence Army |
| CAH | : | Crime against Humanity |
| CPB | : | Communist Party of Burma |
| CRIPDO | : | Islamic Community Pro-Democracy Organization |
| ERC | : | European Rohingya Council |
| ERCA | : | Ethnic Rohingya Committee of Arakan Malaysia |
| ERHO | : | Ethnic Rohingya Human Rights Organization |
| ERT | : | Equal Right Trust |
| FARC | : | Revolutionary Armed Forces of Colombia |
| FB | : | Facebook |
| FGN | : | Future Global Network Foundation |
| GAM | : | Free Aceh Movement |
| HKIHSS | : | Hong Kong Institute for the Humanities and Social Sciences |
| HRW | : | Human Rights Watch |

| | | |
|--------|---|---|
| HURAR | : | Human Rights Association of Rohingyas Malaysia |
| ICC | : | International Criminal Court |
| ICG | : | International Crisis Group |
| IDP | : | Internally Displaced Person |
| INGO | : | International Non-Government Organizations |
| ILO | : | International Labor Organization |
| JKM | : | Welfare Department |
| KLIA | : | Kuala Lumpur International Airport |
| MEHROM | : | Myanmar Ethnic Rohingyas Human Rights Organization Malaysia |
| MILF | : | Moro Islamic Liberation Front |
| MMRS | : | Malaysia Rohingya Refugees Society |
| NGO | : | Non-Governmental Organisation |
| OIC | : | Organization of the Islamic Conference |
| PERKIM | : | Malaysian Muslim Welfare Organization |
| PRLS | : | Pahang Rohingya Language School |
| RARC | : | Rohingya Arakanese Refugee Committee Malaysia |
| RELA | : | Association of Volunteer Corps |
| RFC | : | Rohingya Football Center |
| RIC | : | Rohingya Information Center |
| RLC | : | Rohingya Learning Center of Pahang |
| RSDM | : | Rohingya Solidarity Democratic Movement |
| RSO | : | Rohingya Solidarity Organisation |
| RSM | : | Rohingya Society Malaysia |
| RSWAP | : | Rohingya Social & Welfare Association of Pahang |
| SPDC | : | The State and Peace Development Council |
| TNI | : | Transnational Institute |

| | | |
|--------|---|---|
| UAE | : | United Arab Emirates |
| UIAM | : | International Islamic University Malaysia |
| UN | : | United Nation |
| UNHCR | : | UN High Commissioner for Refugees |
| UNICEF | : | UN Children's Fund |
| UNPF | : | United Nation Population Fund |
| USCRI | : | United States Committee for Refugees and Immigrants |
| USM | : | Universiti Sains Malaysia / Malaysia Science University |
| WWII | : | Second World War/ World War Two |

LIST OF APPENDICES

| | |
|--|-----|
| APPENDIX A: Rohingya Children put on “Thanaka”, traditional form of make-up refreshing powder from Myanmar. | 334 |
| APPENDIX B: List of Arakanese Kings that ruled Arakan | 335 |
| APPENDIX C: Time-line of 2012-2017 Violence in Rakhine | 336 |
| APPENDIX D: 14 Myanmar Government’s Intent of Slow-Burning Genocide shared by Dr Zarni. | 337 |
| APPENDIX E: Shwedagon, Myanmar Landmark | 338 |
| APPENDIX F: News Report on the Rohingyas in Malaysia | 339 |
| APPENDIX G: Feature Writing on the Rohingyas in Malaysia | 340 |
| APPENDIX H: A photo of the Rohingyas that have been stranded on the boat for a week in 2015 at The Andaman Sea | 341 |
| APPENDIX I: Photo taken with Rakhine Ethnic in Cultural Center in Yangon. | 342 |
| APPENDIX J: Rohingya Kids Wearing Traditional Attire | 343 |
| APPENDIX K: Rohingya Kids Learning Center in Selayang, Selangor | 344 |
| APPENDIX L: Rohingya Kids play soccer with locals in Kuantan, Pahang | 345 |
| APPENDIX M: Rohingya Kids at their informal school in Selayang, Selangor | 346 |
| APPENDIX N: Plain Language Statement | 347 |
| APPENDIX O: Imam of Chulia Mosque with Muslim’s Myanmar in an interview in Yangon, Myanmar. | 349 |
| APPENDIX P: Researcher with AFK Jilani, an author of “The Rohingyas of Arakan, Their Quest for Justice” at his residence in Ampang, 2015. | 350 |
| APPENDIX Q: An Interview with few Rohingyas in Malaysia. Interview took place in Kuantan, Pahang | 351 |
| APPENDIX R: Sample of UNHCR Card hold by the Rohingyas in Malaysia. | 352 |
| APPENDIX S: Rohingya Third Generation passing their time get together in Kuantan, Pahang. | 353 |

| | |
|--|-----|
| APPENDIX T: Rohingya family having lunch at their house in Cheras Baru, Kuala Lumpur. | 354 |
| APPENDIX U: Interview Questionnaire | 355 |

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CHAPTER 1: INTRODUCTION

1.1 Background Research

In May 2015, the Rohingyas fleeing Myanmar ¹ made international headlines when a crackdown on human trafficking camps in Thailand led traffickers to abandon thousands of them on boats in the Andaman Sea. At almost the same time, mass graves of Rohingya were discovered in Thailand and Malaysia, as reported in local and international media. ² Yet the roots of these events can be found in decades of persecution in Myanmar, and the displacement of hundreds of thousands of Rohingya to countries in South-east Asia. In Malaysia, the Rohingya population, with over 54,000 registered by the UN High Commissioner for Refugees (UNHCR) and tens of thousands more unregistered consisted of a mix of new arrivals and first- and second-generation refugees living in protracted displacement. Most are stateless because Myanmar's 1982 Citizenship Law denies them the right to citizenship (Equal Right Trust (ERT), 2014) and refugees born in Malaysia are not granted Malaysian's citizenship.

One year later in 2016, following attacks on 9 October on three border posts in Myanmar's North Rakhine State, during which nine Myanmar border police officers were killed, the state has mounted a sustained, indiscriminate and disproportionate program of collective punishment of Rohingya in North Rakhine State. Allegations of a range of gross human rights violations carried out by the Myanmar army, including arbitrary arrests and torture, the displacement of over 30,000 persons, indiscriminate killings and rapes of women and the destruction by fire of entire villages have been met by denial

¹ In regards to the name of Myanmar/Burma, the military government changed the country's name from Burma to Myanmar in 1989. In this thesis, both names Myanmar and Burma will be used since they are both internationally recognized. However to standardized, since Myanmar has been an official name of the country since 1989, in this thesis, Burma used for the pre-1989 contexts.

² Local and international media report on this development in June 2015. See for example, report in *The Star*, "Mass grave found in Padang Besar" and *The Guardian*, "Migrant mass graves: police reveal 139 sites, some with multiple corpses", and *CNN* report "Malaysia finds human-trafficking mass grave near Thai border" and portal abc.net "Migrant Crisis: Rohingya refugees buried in mass grave near Thailand authorities, survivor say".

from the Myanmar government. The state has proceeded to block all access to humanitarian aid including existing programs, and bar independent human rights monitors and reporters from entering the area. As a result of the obstruction to humanitarian aid, the region is facing yet another humanitarian crisis, with 140,000 people being denied the aid they need, over 3,000 children facing life-threatening acute malnutrition and over 3,000 having fled to Bangladesh, which has closed its border. (Wake & Cheung, 2016)

Meanwhile, Myanmar's state run media, as noted by Win (2016) in his blog, has referred to Rohingya as '*terrorists*' a '*foreign threat*' and most disturbingly, as '*human fleas*'. According to Win, "the situation in Myanmar has been described as amounting to ethnic cleansing, by UNHCR Bangladesh, and as genocide by the International State Crime Initiative of Queen Mary University of London. This violence and unrest in Rakhine State, Myanmar that flared up, has tested Myanmar's fragile democracy and causing hundreds of Rohingya people continuing to flee" (Win, 2016).

Despite this, until recently, quite a number of studies have been conducted on the Rohingya diaspora, despite the large number of important works written concentrating on the political context and more specifically, the Rohingya refugee situations and their integration with host countries. Rather, the Rohingya refugees have often been looked upon through a political lens. Their existence as a marginalized minority and transitional community, their civic status in host societies and their personal narratives have thus rarely been examined if one compares them with the minority ethnic Moro in the southern Philippines and the Muslim Pattani communities in southern Thailand.

Meanwhile, much of the literature written on the Rohingyas has focused its attention on issues such as human rights and their presence in the closest neighboring country, Bangladesh. But, what makes this study innovative is that it tackles their presence in

Malaysia and the process of integration and assimilation from the Rohingyas perspectives. This is not an unexplored area, but research in the particular group is inadequate and one hopes that this study will throw light on the cultural changes, process of integration and assimilation faced by a community migration to a new place. The data collected includes voices, experiences, feelings, stories and opinion from participants are interwoven within the key theme and literature and are analyzed in the later part of this thesis.

There are three aspects that need to be addressed relating to this study. One is refugees, and the second, Malaysia as a host to refugee communities and finally the Rohingyas. Nevertheless, this study is about the refugee community in Malaysia, and as much as far as we can say, refugee studies on Rohingyas in Malaysia are still small in number, and we hope this study will open up the same subject in the near future.

Regarding the status, the three terms - refugees, illegal immigrants and asylum seekers have different meanings, but all of them define the status of the Rohingyas in Malaysia. Status is the primary problem for more 50,000 Rohingya in the country, not to mention thousands more people that have recently arrived in Malaysia. This matter has been acknowledged by a local scholar who is also Dean of the School of Humanities at Universiti Sains Malaysia (USM), Professor Abu Talib Ahmad. In an interview in a slot on Astro Awani, Awani Global on 27th February 2009, he said, "Rohingya are burdened by uncertain status, making this complex issue very difficult to be resolved. Unless this matter is decided, the issue of Rohingya in the country will remain uncertain" (Ahmad, 2009).³

³ Interview with Prof Abu Talib Ahmad was done to get his response when for the first time the issue of Rohingya was discussed during the 14th ASEAN Summit in Hua Hin, Thailand by Malaysia and Indonesia.

UNHCR uses the term “refugees”, as adopted by the international agreement. Refugees, according to UNHCR to refer to individuals who cannot return to their home countries because of fear being abused and persecuted due to religion, race, nationality and political differences.

Refugees are officially recognized by the UNHCR and countries. In this thesis, refugee communities that have been a subject of research is a group that recognized by the term that adopted by UNHCR. The Rohingyas refugee that had been interviewed as respondents are UNHCR card holders and not illegal or migrant workers. However the Rohingyas in Malaysia have also referred to as asylum seekers and illegal immigrants and although the term been used in the discussion next according to the context, both asylum seekers and illegal immigrant are not the scope of the research in this work.

Although the presence of large numbers of the Rohingyas in Asia and especially in Malaysia, Thailand and Bangladesh is a relatively recent phenomenon, compared to their presence in Europe or the Arab world, the size of their population in Asia is growing bigger. The largest communities are to be found in Bangladesh, Malaysia, and Thailand but smaller communities can also be found dispersed across the Middle East, for example in Saudi Arabia and in few European countries like United Kingdom, Germany, Norway and Sweden.

1.2 Refugees around the Globe

Among the world’s global issues, the refugee crisis is arguably one of the most complex. In simple word or definition, refugees are those people who move from one to another state because of different reasons such as political instability, war, violence and economic crisis. However the 1951 Refugee Convention (Article L.A (2) and the Refugee Protocol 1967 (Article 1.2) mark out a refugee as someone who “owing to well-founded to such fear of being persecuted for reasons of race, religion, nationality, membership of

a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” (UN, 1951) ⁴

Among the most problematic issues facing the world community today, the issue of Internally Displaced People (IDP) ⁵ and according to UNHCR (2016) statistical yearbook, refugees is second from top after forcibly displaced people. It is important to note that the problems of refugees are increasing day by day and issues of refugees are globally discussed by politicians, practitioners and academicians from different perspective. These different approaches have fueled the global debate about refugees and their related issues.

Due to the growing crisis of refugees, a number of organizations have been set up to assist people in distress. Organizations for humanitarian aid and academic research have been set up and policies have been formulated to deal with this situation, for example, the United Nation (UN) itself has established the UNHCR which deals with issues relating to the problem of the refugee and displaced people.

A lot of research is being carried out to understand the causes and consequences of the refugee crisis. For example, some of the institutes that are promoting research on refugee

⁴ The convention was approved at a special United Nations conference on 28 July 1951. At first, it only talked about protecting European refugees after World War II. There were limits to how long the Convention would last, and who it protected. But in 1967, a "protocol" (change) to the Convention took away these limits. This protocol made the Convention apply to all refugees. Because the convention was approved in Geneva, it is often called "the Geneva Convention." But it is not one of the more well-known Geneva Conventions that talk about what kind of behavior is allowed during wars. Denmark was the first state to ratify (agree to) the treaty, on 4 December 1952. Today, 147 countries have agreed to the Convention, the Protocol, or both.

⁵ Internally displaced persons (IDPs), according to the United Nations Guiding Principles on Internal Displacement, are "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed. The United Nations Inter Agency Internal Displacement divisions recognizes the problems of IDPs and place the number of IDPs as twice that of refugees. The present laws put the IDPs beyond protection and assistance. They do not have access to food, water, healthcare, employment and education”.

studies to facilitate policy and decisions making are the World Bank and UN Research Institution for Social Development. In fact, few universities offered refugee studies as their program, for example, Refugee Studies Program at Oxford University.

According to UNHCR (2016), there were an estimate 22.5 million refugees worldwide at the end of 2016, 17.2 million under the mandate of the UNHCR, while 5.3 million were Palestinian refugees registered by United Nation Relief and Works Agency for Palestinians Refugees in the Near East (UNRWA). UNHCR (2016) stated that, the majority of the refugees are from Africa (South Sudan) and Asia (Afghanistan) and Middle East (Syria).

UNHCR Global Trend Report (UNHCR, 2017) revealed, five countries in the world hosts the most refugees, namely, Turkey, Pakistan, Uganda, Lebanon and Iran. Report said, 85 percents of refugees live in developing countries with Iran is the fifth largest refugee-hosting country in the world. With the numbers at 979,400, it host close to one million refugees from Afghanistan and Iraq. This is followed by Lebanon with 998,900 refugees at home. In Lebanon, according to UNHCR report, one in every six people is a refugee and it host the most refugees relative to its population.

The third largest refugee-hosting country is Uganda. At 1.4 million refugees it hosts in 2016, Uganda saws a 44 percent increase in refugees in 2015 with large numbers arrived from South Sudan and Democratic Republic of Congo. Pakistan is also one of the largest refugee-hosting country in the world. According to UNHCR report, at 1.4 million refugees it hosts, Pakistan has hosted the Afghans for close to four decade. The first wave of Afghan refugees arrived in 1979. Meanwhile, at 3.5 million refugees in Turkey, it hosts the world largest refugee population in the world and most of them come from Syria and Iraq.

Millions of people have been rendered destitute due to war, civil unrest, terrorist, violence and natural disasters. According to UNHCR (2016) South Sudan is one such country facing an acute refugee problem. Nearly two million people have become refugees due to conflict in South Sudan. UNHCR publishes a regular operational and funding update concerning the refugee crisis in South Sudan. South Sudan Information Portal include Regional Emergency Updates; Situation Regional Dashboard and Refugee Response Plan Overview that observes the people of South Sudan are fleeing to neighboring countries like Uganda, Ethiopia and Kenya in search of a better life. The United Nations is making concerted efforts to reach out to the affected population in various countries. (UNHCR, 2016) For example officials or staffs are giving them orientation courses on the new ways of life awaiting them in foreign countries. According to the said report, “many migrating from South Sudan face or having no access to education. The refugees have a difficult time getting used to a new educational system and language. All those going to other states will have to adjust to a very different kind of life, hence the course”.

In the case of Syria, since the Syrian revolt in 2011, around 4 million Syrians sought refuge in neighboring countries. According to Syrian Regional Refugee Response as reported in UNHCR, “Turkey is currently hosting over 1.8 million Syrians, of which only 13% reside in refugee camps. The remainder resides in urban areas”. According to UNHCR figures, Istanbul is top of the list, hosting 300,000 refugees.⁶ The report added that, “the nature of refugee problem of Syrians in Istanbul is that their presence places growing pressure on society. Integration is bound to happen, as the prospects of returning home becomes less likely”.

⁶ Syrian Regional Refugee Response, is an information sharing portal hosted by UNHCR

Transnational Press London (2015) publishes a journal named *Migration Letters* which brings forth issues concerning the refugee and migration crisis. In one such special edition aimed to bring together a number of studies examining and discussing human mobility in relation to the Syrian crisis, it outlined how with the growing insurrections in Syria in 2011, an exodus in large numbers has emerged. Turmoil and violence have caused mass migration to destinations both within the region and beyond. Written by Sirkeci, Yazgan & Utku (2015), they illustrate that such current "refugee crisis" has escalated sharply and its impact is widening from neighboring countries toward Europe. To Sirkechi, Yazgan and Utku, 2015, p.118), "the Syrian crisis is the major cause of an increase in displacement and the resultant dire humanitarian situation in the region. Since the conflict shows no signs of abating in the near future, there is a constant increase in the number of Syrians fleeing their homes". However, they pointed out that "questions on the future impact of the Syrian crisis on the scope and scale of this human mobility are still to be answered. As the impact of the Syrian crisis on host countries increases, so does the demand for analyses of the needs for development and protection in these countries" (Sirkechi, Yazgan and Utku, p.118).

Human Right Watch (HRW), an American-founded international non-governmental organization that conducts research and advocacy on human rights in 2002 seen refugee problem happening in Myanmar. The report (HRW, 2002) conclude that "the minority community was marginalized in the process of nation building. The Rohingyas, who were Muslims, were proclaimed to be illegal immigrant or refugee from Bangladesh, who were creating law and order in Arakan (Rakhine) ⁷ and thus should be sent back. The Rohingyas faced repression, aggression, segregation by the government". In 1982, the report stated

⁷ Rakhine State is a state in Myanmar. Arakan may refer to Arakan State, former name of Rakhine State of Myanmar.

that, “the Myanmar government declared that the Rohingyas were not citizen of the state, which created further problems”. There will be more discussion on all these forms of discrimination, operations against the Rohingyas in Myanmar and especially the factors that led them sought refuge in the following chapter. Regarding the Rohingyas refugee crisis, as expected due to prolonged discrimination and persecution, they fled to Bangladesh and other neighboring countries such as Malaysia, Thailand and Indonesia.

Meanwhile, in the one non-governmental organization report, Medecins Sans Frontier (MSF), stated that Bangladesh, as the recipient country, had faced its first refugee crisis in 1978. The report said that, “at that time, Bangladesh thought that it was a matter of time and the problem would be resolved. But, Bangladesh had to seek international help and intervention to resolve the crisis”. The report continued by stating that; “as a result, the refugees went back but this was not long lasting and there was a fresh exodus in the 1990s due to violence in Rakhine”. (MSF, 2002). MSF Report entitled “10 Years for the Rohingya Refugees in Bangladesh: Past, Present and Future”, added that “ because of that, temporary camps were set up for the refugees and they remain in the camps and faced dimmed future due to poor condition at the camp. The living conditions of the refugees and the safety and security in the camps need to be improved.

After a time lapse, violence surged again in Rakhine in 2012, and 2015 and 2016, thus creating another series of the Rohingyas influx to Bangladesh” (2002, p.20). But again, the fate of refugee was entangled in governmental and bureaucratic procedures. A temporary camp was set up, but this does not imply that the problem has been solved permanently.

Regarding this development, various international report such as CNN (Thompson, 2016) conclude that “until a political breakthrough is achieved, intermediate and long-term solutions must be sought for those refugees unwilling to return to Myanmar”.

1.3 Malaysia's Response to refugees in Malaysia

The issue of refugees is familiar in Malaysia because it hosts refugees from Indonesia and Myanmar. Malaysia has hosted refugees since the 1970s, with influxes from Aceh and Burma following the Indochinese refugee crisis of the 1970s and 1980s.

There is presently a continuous flow of refugees into Malaysia, which hosts about 158,510 refugees and asylum seekers. The vast majority of refugees are from Myanmar, comprising the Rohingyas, Myanmar Muslim, Chin and Rakhine. Malaysia is not party to the Refugee Convention or the 1967 Protocol and therefore does not recognize the status of refugees and they are labelled as illegal immigrant.⁸ For the sake of convenience, this study will however refer to the Rohingyas in Malaysia as “the Rohingyas” or “Rohingya refugees”.

Meanwhile, a report by Mathew and Harley (2014) has noted that the Malaysian government's refusal to sign the treaty is “due to the heavy financial burden it will impose upon Malaysia” and “that the huge presence of “refugees” or “asylum-seekers” may be a threat to national security”. Consequently, Dev (2009) in his work noted that “asylum seekers have also been viewed with animosity by the Malaysian public and local political

⁸ In Malaysia, the term “illegal immigrant” usually refers to an alien who enters the country without any proper documents or those who enters legally but overstay, thus abusing their passport or visa. This also includes those who are using false identities to live in the country. Malaysia along with most of its Southeast Asian neighbors, are not signatories of the UN Refugee Convention, thus have maintained that any newly arrivals aliens are illegal immigrants rather than refugees. Since early 1970s, Malaysia has allowed other Muslims who stuck in a conflict on their countries to seek refuge in Malaysia especially the Filipino Muslims in the Southern Philippines. Also, in 1975, Malaysia accepted thousands of Cambodian Muslims who fled Cambodia during the administration of the Pol Pot regime. During the Indochina refugee crisis, Malaysia continued to allow a select number of Cambodian Muslims to locally integrate, assisted by the Malaysian Muslim Welfare Organization (PERKIM), who received funds both from the UNHCR and the Malaysian government. Starting from 1980, Malaysia permitted the local settlement for the Rohingya Muslims and Achenese Muslim who were both fleeing the Muslim persecutions in Myanmar and Aceh insurgency in Indonesia. In 2015, the Malaysian Deputy Minister of Home Affairs, Wan Junaidi Tuanku Jaafar stated that his ministry had spoken on the refugee issue numerous times with the UNHCR, telling the world organization that “Malaysia is not signatory to its convention on refugees”. He stated that even Malaysia allow any refugees to stay in Malaysia, the UNHCR should not take any advantage of Malaysia's compassion to allowing them in the country, instead it is time for the United Nations to send the refugees to another third-world countries. The minister also stated that even if Malaysia is seen as an attractive country for the refugees to taking up the jobs that locals did not want to take it due to dangerous, dirty and demeaning nature, both refugee and the migrant workers should not just take the law into their own hands when in Malaysia. His statement signals a change in stance for authorities in Muslim-majority Malaysia, which in the past quietly tolerated the arrival of the Rohingyas, a persecuted Muslim minority in predominantly Buddhist Burma. For Wan Junaidi's statement, see for example, Malaysia cannot be seen as willing host to migrants: Wan Junaidi, <http://www.mysinchew.com/node/108943> or report by Samantha Hawley, May 2015. Thailand, Malaysia may set up camps for influx of migrants; at least 8,000 believed to be adrift at sea, <http://www.abc.net.au/news/2015-05-12/thailand-malaysia-may-set-up-camps-for-influx-of-refugees/6464622>

parties because of their *foreign status*". Regarding this, Mathew and Harley (2014) noted that "since there are states that are party to the Convention that do not implement it, Malaysia has questioned the need for ratifying the Convention, arguing that they have done more than these states by hosting refugees in their country". Instead it sees the provision of assistance to refugees and asylum-seekers to be done on a case by case basis with the UNHCR.

Ethnic conflict in Rakhine has forced tens of thousands of the Rohingya refugees to seek safety outside of Myanmar. By virtue of geographical proximity, Malaysia is often an attractive location because it is close by and also is an Islamic country. As stated by Cheung (2011), in the early 1990s, the Rohingyas who arrived in Malaysia were issued with limited documentation in the form of protection and attestation letters by UNHCR. According to Cheung (2011), "this allowed them to achieve a level of unofficial integration that granted them entry into the informal labor market and limited access to health and education services" (Cheung, 2011, p.50). However, according to Cheung, "this period of relative shelter and safety ended when Malaysia introduced the Immigration Act in 2002, subjecting the Rohingyas to arrest, detention and refoulement". "Only after negotiating and compromising with the UNHCR, the government decided to grant temporary residence permits to 1,0000 Rohingya residing in Malaysia, allowing them to work and attend school" (2011,p.52). According to Agence France-Presse (AFP) report (AFP, 2005) the former Prime Minister who was Deputy Prime Minister in 2004, Datuk Seri Najib Tun Razak has hailed it as a 'way to resolve a human rights issue and resolve the labor crunch in the country'. However, Ishak (2006) in his report relates that due to allegations of corruption where permits were being granted to non-Rohingya, the program was halted in 2006.

Refugee rights were again eroded when former Prime Minister Tun Abdullah Ahmad Badawi affirmed that Malaysia had to be firm in turning back the Rohingyas refugees as the *'problem has been about people who come without permits'*, as reported by Associated Press (AP) (AP, 2009). In March 2010, the Ministry of Home Affairs announced plans that would issue government identification cards to refugees, regularizing their temporary stay but without the right to work. However, such plans were eventually abandoned when a Home Ministry spokesman said *'no law allows us to issue a card to an illegal'* (AP, 2009). Amnesty International, an international NGO in their report revealed that, "attracted by the promise of securing safe residency in Malaysia despite such plans being cancelled, many of the Rohingyas continue to arrive in Malaysia by boat or an overland journey, subject to the exploitation of human traffickers" (Amnesty International, 2010).

According to AFP report (AFP, 2011), in October 2011, Malaysia reached an immigration swap deal with Myanmar, deporting up to 1,000 Burmese being held in immigration detention to Myanmar. Despite Malaysian assurances that refugees would not be deported, the Rohingya refugees working illegally are often arrested as *'illegal migrants'*, which may result in their inclusion in the deportation of *'illegal migrants'*. Asylum seekers who attempt to enter Malaysia illegally are often arrested and denied their rights as asylum seekers. Suara Rakyat Malaysia (Voice of the Malaysian People), a Malaysian civil and political rights group has said that trafficking victims are often sent to detention centers in violation of the Anti-Trafficking in Persons Act 2007, which stipulates that such individuals be placed in shelters as opposed to detention centers. (ERT, 2010) According to ERT (2010, p. 10), "such developments actually run counter to the Malaysian government's policy on how they were actually "most humane" to the Rohingya refugees despite not signing the Refugee Convention".

BBC News, (2015) in their special report said that during the 2015 Southeast Asian Boat Crisis, Malaysia often responded to asylum seekers arriving by boats with punitive measures. As mentioned by Head (2015), “on the 11th of May, 2015, 1,018 Bangladeshi and Rohingya refugees were arrested after arriving at Langkawi Island”. Head (2015) wrote, “two days later on 13th of May 2015, Malaysia turned away a boat with more than 500 Rohingya and Bangladeshis off the coast of Penang” (Head, 2015). In this incident, the United Nations High Commissioner for Human Rights (UNHCR) urged governments in Southeast Asia to respond to the crisis. On the basis that “migrants, regardless of their legal status, how they arrive at borders, or where they come from, are people with rights that must be upheld” (UNHCR, 2015). In this case, Malaysia’s seat at the United Nations Security Council also compelled it to respect international treaties on the status of refugees.

On the 19th of May 2015, local Malaysian makers (Santiago, 2015) have said that, “there was a legal obligation under international maritime law to rescue people in distress at sea, if the rescuing country does not put itself in imminent danger by doing so”. Not long after, the Malaysian Foreign Ministry stated that they would offer “temporary shelter provided that the resettlement and repatriation process will be done in one year by the international community” (Al-Mahmood & Rachman, 2015). For Al-Mahmood & Rachman, “the only form of consistency characterizing the Malaysian response to the Rohingya refugee crisis is found in its backpedaling efforts”.

In an article published in Wall Street Journal (WSJ) entitled “Imprisoned at Sea: Migrants Recount Desperate Journey”, they both agreed that, “issues with refugee status determination, inconsistent application of domestic laws in human trafficking and domestic political considerations all pose issues to any meaningful resolution to the protracted refugee situation in Malaysia”.

The Rohingyas: From Stateless Minority Communities to Unwanted Refuge

Whatever views people have about the Rohingyas, it is undoubtedly the case that they are unfortunate victims of a minority and identity issues. Due to suffering from no identity and no citizenship, at the same time they are segregated because of minority status, making this group and their fate dimmed and uncertain. It is important to note that, only until recently has their news been given space in international media. Their fate and problem have received little attention, unlike other Muslim minorities such as those from Palestine, Chechnya, Bosnian and Syrian. In southern Thailand, for instance, minority citizens of Thailand Pattani are considered as Thai or Siamese, even if the government declared Buddhism as the official religion (Che Man, 1998). According to Che Man (1998, p.4) Malay Muslim in southern Thailand also have no problem in terms of identity and if in isolated cases, they become refugees, usually in Malaysia, the government of Thailand shows their interest and resolves this at an early stage.

The scenario is similar in Sri Lanka, where the Tamil minority seeks to uphold their identity through an independent state, and this causes problems with the majority Sinhala community. In fact, for the purposes of an independent state, they took up arms against the government, which has so far killed tens of thousands of innocent civilians in the country. But they have no problem because the government recognizes them as a minority and citizens of Sri Lanka (Wan Chik, 2009).

Based on this fact, there arises a situation that is very difficult to understand. The fact is that they are a minority as is the case with the Malay Muslim Pattani in southern Thailand and the Tamils in Sri Lanka. However, the Rohingyas have no identity or citizenship. This is due to legislation being used by the majority government to silently force them away and eliminate their identity and minority from Myanmar.

The Rohingyas: Stateless Refugee in Malaysia

According to Pook Suan (2006), a wave of migration of the Rohingyas took place after the independence of Burma (Myanmar), and this is related to complex historical reasons. Regarding this, according to the UNHCR data, continuing waves of migration brought the Rohingyas to Malaysia by the end of 1980s. (UNHCR, 2013). The UNHCR data comes with the report that “for the past decade, the Rohingya Muslim community from Northern Rakhine sought refugees in Malaysia, mainly because Malaysia is a Muslim country. Their recorded numbers according to the latest figures by UNHCR (as end of February 2016) reach 44,870”.⁹ They are among the biggest group living in Malaysia as refugee community after the Acehnese and Chin. They are stateless in that they are not recognized as Myanmar citizens. Rohingya refugees in Malaysia usually comprise a large family of seven to eight members. According to UNHCR figure, some 3,400 Rohingyas persons or 27% of population are women. Many have children while residing here in Malaysia. Thus, aside from the issue of employment, the Rohingya refugees are particularly concerned about their children who have mostly never been formally schooled. Due to their long stay in Malaysia, most of Rohingya refugees speak Bahasa Malaysia fluently, the official language in Malaysia. They have also integrated fairly well with the local community, finding some level supports in local mosque in terms of spiritual and religious need.

The Rohingyas, majority of them Muslims, have historically sought refuge in other Muslim countries. According to an activists (Lewa, 2008), “for decades, human smugglers haven the Rohingyas to Saudi Arabia, Pakistan and to the UAE where many were able to obtain a temporary permit to stay” (Lewa, 2008). At first, Saudi Arabia was

⁹ According to UNHCR updated figure, as of the end of February 2016.

the preferred destination for refugees leading Bangladesh. However, Lewa (2008) noted, “since 2005, tighter restrictions on documentation in Bangladesh and Saudi Arabia have diverted the Rohingyas to Malaysia as the only affordable Muslim destination. Malaysia began registering the Rohingyas for residence and work permits in August 2006”.

According to Lewa (2008) the process was quickly suspended due to allegation of fraud, but not before word spread to the Rohingyas in Myanmar and Bangladesh. “Hence, the Rohingya refugees began to travel to Malaysia via dangerous sea voyage in the Bay of Bengal as the only option for leaving without travel documentation” (2008). Lewa added, that, “the most popular route runs by land through Thailand because most, if not all, of the boats landing in Malaysia are captured, which result in arrest and detention on arrival”. In an article entitled “Forced Migration in the South Asian Region” as posted in a blog www.rohingya.org, Lewa (2008) agrees that, “the Malaysian government often detains the Rohingya refugees and asylum-seekers for months in immigration camps where they suffer malnutrition, unsanitary conditions and beatings”. According to Lewa in an article, “they are then pushed back across the border into Thailand where they entered Malaysia. Without any legal mechanism to provide protection, the Rohingyas are vulnerable to constant harassment and detention” (Lewa, 2008).

The Rohingyas are not allowed to work in Malaysia, even if they hold UNHCR documentation and as a result, they are forced to work illegally. In an interview, Ng and El Sen (2012) found that, “despite poor conditions in Malaysia, the Rohingya refugees refuse to return to Myanmar because their homes have been destroyed and they fear physical violence”.

The policy or lack thereof by the Malaysian government has also caused a rise in the Rohingyas in Malaysia. The government seems to pay very little attention to their migration into Malaysia. For example, the Malaysian government has considered, and in

multiple instances publicly announced (most recently in early 2017), the creation of temporary work permits enabling the Rohingya refugees to undertake legal employment in Malaysia. However, these scheme have yet to be successfully adopted and implemented.

Meanwhile, for (Wake & Cheung; (2016), Cheung, (2012), (Needham, (2011) and (Hoffstaedter, (2015), “the 2006 plan to issue 10,000 temporary work visas, for example, was halted after a few days amidst corruption claim”. They agreed that, “as it stands, the tenuous legal status of refugees in Malaysia renders them vulnerable to employment-related abuse and exploitation, including non-partial payment of wages, verbal abuses, arbitrary dismissal, physical abuse and workplace raids. Refugees have little recourse to address these problems, and most incidents go unreported” (Wake & Cheung, 2016; Hoffstaedter, 2015). All these challenges and difficulties will be discussed in the later chapter. It is important to note that, this is the opposite of the treatment received by illegal Indonesian immigrants who are immediately sent back through various program such as Ops Pemutihan, Clemency and so forth, it is all paid for by Malaysian government. A similar program therefore is not applied to the Rohingyas even if government of Malaysia have to solve the issues of refugees holistically.

1.4 Statement of the Problem

The Rohingyas issues is unique as they are stateless, and are considered as refugees or immigrants within Myanmar and also outside of the country where they are seeking refuge. While they are forced to move out because of incidents in their home country, they still faced a series of challenges in host countries they took refuge.

This work is about the minorities and more specifacly, was has led to the problem of the Rohingyas and their struggle to survive and maintain their identity. This study aims to unravel some term that are related to the Rohingya citizenship. The Myanmar

government attempts to strip their identity, and minority Rohingyas attempt to escape from repression and the community's efforts to ensure their survival and identity preserved as a Muslim minority. Their efforts include mass migration to neighboring countries such as Thailand, Malaysia and Indonesia. But, Malaysia considers their preference destination due to geographical and religious factors. At the same time, the study will not be unduly preoccupied with certain theories that highlight the controversy as the basis for blaming policies on any countries that caused problems for the Rohingyas that have failed to be resolved from the 1940's until now. But specific recommendations are given to pave the way for solving and resolving Rohingya community issues.

The study offers a brief history of population mobility between Asia and the Rohingyas from Myanmar but at the same time, it argues that there is a Rohingya diaspora that is a more complex formation in Asia at present. It offers reflections and views on the status of Rohingya communities in Asia especially and looks into the patterns and causes of their emigration to Malaysia. This study also examines the demographic and social characteristics pertaining to these communities and seeks to assess some of the primary issues related to the process of adaptation in their new societies as refugees and other status. It further highlights the efforts of the minorities to preserve their identity somewhere else after realizing that this was not possible in their homeland for some reasons that are not their choice. This identifies factors that led to or contributed to their success while being refugees. In other words, it is important to evaluate how far they have preserved their identities and religion while adapting to their new home outside Myanmar.

As mentioned earlier, this thesis will focus on how they seek refuge and challenges and their effort to successfully position themselves as the second biggest group, despite their plight as unwanted minority, stateless and take refuge in other countries. They will be measured in term of how they have successfully made a foreign country, Malaysia a

home for them. This research states that the Rohingyas have their own institution, The Muslim Rohingyas Society in Ampang Tasik, Selangor. The society is a fully functioning one, with a Chairman, Deputy Chairman, Secretary General and Excos and, the Rohingya also have their own Information Center of Rohingyas. The Rohingyas in Malaysia have an organization called Myanmar Ethnic Rohingya Human Rights Organization Malaysia (MERHROM) established since 2006 with its President Zafar Ahmad.

1.5 Research Significance

This study intends to fill the gap and increase or enrich about the study of the Rohingyas as various research or previous study mainly concentrated on Moro and southern Thailand ethnic. In other words, the gap is huge in study of Rohingyas as one of ethnicity and minority studies in Southeast Asia. This study however, is directly aimed at enhancing or establishing knowledge about the Rohingyas, as other researches before concentrated on other minorities in Southeast Asia such as Moro in Philippines or Pattani in Thailand.

In broader framework, it is hoped that this study can contribute to the study of ethnic minorities or minority studies in Southeast Asia. As Pedraza and Bailey (1996) pointed out, it is the time to “collapse the wall” between the study of immigrants and the study of racial minorities. It has been stated that “considering the increasing interest in immigrants, ethnic, stateless group in other part of the world especially in Europe, Southeast Asia refugee should not be excluded” (Pedraza & Bailey, 1996, p. 250). Hence, it would be valuable for the future to analyze and generalize their initial experience.

This study will also provide recommendations or suggestions in regards to government policy, either in Malaysia or Myanmar regarding a comprehensive solution to the problems associated with the Rohingya community. In other words, this study seeks to create ways for policies to be formed to deal with issues of the Rohingyas in the future.

It is important to note that analyzing the violations among the Rohingyas minority group in Myanmar, by the majority Buddhist Rakhine population with the central government support, is an attempt to call the international community to pursue, immediate, cohesive diplomatic action to address this humanitarian issue. It is important to note that at the same time, even though two theoretical framework used to analyze the data in this research, it will not get carried away, which will blame government policies on the failure to solve the issues on the Rohingyas in Malaysia. However, suggestions will be given as to how to solve this issue in the future.

In the Myanmar context, the Rohingyas have been displaced from their native place, and have been living like Internal Displace People (IDP) and refugees in their country. Over the years with there being no sign of any of settlement of the Rohingyas issue and the violence increasing day by day, more the Rohingyas are leaving or being forced to leave Myanmar. The political and human rights aspect of the Rohingyas problem has been discussed by many over the years, but the sociological implication of such a situation merits more attention that what is has given. The humanitarian crisis that has accompanied this crisis and incident is often overlooked. In other word, the social, cultural emotional aspects have either neglected or have been consigned to the background.

For a sociologist, the social aspect of the Rohingya refugee, is an area that needs urgent study. One sociologist, Saskia Sassen (2016) in an article in the Huffington Post entitled “The Assault on The Rohingya Is Not Only About Religion – It’s About Land” agrees that “we (world community) are in the middle of rapid transformation of an ancient culture and a study regarding the changes wrought by the ravage of a refugee crisis need to be done now”. According to her authored a book “Expulsion: Brutality and Complexity in the Global Economy”, “statistics say that only half a million of the Rohingyas remain

in Rakhine. Thousands have move out, and flee to other countries like Bangladesh, Pakistan, India, Thailand and Malaysia and Indonesia, though only in Bangladesh and Indonesia, do they live in camp”. Having said this, it is necessary to study even those who do not stay in camp as in Malaysia. Each one has experienced the feeling of being forced out of their home and land. They have moved into a new country, new environment, new challenges and new culture. A study needs to be done even of the people who do not stay in camps: only then will this study be holistic. This is the first ever study of the Rohingyas diaspora in Malaysia through the lenses of social exclusion and successful integration. As such, it is highly original in building a strong argument that the Rohingyas in Malaysia are still struggling to find their place in the host country. That said, many of these refugees are coping well in Malaysia though there is still much that could be done by local government and international bodies in ensuring the continued survival as refugees.

The study has great potential in terms of policy formulation regarding refugee problems and minority studies in Southeast Asia. At an academic level, the study could be used for conducting further studies regarding refugee problems and the Rohingyas as minority from Myanmar. The study may be replicated in other similar situations which due to the nature of conflict, stateless and statelessness seem to be emerging around the world with an alarming frequency. There cannot be any solution to the refugee and minority issues and crisis without an adequate understanding of the community itself and cultural dynamics involved.

1.6 Theoretical Framework

Two theoretical framework or perspectives guide this study: Survival Migration by Alexander Betts and Understanding Integration, framework of Alastair Ager and Alison Strang. In certain chapters, it will demonstrate how these important theoretical framework are help explained the data.

Survival migration, developed by Alexander Betts in 2013, through his work, “Survival Migration: Failed Governance and the Crisis of Displacement” details the factors that leads to a person fleeing, through a combination of environmental disaster, livelihood failure and state fragility. The elements emphasized by Betts (2013), outside their country of origin; existential threat, to highlight the crisis in which people of Zimbabwe, the Democratic Republic of Congo, and Somalia find themselves as survive migrants. In examining flight from three of the most fragile states, Betts explains variations in institutional responses across the neighboring host states. According to Betts, “there is massive inconsistency, some survival migrants are offered asylum as refugees; others are rounded up, detained, and deported, often in brutal conditions” (Betts, 2013).

The inadequacies of the current refugee regime are a disaster for human rights and gravely threaten international security. In Survival Migration, Betts (2013) outlines these failings, illustrating the enormous human suffering that results, and argues strongly for an expansion of protected categories. This theory however, may be considered as extreme when applying to the case of Rohingyas where the nature or factors of fleeing is different. In addition, most stateless persons have never crossed an international border, but continue to live in the country of their birth or ancestry. In Survival Migration theory, Betts discusses refugees and statelessness, seeing the Rohingyas as more vulnerable on account of suffering from being both statuses, that is stateless and a refugee.

However, Betts (2016) in his 18 minutes talk “Our refugee system is failing. Here how we can fix it”, noted that “the modern refugee regime that was created in the aftermath of the Second World War, was actually fit for situations like Syria and other refugee crisis. Its basic aim is to ensure that when a state fails, or worse, turns against its own people, people have somewhere to go, to live in safety and dignity until they can go home”.

Through an international convention signed by 147 governments, the 1951 Convention on the Status of Refugees, and an international organization, UNHCR, states a commitment to reciprocally admit people into their territory who flee conflict and persecution. He said:

But today, that system is failing. In theory, refugees have a right to seek asylum. In practice, our immigration policies block the path to safety. In theory, refugees have a right to a pathway to integration, or return to the country they've come from. But in practice, they get stuck in almost indefinite limbo. In theory, refugees are a shared global responsibility. In practice, geography means that countries proximate the conflict take the overwhelming majority of the world's refugees. The system isn't broken because the rules are wrong. It's that we're not applying them adequately to a changing world, and that's what we need to reconsider. (Betts, 2016)

His talk saw the relevance of integration before the refugees can go back to their own country in the future. This is crucial when applied to the Rohingyas in Malaysia where analysis has found that they experienced the abuse of refugee rights, as explained by Betts. In this case, Malaysia is not party to the UN Refugee Convention or its Protocol, which means refugees are deemed to be illegal immigrants by the Malaysian authorities. Malaysia relegates all refugee status determination, registration and support to the UNHCR and civil society actors. However, UNHCR registration can take years and their offices remain unfunded and unable to provide crucial support to refugees, such as education, health or shelter. As a result, the Rohingyas for example, must find work themselves, pay for medical and education expenses and blend into society as best they can to go unnoticed. This is a survival strategy in Malaysia.

Integration is a core concept in studying refugees and their settlement, although its exact content varies across settings. In 2004, Alastair Ager and Alison Strang developed a framework on the indicators of integration. Both of them who later wrote “Understanding Integration” that appeared in *Journal of Refugee Studies* in June 2008, narrowing down to the initial basic needs of refugees. According to them, their need includes, “a focus on integration on the housing market, the employment market and access to education and healthcare arises and a recent trend in integration studies, however, is the use of social networks to explain integration”. This studies, it will explore how the Rohingyas faced the challenges as refugee and start building up their life in Malaysia after having fled the violence and crackdown in Myanmar. The study follows the trend in integration, by exploring how social network, religion, education, employment and sports play a role in the integration of the Rohingyas in Malaysia.

Integration of the refugee starts directly at the moment of arrival in a new location, in this study, from Myanmar to Malaysia. According to Ager & Strang, “the process is shaped by the intentions and aspirations of refugees themselves, as well as the status and context of the country in which they arrive” (Ager & Strang, 2010). It is possible to look at integration through a psychological lens. Within this views in mind, belonging and citizenship are the main focus. However, this thesis will elaborate on integration in a more practical way. The focus is on the socio-cultural aspect of refugee through accessing to the religion, social network and sports activities.

1.7 Research Questions

In brief, the study endeavors to answer the following research questions. What makes the Rohingyas flee their country Myanmar? What factors led them coming to Malaysia, whether it be economic reasons, the search for better lives or other reasons? Second is how Rohingya refugees in Malaysia perceive their identity? For example, it is a bigger

hurdle for them to master new language and at the same time maintain their own language? The other question that needs to be answered is what challenges they face in their integration in the new society? This is because difficulties and challenges are inevitable in the life as refugees and these need to be studied and analyzed for future lessons.

In particular, this study focuses on the problems the stateless Rohingya refugees face as 'refugees' and their integration in the new society. The older generations arose in a few places in Malaysia but new generations evolved in the refugee and IDP's camps in Thailand and Myanmar border or Bangladesh before taking refuge in Malaysia. Nonetheless, Malaysia and Arakan, western Myanmar, which have a majority Muslim population, have similar culture, locale and society in contrast to the third western countries of their resettlement. Can they live in very different geography, language and climate easily? Can they cope up with the liberal and advanced social structure among Malaysia Muslims? This question needs an answer due to nature of the integration of outsiders to any society that only depends on the newcomer but also on existing members of society (Polzer, 2008).

One specific problem that cannot be answered accurately is why the Rohingyas have been oppressed? Has religious played a role in contributing to abuse and stripping them of their identities? What if they were not Muslims, for instance? Would their lives be better and not suppressed by the junta? Why have Rohingya identity issues become so complex compared to other minorities in Southeast Asia? It is important to note that, minority Muslim communities in the Philippines, as well as the Malay Muslim Pattani in Thailand are not a majority group in Thailand, but their government does recognize them. Considering that only the Rohingya are the focus of the study, the Moro and Pattani, will not be discussed in this study. However, these two minorities have similarities when

referring to or discussing the question of identity and the minority of Rohingya community, and thus cannot be excluded when discussing this unfortunate community.

As mentioned earlier, among the main issues of this study is why the Rohingyas are being oppressed. Why is it that the problem of identity and minority Rohingya community has failed to draw or catch people's attentions, whereby it is agreeable that their problem is indeed a big problem? Having said this, their problem is big but draws little attention and they are forced to find their own way out of the problem. Given such a negative situation and difficulties, this community ensures that survival of their identity is protected. It is important to note that Myanmar has never been a popular subject for academic research, but, since a massive pro-democracy uprising drew worldwide attention to the country in 1988, the number of scholars and students engaged in the field has grown considerably. It is the same in case of the Rohingyas and the suffering that is associated with them. Only recently, this issue has been highlighted by international community. For example, over the last three years in a row (2015, 2016 and 2017) have seen many developments that make a turning point to the Rohingya crisis. For example, Aung San Suu Kyi Suu Kyi has been roundly criticized in the international community for failing to condemn the alleged ethnic cleansing of Rohingya Muslims in the country's Rakhine State.

More than 620,000 Rohingya have fled violence in the region since August 25, 2017, crossing the Bangladesh border with stories of executions, rape and torture. Statement by United Nation High Commissioner for Human Rights, Zeid Ra'ad al-Husseini that called the security operation targeting Rohingya in Myanmar *"a textbook example of ethnic*

cleansing”¹⁰ has led to international condemnation. First, Aung San Suu Kyi fellow Nobel Laureate, Malala Yousafzai¹¹ and Desmond Tutu¹² condemned her silence and urged her to act. Because of her silence on Rohingyas, there were demands by few groups and individual to confiscate or take back the Nobel Prize awarded to Aung San Suu Kyi. There are petitions online calling for Suu Kyi to be stripped of her Nobel.¹³ In the later development, Suu Kyi has been stripped of the honor granting her the Freedom of the City of Oxford because of her weak response to the Rohingya crisis.¹⁴

While plenty of past reports have put forth sensible recommendations, too often, domestic and international responses to the Rohingya crisis suffer from the phenomenon of goal displacement. Rather than stopping the violence or increasing humanitarian and development assistance, a common response to a newsworthy report is to issue another statement requesting another report or investigation, and maybe host a multilateral meeting. Even though the timeline of the study is until early 2016, part of this work attempts to highlight continued spotlight on the Rohingyas. After being a refugee in Malaysia, for example, they became minorities in Malaysia, as a country that has majority Muslim. This study will try to find answers to these questions and will directly help improve our knowledge not only about the interests of the minorities and identities, but also the Rohingya community as a whole.

¹⁰ Statement made to UN Human Rights Council in Geneva, September 2017, noting that the 2017's situation cannot yet be fully assessed since Myanmar has refused access to human rights investigators.

¹¹ Malala Yousafzai won the Nobel Prize in 2014.

¹² Desmond Tutu was honored with the Nobel Peace Prize in 1984 for his opposition to South Africa's brutal apartheid regime.

¹³ Aung San Suu Kyi won Nobel Prize winner in 2012 for her democracy and human rights advocacy. See for example, “A Change.org petition to revoke Aung San Suu Kyi’s Nobel peace prize that had reached 400,000 signatures”, for full report see, <https://www.change.org/p/nobel-org-revoke-nobel-peace-prize-of-aung-san-suu-kyi>

¹⁴ Oxford city councilors agreed and voted unanimously they did not want to honor “those who turn a blind eye to violence.” It is the highest honor, the Freedom of the City of Oxford that was bestowed upon her in 1997. She graduated from Oxford University's St. Hugh's College in 1967.

1.8 Objective of Study

The specific objective of this study was to analyze the problematic issue of the Rohingya refugee in Malaysia and their challenges they faced as a victim of serious violations in Myanmar and their host country, Malaysia. It is hope that, this thesis will provide an overview of Rohingyas as refugee communities story, the challenges faced and the effects these challenges had on for stateless and Muslim refugees. This is because, Rohingya refugees arrived in Malaysia with a personal history and refugee experience, and like all refugees needed support and understanding to make a successful adaptation to Malaysian life. More specifically, the study gives an account of the “lived” experience of Rohingya refugees who fled their homeland and adapted to an alien country and culture.

The thesis also aims to highlight what refugees identified as critical protection, challenges and integration and explores the direct and indirect effects these challenges have on the lives of different refugees. It highlights and examines the experiences of acculturation and its survival among Rohingya refugees.

This study also has sought to strengthen or improve understanding of the lives of refugees in Malaysia by generating insights into their challenges and goals, livelihood strategies, activities and outcomes. It further examine how the Rohingyas as refugee communities perceived the institutional landscape surround them with the goal of providing a hardship accounts, cultural change and adaptation, often hidden from view. In other words, the research provides an obligations to take accounts of the lives, dreams and frustration of the Rohingyas who arrive in Malaysia. The intention of this study is to collect information from this group in order to understand the challenges they faced as refugee in Malaysia.

Meanwhile, to identify the factors that led or contributed to their success while being refugee communities in Malaysia was also among the objectives of this study. The factors of successful integration could be vary depending on religion and economic and social factors or aspects.

Finally, the objective of this study was also to examine the reasons why the Rohingyas have become refugees, whether this be because of economy, war, communal violence, terrorism, climate change or any other reasons. In this regard, it will led to examine as well the factors that contribute to an answer why they choose Malaysia as preferred destination to take refuge.

1.9 Scope/Limitation of the study

On the basis of the research carried out, writing about the identity and minorities in Southeast Asia will be discussed further in the later chapters. Current research does not appear to pay much attention to the Rohingyas, who are from Myanmar. This society, a Muslim minority in the framework of government Buddha in Myanmar is not accepted as citizens by the junta in that country. From the historical data and background, it may be seen that the Rohingya community, was originally estimated at nearly three million people living in Arakan, Islam's glorious kingdom in the 7th century. But the political changes occurring through Western colonialism and military control, meant that it was no longer an Arakan state but rather a state in Myanmar before its name was change to be Rakhine, a Buddhist name, when the government came to power in 1962. Given that the Rohingyas are part of a contribution to the problem identity and minorities in Southeast Asia, excluding a review of this society in its historical context means that our knowledge of these two things will not be complete.

Discussions surrounding the Rohingya suffering and plight have never been broached before, and indeed reports of torture and hardship almost have been ignored because of

the confidentiality of the ruling military junta of Myanmar and the limited interest of the international community to the problems affecting the Rohingyas. The lack of resources and the question of secrecy to some extent restrict local and foreign researcher efforts to deepen the study of the Rohingya community. However, as mentioned earlier, considering that only the Rohingya are the focus of the study, the Moro and Pattani, will not be discussed in this study. But, these two minorities have similarities when referring or discussing about the question of identity and the minority of Rohingya community and thus cannot be excluded when discussing this unfortunate community. It is important to note that, the comparison between the Rohingyas and Moro and Pattani is only in the context of minority and identity, not in the question of refugee.

This study only focuses on the Rohingya refugees who took refuge diasporically in Malaysia and their acculturation process and challenges they faced particularly to have Malaysia as their second home. As mentioned earlier, though the timeline of the study is from 2014 until early 2016, part of this work attempts to highlight continued spotlight on the Rohingyas. Among the highlight includes the violence that continues up to the end of 2016 and 2017, Myanmar election that brought Aung San Suu Kyi to power as Canselor and de facto leader of Myanmar, what happened surrounding Aung San Suu Kyi after she refused to speak out about the fate of the Rohingyas and etc. That is why this thesis title has its time-frame from 2014-2016.

1.10 Literature Review

There have been many anthropological and sociological studies conducted on the Rohingyas. For example, those that have come out recently including researcher's own, entitled "*Identiti dan Minoriti di Asia Tenggara: Sejarah Masyarakat Rohingya di Myanmar 1962 hingga 2000*" (Abdullah, 2009) as a dissertation for MA Degree. There has also been a book entitled "*Air Mata Kesengsaraan Rohingya, Identiti, Penindasan*

dan Pelarian” written by Azharudin Mohamed Dali and the researcher herself, (2012) which covers particular aspects of the Rohingya communities in Malaysia and Bangladesh. This secondary sources which are based on the discipline of history indeed gave huge contribution to researchers to explore further other aspects of sociological and cultural of the Rohingyas, especially in Malaysia. In this regard, this work is lacks the discovery of the lived experience as refugees held, by the Rohingyas in Malaysia, though their difficulties such as no job because of no official document have been discussed in this book.

From the historical, religious communalism in Rakhine to contemporary human rights issue for example, the work of Jilani (1999), Charney (1999) and book by Azeem Ibrahim (2016) provides approach on the Rohingyas.

Ibrahim (2016) for example deals with contemporary work on Rohingyas, the diaspora and the refugees. To researchers, at a time when the plight of the Rohingyas are receiving increasing international attention, this new book of Ibrahim is a timely intervention. This is, because the book’s core message is plain and make it clear that Myanmar currently stands on the edge of genocide, and without decisive action by the international community, the long-standing persecution, discrimination and violence the Rohingyas have suffered since Myanmar’s independence in 1948 will escalate into full-scale genocide. The situation the Rohingyas have faced, and which they continue to confront, needs to be appreciated as a text-book case of pre-genocide, Ibrahim forcefully asserts. Ibrahim’s book highlights that for almost seventy years, the Rohingyas have faced systematic oppression and persecution, which has been both orchestrated and facilitated by Myanmar’s military regime: they have been denied legal citizenship and are therefore stateless in their own country; their economic livelihood has been dismantled through economic boycotts; their participation in electoral processes has been restricted; mosques

in their local communities have been destroyed; restrictions have been placed on their ability to marry and to have children; their access to health and education has been curtailed; and there are regular attacks, massacres and acts of violence being committed against them.

Demonstrating how and why the situation faced by the Rohingyas merits the charge of genocide is, moreover, accompanied by a further objective, namely, to challenge conventional narratives that currently pervade contemporary political assessments of Myanmar. In doing so, Ibrahim presents a critical reassessment of commonly-accepted claims about Myanmar in this book. But, this, then, is not a book that simply makes a passionate plea on behalf of an ethnic group whose predicament has been domestically and internationally neglected. Rather, it is simultaneously a commentary on contemporary politics in Myanmar but crucially, one grounded in a deep appreciation of how Myanmar's colonial and post-independence history has contributed to some of the pressing political problems it faces today. The book, therefore, successfully speaks to multiple audiences including researchers. Historians will find Ibrahim's account of Myanmar's history especially interesting, particularly because he takes issue with contemporary historians who, like extremist Buddhist monks and the military regime, maintain that the Rohingyas were never original inhabitants of Burma. It bears mentioning, too, that for those unacquainted with the history and politics of Myanmar, this book is an invaluable resource. In addition, political scientists and lawyers will find Ibrahim's analysis of the legal discrimination effected upon the Rohingyas through exclusionary citizenship laws bears relevance to broader politico-legal questions, such as how the legal machinery of the state can be utilized to achieve broader political objectives. And from his assessment of Myanmar's foreign policy and its external relations, international relations scholars will be able to draw important insights on what still

remains an under-explored issue, namely, how a peripheral Southeast Asian state still manages to influence the contours of regional and international politics from the margins.

Apart from Ibrahim (2016), the latest and closest work that is related to researchers work, the book is written by Kazi Fahmida Farzana (2017). “Memories of Burmese Rohingya Refugee: Contested Identity and Belonging”, this book provides a critical analysis of the Rohingya refugees’ identity building processes and how this is closely linked to the state-building process of Myanmar as well as issues of marginalization, statelessness, forced migration, exile life, and resistance of an ethnic minority. With a focus on the ethnic minority’s life at the Myanmar-Bangladesh border, the author demonstrates how the state itself is involved in the construction of identity, which it manipulates for its own political purposes. The good thing is that, the study is based on original research, largely drawn from fieldwork data. It presents an alternative and endogenous interpretation of the problem in contrast to the exogenous narrative espoused by state institutions, non-governmental organizations, and the media. The book analyzes the politics of identity from the perspective of the people instead of media and government reports and it also addresses topics new to the discussion of the Rohingya refugee community, such as memories, cultural life, and non-conventional resistance. As to the work of researcher’s, it appeals to scholars and students examining issues of forced migration, refugee studies, Southeast Asian international relations, and ethnic politics.

The Rohingyas have already written their own history in a few books, though all of them were written and published abroad by Rohingyas in exile. The typical discourse of their history written in English is found in Jilani's “The Rohingyas of Arakan: Their quest for justice”, which was published in 1999. Five crucial discourses can be pointed out from this book. This includes, the fact that Islam reached Arakan before 788 A.D. Since then the Rohingyas seem to have been residing there. According to Jilani (1999), “the

Rohingyas are not the British Era settlers”. It was said that, “the history recounts that Arakan was the land where originally the Muslims lived as the majority” (Jilani, 1999, p.25) Rohingya language was the original lingua franca in Arakan used by both the Rohingyas and the Buddhist Arakanese. Secondly, the Kingdom of Arakan (the Mrauk-U dynasty, 1430-1785) was a Muslim dynasty in essence, though they had some Buddhist influence. Jilani, in this book also discusses “the Buddhist Arakanese that were called Maghs in origin. Since they disgraced their name by themselves through committing piracy against Hindus and Muslims for more than two centuries, they started calling themselves Rakhines in order to avoid their infamousness of the past”.

Another historical part covered in the book is about the British’ promising to make the Rohingya state out of Arakan, and this did not materialized. Jilani, who interviewed by the researcher later in 2015 explained further about his first book where among that he pointed out is Buddhist Arakanese MPs in the post-independence parliamentary era (1948-62) were always unfriendly against the Rohingyas throughout their tenure by branding Rohingyas as Chittagonians and never regarded them as fellow human beings.¹⁵

For a historical viewpoint, it is hard to retrace the history of the Rohingyas. Literature diverge and it seems to be a controversial issue. But Jilani, (2001) through another book “A Cultural History of the Rohingya” wrote that Islam arrived in the Arakan in 788 AD with Arabs who came for trade and settled permanently. They left their mark upon the culture and civilization of Muslim of Burma. This book and “The Rohingyas of Arakan: Their quest for justice” helped retrace the origins of the Rohingyas in Arakan. The historical references will help argue that they belong to Burma.

¹⁵ Interview with AFK Jilani, Taman Seri Ukay, Kuala Lumpur, 2pm, 2015. For latest information, Jilani passed away in Ampang Puteri Hospital Specialist, Kuala Lumpur at 6 am due to several medical injury and old age sickness. He is 77.

Another piece that has given much help in understanding the history and religious relationship in early modern Arakan is the work by Micheal Charney (1999). PhD dissertation under the title “Where Jambudipa and Islamdom Converged: Religious Change and the Emergence of Buddhist Communalism in Early Modern Arakan (Fifteenth to Nineteenth Centuries)” contributes to the researcher’s understanding of how factors other than central religious patronage fostered the rise of identity, among it the relationship between religious sect and rural cultivator communities. In this work Charney (1999) suggests that many of those so-called "Muslim" Arakanese kings were highly devoted to Buddhism and permitted the exclusion of Muslims from the most important activities. He discusses that it was a political strategy of "borrowing" things Islamic which had been recognized as highly prestigious and universal in those days (p.73). Charney concludes that religious identities (on Theravada Buddhism and Islam) developed over time and along an uneven trajectory throughout the early modern period in Arakan, since the Arakanese royal court was indifferent to the religious identities of rural Arakanese, and sectarian competition existed within the Arakanese sangha (p.304). The kingdom was strongly influenced by the two external states, the Mughal and Burman empires, and by 1785, when the Arakanese court was overthrown by the Konbaung dynasty (1752-1885), the Arakan Littoral was effectively divided into two parts: northern Arakan being absorbed by an essentially Muslim and Indian polity, and central and southern Arakan by a Theravada-Buddhist, Irrawaddy Valley based polity (Charney, 1999, p.304). This work offers strong a historiographical background that helps the researchers to establish the historical aspects of the Rohingyas.

The book on *Sejarah Myanmar* (Myanmar History) by Abu Talib Ahmad (2001) talks about the history of Arakan and its relations with the Rohingyas. The book, published in 2001 did not touch on the reasons behind their migrations. But in one article later in the book titled *Konflik Dunia Abad ke-20* (Ahmad, 2008) wrote intellectually and discussed

the root problem of the Rohingya in Myanmar. As almost no article on the Rohingyas has been discussed academically in local research, Ahmad's piece, "*Rohingya dan Konflik Etnik di Arakan (Rakhine)*", (2008, p. 103) provides much help in understanding the Rohingyas and their real problems and issues.

A book that relates strongly to this study is a work by J.A Berlie, "The Burmanization of Myanmar Muslim's" (2008). In this book, Berlie (2008) discusses how religion has become an important factor to form an identity and culture. Specifically, the book discusses problems faced by Muslim in Myanmar. But, the Rohingyas and their problems are less discussed by the author compared to other minority in Myanmar such as Arakan Muslim, Panthay and Zerbadee. While there has been criticism that this book is outdated regarding current problems facing the Rohingyas, "The Burmanization of Myanmar Muslim's" provides quite big relevance to the study on Muslims in Myanmar, the Buddhist country. There is also attention given to the general literature on ethnicity and religious identity in the region aside from the work of Berlie (2008). For example Lieberman (2003) and Keyes (2011) both discuss about religious identity and ethnicity which is an important aspect of discussion in this thesis.

In the book "In Defence of Identity: The Ethnic Nationalities Struggle for Democracy, Human Rights and Federalism in Burma", the author Sakhong (2010) investigates the political roots of human rights violations and the denial of minority rights in Burma. Sakhong (2010) argues from a historical point of view that human rights violations in Burma begin with the denial of minority rights by the successive governments of the Union of Burma. Even during the parliamentary democracy period these violations went on - in the name of national sovereignty. Sakhong (2010), in the book also discusses "how successive governments have violated minority rights, including collective rights of self-determination, in the name of 'nation-building' and how they abuse the rights of minority

religious groups for the sake of ‘national integration’”. He does briefly mention the Rohingyas, but does not dedicate a whole chapter to them (Sakhong, 2010). To the researcher, this book will be useful to argue about the Burmese government’s discriminatory policies regarding its minorities.

Of the available books on ethnicity and its problems, “Discrimination, Conflict and Corruption: The Ethnic States of Burma” (Keenan, 2011) is considered a good one. Here, the author discusses various problems that are affecting minorities in Burma. By using the information collected from interviews with people from ethnic groups, the author discusses human rights violations, discriminations, conflict, and ethnic participations in local communities. Keenan (2011) provides an opportunity for member of ethnic minorities in Myanmar to speak out, and to let the reader learn more about their situation. However, like other non-historical books, he did not cover the situation of the Rohingyas.

Regarding articles and research on identity and minority, Martin Smith, former BBC journalist wrote a few books and journals. Amongst them are, “Burma: Insurgency and the Politics of Ethnicity” (Smith, 1999); “The Unresolved Struggled of National Identity in Burma of Ethnic, Politics and Ethnicity” (Smith, 1999). But these two did not discuss Rohingya problems even if the Rohingya are considered as a minority in Myanmar. What is focused on more for Smith is on other ethnic groups than Rohingya, namely Karen, Chin, Mon and Shan.

The collection of essays from “American Arrivals: Anthropology Engages the New Immigration” (Foner, 2003) informs the anthropological perspective of migration, immigration, refugee and transnational studies. This book emphasizes the historic relationship of anthropology with the study of migration including immigration and transnationalism. The chapters highlight how the interdisciplinary nature of migration studies has been in place for anthropologies to contribute and will continue to be a space

for collaboration. This volume, to the researcher, is superior for both better understanding of practical issue such as health, education, social work, and as a review of the scholarly state of the art in anthropology of the new immigration as the Rohingya experience in such practical problems.

Rohingya diaspora is a new and recent phenomenon. New Diasporas: The Mass Exodus, Dispersal and Regrouping of Migrants Communities book in the chapter entitled “The Rohingya Diaspora: Asia New Palestinians” (2005) by Nick van Hear, he stated that “the scholar looked upon the use of the term as an implicit acceptance of the dispersal of the Rohingya community, assuming that they were no longer refugees uprooted from their country by force and unable to receive permission to return to their homes” (p.202). The heart of the book is ten case studies of groups of Ghanaians from Nigeria; Palestinians from Kuwait; Yemenis from Saudi Arabia; the Rohingyas from Myanmar; Nepalis from Bhutan; Turks from Bulgaria; Albanians from Greece and Italy; Haitians from the Dominican Republic; and Mexicans from the United States in the 1950s (van Hear, 2005). According to van Hear (2005), “each case according to van Hear is considered within its historical context, with factors leading up to the expulsions being carefully considered” (p. 213). The consequences of the mass expulsions for the migrants themselves, for their country of destination and for the countries that expelled them are examined in detail. The impact of the expulsions, and of subsequent movements - on the form and function of the diaspora communities is also assessed.

One of the books that discusses the structures that refugees navigate during refuge to host country is by RJ Haines-Saah, “Strengthening Communication to Overcome Lateral Violence” (2010), in the middle that a little found in literature that discusses the structural violence that refugees experience during took refuge and adjusting life in host countries. During data analysis, the researcher found and recognized that Rohingya refugee

especially navigate structural violence of oppression and poverty from the Myanmar government, to the system of the urban setting, cramp housing in Malaysia and the economic situation of their resettlement. Often it is thought that refugee are in better conditions in Malaysia than in a refugee camp in Thailand or Bangladesh. Meanwhile, in some cases this may be relatively true, to ignore the structure of poverty that they live in while in Malaysia is in itself structural violence. This book provides an answer to an argument as to why the Rohingyas are a subject of continuing violence in their own country and poverty caused by neglecting from the government, always trying to take refuge at the same time adjusting life in the host countries.

Most previous research on books, documents and journals revolves around the historical aspects of the Rohingyas and leaves out the contemporary aspects. Only few books discussed about Rohingya as a refugee or minority in Myanmar. However almost none book discussed are about the Rohingyas and diaspora. Many aspects covered in the book are about Rohingya and religion or something related to religion, namely that the Rohingyas are a Muslim minority in Myanmar. For example, Syeda Naushin Paruni (2013) in *Journal of Muslim Minorities Affairs* noted that there is a crisis involving Rohingya as minority Muslim with Bangladesh. In her writing, “The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh”, she point out that, “the problem of Rohingyas in Myanmar and how the flows of their migration strained a bilateral relationship”. (Parmini, 2013, p. 281) Her work is very helpful to this study; however, she only covers Myanmar and Bangladesh, ignoring whether issues of the Rohingya also have an impact on Myanmar’s bilateral relationship with other ASEAN countries such as Malaysia or Thailand.

Meanwhile, the nearest and newest research on topic about Myanmar and Rohingya is a book by Mohamed Dali and Abdullah (2012) “*Air Mata Kesengsaraan Rohingya*

Identiti, Penindasan dan Pelarian". This book, converted from an MA dissertation discusses in depth the Rohingyas in Malaysia and Bangladesh. However, it focuses on historical aspects with 1992 as a timeline on development Citizenship Law and how said law gave big change to Rohingya migration. Moreover, the book is in Malay language, and can only be accessed by certain groups of readers.

Until early 2000, most reports, magazines and journals touched on the Rohingyas but this was reflected more the negative side of Rohingya such as their ambiguous status; they faced an increased risk of mistreatment and being denied access to necessary humanitarian aid. For example Reuters, Asia Weekly and human rights journal *Rohingya and Muslims in Arakan State: Slow-Burning Genocide* by NGO group called Alternative Asean Network on Burma. Since most of these are written by NGOs, human right issues are discussed at the expense of shining a negative light on the Myanmar authority. Taking this into consideration, they also fail to study how the Rohingyas became stateless.

Articles and publications on the Rohingyas that have been very helpful are written by Dr Maung Zarni, a democracy activist and research fellow at the London School of Economics (Zarni and Cowley, 2014). The publications have been very helpful for researcher's understanding of the situation of the Rohingyas. In his interview and articles, Zarni gives a very objective and honest perspective on the issue. In addition, he is accessible on social media and share many articles and publications concerning the Rohingyas and Burma or Myanmar.¹⁶

On the issue of stateless and statelessness, one article covering the angle of "The Human Right of Stateless Person" is written by Weisbrodt and Collin (2006). This article

¹⁶ All of his articles and publications he put in his blog Zarni's Blog and can be accessed www.maungzarni.net. Zarni also can be accessed via email fanon83@gmail.com

published in 2006 explores statelessness through legal, theoretical and practical perspectives. Weisbrodt and Collin (2006) state the right of stateless persons to human rights. They also present the path to statelessness and the struggles that stateless persons face.

The good thing about this article is that the authors examine how the issue is address and finally they present recommendations regarding remedies and solutions to statelessness. However, they do not give voice to any Rohingyas.

Meanwhile, one of the extensive report on Rohingya in Malaysia that came out last year was done by NGO based in United Kingdom, Equal Right Trust (ERT). “Equal in Only In Name. The Human Rights of Stateless Rohingya in Malaysia” (ERT, 2014) and “Trapped in a Cycle of Flight: Stateless Rohingya in Malaysia” (ERT, 2010) examined the Rohingya and gave overall and in depth about this stateless communities in Malaysia.

The 120 pages report published by ERT and partnership with the Institute of Human Rights and Peace Studies, Mahidol University (IHRP), Thailand covers interviews with Rohingya and outlines their problem in Malaysia.

Even though this report is based on first-hand resources and timely in fields, this report concentrates on advocacy with the aim of strengthening the human rights of stateless Rohingya. Nor does it cover the Rohingyas in other parts of the country in the world, such as such, European countries. In addition, the report ignores the fact that there is a group of the Rohingyas that are successful in terms of being integrated with Malaysian society. There is a pocket of the Rohingyas that emerge as being entrepreneurs, owning restaurant, speaking Malay fluently and having important roles to lead for religious activities, not to mention the fact that the Rohingyas have many Malay friends compared to other refugee groups in Malaysia

1.11 Outline of Thesis/Chapters

The research is presented in seven chapters, so as to draw attention on the plight of the Rohingyas in Malaysia and their economy, political and social challengers as refugee communities and their survival strategies in the host country. Firstly, it offers an introduction, background of study, research questions and problem, objective, importance and also theoretical framework that were used in this thesis.

Chapter two is dedicated to the methodology and sources. In this chapter, the reader is introduced to the methodology and sources of this study, the researcher standpoints and the method for data collection. The purpose of this chapter is to explain the approaches that are employed in this research and explore the factors that influenced the work.

The later chapters however outline the historical origins of the Rohingyas and their position in Myanmar politics before and after independence. The argument around proof of identity of the Rohingyas as natives of Arakan is discussed in this chapter. This chapter uses resource from archives, books and journals and also articles on Myanmar history and the Rohingyas. Interviews with Rohingya experts and the findings in term of their real problem as refugee are also used in this chapter. This chapter argues that the current nature of the Rohingya results from their denial of a historically proven identity. This includes their problem and associated with the issues of stateless, refugee, human trafficking victim and militancy. This chapter discusses the identity of the Rohingyas as a minority community and their liability to be an oppressed people in their own country. Forms of discrimination that drive them away from their own country and try to seek a solution for their problem by migrated and take refuge in Malaysia are discussed more extensively in this chapter. The term stateless, refugee and minority also form part of the discussion. This chapter further studies policies such as Citizen Law 1982 and how it oppresses the Rohingyas, and thus makes them stateless and refugees.

While chapter three, focuses on what happened to Rohingyas during in Myanmar, chapter four, five and six concentrate on their presence in Malaysia. Chapter four covers the Rohingyas journey to Malaysia caused by the continuing suffering and disenfranchisement and human rights violations in Myanmar. Aspects of pattern of arrival and type of migration also discussed in this chapter.

Chapter five and six cover two aspects of the Rohingyas challenges as refugee community and their effort to position themselves in a new society, one being suffering and the social integration that they have considerably success in achieving it. This includes the number of social group for their welfare, integrate well with Malaysian society with fluently speak local language and so forth, including their fate after took refuge in alien country. Having escaped poverty and persecution in Myanmar, the Rohingyas end up in limbo in Malaysia. Tough they took refuge in the host country, they are considered “illegal immigrant” where it is illegal for them to work and they wait years for resettlement to another countries. All these hurdles, problems and challenges in Malaysia regarding refugee communities are the focus of in this chapter. An observation of the routine of Rohingyas in Malaysia and sharing of their experience on integration and social life in Malaysia is used as methodology in this chapter. This includes house visits, religious activities and sports among adults and kids.

The conclusion summarizes the study and seeks to answer questions raised in the study which include the plight of the Rohingyas and challenges as refugee and in term of integration in a foreign land. It includes suggestions on a few issues like human rights record in Myanmar, their status and their religious, whether it will give impact to the Rohingya problem in holistic way. The conclusion further discusses how the transition and reformation plan that promoted by current civil government will bring any changes to the Rohingya plight around the world. It also suggests that recognition from ruling the

government in Myanmar is much needed to overcome crisis of disenfranchised Rohingyas minority while Islamic body such as OIC must give equal attention to the Rohingyas rather than just focusing on the Palestine and other Middle East issues. In the conclusion chapter, suggestions also include the basis of a two-way process of integration where there is a need to educate the host community about refugees and the policies to be renewed and amended to ensure successful integrations of the Rohingyas in Malaysia.

University of Malaya

CHAPTER 2: METHODOLOGY AND SOURCES

2.1 Introduction

In this chapter, the reader is introduced to the methodology of this study, the researcher standpoints and the method for data collection. The purpose of this chapter is to explain the approaches that are employed in this research and explore factors that are influenced the work.

The research methodology is based on qualitative methods and used primary and secondary data to complete research. Primary data was taken from the interview with the Rohingyas who are mainly concern with this issue. Some open questions were asked to them to get their input into this research. As for the interviews, the purpose was to obtain updated numbers and other information relevant to refugees in Malaysia, such as the issues of human trafficking, 2014 Census, experience coming to Malaysia and so forth.

The qualitative research interview seeks to describe and outline the meanings of central themes in the life world of the subjects. The main task in interviewing is to understand the meaning of what the interviewees say. (Kvale, 1996). A qualitative research interview seeks to cover both facts and meanings, though it is usually more difficult to interview on a meaning level. (Kvale, 1996).

Interviews are particularly useful for getting the story behind a participant's experiences. The interviewer can pursue in-depth information around the topic. Interviews may be useful as a follow-up to certain respondents to questionnaires, e.g., to further investigate their responses. (McNamara, 1999). The same open-ended questions are asked to all interviewees; this approach facilitates faster interviews that can be more easily analyzed and compared.

The methodology for this study included key informant interviews and a review of the relevant documents, including the academic literature related to refugees and grey literature, primarily from NGOs and the UNHCR on refugees in Malaysia and the regional context. It is important to note that data collection took place mainly in Klang Valley, especially in Kuala Lumpur (the capital of Malaysia), as it is the location with the highest concentration of refugees in Malaysia. However, other locations include Meru (Klang); Kajang, Seri Kembangan, Puchong, Ampang, Cheras Baru in Selangor; Kuantan (Pahang); Pokok Sena and Langkawi (Kedah); Wang Kelian (Perlis) and Balik Pulau and Georgetown (Penang).

In order to achieve balance and overall testimonial, this study draws on an interview with 80 individuals, representing a diverse range of people, including:

- 70 Rohingyas residing in Malaysia;
- 2 senior officials at UNHCR;
- Rohingya community-based organisations;
- Malaysian authorities;
- Local Malaysian politicians;
- an Imam;
- a regional expert; and
- Staff/activists at national and international NGOs that work with refugees in Malaysia

As mentioned earlier, 70 Rohingyas that reside at various places in Malaysia were interviewed for this study. The sample consisted of 62 men and 8 women, aged between 15-62 years old. While all - except one - of the women that had been interviewed for the data was a full-time housewife, men however did various jobs for survival. The Rohingya

men that were interviewed were, 2 students; 40 odd jobs; 10 garbage collectors; 5 vegetable sellers, 1 religious teacher and 4 unemployed. The aim of the interview with the respondents was to study their challenges as “refugee” communities, path to success, and the help they received.

The timeline of structured and semi-structured interview ran from 2014 to 2015. However, a few of the respondents were interviewed some time before, beginning in 2012, due to the researcher’s work for her master’s studies on the topic of Rohingya history. Among the questions for respondents are how they become refugees; the challenges and the problems of being a refugee; action taken to adapt to life in Malaysia; sharing success stories and retaining their identities in a foreign country. For the questions used in the interviews, see the Appendix U.

In regard to the Rohingyas as refugees in Malaysia and a day in life with stateless refugee, the research concentrated on observing the Rohingyas’ daily routine in Selayang, Klang and Ampang, all in Klang Valley. This observation involved about two or three weeks at one particular place, in order to obtain a clear picture of their life and to answer questions about their challenges and successful stories. An interview for respondents outside Klang Valley, for example in Pahang (East Coast Malaysia), Kedah and Penang (North Malaysia) also formed part of the data.

As mentioned earlier, the methods used in this chapter include anthropological qualitative observations, home visits, in detail, interviews with 10 households, four semi-structured group interviews (in Selayang, Kedah, Penang and Pahang) and two expert interviews. Observation focused on activities, living conditions, networks and the behavior of the Rohingya refugees. As mentioned earlier, all these interviews were conducted from November 2014 through October 2015.

Interviews were conducted with the Rohingyas in the Kuala Lumpur area, Selangor, Kedah, Penang and Pahang. While the researcher had access to the larger Rohingya community throughout Malaysia, especially in Kelantan, Johor, Perlis and Perak, time constraints and feasibility did not permit the researcher to conduct interviews nationwide. Nevertheless, it is important to note that endeavor will be part of larger project to collect the oral histories of the Rohingyas who have migrated to Malaysia at large.

To sum up, observations consisted of weekly visits with multiple families. These weekly visits consisted of eating food together, tutoring their children, reading and teaching Malay and English and sharing current events with each other. Invitations to religious and community gatherings that also participate by Rohingya refugees also gave the researcher an opportunity to observe large gatherings. Life events such as the birth of a child, sports activities, food celebration, religious activities and marriage celebrations were also part of the observation data. Daily life exhibited was, at times, contrary to the answers given in the semi-structured interviews.

Each participating household was visited a minimum of twice. Initially the design was to meet three times; however, there were a number of interviews that only required two visits, due to their familiarity with the researcher. Three main topics were covered in the interviews. The first was to gather background information. As transnationalism and subjectivity guide this study, each individual's background will create a subjective perspective that will be reflected in how the Rohingyas see the world and Malaysia today.

The questions on this topic focused on gathering demographic and life history information, addressing ethnic identity, religious backgrounds and previous experience in surviving identity as Muslim. The second interview was to focus on the expectations and realities of each family's economic and social situation after arriving in Malaysia as well as their challenges, problems and aspirations while in Malaysia.

The questions focused on what they expected life in Malaysia to be like and how their actual conditions are. To follow up, the third interview was more open ended, seeking any information that needed additional clarification from previous interviews. The aim was to give the participants an opportunity to add or clarify any information given or to ask any questions they may have. Initially the research design was for individual participants; however, this proved to be culturally inappropriate as the whole household participates in discussions. Household participants would include the adults who resided in the home, based on their availability. If a household did not have a member who spoke Malay or English, a translator accompanied the interviews. However, they prefer to speak Malay and rarely choose to communicate in English. Thus, for the benefit of this study, observation and communication that are held in Malay language will be in the original language, and later translated into English.

Before conducting interviews with individual households, the researcher had an informative discussion with community leaders such as Rohingya Ulama Council, Kedah Rohingya Society, Ampang Rohingya Society, RVision Televisyen Team, Myanmar Ethnic Rohingyas Human Rights Organization Malaysia (MEHROM) and Imam (Head of Religious) that gave input and assisted in translation of the consent document.

For security reasons, and in regard to requests from respondents, some of interviews prefer their name to be fictitious, but this was not the case for structured interview with UNHCR staff, Rohingya leaders like Arakan Rohingya Union (ARU) Professor Dr Wakar Uddin (2015) and the human activist, Dr Nora Rowley (2015) and Chris Lewa (2014). It is important to note that some of the Rohingya respondent are quite open and wanted their name published and their photo captured for this academic purpose so that according to them, their problem might be addressed accordingly. Additionally, this research will look

at official government documents such as motion in Parliament to see what their stance on refugee is and the Rohingyas.

Due to the researcher's personal connection with the community, this study utilized a snowball sampling method to locate the interviewees. In qualitative research, snowballing is a type of sampling strategy. In this method, participants or informants "with whom contact has already been made use their social networks to refer the researcher to other people who could potentially participate in or contribute to the study. A snowball sampling strategy is often used to find and recruit hidden populations, that is, groups not easily accessible to researchers" (Heckathorn, 2002). Thus, the sample group grows like a rolling snowball. As the sample builds up, enough data is gathered for the researcher's needs. Snowball sampling is a useful tool for building networks and increasing the number of participants. However, the success of this technique depends greatly on the initial contacts and connections (Heckathorn, 2002).

Each interview lasted two to three hours and took place in the interviewees home and outside, nearby cafe, stadium or soccer field for example. Face-to-face interview were conducted to capture the nuances of the interviewees, as well as their body language and facial expressions. Most interviews were one-to-one. More than 10 of them were family interviews. During the interview, the researcher was both a listener and active participant, as it discussed and offered own opinion on the issue being analyzed.

The researcher recorded more than half of the interview, as well as taking notes of the participant's responses. The researcher did not tape-record those individuals who felt uncomfortable with being recorded.

Experience with the Rohingyas has shown that spending time with families in their home and in community spaces gives them the opportunity to get to know the researcher.

Often, the Rohingya refugees are very quiet, respectful and hesitant to ask questions and only give simple answers when asked a question if they do not know you. Just as with anyone, with comfort and trust came more conversation and information. Spending time with them built trust and understanding for the purposes of the research. The more time the researcher spent with the Rohingya refugees, the more they opened up about their experience and viewpoints.

Prior to observation, the researcher had had more than three years of experience with the Rohingyas, volunteering once a month teaching and educating on the Malay language with Rohingya children and family since their arrival. In addition, the researcher participated with them as a nature of journalist work to do coverage on the Rohingyas and their issues.

The researcher has had the pleasure of spending over four years visiting these strong, resilient, funny and kind people. The researcher has witnessed arrivals to Malaysia, national and non-governmental funded school gatherings, cultural gatherings, deaths, births, religious gatherings, housework and daily life.

Meanwhile, primary data also came from Hansard Parliament especially in regard to any motion that directly or indirectly mentioned Rohingya and their fate as refugee or migrant workers in Malaysia. Hansard from Parliament also part of source in getting update data and formal figures regarding the Rohingyas and other refugees in Malaysia.

A working paper presented by researcher locally and internationally discussing Myanmar and Rohingya ethnicity was also used as a reference for the research. Besides, documentaries and programs on local television (Astro AWANI) on Rohingyas were also used as primary data and references for the thesis.

The research also used secondary source from library archives as this was the easiest way to gather data or information about Rohingyas and their historical aspects. Apart from library and archival sources, secondary data was collected from other publications from different scholars and experts such as theses, books and journals concentrating on the Rohingyas, Myanmar history, ethnicity and minorities in Southeast Asia.

Authorized documents provided by the government and non-government, archived materials, international and local newspaper, international magazines like Asia Weekly, Time Magazine and Newsweek and other information source through internet, blogs, FB and other social media platform were used as a source for research especially on the topics of the Rohingyas and their contemporary issues.

Field notes were written and recorded after each observation or semi-structured interview in the Microsoft Word format. The field notes were then hand rewritten. Field notes as well as the final thesis were written with no names of the participants. Identifying details, such as gender, names, and locations were altered in an effort to protect individuals' anonymity. As mentioned earlier, some participants were quite open in sharing their identity and allowing a photo of them to be taken and pictured. It is important to note that all photos for interviews with the Rohingyas in Malaysia and Yangon, Myanmar, Rohingyas in diaspora in Oslo, Norway are the copy-right of Ahmad Zakki Jilan. He is a professional photographer from Utusan Malaysia, the main Malay language daily newspaper based in Malaysia. Zakki is the researcher's husband.

Given the highly personal nature of some of the research, it was imperative that the data collection was conducted in an ethical fashion, and that principled sensitivity to the rights of others was displayed. The anonymity and confidentiality of all participants was guaranteed, and the principle of informed consent was adhered to as well. Prospective participants were given as much information as possible about the fieldwork before they

took part, and in the case of the Rohingyas, the message was very clearly communicated that the evaluation was being carried out academically and that it would not necessarily have a direct impact on their circumstances in the future. In other words, ethical issues were addressed by communicating with participants that their time was voluntary, and a consent form was given.

As the participants are a marginalized population that would be describing their lived experiences, some of the participant's names were anonymous throughout the study. The protection of the identity of some participants was extremely important to share with the participants before the interviews began. All participants were presented with a written form explaining their protection. For a plain language statement for all participants, please see Appendix N.

CHAPTER 3: THE ROHINGYAS: NEVER ENDING VIOLENCE

3.1 Introduction

In today's globalized world, in which religion plays an important role in the creation and consolidation of people's identity and an element of sub-cultural integration, the topic of the Rohingya people remains a subject that is relatively obscure in the context of the historical development of society and ethnicity in Southeast Asia. Few studies (Berlie, 2008; Maung Saw, 2011) have been conducted with regard to this community, which raises its own problems in identifying the origin and background of the Rohingya community.¹

Even in the current development, the few things that are commonly found to be associated with the Rohingya refugees and the issue of their community have receded into the background and seem to have been ignored not only by most of the countries in Southeast Asia but also other countries in the world. As Stout (2013) in the Time Magazine pointed out, "this may only become a hot issue when there is a tragedy among the Rohingya people as happened in November 2013 when a boat packed with a group of Rohingya people sank off the coast of Indonesia". For CNN News, "the situation also stirred controversy when the communal clashes began in Arakan State in June 2012, and the number of Rohingya refugee fleeing by boat to neighboring Southeast Asian countries such as Malaysia and Thailand increased significantly" (Olam & Melvin, 2015). At the same time, the international media paid unusual attention to the plight of the Rohingya people when the 2012 spate of violence happened. Recently, the Rohingyas became an

¹ In simple terms, a Rohingya is a Muslim that live in Arakan, the land in the West Coast of Burma or Myanmar today. They have problems because they are excluded from citizenship. They are stateless although they have lived there for hundreds of years. Most of them have no identity card, and they must introduce a request to the authorities in order to travel, which is often denied even to go to a funeral of a parent. Their stateless status compels them to stay within the limits of their own or even village in the Rakhine State. But their status of stateless also makes them to look for refuge in neighboring countries such as Malaysia, Bangladesh and Thailand. The continuing oppression from government makes them come to other countries and live in a diaspora community elsewhere in the world.

issue and subject of discussion when the Thai police revealed that they had found three secret camp which they believed had been used for human trafficking in two weeks. The discovery made the headlines in the major newspapers in Malaysia, Thailand and Bangladesh. For *The Star* and *New Straits Times* (NST), (2015) for example, their report concludes that “this became a still bigger issue when it involved comments from the human rights advocacy, debated in social media platforms and other location. All of this background highlights of the seriousness of the issue, as it is very real and happening”. Thus, ignorance by the world community of their fate and despair will place the life of the Rohingyas in jeopardy.

According to the human rights organization, ‘The Arakan Project’,² it is estimated that, “19,500 registered and unregistered Rohingya people, including some Bangladeshis, have fled by boat from Bangladesh and North Arakan State, with estimated 100 people having drowned during the process. With an estimated 115, 000 people in Arakan displaced by communal clashes, it is not surprising, that thousands more Rohingya refugees have fled from other parts of Arakan State not only by boat, but by air and overland too”. For Lewa (2012), without a tragedy and controversial issue such as this, the existence of their misery is just ignored by the world community. It is important to note that each time news of the Rohingya suffering and their fate at the sea captures world’s attention, it is related to the

² The Arakan Project’s main focus is on the Rohingya population who, deprived of citizenship rights in Burma, are subject to the most severe human rights violations. Its reports and research papers form the basis of international advocacy which primarily target UN human rights mechanisms, but also governments, international human rights and humanitarian stakeholders, and the media. The Arakan Project has been engaged in research-based advocacy since 1999. It started as a project under the umbrella of two Thailand-based NGOs, Images Asia and Forum-Asia. In 2005, the Arakan Project was established as an independent NGO. The Arakan Project is working towards a future in which all people from Rakhine/Arakan State are able to exercise their human rights in a peaceful, just and democratic Burma. To this end, they work together with local communities and project their voices internationally. The Arakan Project is a member of the International detention Coalition (IDC) and the Asia-Pacific Refugee Rights Network (APRRN) – Chris Lewa has been elected Deputy-Chair of the APRRN Working Group on Statelessness since 2012. Arakan on the other hand is the land in the West. It is also called Rakhaing or Yakhaing Pyang. While Arakanese refers to the native of Arakan or Rakhaing Pree as known to the West, who are Buddhist and ethnically Mongoloid. However, the Rakhaing (Arakanese) traditionally believed that there are descendants the “Sakya Sakis” the race from which Lord Gautama Buddha came.

complex history of their status as refugees, their statelessness, their being a minority and their persecution by the Myanmar government.

Meanwhile, the violence between the Rohingyas and Myanmar's security forces escalated in early 2016 as two soldiers were killed by crudely armed attackers. In retaliation, troops of the Buddhist-majority government used helicopters to fire at the attackers in dense forest in northwestern Myanmar (Perlez & Moe, 2016). According to Perlez and Moe in *New York Times* (NYT) "The two soldiers were killed by attackers armed with guns, knives and spears near the village of Gwason, south of Maungdaw, the main town in northern Rakhine". They added in an article "Violence Escalates between Myanmar Forces and Rohingya", about 500 attackers were involved in the clash. "Since then, human rights groups have received reports of the killings of unarmed Rohingya men by Myanmar soldiers, rapes of Rohingya women, and beatings of Rohingya men held in detention in the town of Maungdaw. Before this attack, as many as 100 Rohingya civilians may have been killed" (Perlez & Moe, 2016). Perlez and Moe (2016) also pointed out that, western diplomats have called on Aung San Suu Kyi, the Nobel laureate who leads Myanmar's government, to conduct an independent investigation into the violence. But, she declined, allowing a Rakhine State committee to investigate. She also urged that specific complaints be filed with a commission headed by the former United Nations secretary general, formed in August 2016.

There are several questions that we need to address regarding the Rohingyas. Why, then have the Rohingya community, become the essence of problems in Myanmar? Who actually are the Rohingyas? Are they the original people of Myanmar? If they are the original people, why are they not accepted by the military government? Is this because of their religion or because of their physical differences? Or are they immigrants from other countries who are trying to take advantage of the situation in Myanmar for the sake

of facilities and assistance of the international community? What is the current debate on the disputed Rohingya history? All of these matters will form the basis for discussion in this chapter.

This chapter is devoted to an important aspect of understanding the Rohingyas. Furthermore, an understanding of the Rohingyas will help us to understand the problems faced by them. In pursuit of this objective, the discussion will look into the facts of history and the relationship between these communities and the Arakan (Rakhine). In addition, the discussion will examine the state of the Rohingya community during the pre and post-independence Burma or Myanmar. This chapter also discusses their situation and scenarios today and uses the historical background and seeks to link this with the current situation where these unfortunate communities become a group of refugees that live in diasporic in neighboring countries like Thailand and Malaysia and also beyond, Bangladesh and even the West countries.

The suffering and never-ending persecution of the Rohingyas after independence and the recent violence they have experienced will be discussed after the historical background. It is important to note that the timeline from the historical perspective for this chapter is until before independence.

The Rohingya community have faced a few problems that have made their future uncertain, especially as minority citizens. As per the earlier discussion, their problem started before independence, and economic factors were made worsen when religious matters became involved. Among their problems are statelessness with regard to citizenship; status of refugee and accusation that linked them with militants and terrorist. All these problems will be discussed one by one in this chapter.

To sum up, this chapter covers the historical background and history of the conflict from after independence to the era of 2015 and early 2016. It is divided into several sub-topics and argues that Myanmar's treatment of the Rohingya people perpetrates a policy of continuing violence that has escalated, somehow to the level of genocide since 2012. Apart from historical background, this chapter centers on the Rohingyas' problem and their negative association with issues such as statelessness, refugee, militancy, the question of Bengali identity and so forth. Nevertheless, this chapter is important in serving as a framework for understanding the implications of the extensive injustice that the Rohingyas suffer. Furthermore, this chapter reviews the political and socio-economic discrimination against the Rohingyas that violates their human rights. It covers the development of the census in 2014, which from the eyewitness accounts of few Rohingya, is described as another way to eliminate their nationality and identity as Muslim in Myanmar.

The widespread violence in Rakhine state in 2012, 2014 and 2016 and its implications for the problem of the Rohingyas will also be discussed in this chapter. Among these is the case whereby the massacre has signaled the initiation of genocide in Myanmar. Finally, the chapter presents the human insecurity that Rohingya refugees in neighboring such as Thailand, and Malaysia experience because of their stateless status and the human rights abuses suffered in Myanmar. The state sanctioned violence in Myanmar, as has continued to occur in 2015 and 2016, creating a highly negative humanitarian crisis that has escalated to the trafficking and genocide of the Rohingyas, and will lead to more deaths if left unchecked. It is important to note that the discussion in this chapter of what happened in Myanmar could play a key role in answering why they have become refugee especially to Malaysia.

Discussions with stateless Rohingya refugees, including refugee leaders, living in Kuala Lumpur and Klang Valley, Pahang and the surrounding areas have been conducted for purpose of this chapter. Interviews with individual experts, Dr Wakkar Uddin and with non-governmental organizations who work on the Rohingya issue like MAPIM also inform this chapter, as well as on-going and informal discussions with Rohingya refugees over the course of the whole research. While most interviews took place between July 2007-November 2008 and also in February 2010 to 2015 in stages, this chapter covers issues relating to the Rohingyas up to early of 2016. This may be considered as a strength of this thesis as it is a combination of history and contemporary point of view with regards to the important issues of the Rohingya people. Through qualitative interviews with a few Rohingya people and historical data, this chapter discusses various aspects related to the Rohingyas, ethnic minority who are considered as the most unfortunate in the planet.³

3.2 Who are the Rohingyas?

In essence, the Rohingya are a Muslim minority group in Myanmar and that the majority of them followed or practiced Sunnah Wal Jamaah. Most of them live in the three cities in Rakhine (formerly Arakan) of Maungdaw, Buthidaung and Rathedaung. A small group of them also live in Akyab (Sittwe today) and Kyauktaw.

According to Professor Dr Wakar Uddin, himself a Rohingya, the homeland of the Rohingyas is Rohang, situated in the Northern Rakhine State of Western Myanmar,

³ United Nation Secretary General, Ban ki-Moon first remarks to associate Rohingya with the most unfortunate community in the planet reported in worldwide media as a response to the June 2012 communal violence that claimed over 100 death. For detail, access <http://www.livemint.com/Politics/xT2QjV6Snme9PodVQJ5BqI/Over-100-dead-as-communal-violence-rocks-Myanmar.html>. UN Secretary-General again gave his remarks at Stanford University, Palo Alto, United States on 26 June 2015. Among his remarks "Southeast Asia is also experiencing a migration crisis, as people in search of asylum are being left trapped at sea. Saving lives must be the number one priority. Resolving this complex situation also requires addressing the root causes of migration, which include human rights violations and lack of economic opportunities. I remain very concerned at the plight of the Rohingya Muslim community in Myanmar. Three years after the inter-communal violence in western Rakhine state, some 130,000 still remain in camps requiring urgent humanitarian assistance. The United Nations has, through various channels, strongly urged the government of Myanmar to ensure that the human rights of the Rohingya and other Muslim populations are fully respected and that the longer-term issues of citizenship, identity permits, work permits, and birth registration are properly addressed." For full report, access, <http://www.un.org/sg/statements/index.asp?nid=8773>

bordering Bangladesh. Rohang has an area of approximately 20,000 square miles (Uddin, 2015). According to Uddin (2015), it is cut off from the rest of Burma by mountains called Arakan Yoma. He said in an interview, “their mean of communication is to uses the Burmese or Rohingya language” (Uddin, personal communication, 2015) ⁴

In terms of appearance, they are often wrongly interpreted as being citizens of Indian or Bangladeshi origin on account of their dark skin. In Malaysia also, as pointed by Abdullah (2016), Rohingya people are occasionally misinterpreted as “Mamak”, of whom the majority work in a restaurant. However, Abdullah (2016) in her write-up in Astro Awani digital website said, “many of them have indeed migrated from the Chittagong and married to local citizens who were resident of Arakan, in Akyab district” (Abdullah, 2016). It is said that their overall number is three million people, inside and outside Myanmar.

In brief, in most history books, journal and newspaper writing, (e.g, Hall, 1981; Jilani, 1999; Mahmud, 2007 and Ahmad, 2000), it is agreed that the Rohingyas are Muslims who are concentrated in the northern part Rakhine State, also known as Arakan State in Myanmar. For Ahmad, (2000), “this is a geographically isolated area in western Myanmar, bordering on Bangladesh. The Rakhine State is one of seven ethnic minority states which were formed under the constitution of 1974” (Ahmad, 2000, p. 20).

It is difficult to determine the exact number of Rohingyas living in Rakhine State. According to government data, it is estimated that of the approximately three million people living in the Rakhine State, between 700,000 and 1.5 million of them are Muslims,

⁴ Interview with Professor Dr Wakar Uddin, ethnic Rohingya from Bhutidaung Township, Oslo, Norway, February 2015, 12pm. He is Director General of Arakan Rohingya Union (ANU). He was interviewed during European Rohingya Council (ERC) Conference on Rohingya Ethnic Identity and Basic Rights in Burma held in Oslo, Norway on 7-8 February, 2015 where he presented a paper entitled “Rights of Rohingya in their Homeland : A Global Perspective”. Other speakers includes, Dr Nora E.Rowley with paper presented “Barriers to Rohingya Well Being in Malaysia” and Azlinariah Abdullah “The Rohingya Refugees in Malaysia: Issues and Challenges”. Wakar can be reached via his blog :www.ar-union.org or dg.aru@ar-union.org

the vast majority of whom are Rohingyas from the northern Rakhine State.⁵ Arakan is the older name of the Rakhine State today, where the Rohingya people first settled probably in the seventh century. The Rohingyas trace their religion to Arabs, Moors ⁶ and Turks, Persians, Mughals, Pathans and Bangalees.

Many migrated to Arakan during the time of Mughal Empire and a large number came to Arakan later, during the British rule of Burma from Bengal. A series of debates on the origin of Rohingyas and their name have been raised by some scholars and historians recently. Their views will be discussed later in this chapter, although no stand will be taken in regard to the debate as to whether the Rohingya origin in Arakan or are immigrants from Bangladesh.

The Rohingyas have their own language. The first written Rohingya language was relatively recent. During the long colonial period under British rule, Urdu, Persian and English were the main languages used. Since then, scholars have written the Rohingya language using Arabic, Urdu, Burmese and Hanifi Scripts, known also as Rohingyalish, their way of communication now, in the host countries that they take refuge.

Most of the Rohingyas are afraid that their Rohingyalish will be extinct when they are dispersed out of homeland as refugees or asylum seekers. However, they try to make an effort to preserve their language by establishing a language centre for their generation. For example, the Rohingyalish Language Center in Pahang, Malaysia, not only teaches Malay language and the basic subjects required in Malaysia but provides an opportunity

⁵According to Department of Population Ministry of Labour, Immigration and Population, The Republic of Union of Myanmar's data. For details, visit http://www.dop.gov.mm/moip/index.php?route=product/product&product_id=110. See also BBC report "Why is there Communal Violence in Myanmar?" <http://www.bbc.com/news/world-asia-18395788>

⁶ The Moors were the Muslim inhabitants of the Maghreb North Africa, the Iberian Peninsula, Sicily, and Malta during the Mid-Ages, who were initially Berber and Arab peoples from North Africa.

to teach their language. However, according to recent developments, the center which is established in 2012, has been closed due to there being no teachers or volunteers.⁷

The Rohingya people also have their own dress. According to Jilani (2001) the male Rohingyas traditionally wears shirt with long sleeves called *bazu* covering the upper part of the body while the lower part is covered with a rectangular sheet of cloth stitched from side to side called *longyi*. According to Jilani (2001, p.30) “most Rohingya males wear a coat and cap. The adult female Rohingya normally wears a long-sleeved garment known as a *suli* to cover the upper part of the body, while the lower part is covered with a *tami*.” He added in his book that, “a scarf called or known as *romal*, which covers the head and shoulders is traditionally used. When going outdoors, a *burkha*, a traditionally veil completely covering the whole body, is put on” (Jilani, 2001, p.30).

Today, Myanmar Muslims generally prefer to be called Burmese Muslims. (Berlie, 2008). According to Berlie (2008) “these Muslim are divided into four main groups, which are mainly Sunni or Sunnah Wal Jamaah as mention earlier” (Berlie, 2008, p. 34). The first group is Muslim of “Indian” origin, from Bangladesh, India or Pakistan, who are the most numerous. The second group is that of the Arakan Muslims or Rohingyas. They differ from the first group, although they also came originally from the Indian subcontinent. There is also a group "Panthays" called the Hui in China, and finally Burmese Muslims *stricto sensus* the group "Zerbadees" also known as Zavier, referred to as the old name to Persian descent. Another well-known ethnonym, “Zerbadee” appears for the first time in the British Census of 1891 (Berlie, 2008, p. 34).

⁷ Interview with Mohd Rafique, a Rohingya that have been given Malaysia permanent resident due to long stay in Malaysia, Batu 3, Kampung Kurnia, Kuantan Pahang, February, 2015, 10am. Mohd Rafique is one of the founder for the language center. He is now owned 3 car wash business and other business in Pahang.

Aside from the Muslim population, the other major ethnic group is that of the Rakhine, who are Buddhist. They speak a related form of Bama but claim separate political and nationality traditions from the ethnic Bama majority of Myanmar. According to self-interviews with Rohingya ethnic residing in Malaysia (Abdul Ghani, 2014), “the Rohingya speak a Bengali dialect similar to what is spoken in the Chittagong region of Bangladesh, mixed primarily with words from Urdu, Hindi and Arabic languages, but also from the Bama and English language”.⁸ According to him, “the Rakhine people established independent kingdoms from central Myanmar, the last one being founded in the 15th century with its royal capital at Myo Haung (Mrauk-U)”. As also pointed by Berlie (2008), this kingdom was conquered by the Myanmar King Bodawpaya in 1874.

Meanwhile, according to history such as written by Ahmad (2000), “the first Muslims who settled in this region were believed to be Arab marines and traders that arrived on the Rakhine coast in the 8th and 9th centuries. Other Muslims who came to the area in later centuries included Persians, Moghuls, Turks, Pathans and Bengalis”. He said, during the British colonial period from 1824-1948 there was also a massive migration from Chittagong to what is now the Rakhine States” (Ahmad, 2000, p.32).

3.3 Evolution of the word Rohingya

The evolution of the name Rohingya and their association with Rohang has also become an important subject to discuss in the issues facing the Rohingya. While the origin of Rohingya by name is disputed among scholars and historians, this chapter seek to look at historical and contemporary part in order to find the answer. It is important to note that there is various debate among scholars about Rohingya, part of which may be

⁸ Interview with Zafar Ahmad Abdul Ghani, ethnic Rohingya in Malaysia, Ampang, Kuala Lumpur, June 2014, 9am. Zafar is a President of Myanmar Ethnic Rohingya Human Rights Organization Malaysia (MEHROM). He can be reached via his blog :www.mehrom.wordpress.com

controversial and contrary to official documents or recent development in the Myanmar political situation.

Ethnically, the Rohingyas are genetically related to the Bengalis, Indians, Arabs and Moors, with every Muslim settlement in Rakhine State dating back to seventh century A.D. In many ways, in regard to the Rohingya itself, the name is quite unique. How did the Rohingya get their name?

In historical studies, the most popular view is that the name Rohingya is derived from the name of "Rohang", the old name of Arakan. But there are also opposing views as regards the name Rohingya that is derived from the word "Rohang" (Chowdury, 2004). For Chowdury (2004) who wrote about "The Advent of Islam in Arakan and The Ruhaigyas (Rohingyas)" in the *Journal of the Pakistan Historical Society*, he argues that "Rohingya is an Arabic word, and it comes from the word *"Rahm"* meaning sympathy or congregation, but not Rohang as the old name of Arakan" (Chowdury, 2004, p. 54).

One of the recent scholars and native of Myanmar, Khin Maung Saw (2011) argues in his writing entitled "Islamization of Burma Through Chittagonian Bengalis as "Rohingya Refugees" published in *Narinja News Media*, that "the fact there has never been a "Rohingya" ethnic group either in Arakan or in Burma is quite evident". He continues by arguing that, there is no such name as "Rohingya" in all history books and chronicles written by Burmese, Bengalis, Arakanese, British, Dutch and Portuguese. Argument from Maung Saw include firstly that, there is no such name as "Rohingya" in Census of India, 1921 (Burma) compiled by G.G Grantham, I.C.S, Superintendent of Census Operations Burma, or even in the Burma Gazetteer, Akyab District (1924) compiled by R.B Smart.⁹

⁹ Akyab District Gazetteer, 1906, Volume B, http://myanmar-law-library.org/IMG/pdf/akyab_district_volume_-a-2.pdf.

Secondly, Maung Saw posit, that even in Hobson-Jobson, “A Glossary of Colloquial Anglo-Indian Words and Phrases, and of Kindred Terms, Etymological, Historical, Geographical and Discursive” published by British Colonial Officers of British East India Company, Colonel Henry Yule and A.C Burnell, the word “Rohingya” was not mentioned (Saw, 2011).

Thirdly, Saw quoted the well-known author and scholar, Maurice Collis who wrote many articles and books about Arakan, but never mentioned the words “Rohingya”. In addition, Saw cited J.F Cady in his book “The History of Modern Burma” (1995), neither mentioned the “Rohingya” nor the Arakanese Muslims in his book. Maung Saw also wrote that none of the British Colonial Officers contributions about Burma and India mentioned that word “Rohingya” however, they mentioned “Zerabadi” the Indo-Burmese Hybrids or “Burmese Muslim”, the Muslim in Shwebo and Yamethin Districts in Burma Proper, “Myay Du Muslim”, “Kaman Muslims” and Bengali Muslim Settlers of Arakan (Saw, 2011). While Saw argues that there is no “Rohingya” in Myanmar vocabulary, overall, the majority of the historian and the author of books on Myanmar/Burmese, Rohingya often associate it with reference to the Arakan. This is due to the fact that the Rohingya are not the only Muslim population in Myanmar itself. The Muslim population is also found in Yangon, Myanmar's once capital, now changed to Napiytaw since 2013, although there are few. Having said this, this also does not mean that all from Arakan are known as Rohingya. As Berlie (2008) pointed that this is because there is a small group of Muslims called "Zerbadees", as agreeable by Saw (2011, p.178). There is also a group called "Kaman" and “Karla”.¹⁰

¹⁰ “Kaman” are descendants of archers enlisted in the armies of Ava and Arakan. Most or the “Kaman” remained to be in high-ranking in armies even after Arakan annexation in 1785. “Kaman” consist of 2,600 in Myanmar today.

The term “Rohingya” is derived from the Arabic word *Rahm* which means mercy. It has its origins with the arrival of Arab traders on shores of Ramree Island in the 18th century (Ullah, 2011). The myth tells of a ship of Arab traders that arrived on shores of Ramree Island in the 18th century and wrecked off the Burmese coast, and the survivors asked for *Rahm* of the local king. The king allotted a piece of land for them, and they were allowed to settle there. Over time *Rahm* changed to *Rhohang* and eventually to *Rohingya* (Chowdhury, 1996; Bahar, 2010b).

There is an alternate concept that the term “Rohingya” is actually used to describe the *Ruha* people who migrated from Afghanistan (Ahmed, 2012). Another version of the “Rohingya” is that the ‘*Roh*’ in *Rohingya* means ‘mountain’ in Sanskrit and that the region of mountains in northwest India was known as *Roh* (Ahmed, 2012). Maung Tha Hla (2009) noted that the term “Rohingya” was not included in the 1824 census conducted by the British. Saw claims that the term “Rohingya” was unknown prior to the 1950s and invented by the Red Flag Communists to please the Mujahid rebels whom they wanted to work with (Saw, 1993). Aye Chan argues that the term “Rohingya” was created in 1951 by a Rohingya MP from the Akyab North constituency. He writes that the Muslims from northwestern Arakan who were the descendants of immigrants from Chittagong who had migrated into Arakan during the British colonial period (Chan, 2005). Chan (2005), Saw (2011), and Rosenblat (2015) categorize Muslims residing in Arakan into four categories as: 1) the Chittagonian Bengalis living on the Mayo Frontier, 2) the descendants of the Muslim community of Arakan during the Mrauk-U Period (1430–1784) currently living in the Mrauk-U and Kyauktow townships, 3) descendents of the Arab mercenaries from Ramree Island, and 4) Muslims from the Myedo area of Upper Burma that remained in Arakan following the Burmese conquest in 1784.

During the colonial period Muslims in Arakan were referred to in many different ways; Muslims, Mohamaden, Chittagonians or Bengalis, Rooinga, and Rossawn. In 1799, Francis Buchanan, a Scottish surgeon with the British East India Company, traveled to Burma and met members of a Muslim ethnic group who have long settled in Rakhine, and called themselves Rooinga (Buchanan, 1799).

Muslim leaders in Rakhine State have promoted the use of the term “Rohingya” to describe themselves as part of their assertion of rights along ethnic lines. The first formal acknowledgement of the ethnonym “Rohingya” dates to 10 March 1950 in an official address by a group of elders from North Arakan to Prime Minister U Nu on his visit to Maungdaw (Jilani, 1999).

Michael W. Charney states that the derivation of Rohingya from Roainga is very clear. Roainga can be traced to the 17th century to Rosanga (Charney, 2005). Although the language of Rohingya was widespread during the era of Arakan Kings, today its existence as a written language has diminished, as it was mainly destroyed by the Burman invaders in 1784 and was not preserved well by subsequent colonialists (Yunus, 1994).

The Rohingya armed groups formed in the 1980s, such as the Rohingya Solidarity Organization and the Arakan Rohingya Islamic Front, but they never posed a serious threat to the Burmese military state (HRW, 2013).

3.4 The origin of the Rohingya

According to history, the Rohingyas are hybrids of various nations such as Arabic, Persian, groups from Afghanistan and northern India as well as people of Bengal from Chittagong. As early as the 8th century AD, Arakan was approached by Arab traders and merchants who acted as preacher of Islam at that time. Logically, the development of stream flow or Islam among preachers is that they settled in Arakan after marrying local

women. It is understandable that after the advent of Islam in the 1430s, the Muslim mercenaries also played an important role in the struggle for the throne in Mrauk U (Kyaupku), which is the capital of Arakan at that time. In the meantime, the group "Kaman" also arrived in Arakan with Shah Shuja, a son of Shah Jahan, who fled to Arakan in the 1660s (Berlie, 2008).

In another development, it is said that, as pointed by Berlie (2008) many others came to Arakan to follow Shah Shuja. "They stayed and settled around Mrauk-U, but then had to move to another area such as Ramree Island or Island Cheduba. More people arrived in Arakan Rohingya after 1826, when Arakan become a part of the British Indian Empire". For Smith (1999) and Hall (1981), migration continued encouraged by the colonial administration until the 1870s when British interests were transferred to other areas such as the Lower Myanmar, which developed into the most important production chalk area in the world, Shans as a state that rich with metals and Toungoo and Tenasserim filled with valuable timber and forests.

According to Berlie (2008) in the history of Arakan, intermarriage is nothing unusual. This is because it is the centre of spreading Islam in Southeast Asia at that time. As happened in Melaka, Aceh, and Penang, Arakan was also hit by the phenomenon of intermarriage, and thus produced a society or mestizos or some other title referring to intermarriage heritage. As pointed by Smith (1991) typically, marriage took place among the Rohingyas that had long settled in Arakan, Arakan local people or immigrants from Chittagong. He mentioned in his book "Burma: Insurgency and The Politics of Ethnicity" that "this phenomenon was of interest to many observers or European analysts in the 1920s. This is because marriage on a massive scale resulted in difficulties in recognizing the Rohingyas as of the original or existing old mixed blood" (Smith, 1991, p. 100).

For example, in this case, Hall (1981) in the popular classic book first published in 1951, “History of South-East Asia” reflects on the fact that the people of Arakan today basically misunderstood the fact that Burmese have mixed Indian blood. (Hall, 1981, p.411) In a personal interview with AFK Jilani, an author of “The Rohingyas of Arakan Their Quest for Justice”, (2015), he shared and detailed how people in Arakan were frequently perceived as Indians because of their looks and their dark skin but determined as Rohingya after listening to their dialects and language.¹¹

As discussed earlier, the major interest of the East India Company in Arakan lay in the extension of rice cultivation in the Kaladan and Lemro Valleys. (Leider, 2008) This plan succeeded because the scores of Bengal Muslim labourers who had been imported from Chittagong in the middle of nineteenth century, Akyab, the new capital, had indeed become a major port of export of rice for Europe. Some Chittagonian Bengalis were brought to Arakan to construct a railway track between the two towns, Butheedaung and Maungdaw. According to him, “the two-year construction project until 1918 was in fact in operation before the whole business was brought down by a devastating cyclone” (Leider, 2008, p.409)

Since 1879, immigration has taken place on a much larger scale, and the descendants of the slaves are resident in most parts of the Kyauktaw and Myohaung (Mrauk-U) townships. The Maungdaw Townships have been overrun by Chittagonian immigrants. Buthidaung is not far behind and new arrivals will be found in almost every part of the district. Those Bengalis settlers in Arakan were noted by the British of their

¹¹ Self-interview with AFK Jilani, Taman Sri Ukay, Kuala Lumpur, May 2015, 10am

administrative purposes either as Hindus or as Muslim according to their religion, Muslim settlers outnumbered the Hindu settlers.

The distribution of races as included in the Census Reports of Akyab (Sitwe) District for 1871, 1901 and 1911 is as follows.

Table 3.1: The Census Reports of Akyab (Sitwe) District

| RACES | 1871 | 1901 | 1911 |
|--------------|--------|--------|--------|
| Mohomaden | 58255 | 154887 | 178647 |
| Burmese | 4632 | 35751 | 92185 |
| Arakanese | 171612 | 230649 | 209432 |
| Shan | 334 | 80 | 59 |
| Hill Tribes | 38577 | 35489 | 34020 |
| Others | 606 | 1355 | 1146 |
| TOTAL | 276691 | 481666 | 529943 |

Source: Burma Gazetteer, 1957.

www.networkmyanmar.org/images/stories/PDF16/Akyab-Gazettee

With so much history written on Arakan, and various studies about whether certain groups are natives of Arakan or otherwise, not much is known about the Rohingya in depth. In other words, who these people are seems to be ignored. However, it can be clearly understood that the majority of them were involved in agricultural work and fishermen at the same time. This is due to the geographical factors in Arakan itself.

According to map 1.1, Arakan is located to the west of Myanmar, sandwiched between the Arakan Yoma and the Bay of Bengal. Furthermore, the islands are found in Arakanas Cheduba, Ramree and Barunga, in an underwater mountain. With relatively narrow lowland rivers in Arakan are not deep except for three major rivers, these being the Mayu,

Kaladan and Lemro. For Ahmad (2000) this contributes to and shapes the lowlands of Arakan to be a centre of agriculture and settlement area in western Myanmar. He said, “on the basis of the geographical landscape, it is also understood that the average population in this area depends on agriculture, including the Rohingya, who are the majority group in Arakan” (Ahmad, 2000, p. 10).

In brief, according to Ahmad (2000), quoted Dr. Than Tun, the Rector of Mandalay University and former Professor of History, Rangoon University, as saying that the King of Arakan had Muslim titles. The Muslim kings mentioned in the inscription might be Rohingya, from the Mayu River, the eastern part of the Naf River, who claimed over a thousand years of existence. Ahmad (2000) notes that, “although they are said to be marginalized and oppressed communities, this does not mean that no rich or successful individual among this minority community” (Ahmad, 2000, p. 10)

Among the Rohingya people that were recorded as wealthy and influential individuals as mentioned by Berlie (2008, p. 48) are, Sultan Mahmood, a political secretary in the U Nu government, which was appointed as the Minister of Health. Similarly, Sultan Ahmed and Abdul Gaffar respectively served as Parliamentary Secretary in the government of U Nu. Jilani (2015) in an interview said, that “in fact, Abdul Bashar, Zohora Begum (Daw Aye Nyunt), Abul Khair, Abdus Sobhan, Rashid Ahmed and Nassirudinor also known as the U Pho Khine, all members of Parliament in the U Nu cabinet”. He added, “it should be noted here that U Nu was the Prime Minister of Myanmar from 1948 to 1958, and that Myanmar was still known as Burma then” (Jilani, 2015).¹²

¹² Self-interview with AFK Jilani, Taman Sri Ukay, Kuala Lumpur, May 2015, 10am

3.5 Rohingya and Arakan

As mentioned earlier, most Rohingya people originate from Arakan. In other words, they settled in Arakan, as early as the 7th century. Islam spread in Arakan around the same century, according to records. Berlie (2008) pointed out, if the history counted, the former Arakan is a centre in the spread of Islam. Historically, the Arakan, an independent Islamic state, inhabited almost three million Muslims. Today, Arakan is known as Rakhine State. Before the advent of Islam in Arakan, the original inhabitants were Hindus, Buddhists or animism. Before Islam spread, Arakan, was favoured by sailors and traders from Arab countries. (Berlie, 2008, p. 40)

Most of them, while in Arakan, married a local woman and lived there until a class of community called Rohingya developed. Some historians and researchers say that the first Muslims who settled in Arakan were Arabs under the leadership of Muhammad ibn Hanifiya in the late 7th century. He married Queen Kaiyapuri, who converted to Islam with their people following en masse. For Ahmad (2008), the second group of Islamic preachers is said to have occurred in the 8th century. According to Ahmad (2008), “in subsequent developments, some ethnic groups such as Mughals, Turkish, Persian, Central Asian, and Sikh Pathy, moved or migrated to Arakan and mixed around Rohingya. Similar to the group that came in the late 7th century, this ethnic group blends with the Rohingya, they settled, and married and thus produced a generation that mixed with Rohingya” (Ahmad, 2008, p.34).

Since arriving in Arakan in the late 7th century, the government gained the attention of either the local community or the outside. It is thus understandable that Islam played a bigger role in the Arakan civilization. This is clearly shown by the leadership of the King of Arakan which successfully brought good image and name to the government in the eyes of outsiders. One of the popular successors King Arakan, Zabuk Shah (1531-1533)

expanded the empire as far as Tennasarim, in the Megna River in the South and the West. He was one of the strongest rulers in the history of Arakan. With him the Arakanese graduated in their Muslim studies and the Arakanese Empire was founded. Between the year of 1430-1530, a large number of those who are Muslims, especially from Chittagong migrated and settled in Arakan. (Jilani, 1999). Historically according to Jilani (1999, p. 23), Zabuk Shah was engaged in war in invading Burmese King Tabin Shweti in 1546-1547. “The Tripura king Brijoymaniky invaded and occupied Chittagong and Pattan chief regained his position. Zabuk Shah was able to fuse diverse elements into a particular style. Arakan had turned into a Sultanate. The court was shaped by Gaur and Delhi, with slaves and executioners”. In this regard, Berlie said “there was freedom of religion, movement and culture. Zabuk Shah embellished Mrauk-U with mosques, pagodas and monuments which we neither Indo-Islamic nor Indian but of a particular type came to be known as “Bengali Muslim” architecture of a Muslim Bengal period. Zabuk Shah died in 1553” (Berlie, 2008, p. 25).

In a period of nearly 200 years, the majority of historians (e.g Chowdury, 1995; Berlie, 2008 & Ahmad, 2000) agree that the Kingdom of Arakan was ruled by 18 Muslims. Indeed, the administrative system was adopted from Islamic sultanate, which was later imitated by other Islamic empires thereafter. In other words, for example Ahmad (2000) said that “the Arakan is not only famous as a center for the spread of Islam, but also emerges as an independent Islamic state in the 14th and 15th centuries. There were some kings among Arakan Muslims before the collapse of the Burmese empire”.

It is better known as the Shah Dynasty governing Arakan began from 1430 to 1638 AD. As Chowdury (1995) and Berlie (2008) note that all the Kings of Arakan had a background in Islamic Education, and many of them memorized the Al-Quran. In brief, eleven kings successively ruled Arakan for a hundred years. Some Arakanese kings used

Muslim titles that ruled for another hundred years after the reign of Ali Shah in 1531. For a full list of Arakanese that ruled Arakan and their reign, (please see Appendix B).

Meanwhile, although Arakan was ruled by an Islamic government, not all are Muslim. There is still small amount of a non-Muslims community there. They are living together with communities that embraced Islam brought by the king. The dominant faction is known as the Rakhine Buddhist. In this case, Dr. Habib Siddiqui, in his article, "Rohingya: The Forgotten People" (2012) detailed the writing of Rakhine in Myanmar origin. According to Dr. Habib, "the Muslim Rohingyas, who settled in Arakan at the end of the 7th century were not an ethnic group, but a community that grew out of a mixture of tribal groups". According to him, for some time Arakan was in the hands of the government and under the influence of Islam and managed to spread the religion in which the mosque was built, so that other Islamic elements grew through the striving for excellence. "Until King Burmese invaded and conquered Arakan on December 28, 1784, the King committed to eliminating anything associated with Islam in Arakan. It is also a starting point in creating mistrust between the two communities in Arakan, involving Rohingya and Rakhine" (Siddiqui, 2012).

It is important to note that, according to Alam (2009), Rakhine, which indirectly gained support from the Buddhist government, was not happy with the presence of non-indigenous groups like Rohingya. Several provocative actions served as a ploy to create tension between the two communities in Arakan. "Historically, in 957 AD, the Mongol conquest not only eliminated the capital of Vesali or also known as Vaisali, but also killed Sula Chandra, the last Hindu king of Chandra dynasty. Within a few years, the Hindu Bengal government had developed the Pala dynasty without giving a chance to Hindu Vaisali to rise again, because of its strength. But that is not all". (Alam, 2009). This was also the invasion and migration of a large-scale "Tibeto-Burman" which reflected the

population of Hindus. Their action included not allowing Arakan to accept Indians other than those mixed with the local community on the east side of the divide the Indo-Burma (Indochina-Burma). It thus created the Indo-Mongoloid known as Rakhine-Arakan. But this is not the first wave of origin marking the Rakhine in Arakan.

The second group of Rakhine was far more brutal, violent and not less, involved in piracy. They are known as "Magh of Arakan" ¹³ in the 16th and 17th centuries. With regards to this group, researcher and historian, Alamgir Serajuddin said as quoted by Harvey (1967) that "their cruelty comparable only to that of bargi maraunders of later days, was a byword in Bengal" (Harvey, 1967, p.10). Harvey (1967) quoted another researcher, Shihabuddin Talis Magh of Arakan stated as follows:

They carried off the Hindus and Muslims, male and female, great and small, few and many that they could seize, pierced the palm of their hands, passed thin canes through the holes and threw them on above another under the deck of their ships (Harvey, 1967, p. 10).

The argument of both researchers was also raised by another historian. Mohammed Ali Chowdhury (1995), who noted the relations between Chittagong and Arakanese rule. He said:

We know that for nearly a century, from about 1580 till 1666 A.D. Chittagong was under almost uninterrupted Arakanese rule and while the Arakanese held these possessions in Bengal, they appear to have sent numbers of the inhabitants into Arakan as agricultural labor. Moreover, during 16th and 17th centuries, the

¹³ There is a commonality between the terms Magh and Mog, Gog or Magong. In some historical research, all these names maybe used to describe another group of Rakhine people in Arakan. But they are group or tribe of Mongol, which is also historically known as Scythians. Most of researchers agreed that the name of Magh originally from Magadha Dynasty, the majority of them are Buddhist.

Arakanese, (were known in Bengal Maghs) who, in alliance with Portuguese adventures constituted a plundering party. By dominating the reverie tracts, they plundered and devastated large parts of southern and eastern Bengal. They carried a large number of men, women and children from coastal districts of Bengal as captives and the Maghs (Arakanese) employed them as agricultural labor it is well known that the kingdom of Arakan was a sparsely populated area, which required huge number of captives in the tillage of land on the bank of Kuladan River to the Naf. (Chowdury, 2005, p. 56).

In subsequent developments, after the Portuguese built their settlements in Chittagong, Sandwip and Arakan during the reign of Mughal India, Rakhine Magh advanced in Bengal province by making alliances with Portuguese pirates. Here, Magh-Portuguese piracy became a threat to the peace in Bengal until 1666, when the Mughal administered by Shaista Khan captured Chittagong from Arakan power. The year 1666 illustrated the decline of the Arakan Empire. After Magh Rakhine (Magh of Arakan) left Chittagong, they did not try to make any effort to reconquer it. After that Chittagong became a part of Bengal (now Bangladesh).

As pointed by Harvey (1999, p. 160) piracy activities between Magh and Portuguese, however, continued until the 18th century. As their name is often associated with negative things because of their bad activities, it places Magh of Arakan in the group in bad branding. In order to eliminate negative perceptions towards them, Harvey (p.163) said, that “they began calling themselves Rakhine. Some of them, mostly Buddhist Rakhine and Burmese spoke in the native language with little change in terms of diversity. Their language is Arakanese and their customs are similar to Arakan customs in everything except religion Islam”.

With this historical background of the Rakhine in Arakan in mind, another question arises, namely whether the Rohingya or Rakhine are considered to be indigenous communities? This question is important because it is said to be the reason for the problems of identity among the Rohingya or Rakhine. Here, perhaps religious factors or points of view play a role whether it is Rohingya that is Muslim or Rakhine that is Buddhist. This is important because of the government, their practice is Buddhism, while it is also an official religion in Myanmar in a development that happened next.

In the context of today, it is the Rakhine who are considered to be an indigenous community, not the Rohingya. This is because the name of Arakan itself has been changed to Rakhine instead of Arakan after it was no longer under Islamic rule as ever enjoyed before. However, if we agree, there is a really fair and concrete answer to the said question as these things are continuously debated and more study on this matter is conducted. If we can also agree, the problem of identity remains a thorn for any government in world of ethnic minorities.

This problem is also been by the Myanmar government then and now. Not only before independence that they had this problem, but also currently, in the context of globalization world. With their effort to achieve democracy, the civil government today, agreed that the most difficult issue to solve is the question of minority, ethnicity and identity.

In September 2017, during her first address speech to international community about the crisis in Rakhine, State Counsellor Aung San Suu Kyi, promising that all substantiated human rights violations will be dealt with by “*strict justice*”. She said, her government is “*committed to the restoration of peace, stability and rule of law throughout the state*”.

In a speech held in Nay Pyi Taw, Suu Kyi invited the international community to help her government deal with the situation.¹⁴



Figure 3.1: Administration Zone in Myanmar

Source: Myanmar Information Management Unit (MIMU)

http://themimu.info/sites/themimu.info/files/documents/Country%20Map_MIMU981v02_Self%20Admin%20Zones_20Aug13_A4.pdf

The above map shows the Rakhine (Rakhaing as written on the map). Rakhine State is situated up north on the map of Myanmar. It is divided into several districts, with Sittwe (formerly Akyab) the administrative centre. However, MIMU stated in a disclaimer that

¹⁴ The speech was delivered in English and aired on state-run television without Myanmar subtitles. The speech gave her first public comments about the situation since early September 2017, when she blamed the situation on “a huge iceberg of misinformation”. While she expressed concern about the number of Muslims fleeing across the border into Bangladesh, she avoided using the terms “Rohingya” or “Bengali” to describe the state’s Muslim population.

the names shown, and the boundaries used on above 2.2 map number do not imply official endorsement or acceptance by the United Nations.

3.6 The Rohingyas: Natives of Arakan?

Where then, is the actual position of the Rohingya in Myanmar? Are they really natives or immigrants as claimed by Myanmar government? This issue is still debated until today. Whether they native or non-native is unclear. Historically, they occupied Arakan for hundreds of years, but this was not enough for some people, especially the ruling government, to deny the status of indigenous people being brought by the Rohingya. There are many disputes that consider the Rohingya as indigenous peoples in Arakan with regards to the chronology of history.

Despite the dispute and conflict, Jilani (1999) in his book "The Rohingyas of Arakan Their Quest for Justice" provided interesting facts to justify that the Rohingya in Arakan are certainly indigenous communities and should be treated as the original group. He argued, "Muslim arrived and settled since 1,000 to 1,200 years in Burma" (Jilani, 1999, p. 16). There was also one incident where a merchant ship that sank, and later marriage happened with the local community which can associate Arakan and aboriginals. He also said:

Many Arab ships were destroyed near Rambree Islands on the coast of Arakan during the reign of Sanda Mahataing (788-810) and the crew of the merchant ship and Muslims. Later, they are then sent to the Arakan and settled in the village there. They married local women. Historically, Islam spread through the role of Sufis and traders. This is indeed acknowledged by carers or "darghas" who settled along the coast of Arakan and Burma. (Jilani, 1999, p. 18).

There was also an incident where military deployment by the government at the time of capture Arakan that related or in line with the requirements of Islamic religion:

In 1430 A.D, Jalaluddin Mohammad Shah, the King of Bengal sent Jeneral Wali Khan along with deployment of 50,000 troops to conquer Arakan. Wali Khan marched into Burma and controlled Arakan. At that time, he introduced Persian language in Arakan's court and also appointed a Muslim Judge. Jalaluddin Mohammad Shah sent envoys troops under General Sandi Khan Wali Khan, who ousted him before appointed Sulayman Shah to the throne of Arakan in 1430 A.D. From 1430 to 1638, Arakan was an Islamic government, which strive to be an excellent civilization. (Jilani, 1999, p. 20).

Meanwhile, the following two statements (Ba Shin, 2006) and Jilani (1999) represent Muslim and Arakan. As Ba Shin (2006, p. 5) said "beginning in 1430 A.D, Arakan ruled by Muslim Kings". Besides, there is also a view says that the "Islamic Government Arakan free and independent in the 14th century and 15" (Ba Shin, 2006, p. 7). Similarly, the following reflects the generation of Arakan. As Jilani (1999) pointed out "there are report stating that children born of generations of Dutch-Arakan was raised as a Muslim" (Jilani, 1999, p. 323).

Why does the question of whether the Rohingyas is a native of Arakan or otherwise continue to be debatable? This is because, until now, the two main questions that have not been clearly resolved so much so that there is a continuing of ethnic tensions in Arakan or Rakhine in today's context. Firstly, until today, the Rohingya are considered marginal groups within the framework of political, economic and social Burmese people. The Rohingya community continue to be marginalized by the ruling government, especially in the mainstream of development, whether in terms of religion, culture, politics and

economy as well as administration and education. For the Rohingyas, independence is not a ticket to allow them to share the wealth of resources available in their own country.

Secondly, the status of citizenship is not owned by the Rohingyas. Thus, this ethnic group is considered as refugees or strangers in their own land. The historical fact that they are indigenous or settled in Arakan from generation to generation does not mean that the ruling government considers their status. Various strategies have been designed and planned by the Burmese government to deny Rohingya citizenship. Burmese domination politically and socially is manifest in the form of military settlements in Arakan province, increasing the number of high-ranking military officials from non-Rohingya descent or ethnicity.

According to Jilani (2015) in an interview, they (military government) acted by confiscating their property, including homes and farms. The poverty of the Rohingyas and the ethnic conflict are further complicated by differences in beliefs and religion. In short, the question of who is and who is not an indigenous people are prolonged and lasting, thus confirming the Rohingya people's fate in a dimmed scenario and remaining a problem that is to some extent considered as an unsolved mystery. In an interview, Jilani (2015) related what history said about Magh of Arakan and Bangladesh with today's context. He said:

Today both the Maghs of Arakan and Bangladesh disown this name because the Magh became synonymous with pirates or dacoits as for more than two centuries the Maghs of Arakan were sea pirates. They carried off the Hindus and Muslims, male and female, great and small, few and many, that they could seize, pierced the palms of their hands, passed their canes through the holes, and then threw them one above another under the deck of their ships. In the same manner as a grain is flung to fowls, every morning and evening they threw down uncooked rice from

above the captives as food. The Maghs earned such a bad name during the last many centuries that it has become a great shame for their descendants of today to own the name Magh. Thus, they started calling themselves Rakhines. (Jilani, personal communication, (2015)).¹⁵

According to Jilani, the group that started to call themselves Rakhine stated that the word of Rakhine is derived from Rakkapura or the land of Rakkash, which means an imaginary man-eating monster. “The claim is based on legends of the imagination or mythology. The term Rakhine is in fact derived from Rohan or Arakan”. (Jilani, 2015)¹⁶

3.7 The Rohingyas: Atmosphere Before and After Independence

Both the Rohingya and Arakan communities, prospered prior to the 18th century. At this time, Burma was not a colony in Arakan and Arakan was not an Indian territory until 1784. This is because it managed to maintain its independence (or semi-independence) during its existence. After 1784, thousands of people of Arakan, Rohingya and Buddhist religious faced the same problem. They were killed and mosques, temples and synagogues were destroyed by Burmese soldiers. During the 40-year rule of Burma (1784-1824), nearly two-thirds (200,000 people) coming from Arakan were forced to seek refuge in Chittagong (Bengal).

Two years in, the First Anglo-Burmese War ended in 1826 when Burma agrees and acknowledges Yandabo Agreement and gave Tenasserim Arakan to the India British. At that time, nearly one-third of the population in Arakan was Muslim. In brief, Yandabo was the peace treaty that ended the First Anglo-Burmese War. The treaty was signed on

¹⁵ Interview with AFK Jilani, Taman Sri Ukay, Kuala Lumpur, May 2015, 10am

¹⁶ *Ibid.*

24 February 1826, nearly two years after the war formally broke out on 5 March 1824, by General Sir Archibald Campbell on the British side, and the Governor of Legaing Maha Min Hla Kyaw Htin from the Burmese side (on behalf of King of Ava). With the British army at Yandabo village, only 80 kilometers from the capital Ava, the Burmese were forced to accept the British terms without discussion. It is important to note that according to the treaty, the Burmese agreed to firstly, cede to the British Assam, Manipur, Rakhine (Arakan), and the Taninthayi (Tenasserim) coast south of the Salween River. Secondly, cease all interference in Cachar and the Jaintia Hills district and thirdly, pay an indemnity of one million pounds sterling in four installments.

The Burmese side also agreed to allow an exchange of diplomatic representatives between Ava and Calcutta and sign a commercial treaty in due course. The treaty ended the longest and most expensive war in British Indian history. Fifteen thousand European and Indian soldiers died, together with an unknown (but almost certainly higher) number of Burmese. The campaign cost the British five million pounds sterling (roughly 18.5 billion in 2006 dollars) to 13 million pounds sterling; this expenditure led to a severe economic crisis in British India in 1833. For the Burmese, it was to be the beginning of the end of their independence. (Harvey, 1925; Maung Saw, 2011; Chan, 2005)

For Harvey (1925, p. 148), it is difficult to determine the actual number of Arakan population at that time (before independence), or the number of Rohingya. Among the Rohingyas, they claim there are approximately 1.2 million ethnic people in Arakan. But as a result of a series of oppression and atrocities committed against them which caused them to flee, Chan (2005) pointed out that the number logically decreased from time to time, depending on the attitude and acceptance of the Myanmar government. Meanwhile, Ahmad (2008) in his article, "*Rohingya dan Etnik Konflik di Arakan (Rakhine)*" wrote details about the problems or difficulty in determining the number of Rohingya, then and

now. He said “first, before this, many migrants flowed in unknown numbers. But now, it is difficult to obtain official information, including doing work-research in Arakan or Yangon as the government quite strict on their travel restriction especially to Arakan (Rakhine)” (Ahmad, 2008, p. 35).

One of the NGO’s working closely with Arakan, Chris Lewa of The Arakan Project (Lewa, 2014) describes how difficult it is to do a survey with people in Arakan or Rakhine as it is today. He said that “policy of secrecy on the part of the Myanmar government made it difficult for him to present a case of human rights and crime against humanity on Rohingya” (Lewa, 2014).¹⁷

It is important to note that international media, which had an interest in Rohingya issues also faced the same problem today although Myanmar now is heading toward democracy.

Under new administration, Napiytaw now become a capital replacing Yangon. However, when providing coverage of the Rohingya people and series violence in Rakhine, media is still restricted.

Many media outlets that have undertaken coverage so far, are only given access to the border Bangladesh-Myanmar, not the Rakhine.

However, Chakravati (1979) said, “the overall population of Arakan, Rohingya accounted for 19 to 23 percent between the year of 1881-1931” (Chakravati, 1979, p. 18).

This is detailed in Table 3.1 and Table 3.2 as follows:

¹⁷ Interview with Chris Lewa, Law Faculty, University of Malaya (UM), Kuala Lumpur, February 2014, 10am. Chris Lewa’s visit to Kuala Lumpur for purpose of a Workshop on Rohingya Human Rights that organized by UM Law Faculty with collaboration with Mahidol University, Thailand.

Table 3.2: Rohingya Population in Myanmar

| Year | Population |
|------|------------------------|
| 1881 | 113,557 (19.6 percent) |
| 1891 | 137,992 (20.5 percent) |
| 1901 | 173,884 (22.8 percent) |
| 1911 | 197,990 (23.5 percent) |
| 1921 | 206,990 (22.7 percent) |
| 1931 | 217,801 (21.6 percent) |

Source: *The New Light of Myanmar*. <http://www.myanmarjournaldownload.com/new-light-of-myanmar.html>

Table 3.3: Population Post-Census

| Year | Muslim in Arakan | Total population (Arakan) | Percentage of Muslims in Arakan |
|------|----------------------------------|---------------------------|--|
| 1943 | - | - | - |
| 1983 | 584,518 | 2,045,559 | 29 percent |
| 2014 | 1,300,000 (+ 1 million overseas) | 3,188,963 | 41 percent (-60 percent if overseas population included) |

Source: *Digital Library of India*. <http://www.dli.gov.in/dlicollection.htm>

Based on Table 3.1 and Table 3.2 as shown above, it may be seen that the Muslim population in Arakan increased and the Rohingya were included in the whole group of Muslims in Arakan together with another Muslim. Data in 1943 was lost during the war. The census in 1983 was conducted under the Ne Win's government omitted people in

violate regions. Thus, it is unclear how many are missed. The census data may be found in Digital Library of India.¹⁸

Many countries, of course, have suffered the debilitating consequences of colonial rule, but in Burma, the experience was particularly acute. What is often forgotten is that until 1937, Burma was administered as a Province of the British Indian Empire, and this was to have extremely negative consequences in perceptions of Muslim of Arakan. Even today, although no one wishes to admit it, there is an underlying prejudice by many government officials and Burmese Buddhist in general against Christians and ethnic minority group such as Karens or Kachin who they still identify as supporting the British under colonial rule. (Tucker, 2001). However, it is the Muslims of Arakan and inhabitants of ethnic Indian origin in general who have clearly borne the brunt of this resentment.

According to Tucker, “Myanmar's ethnic problems began in the 1920s and 1930s when recession hit the country. Under British rule, there was a massive migration of different people from India, including laborers, merchants and administrators, and by the time of the 1931 census the Indian population of Burma, including such diverse groups as Hindus and Muslims or Gurkhas and Tamils, had passed one million out of a total population of 14,650,000. Indeed, to the anger of many Burmese nationalist, Hindi not Burmese was the language of the country's post office” (Tucker, 2001, p. 5).

In Arakan, the British government records from towns such as Maungdaw and Sittwe or Akyab show that there was a large migration of male workers, many of whom came from the Chittagong area, seasonal workers to help rich local landowners during harvest time. However, it was the activities of a caste “chettyar” money-lenders of Indian origin

¹⁸ Digital Library of India is part of online services of the Indian Institute of Science, Bangalore, and partner in the Million Book Project, provides access to many books in English and Indian language. For details can access Digital Library of India via address <http://www.dli.gov.in/dlicollection.htm> or can access via address http://en.wikipedia.org/wiki/Digital_Library_of_India

that caused the greatest resentment amongst impoverished rural farmers in central and lower Burma. This, in turn, fueled a growing tide of Burmese nationalism, and there was violent anti-Indian communal riot in 1930-1931 and again in 1938 in which several hundred Indians were killed. In Arakan itself, there is little evidence of such communal flare-up but as a result of these experiences, many Burmese nationalists and politicians have never really bothered to distinguish between Indians or Muslims in general and the indigenous, Muslim of Arakan.

As discussed earlier, the word colloquially used to describe Muslims in Arakan is the pejorative word “Kala” or foreigner, which is exactly the same word commonly used to describe Muslims or Indians anywhere else in Burma. It is important to note that anti-Muslim prejudice is not solely confined to Arakan today. Eventually, during the Second World War (WW II) an estimated 500,000 Indians and Muslims fled Burma. Some were clearly following in the footsteps of the British government, but others allege that they were brutally chased out by nationalists of Aung San’s Burma Independence Army or known as BIA. Thousand are reported to have died of starvation, disease or during sporadic military attack in one of the darkest but least reported incidents in modern Burmese history. (Smith, 1991). Meanwhile, Lewa (2003), a renowned NGO’S on Rohingya, in a conference on human rights of Rohingya in Brussels, Belgium presented a paper that raised controversy yet inter-related between religion, beliefs and violence. Lewa commented in the paper:

To emphasize the sensitivity of this religious issue, it perhaps should be added that Aung San, the hero of Burma’s national liberation movement and father of Aung San Suu Kyi, was also alleged to have executed a Muslim headman in Lower Burma during the war. Indeed, the British originally wanted to put him on trial for murder but after the war until they realized his immense popularity. Many

Muslims, however, have never forgotten this incident and believe that it represents just another example of the long history of human rights abuses against Muslims, for which they have never had proper protection or restitution. (Lewa, 2003).

From independence in 1948, Arakan, like many other regions of Burma, was rocked by political violence. The political demands of both Muslim and Buddhists communities were both overlooked by the central government in Rangoon (now Yangon), and Arakan was not even granted ethnic statehood, although, there was evidence of strong constituency support, for the Muslim did win seats in the elections to the new parliament. As a result, Saw (2011) posit that “while communists and armed Rakhine nationalists seized control of many of the towns throughout Arakan, hundreds of armed Muslim supporters flocked to join the popular Muslim singer, Jafar Hussain @ Jafar Kawwal who had formed the first Mujahid Party in the Buthidaung township in December 1947 to press for demands for an Islamic state in the north” (Saw, 2011). Meanwhile, accusations of Rohingya linked-terrorist group in India, Pakistan and Afghanistan will be discussed later.

One element that must be remembered is that Burma separated from India on 1 April 1937 under the Government of India Act, 1935. Consequently, Arakan put under British Burma, a drastically change that is not favored or well received by their residents. Arakan become a region in an independence Burmese government in 1948. Over the past few decades, the Rohingya Muslims and Rakhine Buddhists live in harmony with each other until the Second World War took place. Two ethnic origin that used to help each other and live in peace and consensus, involved religious conflict because of a third party. Through the articles “*Konflik Etnik Rohingya di Arakan (Conflict Ethnic Rohingya in Arakan (Rakhine))*” and a book on history of Myanmar, Ahmad (2008, p. 35; 2000, p. 50) once explained that ethnic conflict involving the Rohingya in Arakan did not begin after

the Second World War (WW II), but much earlier than this. Citing the writings of Michael Adasin 1974 through an article titled “The Burma Delta: Economic Development and Social Change on an Asian Rice Frontier”, Ahmad (2000) said that “in the 1870s, that it began erupting on ethnicity, as recorded by colonial officers. This case study by Adas concentrated on 13 focus areas of rice production in the Lower Myanmar. This means that economic issues are closely related to ethnic ones”.

The Rohingya people, like other ethnic groups in Burma have been active in the field of retail and commerce. Their contribution as pointed by Yunus (2001) is by no means small in stimulating the local economy. Thus, according to Yunus (2001, p. 158), other nations often regard this as a threat where more Rohingyas are ahead of them. “The Rohingya people bear the brunt of this dissatisfaction. Even worse, the economy has become sluggish and corruption has been rampant in management”.

In “The Rohingyas of Arakan Their Quest for Justice”, Jilani (1999) commented that it is politically motivating to be peace-loving and, persecuted. For example, he said in the book, “some leaders of Arakan have been engaged in a malicious propaganda against the Rohingyas are Pakistani minded and wanted to join Arakan with Pakistan” (Jilani, 1999, p. 134). This slogan, according to the author is utterly false and it is but a device to tarnish the image of the Rohingyas with a view to exterminating them.

3.8 The Situation as of Today

The nature of the Rohingyas as an exiled community is a recent phenomenon, and mostly the outcome of postcolonial developments. Western and Burmese historiographies suggest that the successive Burmese ancient kingdoms had neither aimed to establish overseas merchant empires nor promoted any long-distance colonization enterprises, in contrast to the Chinese, Indians and Europeans. For instance, historians such as Abu Talib Ahmad in his book, “*Sejarah Myanmar*” said that Myanmar today was shaped as a

continental power, despite recent academic focus on the maritime kingdoms of Arakan (Rakhine) (Ahmad, 1999). It produced neither large, business-oriented diaspora nor long persecuted ones. Even during the colonial era (1826-1948), Jilani (2005) pointed out very few Burmese ventured throughout the British Empire unlike Nepali Gurkhas, Baghdadi Jews, an Indian Chettyars or Chinese Hokkien migrants. (Jilani, 2005, p. 45)

However, Smith (1999) noted that independence in 1948 drastically changed the pattern. A postcolonial civil war borne out the competing secessionist agenda of a myriad of ethnic or revolutionary group has led to a major displacement of the population ever since. He said “post-independence of Burmanization campaign led by the central Burman-dominated authorities, and strengthened with the post-1962 military rule, have also driven non-Burman communities across the country’s porous border. The post-1988 crackdown on pro-democracy movement pushed many Burmese dissidents into exile, regardless their ethnic background” (Smith, 1999, p. 59). Above all, increased poverty generated by decades of self-destructive autarky and economic mismanagement by the military-run state has forced hundreds of thousands of Burmese to seek their better fortunes in neighboring countries or beyond.

Looking at the pattern of the first few decades, two broad types of transnational flow of those of Burmese origin may be identified. The first is forced displacements of either Burmese elites looking for a more secure political environment abroad or uprooted ethnic people and religious minorities fleeing conflict zone as experience by the Rohingyas. Secondly, voluntary or forced socio-economic migration of Burmese people in search for jobs and better educational opportunities.

For the US-based Burmese scholar Ardeth M. Thawnghmung, ethnic Karen himself for example, resisting assimilation by Burman-dominated postcolonial governments were postcolonial Burma’s first ethno-national group to be forced into exile. Mons, Karennis

and Shans soon followed in the 1950's, all escaping from ever-expanding civil war into Thailand, and then the West, India and beyond. (Thawngmung, 2005). He said, "Muslim Rohingya, joined the flows of refugees into Bangladesh, Pakistan, Malaysia and beyond starting in the late 1970's". (p. 30). With regards to flows of Rohingya, another scholar (van Hear, 2005; Renand, 2012) put that massive exoduses to Bangladesh were observed in 1978-1982 and 1991-1992.

For South (2010) and Thawngmung (2005), refugee flows from Myanmar increased considerably after the pro-democracy upheavals of 1998. Ethnic ceasefire policies promoted by the Burmese central government slowed the outbound migration processes during 1990's and 2000's, but internal and transnational displacement have never fully ceased. Thawngmung (2005, p. 65) said, "on 10th of June 2012, more than 500,000 members of the Rohingya community, crossed the Naf River into Southeast Bangladesh to seek refugee from large scale sectarian strife that was originally identified as an ethnic conflict between the minority Rohingyas and the Buddhist majority".

According to NGO report (e.g HRW, 2012 & ERT (2010; 2014) however, ethnic tensions that evolved over time to be a perpetual trait of relations between Rohingyas and the Rakhine exploded into communal violence in late May 2012, following the rape and murder of a Rakhine women, allegedly by three Rohingya men. "With at least 50 casualties, 30,000 displaced and continued indifference by Myanmar authorities, the Rohingyas were forced to seek refuge in Bangladesh, with the first large group arriving by bot in June and intermittent influxes in the coming months afterwards" (HRW, 2012 & ERT, 2010, 2014).

According to Human Right Watch (HRW), "Bangladesh has for the first time refused to accommodate Rohingyas fleeing persecution. The country is currently home to around 28,000 registered Rohingya refugees, housed in two UN High Commission for Refugees

(UNHCR) administered camps in Cox's Bazar, as well as another estimated 200,000 to 500,000 illegal migrants spread throughout the country" (HRW, 2012). The exodus of Rohingya from Myanmar to Bangladesh in June 2012 instigated a diverse range of conflicting, as well as parallel reaction by Regional and Western Governments, International and National Media, Multilateral Organization and International Non-Government Organizations (INGO's). "The decision by the Government of Bangladesh to provide initial relief to Rohingyas fleeing violence, but not provide them with medium to long-term accommodation was unprecedented in the country's history and resulted in a large number of national, regional and global implications". In this regards, according to *BBC News* report (2014), although Bangladesh's decision to turn back more than 500,000 Rohingya refugee was portrayed as emanating from nationalistic and statist approach, although some criticism of adopting a neo-realistic approach to a humanitarian crisis are well directed, the government's decision has been greatly influenced by socio-economic issues that have emerged due to the presence of Rohingya refugees in South-eastern Bangladesh. "Thus, the national administration's policy was partly a reaction to significant local perceptions, but this underlying factor was not widely publicized" (BBC News, 2014). The report entitled "Why is there communal violence in Myanmar?" continues, "on the other hand, the Government of Bangladesh insisted on the authenticity of widely speculative reports of the presence of militants among the fleeing Rohingyas, to secure international acceptance for its policy. Emphasis was also placed on Bangladesh's non-obligation to accommodate refugees, due to the supposedly 'internal' nature of the issue". In this regards, unlike previous incidents that led to the influx of Rohingyas into Bangladesh, initial reports suggested that the June 2012 crisis was solely an ethnic conflict, although reports of state complicity and participation emerged later.

Meanwhile, as mentioned above, the Rohingya have been subject to multiple waves of mass violence since at least 1978. For HRW (2013), these waves of violence have been

perpetrated by a mixture of the Myanmar security forces and groups of civilians, primarily Buddhists from Rakhine State.

For ERT Report on human rights of the Rohingyas that published in 2010 and 2014, both revealed that:

In June and October 2012, waves of mass violence broke out in Rakhine State, which resulted in death, forced displacement, the destruction of homes and properties, and the loss of livelihoods. More localized outbreaks of violence have continued throughout Rakhine State since 2012. Both Buddhist and Muslim communities in Rakhine State were affected by the violence, but the casualties and victims were overwhelmingly Muslim and mostly Rohingya. Evidence collected by human rights organizations demonstrated that Myanmar security forces took part in the violence and stood by as violence took place. (ERT, 2010, 2014).

The same issue, as for *BBC News*, it stressed that “this violence, together with the economic and social racism of Muslim and Rohingya communities in Rakhine State, lead to the displacement of over 140,000 people into Internally Displaced Person (IDP) camps within Rakhine State. Additionally, there has been a spike in the forced migration of the Rohingyas out of Myanmar, mostly on boats heading for Southeast Asia and beyond” (BBC News, 2015).

Regarding the numbers involved in mass migration, The Arakan Project conclude that “the exact numbers of Rohingya who have undertaken this journey since 2012 are not known, however it is estimated that from June 2011 to May 2012 approximately 9,000 people have travelled in this way; from June 2012 to May 2013, this number is believed to have risen to over 31,000 and it is estimated that during this sailing season, since June

2013, at least 54,000 have undertaken the journey. Between June 2012 and May 2014, as many as 2,000 Rohingya are believed to have gone missing at sea” (BBC News, 2015).

19

Since 2012, grave concerns have been raised regarding the desperate humanitarian situation for Rohingya and Muslim communities in Myanmar, both within IDP camps and in their home communities. The health and nutrition status of Rohingya and other Muslim communities is dire. International agencies providing humanitarian assistance to Rohingya have had their efforts hampered by threats and violence against them by local populations, and by restrictions being placed on their activities by the Myanmar government and local authorities.

Since 2012, security grids have been extended to other areas in Rakhine State beyond the three townships of North Rakhine State. Under the state of emergency, restrictions of movement and population control similar to or even worse than those in North Rakhine State have been imposed on other Rohingya populations.

Meanwhile, the most recent 2015 boat crisis of the Rohingya refugees has again dominated the headlines and attracted international attention to one of the world’s most persecuted minority groups. Living in apartheid-like condition in the Buddhist-dominated Rakhine state, Rohingya Muslim suffer oppression and discrimination in many forms. While Indonesia and Malaysia, after the incident, have promised to temporarily shelter 7,000 Rohingya refugees for 12 months, until early 2016, it is unclear what the outcome is or whether there is any news where their safe haven were.

¹⁹ The Arakan Project, Rohingya Maritime Movements estimates and trends for departures up to 30 June 2014, unpublished document, July 2014. The Arakan Project led by NGO Chris Lewa based in Bangkok, Thailand. See also interview published in *BBC News* “Why So Many Rohingya Migrants Stranded at The Sea? May 18, 2015. For full report can access <http://www.bbc.com/news/world-asia-32740637>

According to portal news, Global Risk Insights (2015), Thailand has sent its military to rescue refugees stranded at sea and on May 29, it hosted a meeting with 17 countries to discuss refugee and human trafficking issues. It said as posted in The Diplomat.com blog, “Myanmar attended on the condition that the term ‘Rohingya’ was not used – a sign of how oppressed the minority group is within the Myanmar society”.²⁰ Meanwhile, in an interview in 2015, human rights activists, Nora Rowley provides insights that “even the pro-democracy Nobel Peace Prize laureate, Aung San Suu Kyi, refused to speak out for the rights of Rohingyas. The Rohingya issue post-independence is a continuation of the communal conflict between the Buddhist majority and Muslim minority in Myanmar, which institutionally embedded in the structure of the state”. To name a few examples, the ‘Buddhist Bin Laden’ Ashin Wirathu, whose ‘969 movement’²¹ led to widespread violence against Muslim and was called “symbol of peace” by President Thein Sein.

3.9 Rohingya Cycle of Problems

While the ancestral heritage of the Rohingyas can be traced back hundreds of years, if not longer as discussed in previous chapter, based on interviews, the ethnic identity and claims to citizenship of the Rohingyas are heavily contested by citizens, Rohingyas themselves and Myanmar experts, most of whom rejected the term Rohingya and refer to the population instead by term “Bengali” (the implication being they are migrants from Bangladesh).

²⁰ The majority of media, print, broadcast and portal news gave preference to the Rohingya incidents of being stranded at sea in late May. For two days in a row, the issue of Rohingya dominated headlines and attracted various individuals to come forward and comment. See for example in portal news Global Risk Insights under title: “The Rohingya Crisis: A Ticking Time Bomb for Myanmar, 2 June 2-15. See also live interviews from Chicago with Dr Nora Rowley, Human Rights Activist in Myanmar, aired in Awani 7:45, 1 June 2015. An interview can be accessed via www.astroawani.com

²¹ “696” is “a nationalist movement opposed to what they see as Islam’s expansion in predominantly-Buddhist Myanmar. Three digits of “696” symbolized the virtues of Buddha, Buddhist practice and Buddhist community. The movement inspired strong reaction within and beyond Myanmar. In international media, it receives criticism”. For example, in the Straits Times online (2015) it is reported that “Ashin Wirathu, the movement’s leader responded to few anti-Muslim violence with pledged for peace but critics remain skeptical”.

The Myanmar Citizenship Law amended in 1982, excludes the Rohingyas from the list of recognized national ethnic group.²² In *Forced Migration Review Journal*, an activist and lawyer, Natalie Brinham (2012) saw “the law as the way that rendered them stateless and “formed the legal basis for arbitrary and discriminatory treatment” (Brinham, 2012, p. 4). With regards to this, all of these problems such as stateless, Law Citizenship, “Bengali” are cycle of the Rohingyas problem faced in Myanmar, but this cycle led them to fleeing their country to take refuge for better life, economic and livelihood. This problem will be discussed one by one under sub-topic below.

3.10 The Rohingyas and Stateless

After World War II, the British certainly have a desire to give Burma independence. But during that time, on both sides of the government there was a rebellion in Arakan, as well as in areas of ethnic minorities in the country. This matter, Jilani in an interview in 2015 shares that the Rakhine and Rohingya respectively have their own movement that emerged with the different goal between them. “Arakan campaign for an independence Islamic state and are gathering strength Rakhine achieve different objectives with Arakan. Arakan aspirations and an independent Islamic state is greatly influenced by the emergence of Pakistan as an independent at the time” (Jilani, personal communication, 2015).

The self-government of a nation to Arakan was among other promises made by U Nu, the only prime minister elected by the people of Myanmar campaign in 1960. However, U Nu as quoted by Silverstein (1972), was forced to retreat after the insistence of the military in 1961 in a statement about minority rights during his speech at the State

²² Statement by the Ministry of Foreign Affairs of the Union of Myanmar. The statement was released and published in *Amnesty International Report*, April 2004.

Constitutional Amendment Karen (Karen State Constitutional Amendment) on October 8, 1951. Partly, his statement given below:

I might explain at this point that the Constitution has made provision for the right of equality of freedom; right relating religion; cultural; education and economic right. This right will continue to be enjoyed even by the smallest minority. By the term Minority Right, I mean those so-called Rights which entice members of the Union to dismember themselves with separate elections. I need hardly say that this Union of Burma belongs equally to all nationals, Shans, Chins, Kachins, Kerranis, Mons, Arakanese, and all. Although the Burmese are the majority people, they are not a people to misuse their majority. (Silverstein, 1972, p. 108).

A contrasting situation is the case today with regard to the population or communities of Rohingya. After Myanmar gained independence from Britain in 1948 civil war broke out when many ethnic nationalities and the Communist Party of Burma (CPB) took up arms against the central government headed by U Nu. In Rakhine State, both Rakhine and Muslim group formed armed opposition group who fought against the government. It was only by the early 1960s that Myanmar army, captured the main position of these groups and reached ceasefire agreement with the Muslim organizations. The State and Peace Development Council (SPDC) rejects the existence of separated ethnic group name or called "Rohingya". The vast majority of Rohingya are not believed to have Myanmar citizenship. Moreover, they are not recognized as one of the 135 national races by the Myanmar government. In 1990, the Foreign Ministry of Myanmar issued a historic statement:

In actual fact, although there are 135 national races living in Myanmar today, the so-called Rohingya people is not one of them. Historically there has never been Rohingyas race in Myanmar. The very name Rohingya is a creation of a group of

insurgents in the Rakhine State. Since the First Anglo-Myanmar War in 1824, people of Muslim Faith from the adjacent country illegally entered Myanmar Ngain-Ngan, particularly Rakhine State. Being illegal immigrants, they do not hold immigrations papers like other nationals of the country. (Amnesty International Report, 2004).²³

In April 2004, in a response to questions by the UN Committee on the Rights of The Child, the SPDC stated that:

The Government renders full and equal treatment to these people, as with other races, in matters relating to birth and death registration, education, health and social affairs. In the official record, they are listed as a Bengali racial group of the Bengali race and are recognized as permanent residents of Myanmar. (Amnesty International Report, 2004).

Even the government of Myanmar stated the statement above, however in practice, the rights of the Rohingya population of northern Rakhine State are greatly restricted. After General Ne Win took over the reins of power in 1962, the government changed the policy to prevent all-out movement against the government, including Arakan Muslims as well as restricting their travel. According to one Rohingya activist and asylum seeker in Netherland, Dr Khubyb in an interview in 2015, this is in line with the policy on the movement and isolation of Myanmar from outside the country. He pointed out that “two years later, Muslims indeed suffered a travel ban and the isolation, as if they were prisoners in their own country. Even worse, the government is empowered to implement

²³Statement by Ministry of Foreign Affairs of the Union of Myanmar. The statement released and published in *Amnesty International Report*, April 2004

the rules in such a way to Rakhine-Buddhist, thus creating a suspicious landscape and dislike between Muslims and Buddhists” (Khubyb, personal communication, 2015).

For Mohamed Dali & Abdullah, (2012), “the crux of the plight of the Rohingyas is the denial of their citizenship by Myanmar’s government. A study provides a timeline of the segmented, deliberate strategy of exclusion perpetrated by the Junta, beginning with the restriction of the freedom of movement in 1962 that was followed by the promulgation of the Emergency Immigration Act in 1974 and the census program of 1977 and culminated in the 1982 Citizenship Law that effectively made all Rohingyas de facto foreigners in their own country”. (p.20). They said, “this policy, unlike the ones that repress other ethnic minority groups in Myanmar, is a reflection of the views of the wider Myanmar society, including religious leaders, policy makers and more alarmingly, democratic reformists, all of whom have denied the century-old Rohingya community a space in the rapidly transforming future of Myanmar, by regularly dismissing them as ‘Bengali Muslims’” (Mohamed Dali & Abdullah, 2012, p. 23).

Meanwhile, the international community has to some extent accepted the inhumanity and absurdity of this notion by frequently labeling the Rohingyas as ‘stateless’. The semi-adoption of this term by the media as well as significant stakeholders including International NGOs and reputed analysts unwittingly plays into Myanmar’s policy of portraying the Rohingyas as effectively not belonging to the state, although they were born in Myanmar, are neither illegal immigrants nor refugees from another country. Evident to this was, President Thein Sein’s offer to the UNHCR to repatriate the 800,000-member Rohingya community to any “third country”, implying at the same time that Rohingyas do not belong to Myanmar, are illegal immigrants from Bangladesh who will not accept them, and is in effect, the responsibility of the international community. Although technically, the Rohingyas are not citizens of Myanmar, the international

community and various stakeholders must emphasize the right of the Rohingyas to Myanmar citizenship and reject all claims by Myanmar to the contrary.

In an international conference in Malaysia Myanmar on Rohingya issue, the former Malaysia Prime Minister, Tun Dr. Mahathir Mohamad (Prime Minister again in 2018) made an exemplary illustration of such an approach. He said: “The violence surrounding the Rohingya community can only be resolved when the Myanmar government recognizes the group as citizens. The country’s inability to accept the Rohingya as an indigenous group has led to years of discrimination, oppression and sectarian clashes” (Mohamad, 2012).²⁴

In the World’s Stateless Report published in December 2014 by Institute on Statelessness and Inclusion (ISI),²⁵ among its finding is how statelessness is considered as a serious issue in Myanmar, both in terms of its scope and impact. The principle group affected are the Rohingya people, an ethnic religious Muslim and linguistic minority who predominantly live in northern Rakhine state. According to the ISI World’s Stateless Report, “they have suffered severe social and institutional marginalization for decades

²⁴ Keynote address in “*International Conference on Plight of Rohingya: Solutions?*” Kuala Lumpur, 18 September 2012. It is organized by Perdana Global Peace Foundation (PGPF) that chaired by Tun Dr Mahathir Mohamad. At the end of the conference, organizer came out with few resolutions among that include, strongly condemn continuing acts of violence, rapes, beatings, burning of dwellings, killing and other inhumane acts perpetrated on the Rohingyas that made them stateless.

²⁵ The Institute on Statelessness and Inclusion (ISI) is an independent, nonprofit organization dedicated to leading an integrated, interdisciplinary response to the injustice of statelessness and exclusion. Established in August 2014, it is the first global center of expertise and action committed to promoting the rights of stateless persons and reducing statelessness worldwide. ISI believe in the value of research, education, partnership and advocacy. They aim to develop and share our skills and expertise with partners in civil society, academia, the UN and governments, and to serve as a catalyst for change. For World’s Stateless Report can visit info@institutesi.org - www.institutesi.org

and because of implementation of the 1982 Citizenship Act ²⁶ they were arbitrarily deprived of their nationality and become stateless” (ISI, 2014). ²⁷

Described as one of the most persecuted minority group in the world, the treatment of the Rohingyas have attracted attention and indeed the condemnation of the international human rights community. However, even though they are stateless, the Rohingyas continue to hold this problem of stateless as they took refuge to other countries. Their status of stateless remain unchanged as they stepped in to neighboring countries for safe heaven, as it inherits from law in country of origin. It is important to note that the term and concept of stateless also discuss in this chapter.

3.11 Rohingya and Refugee

A person can be both stateless ²⁸ and a refugee ²⁹ for the purpose of international law. For example, in this discussion, community concerned is the Rohingyas. As mentioned earlier, “the overwhelming majority Rohingya in Myanmar are stateless, and this has acted as a catalyst or even a conduit for severe human rights violence’s and prompting displacement on a massive scale. Stateless Rohingya refugee can be found in large group

²⁶ According to the 1982 Citizenship Act and a subsequent Schedule, the automatic acquisition of nationality is reserved for members of the 135 recognized ethnic nationalities of Myanmar. The Rohingyas and a few other ethnic group have been excluded from this list. According to the letter of the law, most Rohingyas should still be eligible for naturalized citizenship (a lesser form of citizenship with fewer rights attached, the acquisition of which is not automatic and which can, once acquired, be deprived on multiple grounds). However due to the discriminatory implementation of the law and related lack or loss of documentation, very few have been able to acquire citizenship by naturalization.

²⁷ The World’s Stateless, Institute on Statelessness and Inclusion, Wolf Legal Publishers (WLP), Netherlands, 2014.

²⁸ Under international law, a stateless person is someone “who is not considered as a national by any state under the operation of its law” and its referred to United Nations Convention Relating to the Status of Stateless Person, 360 U.N.T.S. 117, 154, Article 1(1)”. It is a type of a formal membership that result in rights and duties for both side, the individual and country. It is however also used to refer as nationality or citizenship. Citizenship is commonly used as “a synonym for nationality, also referring to this specific type of legal bond between a person and state”. In some disciplines and various domestic or regional context, nationality and citizenship can also have distinct meaning, but within writing on statelessness and Rohingya, in this context, the two term are used interchangeably.

²⁹ Refugee in this context that meeting the definition of Article 1, United Nations Convention Relating to the Status of Refugees, 189, U.N.T.S. 150, 1951. Article 1 of this Convention, as amended by the 1967 Protocol defines a refugee as “a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.

in several nearby states and further afield, while smaller numbers have sought asylum in many more countries” (ISI, 2014).

In Bangladesh, forcibly displaced stateless Rohingya account for almost all of 231,145 persons reported in UNHCR’s statistical data refugee or in refugee-like situations.³⁰ According to Saiful Omi Jan in an interview (2015), the number of Rohingya in Bangladesh is in excess of 300,000 and perhaps as high as 500,000. He said that “since a new wave of increased and sustained violence against Rohingya began in 2012, an estimated almost 100,000 have fled Myanmar, but their situation is very fluid and difficult to map, hence it is difficult to establish where they are all” (Omi Jan, personal communication, 2015).³¹

Meanwhile, local NGO, Abdul Hamid (2015) in his compilation of articles on Rohingya wrote that Thailand, Malaysia and Bangladesh are geographically an open country, accessible by sea, air and land. Follow up to this, he said in an interview later in 2016 with Astro Awani program, that “the socio-economic and cultural situation of these countries are a pulling factor for neighboring countries to put them in the top choices for a permanent or transit destination of refugees or foreign workers comprising legal, illegal and migrants. It is almost certain that there is an uncertain future for Rohingya refugees”. In the case of refugee, Refugee Watch, published in December 2002 noted that, “due to insecurity and discrimination faced by community in origin countries, neighboring

³⁰ Country of origin data for refugees in Bangladesh indicates that all but 20 of this number are from Myanmar. Some 31,000 of these Rohingya refugees are officially registered and reside in two refugee camps. The remaining displaced Rohingya population is not registered with either UNHCR or the authorities, but is estimated by UNHCR as 200,000 persons. Note that in media, estimates for the number of Rohingya in the country vary between 200,000 and 500,000 person. See for example, IRIN, Bangladesh’s Rohingya Strategy stokes concern, 26 November 2013; and Kaladan National Press Work, Bangladesh bars on marriage with Rohingya refugees, 12 July 2014.

³¹ Saiful Omi Jan is a Bangladeshi freelance photographer covering mostly on Rohingya issue. He became part of research team on various project on Rohingya. For example, for an extensive report on human right issue on Rohingya in Malaysia, Equal Only in Name: The Human Rights of Stateless Rohingya in Malaysia done by Equal Right Trust (ERT) with collaboration Mahidol University, Thailand, 2014. The numbers and figures released quoted Saiful in interview at Stateless Summer Course in Tilburg, Netherland, 3-7 August 2015, which attended by researcher. Interview with Saiful conducted after sidelines session at 2:30pm on 6 of August 2015. His email address saifulhuq88@gmail.com

countries in turn receives a large number of refugees. A similar problem was seen in Myanmar, where the Rohingyas, minority community was marginalized in the process of nation building. The Rohingyas faced repression, taxation and other oppression by the government” (Refugee Watch, 2002). As discussed earlier, in 1982, the Myanmar government declared that the Rohingyas were not citizens of the state which created further problem. As expected, the Rohingyas fled to Bangladesh and Thailand beside Malaysia.

As discussed earlier, the Rohingyas are now living as a diaspora in at least 12 countries, Bangladesh, its neighbouring nation, being the largest. But, Abdul Hamid (2015) posit that, the Rohingyas are currently slowly increasing in Malaysia every time there is tension in Myanmar with the sea in Thailand being used as a route to Malaysia. According Abdul Hamid, “based on the exodus trend lately, since the violence in 2012, Malaysia has been the choice for the Rohingya refugees” (Abdul Hamid, 2015, p. 3).

According to UNHCR, as of February 2016, Malaysia hosts 44,870 Rohingya refugees registered with agency, meaning that the group represents over 40% of the overall UNHCR registered refugee population residing in Malaysia.³² UNHCR also registered 12, 040 ‘Myanmar Muslim’, a category that is likely to include within it, the Rohingyas who are stateless.³³ Furthermore, UNHCR estimates that approximately 15,000 Rohingya have been able to register with the agency, while NGOs and Rohingya community leaders believe that the number of unregistered Rohingya is much higher (UNHCR, 2016).

³²UNHCR Malaysia – Figures at a glance (February 2016), available at [http://www.unhcr.or.my/About Us-@-Figures at A Glance.aspx](http://www.unhcr.or.my/About%20Us-@-Figures%20at%20A%20Glance.aspx).

³³ *Ibid.*

Meanwhile recent in-depth research (Equal Right Trust (ERT), 2014) on the situation of the Rohingya in Thailand concluded that the long-term population that has resided in the country since 1990s number approximately 3,000. For ERT (2014), there are a few thousand new arrival as well, many of whom are in detention.³⁴ At least a few hundred stateless Rohingya can be found in Indonesia.³⁵ UNHCR also reported that Rohingya refugees can also be found in India (*Al-Jazeera*, 2014); Pakistan (*BBC News*, 2000) and Middle East such as Saudi Arabia and UAE (*Saudi Gazette*, 2012).

3.12 The Rohingyas and Human Trafficking

The discrimination and persecution against the Muslim stateless minority make them especially vulnerable to human traffickers when trying to escape to neighboring countries. The Rohingya are also vulnerable for trafficking and extortion in neighboring countries like Thailand and Malaysia. There is already a wide range of international organizations and academics that have been claiming for years that Rohingya are victims of Crime against Humanity (CAH),³⁶ 13 substantiating the claim that Rohingya might be victims of enslavement as one of several enlisted acts under Article 7 of the Rome Statute.³⁷

³⁴ Some media reports suggest that the number of recent Rohingya arrivals in Thailand may be as high as 20,000. See for example <http://irinnews.org/report/99717/hell-is-for-the-rohingyas-in-thailand>. However, this has not confirmed and Rohingya experts do not consider it to be plausible, as Thailand is mainly a country of transit, not a destination, for Rohingya refugees.

³⁵ A news report citing UN data indicated that the number of Rohingya refugees in Indonesia went up from 439 in 2012, to 795 in 2013. See Fox News, *Rohingya kids flee Myanmar by boat alone as exodus surge, scattering families across region*, 26 April 2014. The numbers of Rohingya refugee to Indonesia went up in 2015 as of incident in Andaman high-sea in 2015. See for example, The Guardian.com, *Rohingya refugees recover in Indonesia camp-a picture*, 18 May 2015. Full report access, <http://www.theguardian.com/world/gallery/2015/may/18/rohingya-refugees-recover-in-indonesian-camp-in-pictures>

³⁶ Crime against Humanity (CAH) in simple meaning is any act committed as part of widespread or systematic attack directed against any civilian or population which knowledge of attack. Those acts include, murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence of comparable gravity, persecution against any identifiable group or collectivity on any political, racial, national, ethnic, cultural, religious, gender or other ground that are universally recognized as impermissible under international law, in connection with any act that referred or any crime within jurisdiction of the Court, enforced disappearance of person, the crime of apartheid and other inhumane acts of a similar intentionally causing great suffering or serious injury to body or to mental or physical health.

³⁷ *Ibid*

Among those alleging that CAH have occurred against Rohingya in Myanmar is Professor. William A. Schabas, who in relation to his report “*Crimes against Humanity in Western Burma: The Situation of the Rohingyas*” stated the following:

Describing the violations as crimes against humanity raises the possibility that cases against those Burmese officials who are responsible could be referred to the International Criminal Court (ICC).” Hence, there are already important voices within international law pushing for the involvement of the International Criminal Court in regard to the situation of the Rohingya. The inclusion of human trafficking charges as enslavement under Article 7 supplementing the other potential CAH indictments does therefore not seem far-fetched.³⁸

As for Malaysia’s point of view, an unverified estimation of between 40,000-60,000 Myanmar refugees are now in Malaysia. As mention earlier, there is no exact and precise number that could be confirmed. The remaining refugee population is comprised of Chin and other people of other ethnicities from Myanmar, as well as refugees from Sri Lanka, Pakistan, Somalia, Syria and Iraq. Some, for example Wake and Cheung (2016) has quoted that the number is as high as 100,000.³⁹ The number is determined according to those who are registered either by the government or by the UNHCR. However, based on interview by Rohingyas himself settled in Malaysia (Zafar, personal communication, 2015) said that “the figure is higher if taking account that those who are still unregistered

³⁸Reported in news media such as *Irin News*, based on a report released Thursday, 16 June 2010 by the Irish Centre for Human Rights, NUI Galway. The report, entitled *Crimes against Humanity in Western Burma: The Situation of the Rohingyas*, was officially launched by Micheál Martin, the Irish Minister for Foreign Affairs, at Iveagh House, Dublin. During the launch event, Professor William Schabas, Director of the Irish Centre for Human Rights, NUI Galway quoted as saying, “For decades now, the Rohingya minority group has endured grave human rights violations in North Arakan State. Every day, more Rohingya men, women and children are leaving Burma, fleeing the human rights abuses in the hope of finding peace and security elsewhere. ”. The Report is based on extensive open-source research and on a fact-finding mission to Burma, Thailand and Bangladesh conducted by experts in international criminal investigation.

³⁹ In the light of a significant differences within and between other refugees communities in Malaysia- and variance in UNHCR policies towards them, this thesis focuses solely on the Rohingya refugee to enable more nuances analysis.

are not included. This, therefore, accounts for the higher number than what is officially disclosed”.⁴⁰

For Abdul Hamid (2015) new arrivals have been received on the Malaysian borders, sea and land from time to time. More than 80% are from the Rohingya Muslims. It is noted that the influx of the Myanmar refugees into Malaysia started from as early as in the 1970's but grew bigger in 1982. “It is when junta regime enacted the Citizenship Act 1982 which has classified that the Rohingyas ethnic are not original citizen of Myanmar, but they are immigrants from Bangladesh. From then onwards, Rohingyas are subject to continuous harassment, suppression and even forced eviction to purge them to leave Myanmar” (Abdul Hamid, 2015, p. 4).

In their report, “Equal Only in Name: The Human Right of Stateless Rohingya in Malaysia”, NGO Equal Right Trust (ERT) revealed that, the refugees either float in the sea to reach Malaysia shores, or smuggled by land by human traffickers from Thailand. The report said “the modus operandi of the smuggling is yet to be tracked down and it is even assumed to be difficult to investigate as it is known to be an intricate operation alleged to have been linked with some official authorities. Some arrivals through the sea are reported to have been in transit on Thailand shores before being pushed back to the sea to float Malaysia waterways. It is also a known that the Thai authorities have a policy of not welcoming the refugees but to reroute them to the international waterways and drift them into the sea” (ERT, 2014).

For ERT Report (2014) and international media like *BBC* (2015) and local mass media such as *The Star* and *NST* (2015), conclude in their report that, “the situation of the refugees

⁴⁰ Interview with Zafar Ahmad, President of MEHROM, one of a human rights society of Rohingya in Malaysia. Interviewed done in the office in Cheras Baru, Kuala Lumpur, 9 am, June 2014. Later interview also done at Astro Awani office in Kuala Lumpur, 4pm, for another assignment for Special Report on Rohingya in Malaysia. It is aired in Astro Awani News, 7:45pm, May, 2015.

is thus dire, with them being cramped into wooden boats to be dragged into the open sea with barely enough food and drinking water to survive in the sea”. But, “despite all the misery, some refugees that interviewed said that they rather died in the sea, but not in Myanmar”. With regard to this, one of them known as Mohd Ayoub, survived and landed successfully in Malaysia in 2012 recalled the incident. He said:

Nothing to eat. Nothing to drink. Even, I had no money, yes, maybe I have some, except for the 3,000 Malaysian Ringgit (about US\$980) that I paid to my agent in Thailand to secure my passage into Malaysia. It was really terrible situation that at some point, I wanted to end my life. But it is not possible, I am Muslim, it is prohibited to commit suicide. (M. Ayoub, personal communication, 2015).⁴¹

On the same issue, another Rohingya who survived by human trafficking, said:

I and my family was forced by army out of our house, and we were forced to march on empty-handed to another province to live. Alhamdulillah, I survive and live here in Malaysia. Each time I remember the time in the boat, I feel very lucky to survive. No food, no drinks in the boat. In 15 days of journey, I don't have enough sleep, how to sleep when the boat is cramp with people. The situation in the boat is bad, I can't really illustrate how bad it is, but it is nightmare. (Rafique, personal communication, 2015).⁴²

⁴¹ Interviewed with Mohd Ayoub, Kuantan, Pahang, 9pm. Mohd Ayoub recalled he reached Kedah, Malaysia in 2011 after a month in the sea. He is now working at a factory in Balok, Kuantan. Because he is a LLB graduate, Mohd Ayoub can speak English with Malay language fluent. Due to security reasons, Mohd Ayoub wishes to remain anonymous.

⁴² Interviewed with Rafique, Kuantan, Pahang, 9pm. Rafique arrive in Malaysia 2014 after 15 days in the sea. He is now working at a factory in Balok, Kuantan. He is staying with other Rohingyas in Balok in a house nearby. Due to security reasons, Rafique wishes to remain anonymous.

Meanwhile, speaking of experience on Rohingya and human trafficking, one of leading activists from the USA, Dr Nora Rowley (2015) said:

The refugees are either forced to board the boats or are paying the service agents. These agents collude with both Thailand and Malaysia counterparts who then arranged them brought into their destination. Incidents of boats overloaded with refugees capsized in the sea are reported by the survivors. The boats are not equipped for long sails, but these boats are their only way to exit from Myanmar. I have heard from verbal testimonies that survivors reported their experience of enduring in the sea without food and water for days. (Rowley, personal communication, 2015).⁴³

She also described how the syndicates get involved with the refugees. She said:

The refugees who trespass the Thailand waterways are taken in by the Thailand authorities, detained in overcrowded detention cells, some deported back to the sea, but many falls into the hands of human traffickers who offer their service to bring them into Malaysia. A high amount of ransom money is demanded by the traffickers by contacting the relatives of the refugees who are already in Malaysia. (Rowley, personal communication, 2015).⁴⁴

⁴³ Interviewed with Dr Nora Rowley in Oslo, 7 February 2015. She also appeared in a live phone interview with Astro Awani, commenting on the latest incident of Rohingya in Andaman Sea, 22 May 2015, 7.45pm. In Oslo, Norway, she presented a paper, where the researcher was also one of the speakers that invited. In interview, Dr Nora who dedicated her career in Rohingya relief work in Arakan for more than 10 years and work intermittently in Rohingya IDP camps in Arakan states, Burma and in Malaysia for several months, detailed on long standing serious alleged corruption and exploitation of Rohingya victims in IDP and refugee camps. She gave a detailed accounts of prolonged process in UNHCR refugee registration, allegations of corruption and harassment and arrests of unregistered and UNHCR registration card holders by Malaysian security force. She described the UNHCR Malaysia system of placing high vulnerable new Rohingya refugee in protective care under Rohingya community leaders, who have been known to be serious criminals reportedly involved in human trafficking and other exploitation of Rohingya refugees. During the interview, she also added that paralyzed and otherwise sick Rohingya survivors of human trafficking have been placed in successive UNHCR-funded dirty shelters with abusive caretakers, lack of appropriate treatment of their illness and injuries, with the UNHCR continuing to fund and place sick and other vulnerable Rohingya under the same Rohingya caretaker in the same dirty shelter.

⁴⁴ *Ibid.*

For Rowley (2015), the human trafficking of Rohingya refugees from Thailand to Malaysia is the most fundamental problem faced by the two countries. While there has been no effective coordination by the authorities of the two countries to combat this, there are already punitive laws on human trafficking in Malaysia, and the problem is still prevailing. “There is no denial of the involvement of some officials. Through bribery, human trafficking syndicates are operating freely. Cases of abduction, torture, killing of the refugees and being treated as slaves by the syndicates have been verbally reported by the survivors who either manage to flee or pay the ransom money and reach Malaysian territories” (Rowley, 2015).

3.13 The Rohingyas and Bengali

As discussed earlier, the Myanmar government do not consider the Rohingyas as their citizens. They made various efforts to deny or strip Rohingya citizenship. But this effort has to do with Burma Citizenship Law in 1947. Violence and continuing persecution against Rohingya make them take refuge to other countries. The government continues to take a heavy-handed approach to resolving long-standing tensions between two ethnic groups, a situation that’s worsened with looser controls over online speech.

The United Nation says close to 140,000 IDP’s Rohingya remain displaced after clashes with the Rakhine ethnic Buddhist population drove them from their home in 2012. In this situation, the government has elected to keep them living in apartheid-like condition, segregated from the Rakhine in camps they are not allowed to leave for their own security. That is why the government has their own plan for this displaced Rohingya.

According to few Rohingyas in Malaysia and European countries in an interview, the government’s plan for eventual resettlement requires a registration process under which the Rohingyas are designated as “Bengali”. This means according to Jilani, Uddin and Khubyb (2015), “instead of the Rohingya, the state authorities called them, Bengali, a

term suggesting that they are illegal immigrant from Bangladesh”. However, many Rohingya are refusing to be registered even it means that they might be resettled from the squalid temporary camp where they now live. But one of Rohingya who accept “Bengali” term describe it as being for his future and his generation own good. Zahir Uddin, who is now a student in Malaysia said:

In my identification paper, I am Bengali, therefore I am able to come to Malaysia, change my future and my family living. In my heart however, I am still Rohingya and always be Rohingya, I dressed like other Rohingya, I speak Rohingya language, I taught my daughter Rohingya language and eat Rohingya dish. (Zahir Uddin, personal communication, 2015).⁴⁵

Meanwhile, as mentioned earlier, the majority of Rohingya were protesting a registration process that the government was carrying out before implementing resettlement program. Rohingya living in Europe, Dr Khubyb or Hla Kyaw (2015) revealed how he came to know about the three-step plan by government to resettled displaced person. He said that “building temporary shelters is part of a three-step plan to resettle the displaced. Afterward, it will create jobs in industries like fishing and agriculture, then permanently resettle the displaced in locations to be talks between ethnic leaders, government officials and aid groups” (Khubyb, personal communication, (2015)).⁴⁶

⁴⁵ Interview with Zahir Uddin in his house in Indera Mahkota, Kuantan, Pahang, 11 am, May 2015.

⁴⁶ Informal interview with Dr Khubye in his house in Amsterdam, 8am, 31 July 2015. Dr Khubye is a researcher in one of a clinic in Amsterdam for 5 years. He is now an active member of the society for solidarity with the Rohingyas, which includes the European Rohingya Council (ERC), established in Germany in 2012. He still has a family back in Maungdaw, Arakan, who provide the latest or current information on what is happening to the Rohingya back home.

He also gives details of the government's resettlement plan with a list of requirements including the Rohingyas to identifying themselves as Bengali, not Rohingya. He said:

Officials were to go to camps to compile a list of displaced people and where they were from. But the list required Rohingyas to identify themselves as "Bengali." But many of Rohingya when officials tried to survey displaced people in camps, protests broke out with women and children chanting, We are Rohingya. We are not Bengali. (Khubyb, personal communication, 2015).

According to Khubyb (2015), the Rohingyas that accepted terms as Bengali normally wanted to be released from jail or avoid being beaten by police. He recalled one of his relative accounts on this incident where the police continued their harassment even when the Rohingya said he is Bengali. He quoted his relative as saying:

I don't know why the police seized me. I have no idea about that at all. One day, the police said to me, 'Say you're Bengali.' He insists. After few times he kept demanding me to do so, finally, I told them, 'Yes, I'm Bengali.' I know, in my heart, I do not mean that, it is just an effort to escape brutality. But the police beat me anyway and I am confused. (Khubyb, personal communication, 2015).

3.14 The Rohingyas and 2014 Census

Myanmar, as a pariah state, as many have called it, had not conducted a census in 30 years, and partnered with the UN Population Fund (UNFPA) for its March-April 2014 survey or census.⁴⁷

⁴⁷ Myanmar Census 2014 was a nationwide census that took place between 30 March and 10 April 2014 in Myanmar. Myanmar has 135 officially recognized ethnic groups, according to government classifications. In addition to the majority Bamar ethnic group, other main groups are the Chin, Karen, Kayah, Kachin, Mon, Rakhine and Shan, which have state territories named after them. However, Myanmar Census 2014 does not count the Rohingyas, as it bans people from registering as Rohingyas. The United Nation (UN) helps to carry out the Myanmar Census 2014. The earliest census on record in Burmese history was taken in 1359 in the Pinya Kingdom. The first nationwide census was taken in 1638, and this was followed by two other nationwide censuses in 1784 and 1803. The first modern census was taken in 1891 in the British colonial period. It was carried out in 10-year intervals until 1941. After

Despite warnings from local leaders, the Transnational Institute (TNI), the International Crisis Group (ICG) and Human Rights Watch (HRW), the questionnaire included a particularly contentious item which is a question about ethnicity for which a 1982 list of 135 ethnic groups, which does not include “Rohingya,” would be used. The government initially promised they would allow Rohingyas to self-identify on an open-ended “other” option. But two days before the start of enumeration in March 2014, international aid workers fled western Myanmar after being targeted by Buddhist mobs who attacked their offices over perceived humanitarian bias towards Rohingyas. The government reneged on its promise to record “Rohingya” on security grounds. This controversial development was reported by various international media including in Malaysia, *The Star* newspaper (2014), a leading English newspaper in Malaysia.

According to *Irin News* (2014) for example, anyone who asked to be recorded as “Rohingya” went uncounted, and some could be listed as “Bengali”. In the report, the prominent international lawyer, Geoffrey Nice and analyst Francis Wade wrote an article in May 2014, which warned that the Rohingya were likely to fall victim to more organized violence with regards to 2014 census. They both agreed that “the two options entailed a denial of the ethnic group’s existence”.

Meanwhile, the process of census itself is questionable in one of the categories, as one of the Rohingya participant was quoted as saying by *Irin News*. Identify as Nor Mohammed he quoted as saying:

Independence, the government conducted the census in 1953/54. Two more censuses were taken in 1973 and 1983 by Gen. Ne Win's military government. According to the 1983 census, the population of the country was 35,442,972 as of 31 March 1983 and the Bamar accounted for 69 percent of the population. The Burmese government estimates the population at 60.98 million in October 2012, based on approximate reproduction rates. The census used 100,000 school teachers as census takers, and counted the population as of 29 March 2014 at 24:00 hours (midnight). The theme of the census campaign was – Let us all Participate.

The census team asked me ‘what is your ethnicity?’ When I answered ‘Rohingya’, they walked away, they never come back. They didn’t even ask me any of the other questions. Now if we don’t appear in the census, are we really here? Are we exist or alien? (*Irin News*, 2014).⁴⁸

Asked about the 2014 Census, Professor Dr Wakar Uddin (2015) explained that “in Rakhine State before enumeration, opposition to any use of the term Rohingya proved far more serious than anticipated and it is regrettable that people could not self-identify and were consequently not included in the census”. He added that such a move could heighten tensions in Rakhine State. (Uddin, personal communication, 2015).⁴⁹

Meanwhile, in September 2014, the government released provisional results from the census, but said ethnicity data would not be published until 2015 on the grounds that such data could enflamed intercommunal tensions. Nonetheless, for Uddin (2015), pointed out that “census information, with a zero count for Rohingya and an unknown number of people registered as “Bengali”, appears to inform citizenship verification programs, designed to determine who is eligible for documents based on how long their families have lived in Myanmar. However, for those who qualify, documents will come without the label “Rohingya,” and probably with “Bengali” instead” (Uddin, personal communication, 2015).⁵⁰

According to HRW (2014), however, the stipulations of the Burma Citizenship Law governing the right to one of the three types of Burmese citizenship effectively deny the

⁴⁸ Nor Mohammed is 60 years old and lives in the Dar Paign camp in Rakhine State.

⁴⁹ Interview with Professor Dr Wakar Uddin, Oslo, Norway, 11am, 7 February 2015.

⁵⁰ Discussion with Professor Dr Wakar Uddin, at European Rohingya Council Conference on Rohingya Ethnic Identity and Basic Rights in Burma, Oslo, Norway, 7 February 2015. He presented a paper entitled “Rights of Rohingya in their Homeland: A Global Perspective” in said conference.

Rohingya possibilities of acquiring a nationality. For the record, the government is running verification programs in several locations, including Rakhine's Myebon Township, which was razed in the 2012 violence, and where a high percentage of people reportedly accepted "Bengali" as their ethnicity on the 2014 census.

Many Rohingya that did not participate in the 2014 Census cling intensely to the identity term. For example, one Rohingya student residing as an asylum seeker in Norway argued about why the administration wanted Rohingya to change their identity from Rohingya to Bengali. One student who identifies as Mohd Towheed Hasan said:

Even I myself if been asking the same question, I will be firm and hold onto (the) name no matter what. If they even try to kill me, when they can, I am not changing it, I am Rohingya, definitely and of course, I am not Bengali. I am firm with this principal. Indeed, I am Rohingya. (Hasan, personal communication, 2015).⁵¹

But other Rohingya are quite open to the idea of changing labels if it is an exchange for rights. *The Irin News* quoted Hamid Huq (2014) as saying:

If we get equal rights with other ethnic groups and other Muslims in Myanmar by calling ourselves Bengalis, then we should accept that name, why not? After all, it is only a name, nothing more than that. It can change over time. I am truly believed that one day, it will change. (*Irin News*, 2014).⁵²

⁵¹Interview with Mohd Towheed Hasan, Best Western Kampen Hotel, Oslo, Norway, 3pm, 7 February, 2015. Mohd Towheed attended an annual ERC Conference on Rohingya Ethnic Identity and Basic Rights in Burma held in Oslo, Norway.

⁵² Hamid Huq testifying published in *Irin News*. In the report however, Hamid Huq explained that he retained distrust of the government, and acknowledged that pressure to change identity terms has been increasing.

3.15 Rohingya: Militant and Separatist Movement

From 1984, the Burmese army waged intensive counter insurgency campaigns against various armed opposition groups, including minority movements fighting for autonomy in the Karen, Kachin, Rakhine and Mon States. Thousands of people belonging to ethnic minorities have fled Myanmar to escape the indiscriminate brutality of the army's counter insurgency operations (Smith, 1999). According to Smith (1999), "since the beginning of reforms in 2008, a high-level peace group has been formed, headed by President Thein Sein to carry out peace negotiations with ethnic armed groups, 12 of which has reached preliminary peace agreements with the government". In his book (p. 46), he further, said that "noticeably, although the government of Myanmar has often associated Rohingyas with militancy, no efforts has been made to reach peace agreements with the various Rohingya militant groups. There is little doubt that marginalized communities are often vulnerable to indoctrination by terrorist organizations" (1999).

For many analysts such as (Ranstorp & Hyllengren, 2013) and Bjorgo (2005), they agreed that "exclusion, poverty and discrimination are thought to be some of the conditions that create an environment that is conducive to the breeding of terrorism and militancy". For them, "discussion surrounding factors and root cause to terrorism and militancy varied and wealthy especially during 20's". Radicalization Awareness Network (RAN) Issues Paper cited Ranstorp & Hyllengren (2013) as saying violent extremism can be the best conceptualized as a kaleidoscope of factors, creating infinite individual combinations. Both of them (2013) highlighted, "there are some basic primary colors which create complex interlocking combinations that are individual socio psychological factors; social factors; political factors; ideological and religious dimensions; the role of culture and identity issues". They further discussed that "it is the combined interplay of some of these factors that causes violent extremism. Individual socio-psychological factors, include grievances and emotions such as: alienation and exclusion; anger and

frustration; grievance and a strong sense of injustice; feelings of humiliation; rigid binary thinking; a tendency to misinterpret situations; conspiracy theories; a sense of victimhood; personal vulnerabilities; counter-cultural elements” (Ranstorp & Hyllengren, 2013, p.387)

Meanwhile, Bjorgo (2005) posit that “social factors, include social exclusion; marginalization and discrimination (real or perceived); limited social mobility; limited education or employment; an element of displacement; criminality; lack of social cohesion and self-exclusion” (Bjorgo, 2005). He added, that “political factors, however, include grievances framed around victimhood against Western foreign policy and military intervention. The central core of this narrative is that the ‘West is at war with Islam’, which creates a narrative of ‘them and us’” (Bjorgo, 2005, p.188). For Newman (2006), “conflicts are filtered through this core narrative: Bosnia; Chechnya; Iraq; Syria; Somalia and Palestine, etc. These conflicts and events can become a focal point for mobilization. The ban on the Muslim veil; the cartoon crises and other contentious issues are all evidence that the West is at war with Muslim communities” (Newman, 2006, p. 749).

There is keen sense of alienation and injustice which is reinforced by Islamophobia, xenophobia and discrimination. Ideological or religious factors include a sacred historical mission and belief in apocalyptic prophesy; a salafi-jihadi interpretation of Islam; a violent jihadi mission; a sense that Islam is under siege and a desire to protect ummah under assault. These beliefs also include the view that Western society embodies immoral secularism. Culture and identity crisis relate to cultural marginalization, which produces

alienation and a lack of belonging to either home or the parents' society. This reinforces religious solidarity with Muslims around the world.⁵³

In the case of poverty, analysts have linked this with poverty and discrimination especially Boko Haram, militancy and Nigeria. For example, a report quoted Rinaldo Depagne from West Africa project director for the International Crisis Group (ICG)⁵⁴ said, "frustrated by poverty, gender discrimination and deep-rooted patriarchy, have chosen to join Boko Haram voluntarily in the hope of a better life". He added, that "for some women trapped in domestic life, Boko Haram offers an escape."

In the context of Southeast Asia countries, a work of Chalk (2001) in *Journal of Studies in Conflict and Terrorism*, "Separatism and Southeast Asia: The Islamic Factor in Southern Thailand, Mindanao, and Aceh" provides discussion surrounding the roots of ethno-religious unrest in each of these regions stem from the same basic factors, insensitivity to local concerns, regional neglect, military repression and the contemporary force of militant Islam. As he observed, "the longevity of the movements that have arisen in southern Thailand, the southern Philippines and Aceh has largely been determined by the degree of popular support each has been able to call on as well as operational considerations such as external support and access to weaponry. Islamic insurgent movements in southern Thailand, the southern Philippines and Aceh represent, arguably, the most visible signs of armed separatism in Southeast Asia today" (Chalk, 2001, p.243).

⁵³ James A. Piazza, "Poverty, Minority Economic Discrimination, and Domestic Terrorism, in *Journal of Peace Research*, 48(3), 2011. This statistical analysis of 172 countries between 1970 and 2006, yielding over 3 000 observations, found solid support for a link between minority groups' experience with economic discrimination and higher rates of domestic terrorism. He found that "countries that feature economic discrimination against minority groups experience around six more incidents of domestic terrorism per year."

⁵⁴ Based in Brussels, Belgium, The International Crisis Group is a transnational non-profit, non-governmental organization founded in 1995 that carries out field research on violent conflict and advances policies to prevent, mitigate or resolve conflict.

All these conditions as discussed earlier, are prevalent in the Rohingya communities in Rakhine and Chittagong. Like many other suppressed ethnic groups in Myanmar, some Rohingyas have formed armed rebel groups, among which the Arakan Rohingya National Organization and the Rohingya Solidarity Organization are the best known. Due to the proximity of the Rakhine State to Bangladesh, these militant groups received a great amount of attention from the media, law enforcement organizations and analysts.

Several academics, including Datta (2005); Rahman (2010); and Singh (2004) have suggested that Rohingya militant organizations have established close links between extremist groups in neighboring Bangladesh and even far-off Indonesia.

In an analysis “The Rohingya and the denial of the ‘right to have rights’, D’Costa (2012) agreed, militancy does exist among the Rohingyas but there has been no evidence that they pose a greater threat to Myanmar than the other militant groups in the country, many of whom are larger, more organized and their struggle much more protracted and intense. He said that “by promoting and amplifying the ‘Islamist Rohingya Militant’ perception, Myanmar has exploited the contemporary practice of relating all indigenous armed struggles by Muslims, however insignificant, to the likes of anti-western, international groups such as Al-Qaeda, in an effort to justify the exclusion and suppression of the Rohingyas” (D’Costa, 2012). D’Costa (2012) sums up this policy trend by contending that Myanmar takes advantage of the global climate of fear in the post 9/11 world that has securitized the discourse of refugees, particularly Muslim refugees.

Meanwhile, apart from Bangladesh, the Rohingya have also had connections with Pakistan, and the Taliban. Most of the ‘Rohingyas’ were and are the supporters of Pakistan and some Bangladeshi sources have claimed that Rohingyas have a connection with terrorist group such as the Taliban of Afghanistan. In one of the works linked to the Rohingya people, Pakistan and Taliban, William Gomes in the *Asian Tribune* wrote:

In 1990s, 70,000 to 120,000 Muslim youth trained to fight in Asia, Africa, and in Middle East in different Al Qaeda and Taliban camps in Afghanistan. Al-Qaeda highly trained a notable number of Islamic groups and indoctrinated them with the mission of "Jihad" that influx all over the world the message of fear and violence. Arakan Rohingya Nationalist Organization (ARNO) and Rohingya Solidarity Organization (RSO) were among the groups who were trained in Afghanistan camps and were and are active in Myanmar and Bangladesh. (Gomes, 2009).

In regard to the same issue and the alleged link between Rohingya and Pakistan Taliban, Dr. Rohan Gunaratna in his work Global Terrorism Mid-Year Review 2016 also wrote:

In Southeast Asia, al Qaeda's leaders also did the same. Hambali was al Qaeda's point man, convened the Rabitatul Mujahidin meeting, which was partly participated by representatives from MILF and ASG in the Philippines, Laskar Jundullah from Indonesia, Jemaah Islamiyah (JI), and Jemaah Salafia. Also, JI leaders from Malaysia, Thailand, Indonesia, Singapore and the Philippines participated in that meeting. Other than, that we saw representatives from the RSO and the ARNO from Myanmar, participating in that meeting. (Gunaratna, 2016, p. 6).

Furthermore, Salah Uddin Shoaib Choudhury reported:

In January 2001, Bangladesh clamped down on Rohingya activists and offices in Chittagong and Cox's Bazar. Hundreds were rounded up, and the local press was full of reports of their alleged involvement in gun- and drug-running. Local Rohingya leaders vehemently deny such accusations and refute claims that they

are connected with Islamic fundamentalist groups in and outside. (Choudhury, 2007).

The allegation of a connection between Taliban, Rohingya and Pakistan was denied by Arakan Rohingya National Organization (ARNO), a moderate group active in the border areas. In relation to this, another Rohingya spokesman blamed local Bangladeshi gangs with high level connections for the violence, smuggling and lawlessness in the area. *Ummat* newspaper (2008) highlighted that “the paramilitary Bangladesh Rifles have also been accused of involvement in smuggling activities around Cox's Bazar. There is little doubt that extremist groups have taken advantage of the disenfranchised Rohingyas people, including recruiting them as cannon fodder for Al-Qaeda in Afghanistan”. In an interview with the Karachi-based newspaper, *Ummat* on 28 September 2001, quoted Osama Bin Laden as saying, “there are areas in all parts of the world where strong Jihadist forces are present, from Indonesia to Algeria, from Kabul to Chechnya, from Bosnia to Sudan, and from Myanmar to Kashmir” (2001).

In the latest development, the Myanmar government accused Rohingya and militancy as violence flared October 2016. According to President's statement that been reported in several international media, a Pakistani Taliban-trained militant leader was behind deadly attacks in the north of Myanmar's Rakhine State that have sparked a military crackdown and sent thousands of terrified residents fleeing the area. *Reuters* (2015) for example, highlighted, that a little-known group called the *Aqa Mul Mujahidin* carried out border post raids that left nine policemen dead, the president said in a statement, linking it to a Rohingya militant outfit called the RSO experts have long considered defunct. “Its leader, Hafiz Tohar, spent six months training with the Taliban in Pakistan and received funding from unspecified organizations in the Middle East. In an earlier development, the Pakistan Taliban vow to avenge the Rohingya as it saw the Taliban could attack

Pakistan's small Buddhist community in retaliation for the killing of Rohingya's Muslim community".

3.16 The Rohingyas and 2012 Violence

The 2012 sectarian violence in the Rakhine state between the Rohingya and Rakhine ethnic groups erupted in June and October. For Tun Khin, Myanmar citizen (2014), the initial violence in June was sparked by the rape and murder of a 28-year-old Rakhine woman on May 28, 2012 by three Muslim men. In retaliation, on June 3, 2012, a large group of Rakhine men stopped a bus and beat and killed ten Muslims who were on board.

In his write-up in *Huffington Post* (2014), Khin, who is President of the Burmese Rohingya Organization UK said that "the ethnic riot quickly intensified with mobs from both communities committing killings and arson. State security forces did nothing initially to halt the violence, but they soon joined in with the Rakhine mobs to attack and burn Muslim neighborhoods and villages" (Khin, 2014).

In another analysis, *Huffington Post* reported that "by October 2012, the violence against the Rohingya population became much more organized and deadlier. In the months preceding October, local Rakhinese political party officials and senior Buddhist monks launched a public campaign to vilify the Rohingya and to label them as threats to the Rakhine state" (*Huffington Post*, 2014). Concerned Rohingya people raised warning signs to local government officials who advised them to prepare to leave their village. It is reported that, "on October 23, 2012, thousands of Arakanese men armed with machetes, swords, homemade guns, Molotov cocktails, and other weapons attacked Muslim villages in nine townships throughout Rakhine state". According to Human Rights Watch, (HRW, 2012) "in some cases, attacks occurred simultaneously in townships separated by considerable distance."

As in the violence earlier in the year, state security forces failed to halt the violence and even participated directly in the attacks. HRW revealed that “the deadliest incident occurred in Yan Thei village in Mrauk-U Township, where at least 70 Rohingya were killed, including 28 children who were hacked to death, 13 of whom were under age 5” (HRW, 2012). According to the UN Office for the Coordination of Humanitarian Affairs, close to 180,000 people were affected by the 2012 violence. Of these, 140,000 persons remain displaced, the majority of whom are Rohingya, and an additional 36,000 people live in isolated villages with minimal access to public services.

Meanwhile, according to *Irin News*, “A total of 167 people were killed in the violence (78 in June 2014 and 89 in October 2014); 223 were injured (87 in June and 136 in October); and more than 10,000 buildings and homes were damaged or destroyed.” (*Irin News*, 2014). The report has said that “the central government has failed to hold perpetrators of the violence accountable and has not sought eyewitness interviews for testimony regarding the killings. Rather, the government’s actions following the violence illustrate that it has no intention of pursuing justice for the victims” (*Irin News*, 2014). In this regards, *Irin News* (2014) as posted also in Rohingya blogger.com (www.rohingyablogger.com) and news portal burmatimes.net, gave examples, “the security services dumped the bodies of the Rohingya killed in the conflict at remaining Rohingya villages and ordered the villagers to dig mass graves for the deceased. Many of the dead Rohingya had their hands bound and exhibited gunshot wounds, which suggest that they were killed execution style rather than in self-defense” (*Irin News*, 2014).

There is a time-line of 2012 violence that makes Rohingyas flows to neighboring countries like Malaysia to take refuge and practice their religion as a minority Muslim. It is agreed that the 2012 violence created a flashpoint for violence that has quickly escalated into widespread communal clashes. In sum-up, it is surrounding between

rioting, clashes, house-burnt and continue to bloodshed and murder. For full 2012 violence timeline, please see Appendix C.

In May 2015, the Rohingyas returned to international attention after boats packed with starving migrants were reported to be stranded at sea. According to wide reports such as *BBC News* (2015) and *Guardian* (2015), boats filled with Rohingya refugees and a number of economic migrants from Bangladesh attempted to escape Burma via the waters of the Malacca Strait and the Andaman Sea.

These migrants were collectively dubbed '*boat people*' by the international media. What attracted global attention to this May incident was that several boats packed with hundreds of desperate migrants had been caught up in a game of international '*ping-pong*' between South East Asian countries including Malaysia, Indonesia and Thailand. All these series of communal clashes create uneasiness among the Rohingyas as a minority community in Rakhine, and thus, suggested a way to escape from misery, namely, to flee from their own country and seek refuge.

3.17 Rohingya and Genocide

The killing of defenseless persons and the subsequent concealment and denial of these criminal actions, such as the burial of bodies in mass graves, are clear indicators of ethnic cleansing and genocide. The actions of the local authorities, state security forces, and central government matched historical signs of ethnic cleansing and genocide policies at work.

Indicators present in Kosovo⁵⁵, Rwanda, ⁵⁶ and East Timor ⁵⁷ include a history of massacres against certain ethnic groups; hate and threat propaganda from leaders; justification created for killing an entire ethnic group; and armed groups organized against the target group. These factors increase the risk of genocide and ethnic cleansing. Both are planned and organized by authorities and their agents. Their planning takes time to ensure compliance by authorities at all levels and passive acceptance of the policy by ordinary citizens. According to Oberschall (2007), “collective violence tends to be perpetrated by authoritarian regimes that have a long record of oppression and human rights violations against minorities” (p. 83).

Research has shown that the target group is dehumanized in official propaganda and depicted as amoral or dangerous to society. Officials falsify history and present justifications for why the entire group, to include the elderly, women, and children, must be viewed as guilty.

Meanwhile, Zarni (2014), a Myanmar resident who was very local and persistent in his statement about the slow burning genocide by Myanmar government against Rohingya wrote an article on the said genocide. He quoted Matthew Smith, formerly

⁵⁵ The Kosovo genocide was part of the Kosovo conflict (1998 - 99), in which ethnic Albanians opposed ethnic Serbs and the Yugoslavian government in Kosovo. Part of the Serbs' strategy was a major ethnic cleansing of Albanians. Among books on Kosovo genocide are: 'Challenges of Researching War Crimes in Kosovo 1998-99', 'Missing Persons in Kosova during the war 1998-99', 'Destroyed Monuments in Kosova 1998-99' and 'Killings in Kosova 1998-99'. All these four books published by War Crime Institute in 2015, with the aimed of revealing the truth about the war in Kosovo.

⁵⁶ The Rwanda Genocide also known as the genocide against the Tutsi, was a genocidal mass slaughter of Tutsi in Rwanda. From April to July 1994, members of the Hutu ethnic majority in the east-central African nation of Rwanda murdered as many as 800,000 people, mostly of the Tutsi minority. Begun by extreme Hutu nationalists in the capital of Kigali, the genocide spread throughout the country with staggering speed and brutality, as ordinary citizens were incited by local officials and the Hutu Power government to take up arms against their neighbors. By the time the Tutsi-led Rwandese Patriotic Front (RPF) had gained control of the country through a military offensive in early July, hundreds of thousands of Rwandans were dead and many more were displaced. The RPF victory created 2 million more refugees (mainly Hutus) from Rwanda, exacerbating what had already become a full-blown humanitarian crisis.

⁵⁷ East Timor genocide The East Timor genocide refers to the "pacification campaigns" of state sponsored terror by the Indonesian government during their occupation of East Timor from 1975 to 1999. Death recorded 150,000 or about 20% of East Timor population. University of Oxford held an academic consensus calling the Indonesian Occupation of East Timor a genocide and Yale university teaches it as part of their Genocide Studies program

Human Rights Watch (HRW) ⁵⁸ researcher and author of the HRW report on the Rohingya ethnic cleansing in June and October 2012, presenting the findings of his independent investigation of the leaked official Myanmar documents. Among his response to report by Smith, he said:

These leaked documents are said to have established the state's policy, in writing, - at both local and national levels - of discrimination, persecution, abuse and otherwise destruction of the Rohingya as a group, a community and a people in Western Burma (Zarni, personal communication, 2014). ⁵⁹

Zarni furthermore gave an example of how the government of Myanmar established crimes against humanity and the slow burning genocide against the Rohingya. He said that “the government's official estimate puts the number of Myanmar's Rohingya at about 1.33 million. Only 40,000 hold citizenship or any legal documentation. Out of the five genocidal acts spelled out clearly in the Article 6, Rome Statute, July 2002 and 1948 Geneva Convention on the Crimes of Genocide,⁶⁰ successive Burmese military governments since in 1970s have, verifiably, been guilty of four” (Zarni, email conversation, 2014). Ironically, he added, the predominantly Buddhist society at large - the one that taught of the virtues of Metta, Buddhist term for 'universal loving kindness', is secondarily murderous towards the Rohingya through their popularly genocidal speeches, ideas and attitudes. ⁶¹ Zarni stated, that “for those who have systematically

⁵⁸ Human Rights Watch is an American-founded international non-governmental organization that conducts research and advocacy on human rights.

⁵⁹ Emailed conversation and exchange note of information on the Rohingyas with Dr Zarni, 2014.

⁶⁰ For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such killing members of the group, causing serious bodily or mental harm to members of group, deliberately inflicting the group condition of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, forcibly transferring children of a group to another group. For detail can accesses: <http://www.preventgenocide.org/ab/1998/>

⁶¹ *Ibid.*

studied the Rohingya persecution over at least three and a half decades, the above-mentioned leaked official documents only reinforce and lend further credibility to the definitive conclusion. He posits, “the question is not so much whether Myanmar is committing genocide against the Rohingya, but rather why the international community has, as it were opted not to call the plight of the 1.33 million Rohingya by its proper name, genocide or more accurately, a slow-burning genocide” (Zarni, 2014).⁶²

Dr Zarni further wrote:

If the terms genocide or the slow-burning genocide are nothing but an activist spin to get the world's attention just have a look at the objective facts on the ground, which result from the official state policies, it's the intent.⁶³

In an email conversation, Dr Zarni detailed 14 intents that summarize the indicator of slow-burning genocide against the Rohingyas. It covers health aspect that associate between doctor patient ratio and Rohingya population in Buthidaung and Maung Daw. The 14 intent also include direct violation of the Right of the Child to have nationality at birth. As for education aspects however, Dr Zarni saw Myanmar government intent of genocide against Rohingya when the government let over 80-90 % of the Rohingya adult are illiterate by denied them to schooling. Among other intent as seen by Dr Zarni includes social life of the Rohingyas where over 140,000 are placed in semi-concentration camps that extraction of forced labor is rampant, sexual violence, summary execution and

⁶² Emailed conversation and exchange note of information on Rohingya with Dr Zarni when asked about his response on HRW report and leaking document on Myanmar government and genocide. Dr Zarni's email fanon82@gmail.com

⁶³ *Ibid*

extortion are norms.⁶⁴ A longer version of the 14 intent is detailed in Dr Zarni's email conversation to researcher, (please see Appendix D).

3.18 The Rohingyas and Recent Controversy

In May 2015, thousands of stateless of Rohingya refugees and Bangladeshis were left stranded in the high seas as the world looked on indecisively. According to Stateless Monthly Bulletin published by Institute of Statelessness and Inclusiveness (ISI) (ISI, 2015), the news first broke on 12 May 2015 of boats full of Rohingya and Bangladeshis being push back by Indonesian, Malaysian and Thailand authorities, with a few managing to land in Malaysia and Indonesia. "An estimated 6,000-8,000 people were said to be adrift at sea for weeks, suffering dehydration and starvation. The traffickers and smugglers had abandoned ship to escape arrest by the Thai authorities" (ISI, 2015).

UNHCR (2015) however said, that since January 2015, "an estimated 25,000 people have embarked on hazardous boat journeys and at least 1,050 have died at sea. After significant pressure from states, the UN and NGO's, Malaysia and Indonesia committed to searching for rescuing and providing temporary shelter to 7,000 people, while Thailand was committed to not pushing back any more boats" (UNHCR, 2015). The U.S, meanwhile, is committed to resettling an increased number of Rohingya and Myanmar which previously refused to attend a regional meeting on 29 May to address the crisis, agreed to do so.

Furthermore, the UN Security Council was briefed on the crisis by UN High Commissioner for Human Rights on 29 May 2015. These steps collectively provided temporary respite to the thousands of the people left to die on the high seas, but their

⁶⁴ *Ibid*

future remains uncertain. Furthermore, there were the mid to long term protection challenges relating to stateless Rohingya, who have suffered persecution in Myanmar and acute discrimination in other countries for many decades, remain immerse.

This issue highlights the nexus between statelessness and forced migration and demonstrates why decisive protection-centric international action is essential. It draws attention to a few factors which must be taken into consideration when addressing a complex and entrenched crisis such as follows. Among these, a question arises as to what root cause of the crisis is. The persecution, discrimination, exclusion and statelessness of Rohingya refugee, who were arbitrary deprived of their nationality through a discriminatory law in 1989 in Myanmar.

This issue must be effectively addressed and failure to do so will prolong suffering and forced migration. There are many Rohingya refugees who fled to neighboring countries thinking that they would come back when the conflict in Rakhine and Myanmar in general was resolved. But all the factors that happened in Myanmar as alleged genocide, led to the Rohingyas fleeing their homeland to find for safer place.

3.20 The Problem of Rohingya Identity and Citizenship

One important aspect associated with the Rohingyas community is their identity. If we are to examine the content of Myanmar history books, there is sure to be mention of the Rohingyas, making it hard to isolate the Rohingyas from Myanmar. Nonetheless, the issue of Rohingya's identity is still unclear, rather, becoming increasingly vague. Why does this happen? What does Rohingya citizenship have to do with their rights? Why is the issue a problem for Rohingya? And why are their issues being totally ignored by the military government (also known as Tadmaw) in the country?

The problems mentioned above, will be a subject of discussion in this chapter. This is very significant to understand the reason behind the Rohingyas attempt to refuge to other countries. It will look at the identity problem of Rohingya in Myanmar, and consider the problem from a legal perspective, as well as other things associated with identity such as nationality, the term 'stateless' and the circumstances that led to the identity problem.

Meanwhile, it is also important to note, that this chapter also defines ethnicity and culture in order to be able to link the concepts to identity and religion, and further to the Rohingyas. The section on religion will show how religion is used, in order to support the theory that religion can serve other purposes than belief and that religion is especially important in weak states. As pointed by Prentiss (2003) in book "Religion and the Creation of Race and Ethnicity", apart from the apparent means of expressing personal belief, religion can and is also used as an ethnic marker, and conflict marker as well as to legitimise power and for opposition for political reasons. "Religion or a religious resistance identity does not necessarily have to imply religious belief or wish for a return to the past. What is presented as religion in a conflict often hides other agendas such as territorial or economy issues or fear of losing one's culture" (p.10).

To be able to move on to religion and identity in the thesis, the rather vague and ambiguous concept of 'ethnicity' and 'culture' and their link to identity need to be defined. As Prentiss (2003) highlighted, the word ethnicity originally had a meaning that referred to heathens and pagans. However, it gradually came to refer to 'racial' characteristics. "Race here refers to the now out-dated practice of categorising people according to fixed boundaries between those groups. Race does, however, exist as a cultural construct that can be studied according to the same principles as ethnicity" (p.5).

Ethnicity is more closely related to group identification than 'race'. The difference sometimes seems slim, and Eriksen (1993) offers another distinction between the two:

'race' is more commonly related to questions and references of 'them' while 'ethnic groups' generally more commonly refers to 'us'. "This suggests that connotations regarding ethnicity hold evaluations of a more positive characteristic when it comes to group evaluation, than race does". This is further supported by the many minorities worldwide that themselves claim affiliation to different ethnic groups that are culturally distinctive from, usually, many of the people in that particular nation or area. Eriksen added that "this also implies that ethnicity is somewhat closely related to distinctions between minority and majority populations".

In anthropology today, as pointed by Marisol de la Cadena (2000), that "ethnicity refers to aspects of relationships between groups which consider themselves, and are regarded by others, as being culturally distinctive". One problem with making a clear distinction between ethnicity and race is that ethnic groups themselves tend to stress common descent among their members when categorising the own group.

This categorisation is closely related to the outdated concept of race. As with ethnicity, the word 'culture' implies that there is a difference between groups of people that it is possible to measure or compare in some respects. On the one hand, culture can be interpreted as if people are all bearers of distinct cultures that are impossible to unite. This does not, as with the word race for instance, necessarily mean that there is a hierarchical order between groups. The more anthropological use of the word emphasizes the special intellectual and aesthetic characteristics, however, and ends in something close to common ways of life and the lines of thought joined with those ways of life.

The concept is by some scholars regarded as problematic to use since it focuses too much on differences and distance and that the word thereby can easily be 'hijacked' and used by those in opposition with multiculturalism. According to Hannertz (1999), "in this way cultural identity is used in a narrow sense in which culture is thought to be something

emblematic and easily identified from other people in the vicinity as opposed to the wider sense, which would imply that people are shaped by culture and learn which characteristics they can identify with". It further highlighted, "either way, culture can be defined as an ongoing process that is close to human thoughts and actions, and this is learned through life long participation in the same or in different societies and not an innate, and in no way a fixed, characteristic" (Hannertz, 1999, p. 407).

Meanwhile, the question of religious identity is not new. History has shown that the identity issue has become the root of many problems in several countries. For instance, in Sri Lanka when the Tamils tried to establish their identity through forming an independent country; this resulted in a problem within the majority community of Sinhalese. In fact, the questions of identity have not only become widespread in academic studies, but appears in the form of fiction and become the muse of the filmmakers. Movies are still fiction, but the plot was established and developed by real things that happened; for example, "*The Terminal*"⁶⁵ starring Tom Hanks, which raised the question of identity as a major theme of storytelling.

When discussing the identity of the Rohingyas, we cannot help but also discuss the barriers in the aspect of human rights that are faced by the Rohingyas. The journey before the repudiation was quite complicated. They had to flee to another country for security

⁶⁵ "*The Terminal*" itself, was based on a true story that happened to Merhan Karimi Nasseri, who spent his nights for nearly two decades at the Charles de Gaulle Airport, France. This was due to a problem or conflict with the Law of France, where he was considered a fugitive. He was neither welcome in his country of origin, Iran and Belgium, nor his destination, the United Kingdom. Merhan was expelled from Iran after being found guilty of involvement in the demonstrations against the Shah of Iran. He went to France to see his mother, but he was not allowed to enter the country as he could not produce valid travel documents, as they were stolen. In the end, however the problem was resolved, giving Merhan French immigration documents. Before the story was documented in "*The Terminal*," the life story of Merhan was twice brought to the silver screen in low-budget films. But the man has become famous and a rich celebrity after the DreamWorks film production company owned by director Steven Spielberg bought her story for \$ 300,000. In connection with the Rohingya, there is a similarity with "*The Terminal*", which is based on the true story of Merhan; that is, if you were denied an identity or a place to call home, your rights to study, work, travel, marry and practice your religion didn't exist – because you belong nowhere. You're not given any way to prove who you are or where you're from, which restricts your ability to gain full citizenship status. Wherever you try to find refuge you're locked up in detention because of who you are. This is the life of the Rohingyas. The problem of identity is very closely linked to oppression, cruelty and injustice and also exploitation.

reasons, not because they wanted to, but once again, due to the change in policy that made them a lost identity, without nationality, making them beggars in their own country. In Myanmar, they were not considered citizens. In Bangladesh, where they have been accepted before, during the events of 1942, namely inter-ethnic war, they were not welcome either. According Nyi Nyi Kyaw (2008) in his writing "Rohingya Muslim: Myanmar's Forgotten People", the Rohingyas were recognized as an indigenous ethnic group when Myanmar was under public administration in 1950s. "They were considered as the natives of Arakan and lived in peace during the reign of the government of U Nu, the first Prime Minister of civilian government in Myanmar. In fact, the national radio dedicated to the Rohingya was on air three times a week. However, this community lost its identity both politically and constitutionally when the military government led by General Ne Win introduced Citizenship Act of Burma in 1982" (Nyi Kyaw, 2008). Although 1982 is always a benchmark when discussing the problems faced by the Rohingya community, to examine in-depth on this matter, it appears that the issue had already begun even before that.

When U Nu was toppled in a coup in 1962, Buddhism was immediately declared the official religion of Myanmar. The military government practiced Theravada Buddhism and reflected their faith in the routines. It could be seen in the media reports of junta-controlled media portraying Myanmar government leaders pay homage to the monks; giving donations to pagodas all over Myanmar; repairing the temple or pagoda as well as organizing charity fundraisers to build Buddhist temples across the country. In fact, since the military took over and declared Buddhism as the official religion of the state, Islamophobia increased in the country. Anti-Islam brochures were distributed. People who previously held a position during U Nu's administration were no longer given fair treatment, for example, and although they were retained, they did not get promoted. Although there was no written policy on this, it was understood that the subtle removal

was done by the Buddhist military government. At one point, during the destruction of the giant statue of "Bamiyan" incident in Afghanistan by the Taliban in the late 1990s, they urged people not to be affected. In fact, a circular was issued to prevent the residents from copying what the Taliban government did at the time part.⁶⁶

Following these developments, Silverstein (1997) posit that the Rohingya were prohibited from visiting religious institutions. In 1965, four years after Buddhism was made the official religion of the country, a program conducted in Rohingya language on national radio was banned. He said, the government also banned all visits by foreign religious associations to Myanmar. This affects the efforts to spread and enrich the religion in the country (Silverstein, 1997, p.97).

Meanwhile, after the Citizenship Act of Burma was introduced, the Rohingyas were blindly discriminated against. It could be summarized that the absence of the citizenship resulted in limited opportunities (or almost none) in the economy, access to health care or education. It is important to note here that the question of identity started even before the introduction of Citizenship Act of Burma. This is because the military considers the events prior to the time in making judgments about the nationality of the population. This means that the goal of Citizenship Act of Burma allows the junta to deny the Rohingya citizenship.

From the discussion above, and the facts and data given, we can conclude that two factors are important to see that why the Rohingyas faced this problem. Two important factors are military and religious, Buddhist vs Islam. Policies on citizenship not only

⁶⁶ Habib Siddiqui's article was published as a response to Aye Kyaw's statement on the article titled *Rohingya and Rakhaings of Arakan*. It was Aye Kyaw's paper that was presented on a summit on *Rohingya and the Democratic Movement of Myanmar* in Tokyo on 16 July 2007. Dr Habib Siddiqui is the Director of *Arakan-Burma Research Institute in the US*, while Aye Kyaw is a Professor at *America-Burma Institute* in New York.

involve the Rohingya community, but also apply to some other minority ethnic in Myanmar at the time, for instance the minority group of India. The arrival of British to Myanmar brought the advances in agriculture.

When agriculture was generated and stimulated, resources were required, including labor. Thus, workers from India were brought en masse, causing local residents to feel uncomfortable. In subsequent developments, when the government of Myanmar gained independence, the junta government performed Burmanization. The Indian and British officials were replaced with the natives regardless of whether their services were still needed or not. The Indians were given a pension and compensation before returning to India while existing groups who came to Myanmar were the group of businessmen that were not accepted by the business community in India; hence they were not well welcomed by the local population in Myanmar.

In 1962, after the military took over, the remaining Indian businessmen were forced by the government to leave Myanmar because of the Burmese socialism policy launched by General Ne Win. This policy, as mentioned before, not only affected the Rohingyas, but more than 100 other ethnic groups in the country including Shan, Karen, Chin, Mon, as well as India. It is also important to note, that after the year 1948, there were fewer than 40,000 Indians who applied for citizenship in Myanmar and only 10,000 were approved.

The research done on the society of Rohingya, as published in most articles, books, magazines, and blogs, as well as other communication mediums, displays a reality that is difficult or makes it complex to understand. This is because the sources always refer to

the Rohingya as “stateless”⁶⁷ or citizens that did not belong to any country. In today's modern world, this is something that is hard to comprehend in terms of how the “stateless” community exists. This condition must have left questions that are very hard to answer, and of course, the answer is in the basis of the problem itself. Other than being “stateless”, the Rohingyas are also known as a “forgotten people”⁶⁸ or “Citizen No Where”.⁶⁹ Meanwhile, the Rohingyas have been regarded as the “Asia New Boat People”.⁷⁰ This is understandable because in the early 1990s, those who became boat people in several Asian countries including Malaysia are citizens of Vietnam. Regardless of the terminology used, it gives a clear picture of what has happened to the Rohingya. To discuss this matter further, the fundamental problems of identity must be understood, which include aspects of nationality, identity and citizenship.

One important aspect in the context of identity of the Rohingyas is that of nationality. Nationality can also mean citizenship. According to Haines (2003), in the broader scope it covers membership of an ethnic or linguistic group (language) which is likely to be overlapping with terms such as race, national or ethnic, religious or political views. To Faruqi (2004), according to the law, nationality or citizenship can be defined as the status given by a country for reasons such as the origin, birth or naturalization.

⁶⁷ The term “stateless” referring to Rohingya started to be used widely after the statement from Myanmar's Minister of Foreign Affairs on 26th February, 1992. It then became popular among the international human rights bodies and often be used in making comparisons to the problems of Rohingya. In Malaysia, the term is used by most NGOs that are actively fighting on issues on refugees, such as Human Right Watch, SUARAM, Tenaganita etc. Meanwhile, *stateless*, Bidun (Bedouin) in Kuwait and UAE refers to them and similar groups as : “ *We are between the earth and the sky*”

⁶⁸ *Forgotten People* has been used to refer to Rohingya by historians and sociologists. For example, P. Phayre, a Myanmar citizen who wrote *History of Myanmar* used the term when referring to the background of ethnics in Myanmar in page 78 to 80 in his book. Dr. Abid Bahar, an Arakan (Burma) historian, also used the same term in producing the article entitled *Rohingya Nation: Contemporary Problems and Making certain of the Uncertain Future*, 2008. He also used the term *Forgotten People* when referring to the Rohingya in *Burma's Missing Dots*. The same term was also used by Dr. Habib Siddiqui when producing the article *Rohingya Muslim : Myanmar's Forgotten Minority*, 2000

⁶⁹ *Citizen Nowhere* was used by counsel Amer Hamzah Arshad in the paper entitled *Citizens of Nowhere: The Stateless Community in Malaysia*, presented during 14th Malaysian Law Conference, in line with the 50th anniversary of Malaysia's independence, 2007.

⁷⁰ See Chris Lewa's article entitled “*Asia New Boat People : Thousands of Stateless Rohingyas Are Leaving Burma and Bangladesh , Dreaming Better Life In Malaysia*” in Forward magazine published by Yayasan Dakwah Islam Malaysia (YADIM) , January 2008

Generally, people in any country obtain citizenship through birth place or through inheritance, for instance, from a father to the children. In some cases, both criteria were considered. Meanwhile in most countries in the world, any citizen who has lived (for a period) in a country for reasons such as marriage and employment, the application of nationality for said country will be easier. A person's citizenship becomes an essential part of human rights in demonstrating their capability to protect their rights. The importance of nationality or citizenship is very clearly exhibited in the following case.

Amer Hamzah Arshad, a local legal activist, during paper presentation about Citizens of Nowhere: The Stateless Community in Malaysia in 2007, pointed out the case of *Troop vs. Dulles* when the Chief Justice of the High Court of the United States (US), Earl Warren stated that “Citizenship as a basic right for it is nothing less than the right to have rights” This clearly shows that citizenship is very important in the involvement of any society or community, and has thus become a key feature to fully enjoy the privilege. But not everyone is lucky to get such privileges. These unlucky ones are called stateless.

Van Waas (2008) defines “*stateless*” “as a person who does not belong to any country or a person who has no nationality and this can occur for several reasons, for instance, the country that has given them citizenship has revoked the privileges, making them stateless and carry the refugee status” (van Waas, 2008, p.14).⁷¹

She added, “a few w countries have become a new home for the stateless, for example, the Russian ethnic in Latvia, whereby the criteria to obtain citizenship was rather difficult and problematic. In other areas such as the territory held by rebel Revolutionary Armed

⁷¹ According to Laura van Waas in her book *Nationality Matters* (2008), the term stateless brings with it criteria whereby a stateless person is a person who is not considered as a national by any state under the operation of its law. Stateless person also are non-national everywhere which has consequences for their enjoyment of rights. When interviewed during Statelessness and Inclusiveness Summer Course held in Tilburg, Netherlands, she shared that the number affected worldwide approximately 12 million. She also said that no region was unaffected, and that this involved large groups to individual. 30 participants including the researcher attended the fourth series of the Statelessness and Inclusiveness Summer Course in Tilburg from 3-7 of August 2015.

Forces of Colombia (FARC) in Colombia, as well as most areas in Sudan and Afghanistan, the people had no problem with documents, passport or any other identification but they still claimed that their sovereignty belonged to the occupied territories” (van Waas, personal communication, 2015).

The famous individuals or individuals who were stateless before they become prominent individuals include Albert Einstein (leading scientists); Karl Marx (philosopher); Friedrich Nietzsche (German philosopher); Ellie Wiesel (author and political activist) and Anne Frank (author of the diary that became famous for exposing German war Nazi).

Meanwhile, Bathcelor (1998) saw, the term stateless as related to a legal standpoint and also with international connection, it is only natural to be seen from the perspective of international law. “Under international law, it is again seen that the right to citizenship has been raised as a basic human right, meaning that it is the responsibility of a country to fulfil the right and not to create situations that statelessness to occur” (Bathcelor, 1998, 169).

For van Wass (2008), questions and issues of the stateless people were an uncommon problem before the 20th century, when a country was so vulnerable to segregation due to various conflicts. On 20th September 1954, the UN approved the Convention Relating to the Status of Stateless Person, which included active policies of this convention such as to curb any individual or group from becoming stateless or remain stateless. She added that “there was another convention such that has the same goal, which was decided in 1961. It was called the Convention on the Reduction of Statelessness, also known as Convention 1961. Any country that recognizes this Convention must give to the stateless group or individual like other citizens in their countries” (van Waas, 2008, p. 122). However, Myanmar, which is the focus of this research did not sign the two Conventions,

hence it is not subject to the provisions. The same thing goes to Malaysia, another country who does not recognize either Convention 1954 or 1961. According to UNHCR website, up to the year 2007, there are only 62 countries or parties that are subjected to the Convention Relating to the Status of Stateless Person and 33 countries or parties accept Convention 1961.⁷²

At the international level, UNHCR is an agency of the United Nations body mandated to prevent statelessness, reduce the number of those who became stateless and protect their rights. UNHCR was given the responsibility to care for the refugees, as one of the reasons contributing to the problem of the refugees is the stateless status, which exposes them to oppression and abuse. The question of unfairness and favoritism by the government of the day and the treatment received by the stateless people such as Rohingya, as well as any form of abuse faced will be discussed in detail in this chapter. Meanwhile, as published in the UNHCR website, the latest statistics estimated that there are 15 million stateless people worldwide. This is inclusive of almost one million Rohingya who contributed to the number.⁷³

According to the Convention in 1954 and 1961, one can be considered stateless by the following definition: "a person who is not recognized or declared by any country as a citizen under the provisions of their laws."⁷⁴ Based on this, the stateless status of the Rohingya is clear, as they are not recognized by the government of Myanmar as Burma

⁷² From UNHCR in the website www.unhcr.org

⁷³*Ibid.* Statistics up to August 2016

⁷⁴See article entitled "Stateless Person: Some Gaps in International Protection" by Carol A. Batchelor in the *International Journal of Refugee Law*, 1995, p.232. In the journal, Batchelor, UNHCR International Protection representative argues that whether a person is granted citizenship or not by operation of law, any of these countries remain responsible for solving problems related to citizenship.

citizens under the Burma Citizenship Act 1982 through a statement made by the Foreign Ministry of the country, as mentioned before.

To discuss this issue further, it appears that there are many reasons for a person to be stateless, and the reasons varies from one country to another.

Government policies might be different when switching the reins of power, for example from the public to military. However, since the High Commissioner of the UNHCR was given the responsibility of guarding the rights of stateless while the Convention 1954 and 1961 are designed specifically detailing the stateless; the report regarding the matter, including the factors that led to the stateless should be considered and given priority.

According to the reports as well as Convention 1954 and 1961, there are 10 factors that can make a person *stateless*.⁷⁵ The factors are as follows:

1. Conflicts of law
2. Transfer or movement
3. Laws related to marriage
4. Administrative practice or policies
5. Discrimination
6. Laws related to registration and birth
7. Jus sanguinis⁷⁶
8. Self-deprivation of citizenship

⁷⁵ UNHCR document, “*Information and Accession Package: The 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness*”, 1999

⁷⁶ *Jus sanguinis* is a Latin term that means “*right of blood*”. It is a right whereby nationality or citizenship can be recognized to any individual who is born in a family that is a citizen of a country. It is different from *jus soli*, also a Latin term that means the rights of indigenous people “*right of soil*”. In more precise language, *jus soli* is right where nationality or citizenship can be recognized to any individual who is born in a country or homeland.

9. Deprived of citizenship / nationality

10. Loss of nationality automatically through the practice of law

However, the reasons are not conclusive, because there are certain situations that can occur and result in a person becoming stateless.

For example, problems might occur when the children of immigrant workers are born in a foreign country, and the authorities in the country refuse to let them register the birth, and at the same time, their original country practices the same policy which allows citizenship to follow the registered birth place.

In such situations, the children of immigrant workers are often exposed to the denial of citizenship rights, and they may end up with stateless status.

3.21 The Rohingyas as Community without Identity, without a Country



Figure 3.2: The Rohingya siblings in Cheras Baru, Kuala Lumpur, Malaysia staring at a dimmed future due to the problem of their stateless identity.

Photo: Ahmad Zakki Jilan

Moving towards independence, a series of revolts against the British government took place when the colony was getting ready to grant Myanmar independence. This rebellion, without exception occurred in Arakan, whereby most of the residents are Muslim. While there are groups of rebel or separatists of Rakhine that were gathering strength, the movement led by Muslim became increasingly influential and it built support for an independent Islamic state in northern Arakan (Rakhine). It was also inspired by the independence of Pakistan in about the same year, 1946-1948, the year in which Burma gained its independence. In this case, U Nu, the only elected prime minister in Myanmar, campaigned in 1960, whereby one of his promises was to grant the state status to Arakan.

However, he stepped down in 1961 due to pressure from the military. In his statement during Karen State Constitutional Amendment on the issue of minority rights on October 8, 1951, he mentioned how “Union of Burma belongs equally to all nationals, Shans, Chins, Kachins, Mons and Arakanese”. He has also given a guarantee that although the Burmese are in the majority, they would not misuse their majority. Therefore, in most cases, Muslim Arakan is considered to share goals with Rakhine; wanting an independent country, but for Muslim residents only.

Meanwhile, after Ne Win took over in 1962, the government tried to curb and eliminate the Arakan Muslim movement, other than preventing them from traveling to the east from Akyab District. Isolationist policies were implemented at this point. Any travel to areas that are deemed by the military stronghold of the insurgency or to a location where the junta feel challenged is strictly prohibited. In fact, any tours or excursions need to be reported to local officials.

By 1964, Muslims seemed to be prisoners in their own country and were not allowed to go anywhere. The government was assigned the task of security affairs to the Rakhine residents who are Buddhist, thus creating a new conflict between the two ethnic groups -

Muslim and Buddhists. Such policies were carried out systematically by the Myanmar government. The situation was compounded by the negative economic factors. Myanmar's implementation of their socialist system, also known as the Burmese Way to Socialism really affects Arakan.

It was previously a major rice growing area but plummeted to the least developed region as a result of these policies. Income per capita of the population and literacy rates lags far behind other regions in the country. This atmosphere resulted in the people, whether Buddhists or Muslims leaving their homes to build a new life in a foreign country or to a more developed and prosperous district in Myanmar.

Meanwhile, the Myanmar government claimed that the Rohingyas are illegal immigrants, even though this could be argued as being incorrect. But the attempts to deny their citizenship rights are somewhat related to Burma's Citizenship Law 1947. Under the terms of the law in 1947, any citizen of Myanmar must show proof that their family members have lived in the country when the British-Burmese War happened in 1824. If they can prove this, they will be given full citizenship.

The important thing about democracy and citizenship has been confirmed in the Nu-Attlee Treaty 1947. In the agreement, as quoted by Smith (1979), the terms Burma Nationality were mentioned in the document and read as follows:

A Burma national is defined for the purpose of eligibility to vote and to stand as a candidate at the forthcoming election as a British subject or subject of an Indian State who was born in Burma and resided not less than eight years in ten years immediately preceding either January 1st, 1942 or January 1st, 1947. (p.91).

In view of this, it is very clear that that law gave special privileges to the Burmese rather than other groups in the countries concerned. The Rohingyas were indeed affected

by this law. This is because this group fled the country and sought refuge in Bangladesh (Chittagong) when British-Burmese War broke out. They gradually returned to their homeland only after the Yandabo Agreement was signed, however, upon returning home, their land has been taken over and residential properties, other than their belongings were also seized. This is the Rohingya's dilemma, and it has made their status in Myanmar remains uncertain. The state of war in the 1940s that complicate the lives and their safety threatened forced the Rohingya to flee, but the action was viewed by the authorities as unpatriotic, and should be punished by refusing to acknowledge their existence.

The Rohingyas felt oppressed and alienated. They felt that the government has not been fair to them, but was indeed the goal of the legislation in 1947. The military wanted to isolate the Indians, Chinese and Muslims. Any non-citizen group or those who do not have nationality should not be allowed to hold high positions in the government office, work in the police or security forces, and even be banned from pursuing their studies at the higher education institution, other than being involved in business or even owning assets. The situation for the Rohingyas became worse when the new law, Citizenship Act of Burma was introduced in 1982. The Act was passed by Ne Win and the legislation was to eliminate the Rohingya ethnic from the geographical map of Myanmar.

This is what led to the statement by the Foreign Ministry that the Rohingya are not recognized as part of the ethnic groups in Myanmar. It is important to note that, due to Citizenship Act of Burma, the Rohingyas have become the target of attack by the military government, as after the law was introduced, what followed was the enforcement action. Those who were without identification documents were arrested and sentenced for committing these offenses, although not having documents were not really their fault. In some of the operations launched, it (operations) was really to make the Rohingya the target or abuse and terrorize them. In contrast to the Law on Citizenship 1947, *Citizenship*

Act of Burma named three categories of citizenship. The first one is *Full Citizenship*⁷⁷ secondly, *Associate Citizenship*⁷⁸ and the last one is *Naturalized Citizenship*.⁷⁹

At the same time, the government formed a “*Central Body*”⁸⁰ which is controlled by the government and has full authority to determine issues of citizenship in Myanmar. For example, the government organization, State Peace and Development Council (SPDC) has the authority to accept or reject certain types of application if they are not satisfied due to some reasons, for example, if the applicant had been saying words of anti-government, making speeches showcasing a protest to the regime or any behaviours that reflect the applicant has no allegiance to Myanmar. It is important to mention here that even though the SPDC recognizes Rohingya as permanent residents in Myanmar, most Rohingya are unqualified for all three categories of citizenship for reasons that are unknown to them.⁸¹

It is clear that the Rohingya are facing an identity crisis. In fact, the identity crisis that has existed since at least in the 1960s continues to be fundamental in the developments of this society. Being stateless, as outlined in this chapter is the key factor that leads to

⁷⁷As mentioned in the report by Amnesty International, “*Myanmar, The Rohingya Minority: Fundamental Rights Denied*, 2004. Rohingya are not recognized as an ethnic group in the country, as stated in Article 3, *Citizenship Act of Burma 1982*; hence they are not entitled to *Full Citizenship*.”

⁷⁸*Ibid.* Some of the Rohingya are not qualified to gain citizenship by law in 1947 and applied under the said law, with a guarantee to get *Associate Citizenship* under the 1982 law. However, the majority of Rohingya had no idea, or were not aware of it, and some of them did not understand the importance of this concept or its existence at that time.

⁷⁹*Ibid.* Very few of the Rohingya have the important documents to show their movements in and out of the country as well as their residency before 4th January 1948 or record of blood ties as required by law. To prove that they are residents, only a list of names of family members and their date of birth is required. Place of birth cannot be revealed, as it affects the overall evidence about the birth in Myanmar as provided in the law in 1982. Some of them do qualify but are still denied by the ruling military regime that has full power in granting citizenship.

⁸⁰Under Section 67, *Citizenship Act of Burma 1982*, *Central Body* was formed by the government and staffed by the Ministry of Home Affairs, Defense and Foreign Affairs. For further discussion on certain sections of the law in 1982, see Kolonel Hla Min, “*Political Situation of Myanmar and its Role in the Region*, Office of Strategic Studies, the Ministry of Defense, Union of Myanmar, February 2001, p. 95-99 or see also <http://web.amnesty.org/library/pdf/ASA160052004ENGLISH/File/ASA1600504.pdf> (Amnesty International website).

⁸¹ SPDC's response to Committee for Children's Rights in April 2004. SPDC released a list of issues considered important, in keeping with the report for the second year in Myanmar. Reference to the response, CRC/C/Q/MMR/2, 6th February 2004.

various forms of obstacles that had to be passed by the Rohingya. The regulations clarify that the Rohingya are not the citizen of Myanmar although some of them had lived in the country for so long.

The war has led some of them to flee to Bangladesh and as this is what caused the Myanmar government not being able to accept them. The identity problem has been long, and an effort to resolve this issue in the ASEAN summit in Hua Hin, Thailand on 27 February 2009 and in Myanmar (2014) and Malaysia, following year also reached a dead end. In fact, there were reports saying that the Myanmar government would only accept the Rohingya community if they are grouped in categories of "Bengalis". The question is, will they agree? Until this is resolved, the problem of the Rohingya identity will not end.

3.22 Efforts to Eliminate the Rohingyas

As mentioned earlier, minorities are not easily defined as a small group of people within a society or nation. Such things occur because some leaders set certain criteria to distinguish what is a minority or otherwise. For Wher (1986), the word minority was originally from the English word that means little. In Arabic it is called *aqaliyyat* which means little, in terms of numbers. In specific terms, the *Encyclopedia of International* provides a definition of "a minority group as people who have characteristic differences in the culture and humanity from the dominant group".⁸² According to *Encyclopedia of Americana*, minority, "does not only refers to ethnic groups but can be formed on the basis of similarities in terms of age, gender or sexual orientation".

Minorities are usually formed out of conflict of power dominated by the majority, and minority oppression by the majority usually causes them to rise up against and challenge

⁸² *Encyclopedia of International*, p. 130. Footnote in the encyclopedia noted that usually, "minorities become victims of unfair treatment by the group that is more dominant socially, politically and economically". Meanwhile, the policy of the politically powerful majority over minority in this case is in between two possibilities; either assimilation of minority into the majority or total elimination.

the privileged position of the majority.⁸³ From the above definition, it is understood that the Rohingyas meets the criteria of minority when it really is a small group of people in a society who are predominantly Buddhist Myanmar and their characteristics are different from the dominant society in that country. Looking at this situation there are not many options for them, other than to flee to a nearby country that they feel can accept them. The question here is, can the minority status change when the Rohingya refugee are no longer marginalized or oppressed? To answer this question, the views of anthropologists Charles Wagley and Marrin Harris (1958) are instructive to note. According to these two anthropologists, as cited by Landes (1959), “minority status is also inherited, although the individual that inherits it is no longer marginalized, alienated or so in the larger community”. Landes (1959), gave example, “African-Americans, Negroes (term that faded in the 1960s) or blacks still categorized as minorities because they are still trying to maintain their identity by practicing endogamy, i.e. marriage among minority members”. This shows that it is not easy for the minority identity to vanish and disappear through assimilation etc. into the mainstream life of the larger community, and according to the cultural life of the majority. According to Wagley and Harris (1958), “while minority awareness is still intact; the fear of identity extinction still exists within minority groups”, according to Charles and Perrin.

Meanwhile, it is important to explore a little further the notion of Muslim minority, also a criterion carried by the Rohingya in Myanmar. Ali Kettani in a 28 pages book “The Muslim Minorities” mentioned that the Muslim minority can be defined as a group of Muslims who live without rights in a non-Muslim political entity. He did not, however, give a real definition of minority because in his opinion, “it is difficult to do so because

⁸³*Encyclopedia of Americana*, p. 207

certain countries, the Muslims became powerful politically and socially, and this happens to Muslims Mughul in India” (p.12). In the meantime, however, Ali Kettani concurred that for the Muslim minorities, regardless of where in non-Muslim countries there were residing; it is difficult to predict their fate. What is clear is that their rights are being denied by the majority. This situation may be seen in some countries such as Palestine, Spain, South Africa, India, and Myanmar is no exception.

For Kettani in another book published in 1986, “minorities in the 20th century are mostly born out of oppression or suppression by a powerful nation or group on a weaker group even though the conquered group is the majority, in terms or numbers and have sound structure culturally before the colonization”. As he observed, “Malays of Pattani and the Moros in Mindanao, although they are the majority in terms of numbers, became a minority as a result of colonization and forced assimilation”. Through his book, “Muslim Minorities in the World Today”, he added, other than, that “the minority also emerged from colonization at a place or area that is isolated from the atmosphere of their home; because of being alienated elsewhere, they become marginalized or isolated within in a larger community” (p.30).

What do the definitions mean to the Rohingya? It is very clear that the majority-minority issues have long been discussed by the global community and the issue is still debated today. The issue of the Rohingyas for example, is not that it has never been raised or that the global community does not know about it, but until now, the community continues to be oppressed. The question that arises is, the extent to which this issue can be dealt with by the party who called themselves the majority. In the case involving the Rohingya, the Buddhist Burmese government has to deal with it wisely, otherwise they will remain oppressed. If not, what we can see is that the minorities, with the Rohingyas

being no exception, will be constantly exposed to threats, torture, all kinds of programming and other forms of abuse, including ethnic cleansing.

Ethnic cleansing, which is based on racial discrimination and genocide became one of the reasons that contributed to the migration crisis around the world. Rohingya from Arakan in Myanmar who was forced to flee took refuge in safe places through diaspora across other countries, especially in Bangladesh and Malaysia, other than Thailand and the United Arab Emirates (UAE) are among the victims.

Zinab Begum (2007) in article posted in news portal *kaladanpress.com* entitled “The Plight of Burmese Rohingya Refugees” mentioned that it is very ironic that so far about 1.5 million Arakan Muslims were forced out of their homeland Myanmar since its independence in 1948. But this report of a human tragedy is the most difficult to penetrate, given the fact that international observers were not allowed to Arakan, as well as the media, are prohibited from doing news coverage. Similarly, according to her, “visitors are not welcomed by the ruling junta government, and the mission to collect evidence is also not allowed into Arakan”. She added, that “repression and torture continued to occur, even if the government remained silent and turn a blind eye and not listening to it”. According to Begum (2007) “again, the solution to such a form of oppression is to escape from it. Not only is the denial of the identity one form of oppression, but also the actions that followed the question of identity” (Begum, 2007).

3.23 Types of Suffering Faced by the Rohingyas

When Myanmar (then Burma) invaded Arakan in 1784, the Muslim residents of Arakan were targeted to be killed for mass elimination. Their goal was to turn Arakan into an influential Buddhist district in Myanmar. For Ahmad (2000), following the separation of Myanmar from India-British and the introduction of Home Rule in 1937, the opportunity to eliminate the Muslim is opened wide. However, Silverstein (1993)

posit that after the military junta took over in 1962, the political scenario in Myanmar changed drastically. For Smith (2001), with power and military force, Muslim mass oppression was multiplied. For almost four decades, approximately 1.5 million Muslim Rohingya were forced out of their own home country, while the remaining are counting of horrifying days and nights, scared for their lives might end anytime in the hands of the military. He said that “in 1942, there was a vacancy in the administration when the British left Arakan. Residents of Myanmar took this opportunity to incite the Buddhists in Arakan and as a result, there was a big riot that saw 100,000 Muslims killed while hundreds of thousands more fled to East Bengal” (p.38).

In 1949, once again riots were triggered by the Burma Territorial Forces (BTF) that tortured and killed hundreds of thousands of Muslims and destroyed their homes. More brutally, through the 20-year Rohingya Extermination Plan, the Arakan State Council, under the direct control of the State Council of Burma launched an operation called King Dragon Operation. This operation is considered to be the largest, most brutal operation ever documented in 1978. The operation started on February 6, 1978 at the biggest Muslim village in Arakan, in Sakkipara, in the Akyab district.⁸⁴ It sent a big shock wave not only to the Muslim population there, but also the international community.

Again, on 18th July 1991, an ethnic elimination campaign (Muslim) was launched with code “Pyi Thaya” that witnessed cruel murder and rape on Muslim Rohingya. Also happening at the same time was the demolition of residences and mosques. This situation again forced the Muslim Rohingya to flee to seek refuge from other countries including

⁸⁴*King Dragon* has been mentioned widely in books, articles, and journals about minorities, especially those referring to the Rohingya in Myanmar. See for example, Arthur P Phayre, *History of Burma*: London: Susil Gupta, 1967, p.179. See also G.E Harvey, *History of Burma*: London: Frank Cass, 1967, p. 4-80. For further reference see also article by Nurul Islam, *The Rohingya Muslim of Arakan: Their Past and Present Political Problems*, Bangladesh, April 2006. There are also papers that mentioned this operation such as *Genocide in Burma against the Muslim of Arakan by Patriotic Front (RPF)*, 11th April 2005 in Geneva.

Bangladesh, that was the nearest to their location. However, after the Myanmar-Bangladesh agreement, some of them came back to their hometown while others continued to live in fear.

As of 1999, no fewer than 20 big-scale operations were reportedly launched towards the Muslim Rohingya by the junta government.

Mosques that have long existed were demolished and replaced with pagodas and temples; others became new residential area for Buddhists. To make matters worse, the temples and pagodas were built by the Muslims, by force.⁸⁵

In 2001, hundreds of mosques were destroyed, while 10 Muslims and 2 Buddhists were reported killed in Arakan.

BBC News (2001) reported that the riot happened due to destruction of the giant Buddha statues from Bamiyan Valley, Afghanistan by the Taliban at the time part.

Meanwhile, as highlighted in a Special Report by Malay language magazine, *Millenia Magazine* that “the incident quickly spread and brochures were distributed defaming the Muslims, by SPDC supreme leader of the military junta of Myanmar, Than Shwe.

Most Rohingya Muslim leaders at this time were arrested on false charges especially with regards to citizenship” (2001.p.5).

In summary, the key operations of the armed forces of Myanmar towards the Muslim Rohingya since 1948 are shown in the following table:

⁸⁵*Ibid.*

Table 3.4: Operations on the Rohingyas

| | Operations Name | Parties Involved | Year |
|----|----------------------------------|---|------------------|
| 1 | Military Operation | 5 th Burma Regiment | November 1948 |
| 2 | Burma Territorial Force (BTF) | BTF | 1949-1950 |
| 3 | Military Operation | 2 nd Emergency Chin Regiment | March 1951-1952 |
| 4 | Mayu Operation | Military Junta | Oct 1952-1953 |
| 5 | Mone-thone Operation | Military Junta | October 1954 |
| 6 | Combined Operation | Immigration and Military | January 1955 |
| 7 | Union Military Police (UMP) | UMP | 1955-1958 |
| 8 | Captain Htin Kyaw Operation | Military Junta | 1959 |
| 9 | Shwe Kyi Operation | Military Junta | October 1966 |
| 10 | Kyi Gan Operation | Military Junta | Oct-Dec 1966 |
| 11 | Ngazinka Operation | Military Junta | 1967-1969 |
| 12 | Myat Mon Operation | Military Junta | Feb 1969-1971 |
| 13 | Major Aung Than Operation | Military Junta | 1973 |
| 14 | Sabe Operation | Military Junta | 1974-1978 |
| 15 | Naga Min (King Dragon) Operation | Military Junta | Feb 1978-1979 |
| 16 | Shwe Hinthla Operation | Military Junta | August 1978-1980 |
| 17 | Galone Operation | Military Junta | 1979 |
| 18 | Pyi Thaya Operation | Military Junta | July 1991-1992 |
| 19 | Na-Sa-Ka Operation | Military and other authorities | 1992 (ongoing) |
| 20 | Clearance Operation | Military Junta | 2015 (ongoing) |

Source: Amnesty International websites: <https://www.amnesty.org/en/> and Human Right Watch Websites <https://www.hrw.org/>

It is important to note that two out of 20 operations were major and affected the Rohingya the most. This is not to say that the others do not affect them, but that these 2

operations result in the flooding of the mass of citizens to third countries, mostly Bangladesh, which is located closest to Arakan. One of the operations is Nagamin Operation (King Dragon) launched in February 1978, which specifically targeted the community of Rohingya⁸⁶ and the other one Operation Phi Thaya.⁸⁷ Based on an interview with the Rohingyas in Malaysia and other countries, they agreed that “both of the operation has been the cause of the influx of large numbers of Rohingya to Bangladesh to the extent that it caused discomfort in the relationship between the two neighbouring countries”. It is also gave an important impact on the journey of the Rohingyas to Malaysia based on their accounts collected during this study.

In the meantime, it is important to note the capabilities and actions of the Myanmar elite military to be able to oppress the minorities, especially the Rohingya. It is important to see how the external political dynamics of Myanmar itself. In this case, in the late 1980s, Myanmar, practiced the policy of isolation or isolation from the international community. By late 1991, Myanmar received nearly US \$500 million, from the shared production contracts with foreign oil companies.⁸⁸ Similarly, by June 1992, the report

⁸⁶Dr. Habib Siddiqui in "SPDC Military Junta's Crime against Humanity: Rohingya Refugee Problem" mentioned that in the last three months of operation, more than 3,000 people were sheltering in makeshift refugee camps built by the Bangladesh government. UNHCR also consider them genuine refugees and started humanitarian aid operations. Their presence in large numbers stole the international spotlight, especially the Muslim community. Although the Myanmar government has denied that they were oppressing Rohingya causing them to flee and take refuge in Bangladesh, the government accepted them back through international pressure. The bilateral agreement signed on 9 July 1978 in Dhaka between the two countries brought home the Rohingyas to their homelands in 1979, after nine months of living in Bangladesh. Reportedly, 2,000 Rohingya refugees returned, while over 40,000 people have died in refugee camps. According to a report by Human Rights Watch / Asia, some 30,000 Rohingya refugees are still in Bangladesh with some migrating to countries in West Asia and the remainder to Thailand and Malaysia.

⁸⁷ Operation *Phi Thaya* aimed to eliminate the remaining Rohingyas that could not be in the previous large-scale operations such as *Naga Min* or *Dragon King*. In this operation, the soldiers were assigned to check if the Muslim Rohingyas had the white identification card or not. Most of them did not have documents, will be arrested, tortured and abused. The purposes of this operation is to check if there should there be any illegal entry into Myanmar from Bangladesh, whereby the government accuses them of illegal immigrants living in the border Arakan. See details in, Dr. Habib Siddiqui another's article, "Just Imagine That You Are Rohingya" published in *Al-Jazeera News* in April 2006 mentioned that this operations has caused the Muslim with no exception of Rohingya fled again to Bangladesh to take refuge. However the second wave of the refugee not only focused on Bangladesh as a destination, but also Thailand, Malaysia and other countries in West Asia such as UAE. Dr. Habib mentioned that over 268,000 Rohingya crossed the border of Myanmar-Bangladesh after the launching the operation. Another 3,000 fled to Thailand and Malaysia. For further reference and discussion, see also article by Dr. Habib Siddiqui, "The Never-ending Military Rule in Burma" as a message in *Campaign Journal for Human Rights of All Ethnic Nationalities in Burma*.

⁸⁸Asian Recorder, 5-11 February 1992

mentions that there were 57 cases of foreign investment in the petroleum sector and other important sectors with an average income of US\$ 831.560 million.

The profit from foreign investment allows the military junta to strengthen its military capabilities, to eliminate the rebels and opponents of the military government, as well as ethnic rebels. At the end of 1988, Myanmar's military strength consists about 185,000 troops. According to Country Report Thailand/Myanmar 1993-1994, by 1992, the number doubled to 286,000, an increase of 50 percent. If before 1988, Myanmar borders near Bangladesh and India were supervised by five regular infantry battalions, in the early 1990s, it increased to 32 battalions to monitor the common borders (*Asian Recorder*, 1992).

The expansion of the size and strength of the Myanmar military is involved or coincides with the possession of weapons and explosives in large numbers. That is, if it increases its size, weapons and explosives will be increased and the demand will be higher. Given the good ties between Myanmar and China, it is understood that Myanmar constantly receives shells and shrapnel from the communist country since 1990. Furthermore, China is the main supplier of arms to Myanmar with a contract to sell weapons to Yangon, other than explosives and other military equipment, all of which are estimated at US \$ 1.2 billion (*Far Eastern Review*, 1993). The Myanmar military force is used solely to contain or resolve ethnic and political problems in the country.

In the Malaysia context, the Malaysian shores were the preferred destination was at least because it's geographical access and its socio-cultural milieu as a Muslim state. By comparison, its humanitarian consideration from the Malaysian people is more conducive for the Rohingyas to seek refuge. Unfortunately, this situation is exploited by human trafficker syndicates to transport the refugees to the Malaysian territories. The Rohingyas

that become victim to the human trafficker's syndicates before safely ashore to Malaysia will be discussed in the next chapter.

The Rohingya are not only victimized or oppressed through military operations and law in the effort of country's government to eliminate the minority. Physical and spiritual violence has been launched and carried out in a systematic manner to stop them from having offspring so the number of Rohingya will not increase but continued to recede until ultimately achieve the goal of eliminating the whole race.

In a statement to the UNHCR, which was read by Chris Lewa, Coordinator of International Religious Freedom in 2007, Lewa (2007) detailed the problems faced by the Rohingya minority in Myanmar. The statement is based on his observations and field work in Arakan for seven years. In the statement, Lewa mentioned that "the Rohingya, an estimated 800,000 people living in Arakan State (Rakhine), which borders Bangladesh, faced a very difficult life; they were not allowed out of the three cities in Arakan and had no access to employment, health or education" (Lewa, 2007).

Lewa (2007) said "starvation is also a serious matter among the Rohingya people, and they are also not allowed to serve as civil servants. In terms of social life, they are not permitted to get married, and were left homeless in poor condition. Their right to practice religion also violated over the years in many ways". He added that "significantly, they are discriminated against from various aspects - economic, social and political. All this stems from major issue – the violation of rights. They are stateless; hence any repression, denial, oppression and various other negative actions easily occur among the Rohingyas" (Lewa, 2007). Action by the government toward the Rohingyas to deny their rights to perform religious practice can be seen from several angles, including the forcible closure of mosques and Islamic schools, ban on religious ceremonies and ban construction of new mosques and restrictions as well as the old and damaged the mosque. Furthermore, the

Rohingyas experiencing barriers in the form of arrest without cause, education, forced labour, marriage consent and children-related problems.

3.24 Conclusion

In conclusion, based on historical records and as argued by historians that have been discussed in this chapter, the Rohingyas are not foreigners, but indigenous people in Arakan. The history of the Rohingyas reveals that they developed from stocks of people who concentrated in a common geographical location. They have a more than 1,200 years old tradition, cultural, history and civilization of their own in their shrines, cemeteries, sanctuaries, social and cultural institutions found scattered even today in every nook and corner of the land.

Yegar (1972) in his book “The Muslim of Burma” noted that the Rohingyas preserved their own heritage from the impact of the Buddhist environment, not only as far as their religion is concerned, but also in their culture. As for data in census organized in the 1911, the Rohingyas were included as an ethnic group of Indian origin. The reason given was that they looked more like Indians than Burmese. On the other hand, the census of 1921 mentions that the Rohingyas are really Arakanese. But they are so close to Indians that the phenomenon is as much an annexation of India. However, the census anomaly of counting the Rohingyas as Indians, has no doubts contributed to the present controversy over the Rohingyas origin in Myanmar. Yet, as discussed in this chapter, a Rohingyas himself, AFK Jilani through self-interview (2015) and in his book “The Rohingyas of Arakan: Their Quest for Justice” (1999) has argued that in terms of their culture they are neither Indian nor Burmese, but Arakanese with distinctive Arab touch. In short, the ethnic origin of the Rohingyas is traced as far as back the later part of the 7th century A.D, when the first Muslim settlement was established in Arakan.

Meanwhile, as discussed in this chapter, there is no doubt that the Rohingya are a group with a disputed origin oppressed in their own country. The question of why people are oppressed and driven many refugee's religion and identity factors brought about by the society concerned. It may be seen clearly that the Rohingya who originally settled in Arakan, later became a state in Myanmar and were converted to being victims of persecution because of Rakhine monarchs who made Buddhism the official religion after its independence in 1947.

It remains the case, however, that although the Rohingyas are said to have lived in Arakans for a century and became the center of the spread of Islam 7th century, there are other people who dominate there, namely the Rakhine, who are Buddhists. Here there is a clash of religion and religion has always been a factor in repressing the ethnic minorities in the world, without exception in Myanmar. Indirectly, the Rakhine Buddhists are getting support from the government, but not for the Rohingya. The ethnic war that took place before independence Myanmar has also been said to be accidentally triggered by Rohingya Muslims fleeing from the ravages of war to the government and the Buddha can be run in an organized campaign to expel the Rohingyas.

Given the religious factors which shape minority issues in a country, there will be competition between two or three or as many religions. The discussion in this chapter shows that between Rakhine and Rohingya there is competition to get a place either in the political or even economic and social development. Politically, it is clear that as far as possible, the Rohingya have been marginalized and have not be given high position by the current government since administered by civil government, U Nu and later with junta lead by General Ne Win.

In the economic sphere, as mentioned above, many Rohingya people originally participated in the economy of Myanmar but were not liked by other ethnic groups. Thus,

a higher levy was imposed on any group that does not receive government support and is hit on Myanmar. When this happens, it is accepted that those who are oppressed will find a better place for their economies. In the case of the shrimp farming business, at one time the Arakan coastal areas were ideal for breeding shrimp. However, the lack of well-equipped fishing trawlers and restrictions and the heavy taxation imposed on Muslims made the annual catch much lower than that of Bangladesh. Shrimp culture along the Naf River side has produced better quality shrimps, but with the forced collection of almost all the shrimp from the Muslim owners without any compensation by the Burmese government since 1982, shrimp production has fallen.

Oppression and discrimination are rife in terms of the identity and religion brought by the Rohingya bring problems to this community. Because they bring these two things, they become a society that is despised and ignored by the military junta in Myanmar, mainly Buddhist. The identity and citizenship of the Rohingya problem will be discussed in the next chapter later. However, the problem of identity, which is linked with religion always give a role to the oppression of the minority in this world. The Rohingya, the Muslim religion, a minority group and a loss of identity become oppressed in their own country, thus seeking refuge to other countries that are willing to accept them such as Malaysia, Thailand and Bangladesh.

Also, as discussed in this chapter, for many years, Rohingyas have had their rights – from movement to reproduction to citizenship – restricted by what most human rights organizations called deliberate state-designed “policies of persecution”. In July and October 2012, violence erupted between the ethnic Rakhine Buddhists and Rohingyas. The ensuing round-ups by security forces resulted in 140,000 people, mostly Rohingyas, being held in government-built camps. In fact, the Rohingya are fleeing systematic rights

violations by the Burmese government, which effectively prevents them from obtaining citizenship under the discriminatory 1982 Citizenship Law.

In October 2012, the Rohingya were subject to attacks across Arakan State that Human Rights Watch determined as constituting ethnic cleansing and crime against humanity. The government has not held anyone accountable for the violence, which destroyed thousands of Rohingya homes and caused massive displacement. More than 130,000 Rohingya have been confined to internally displaced persons camps with little freedom of movement to pursue livelihoods, and a lack of access to adequate food, health care, and education.

Based on the discussion in this chapter, it is clear that there have been continuous efforts by the junta that is ruling Myanmar to ensure that the Rohingyas are wiped out. There were a lot of operations until in the 2000s, which as discussed, were done to the “forgotten people”. Not only this, but the government also followed up on the extermination of the Rohingya identity by performing sanctions, in terms of religion, social, employment as well as education. The various forms of restriction that have to be endured by the Rohingya community are somehow related to their Islamic faith, directly or indirectly. The demolition of mosques and their replacement by Buddhist monasteries is common in Rakhine. They are also not allowed to celebrate religious festivals; rather, they are detained without reasonable cause when engaging in any public ceremony.

The children are also impacted, and when education is restricted, even factors like health, hygiene and nutrition are skipped altogether. Everything is due to the problem of identity, and the minority status of the Rohingya community. Marriage is also not encouraged, and is restricted as far as possible, reflecting the junta's intention to prevent them from having children, and stop their legacy. This was not the case among the citizens of Burman, who is the majority in Myanmar.

Based on discussion in this chapter, longstanding discrimination and recent segregation against the Rohingyas in their homeland Myanmar has contributed to the wave displacement. The persecution that has been inflicted as discussed earlier upon the Rohingyas by the Burmese regime and the Buddhist since its independence in 1948 was only based on religious creed and the question of nationality of the Rohingyas. Despite appalling living condition in Myanmar, severely restricted rights, exclusionary policies and hopeless have contributed to the number of the Rohingyas fleeing the country are compelling an increasing number of the Rohingyas to flee to neighboring countries such as Malaysia in search of better lives for themselves and their families. This scenario, their journey to find for better future will be the main focus for discussion in the next chapter.

CHAPTER 4: JOURNEY OF FINDING FUTURE IN MALAYSIA

4.1 Introduction

While the previous chapter detailed the reasons behind the Rohingyas fleeing from hometown, this chapter will discuss the position and presence of the Rohingyas in Malaysia. Their journey to seek refuge in other countries like Malaysia is seen as a way to ensure the sustainability of their identity and their continued survival is assured. Besides Bangladesh and Thailand, Malaysia too, has been very welcoming to the arrival of the Rohingya in large numbers. This chapter also discusses how they came, the method of their journey and what they did to ensure their livelihood strategies in Malaysia.

While working on this chapter, primary data was taken from interviews with the Rohingyas who are now in Malaysia and who are mainly concerned with this issue. Some open question were asked to obtain their inputs in this chapter as a whole.

The purpose or the importance of interview the Rohingyas is that the researcher is able to attain valuable accounts from the respondents through open ended questions especially when they shared about experience in their journey to Malaysia. The queries to them were centered on the topic challenges that they faced, the perilous journey to Malaysia, the traumatic recalled, and smuggling experience, but it will be left to the respondents or informants to talk about the topics.

This approach and methodology were strongly informed by (Arksey & Knight, 1999) who conclude thus: “Interviews may provide data on understanding, opinion, what people remember doing, attitudes, feelings and the like that people have in common (survey interview). The may be more exploratory and qualitative, concentrating on the distinctive features of situations and events, upon the beliefs of individuals and sub-culture” (Arksey and Knight, 1999, p. 3). In the case of the Rohingyas, this method is suitable, more relevant and particularly useful, as the aim of this study is to get their views, from their

perspective so as to learn in greater depth about the Rohingyas and their challenges as refugee communities as they fled to get sanctuaries in Malaysia.

Meanwhile, representatives from the United Nations High Commissioner for Refugees (UNHCR) were also interviewed to get a clearer picture of the status held by these oppressed people. UNHCR is the agency that takes care of and decides on the most sensible status that should be given to any rural community groups who claim to be suppressed and oppressed by their own government.

In this case, the duty of UNHCR is to do what it takes to unravel the problem of the Rohingyas, who claim that they are not getting recognition from the government of Myanmar, and instead have been suppressed by the junta. The Officers interviewed were also asked about the arrival of the Rohingyas in Malaysia, which is said to have begun in the 1990s, and then increased every year.

Overall, this chapter concerns the Rohingya in Malaysia. It firstly discusses the question of the refugee, diasporic Rohingya, and secondly, their journey to Malaysia, their experience while fleeing to Malaysia and the challenges they faced during their journey.



Figure 4.1: Rohingya Kids with their parents in in Kuantan, Pahang

Source: Ahmad Zakki Jilan

4.2 The Refugee Question

As of today (2016), according to UNHCR, the number of refugees is about 22.5 million and the number of displaced person is around 65.6 million. ¹ Due to the growing crisis of refugee and displaced persons a number of organizations have been set up to assist the people in distress or misery. Organizations for humanitarian aid and academic research were set up and policies were formulated to deal with the new situations by the World Bank, and etc.

¹ UNHCR Data as of 2016, <http://www.unhcr.org/figures-at-a-glance.html>

Relating to this, the United Nation (UN) has established the United Nation High Commissioner for Refugee (UNHCR) which deal with the issue relating to the problems of the refugees. A large amount of research is being carried out to understand the causes and consequences of the refugee crisis. Millions of people have been displaced because of war and conflict, unrest, terrorism and ongoing violence. For example, Africa is one such country facing acute refugee problem due to conflict and natural disaster.

In the case of the Rohingyas, for example, a similar problem may be noted to other countries facing refugee crisis, where the minority community was marginalized in the process of nation building. This discussion was brought up in earlier chapter where they faced repression, taxation by the government. In 1982, the Myanmar government declared that the Rohingyas were not citizens which created further problems. As expected, the Rohingyas fled to Bangladesh and other neighboring countries such as Thailand and Malaysia. This diasporic Rohingya in few selected countries shall be discussed next in sub-topic in this chapter.

As is evident, there is hardly any country in the world which has not or is not suffering a refugee crisis. This is not a recent phenomenon; the mass exodus and persecution of the Jews in Nazi Germany and Palestinians was also a case of refugee. Natural calamities such as drought, flood and earthquakes have also forced people to abandon their homes in search of a better place.

4.3 Diaspora Refugee

Having identified that the stateless population is increasing in this globalized world, it is rare to see that Rohingya, stateless persons originated from Myanmar referred to

diaspora field of research.² According to the UNHCR figure, the UN refugee agency estimates that “at least 10 million people are stateless in dozens of developed and developing countries around the world, though the exact number is not known. They are to be found in Africa, the Americas, Asia and Europe and have been a group of concern to UNHCR since its founding” (UNHCR).³

Gabriel Sheffer in “Diaspora Politics At Home Abroad” mentions nothing about Rohingyas even when discussing on Stateless and State-Linked Diaspora. Sheffer (2003) only noted that stateless person were among those including Palestinians, Armenians, Iraqi Kurds and of course Jews. He wrote:

The 1948 Middle East war that resulted in establishment of the independent Jewish state uprooted many Palestinians and caused both forced and voluntary increases in the Palestinian diaspora. Prior to World War II, the Palestinians has established proto-diaspora communities, especially in various part of the Middle East, Africa, South America and Latin America. Thus, the formation of the Jewish Diaspora into state-linked diaspora caused the emergence of a substantial stateless Palestinians. (Sheffer, 2003, p. 148).

Sheffer (2003) further remarks on stateless and diaspora, by saying that “other diaspora”, such as the Armenians have remained stateless for longer period, though statelessness ended for some with the collapsed of the Soviet Union late in the 20th

² Diaspora is both as a phenomenon and a word. A phenomenon is a lived experience and the noun related to the noun diaspora. It is important to note that diaspora is spelled with a capital and small letter. To distinguish, diaspora spelled with capital letter D is always refers to group such as the Jewish Diaspora while diaspora with small capital letter in this text refer to category or type of diaspora, for example labour diaspora that to show a variety of diaspora typology. See for example Rogers Brubaker “The Diaspora Diaspora as cited by Khaching Toyolan in Diaspora Studies Past, Present and Promise, The IMI Working Paper Series, University of Oxford, 2012,p.2-4. The paper is published as part of the Oxford Diaspora Program, www.migration.ox.ac.uk/odp

³ UNHCR, Stateless People, Searching for Citizenship. Not only article on stateless people, it also cover views about citizenship and minority group and its available from www.unhcr.org .

century.” (Sheffer, 2003, p.148). It is widely accepted that historically the Rohingyas are an ethnic minority of Myanmar. Due to their racial differences with the Burmans, they are officially declared by the junta as non-citizens of Burma making them a stateless people as mentioned in earlier chapter. As stateless, they are scattered around the world, living in limbo, without any guarantee of going back to their homeland. Due to an increasing number of stateless Rohingya dispersing in this part of the world, the Rohingyas in recent years are also considered a diaspora based on their characteristic that they carry. For example, they match the first characteristic by Safran (1991, p.89) that the group can only be considered to be a diaspora if they are dispersed from an original “center” at least two “peripheral” places. Indeed, the Rohingyas took refuge outside Myanmar to involuntary living as stateless diaspora. According to UNHCR, “due to the terror campaign and nationwide survey in 1970s, more than 200,000 Muslim Rohingya displaced en masse and ran into bordering Bangladesh where they lived in camps set by the United Nations Human Rights Commission (UNHRC)”. The report added that “they also struggle for survival in Malaysia, Thailand and few Middle East countries and European countries”.

Meanwhile, one example of a discussion where there was a relationship drawn between stateless, diaspora and Rohingya is a book written by Nicholas van Hear, “New Diaspora” (van Hear, 1998, p. 102). In this book, the author labelled the Rohingya Diaspora as Asia’s new Palestinians. He commented that a majority of Rohingyas people who fled Myanmar in 1992 eventually returned under repatriation programs.⁴

⁴ This refers to crisis the Rohingyas fled to Bangladesh as it faced its first refugee crisis as recipient country in 1978. Bangladesh thought that it was a matter of time and the problem would be resolved. This was not to be, and finally Bangladesh had to seek international help and intervention. As a result the refugees went back but the peace did not last long, and there was a fresh exodus in the 1990’s. The fate of the refugees was again entangled in the government and bureaucratic procedures. Temporary camps were set up for the refugees and now (as of 2016) below 20,000 refugees remain in the camps. Due to continuing violence in Rakhine, this created a fresh exodus to Bangladesh. The main sufferers, due to government policies, are the refugees as they lose their homes, livelihood and many are killed.

However, as he pointed out, “some joined and augmented the Rohingya diaspora in the Middle East, Pakistan and elsewhere. It is unclear how many made their way to destinations like Saudi Arabia and other Gulf states, and most recently to European countries especially after the 1991-1992 mass exodus”.

A survey in November 1993 found that up to 20,000 refugees had disappeared from the camp in Bangladesh. Thus, they had either integrated into the local community or had left Bangladesh on false travel documents for the Middle East and elsewhere. In regard to the Rohingya Diaspora in Bangladesh, Pakistan, Middle East and elsewhere, Van Hear wrote:

Early in 1993 there were reported to be more than 200,000 Rohingyas in Pakistan, about a number in Saudi Arabia, 20,000 in the United Arab Emirates (UAE), between 3,000 and 5,000 in Jordan and 1,500-2,000 in Qatar. Most of this population was established prior to the events of 1992, they arrived in the wake of the 1978-1979 expulsion or had settled before (van Hear, 1998, p. 107).

The diaspora already present elsewhere in Asia and in Middle East provided support for the newcomers. Diasporic connections between Rohingyas resident in the Middle East and those camp in Bangladesh, also settlers in Malaysia were substantial. Some of the Rohingyas in the mass exodus of 1992 made their way less far afield to Southeast Asian countries, particularly those with substantial populations of Muslims.

In 1992, according to the Burma Briefing, “during 15 July 1992, between 6,000 and 7,000 were reported to have fled to Malaysia”.⁵ A substantial number of the Rohingyas

⁵ The Burma Briefing provides comment, briefing and analysis from Burma Campaign UK. Articles available and visit website at address www.burmacampaign.org.uk.

also moved to southern Thailand, where much of the population is Muslim, and where they felt safer than in Bangladesh. Overall, the evidence for substantial movement of the Rohingyas to destinations other than Bangladesh or Burma after exodus of 1991-1992 is not strong, but van Hear (1998, p. 202) said, they do appear to have modestly supplemented the Rohingya Diaspora in the Middle East, Pakistan and parts of Southeast Asia.

For Smith (2001), “Myanmar independence in 1948 drastically changed the pattern of policy toward ethnic and revolutionary groups and this has led to major displacement of population ever since”. As he stated, post-independence Burmanization campaigns led by central Burman-dominated authorities have also driven communities across country’s porous border. “Post-1998 crackdowns on pro-democracy movement pushed many Burmese dissidents into exile, regardless of their ethnic background. Insurgency and operations displaced Chin and Kachin population beginning in the 1960’s” (p.34).

Renaud Egreteau in “Burma in Diaspora: A Preliminary Research Note on the Politics of Burmese Diasporic Communities in Asia” (2012) noted that Muslim Rohingyas joined the flows of refugee into Bangladesh, Pakistan and beyond, starting late the 1970s. As he pointed out, “massive exoduses to Bangladesh were observed in 1977-78 and 1991-1992”. Egreteau, a research assistant professor with Hong Kong Institute for the Humanities and Social Sciences (HKIHSS) at the University of Hong Kong argued that “no research has comparatively evaluated the size of the Burmese population living abroad, not even in Asian countries. But according to recent Burmese parliamentarian, there are some 4 million Burmese living outside Myanmar as of 2012” (Egreteau, 2012, p. 115).

Looking from this point, the Rohingyas are not one of the ethnic identities from Myanmar. As he wrote, the bulk of Burmese are found in Thailand, with significant

groups in Bangladesh, Malaysia and Pakistan, and smaller communities in India, China and Singapore. Having said this, references to the Rohingya Diaspora reference are not as frequent as those to the African Diaspora or Jewish Diaspora and Palestinian Diaspora, the keyword Rohingya living as diasporic communities around the world is, searchable in dissertation abstracts or in the platform of new media such as blogs, news portals and tweet.

As mentioned earlier, two historical diaspora experiences that are linked and at the same time opposed are the Jewish Diaspora and Black of African Diaspora. Needless to say, history is important because it explains the present perceptions about events and individuals. For instance, knowledge of the history of the African Diaspora helps to explain from a historical perspective, the challenges that contemporary African Diasporas faces. Since diaspora studies cover a contemporary point of view, it is indeed important to examine historical experience and to link it to today's view.

It is agreed among the scholars and analysts that the paradigmatic case of diaspora group is that of the Jews. After their defeat in the second Jewish war in the year of 1970, the Jews were no longer allowed to live in Palestine and were forced to settle elsewhere. Thus, distinct and in time well-established Jewish communities sprang up in numerous distant places. According to Stephane Dufoix in his book "Diasporas" (2008), after Assyrian King Nebuchadnezzar destroyed Jerusalem and the temple, a multitude of Jews were deported to Babylon between 586-332 B.C. When the conditions in Israel allowed for possibility for Jews to return, many choose not to do so. Dufoix (2008, p.5) said "during the period of Assyrian domination of Israel and even after the Romans destroyed the second temple of Jerusalem, the Jews continued to be present in Israel, notwithstanding the fact that there was no real political authority in place". When the Roman Empire later collapsed to Byzantine rule, the Jews were obliged to leave Israel

once more as a result of persecution they suffered at the hands of occupiers. The period, to Dufoix (2008), marked the beginning of the creation of the Jewish Diaspora in Europe. He said, “This period saw the Jews creating new centres in the Iberian Peninsula (Spain), Italy, France and Rhine land (present day Germany)” (p.5).

However, Jewish dispersion did not stop as once more they found themselves insecure in their new settlement as they become objects of persecution. Due to anti-Semitism and persecution of Jews before and during Second World War which resulted in the death of about 6,000,000 Jews, many migrated to USA (Dufoix, 2008). Dufoix found that this was the beginning of the creation of new Jewish communities or diaspora communities at the other side of Atlantic Ocean. For this classic view and perspective of the Jewish Diaspora, Dufoix, wrote:

A study of Jewish experiences of dispersion, is automatically a study of all Jewish history which is marked by constant swings between the centrality of the land of Israel, where no sovereign power existed between 586 B.C and 1948 and the growth of one or more centres outside it, diaspora communities (p 8).

While many agreed that Jewish is a classic experience in reference to diaspora, some remark likewise about Palestine diaspora. For example, Demmers (2007) in his essays “New Wars and Diaspora: Suggestion for Research and Policy, Demmers (p. 100), said that “the Palestine diaspora perhaps the most overstretched of all contemporary diasporas, and is seen as icon of identification by diverse group of marginalized youth in many places around the world”

Meanwhile, as for the African Diaspora, this literally refers to the “communities the world that are descended from historic movement of people from Africa, predominantly to the Americas, Europe, Asia and Middle East, among other area around the globe”.

Scholars such as Dufoix (2008) agreed that the other great diaspora experience is in reference to the situation of the people of African descent living on other continents. According to Dufoix (2008, p.20), a long before many writers began using the word “diaspora” a parallel was being inferred between the Jewish and black dispersion as early as 19th century in the writing of the first thinkers of Pan-Africanist cause such as W.E.B Du Bois in “The African Diaspora” as cited by Gomez (2004) and Edward Wilmot Blyden in “The Jewish Question”.⁶ Other scholars such as Marika Sherwood (2007), a Hungarian-born historian pointed out that the term “black Diaspora” was given a political connotation especially by Pan-Africanist as cited by Mercer (2008, p. 198).

Among other scholars who discussed the African Diaspora, Audu (2006), through his book “Black in Diaspora”, looks at the dispersion of Africans in the new world, their activities, the political and cultural phenomena aimed to regenerate and unify them abroad as a unit capable of glorifying its past and inculcating values in their tradition. However, the said encyclopaedia briefly discusses the story of Atlantic Slave that make black Diaspora communities. Audu (2006) said, “The story of Atlantic Slave arrived in Hispaniola in 1502. By 1560, the ratio of Negroes to Europeans in Hispaniola was 11:1. The first slave fort, Sao Jorge de Mina, was built on the Gold Coast in 1482” (p. 42).

Apart from the Jewish, Palestine and African Diaspora, briefly mention in earlier discussion, the term diaspora is commonly referred to and reviewed for Armenians and Kurds.

⁶ It is important to note that according to Dufoix, up till this time, in spite of the link between Jews and Blacks establish by the ideas and the desire of return to a homeland of origin, none of the rhetoricians used the word “diaspora”. Dufoix argues, as far as the use of the term “Black Diaspora” is concerned that scholars have agreed that the first occurrence of this expression “African Diasporas” and “Black Diasporas” as well as “diaspora” to refer to Africans living outside continent of African dates as far back as the 1950’s. To Dufoix, as early as the mid 1950’s, these words were often used as an analogy between the Jewish and black historians.

Since diaspora in formation was a contemporary phenomenon, and its studies have emerged relatively recently, academicians and scholars are still doing research into definitions and other aspects of diaspora for example involved ethnicity and cultural. But, as the studies evolves, scholars agree with Cohen (1977, p.5) that the simplest definition and explanation of this term is as a dispersion.⁷

4.4 Diaspora Rohingya

Having briefly mentioned Jewish, Palestine and African Diaspora, the question raised is where the Rohingyas in the diaspora positions? Albeit from limited resources, until recently, some scholars found the term diaspora problematic and rarely use it in the case of the Rohingyas. This was prompted by the notion that Rohingyas and their dispersions or migration are a new and recent phenomenon. However, the element, typology and features to be diasporic communities widely discussed in various platform of academic piece. For example, in their work, “*Air Mata Kesengsaraan Rohingya Identiti Penindasan dan Pelarian*” Mohamed Dali and Abdullah (2012) mentioned the Rohingya that living in diaspora communities after oppression against them. They wrote and translated as below:

Perhaps, the Rohingyas are considered to be the most unfortunate and forgotten people on the planet. They are originally from Burma, living in the diaspora after they fled the oppressed and persecuted by the ruling military. Not only that, they relate the history came from Arakan, a centre for the dissemination of Islam some time ago, but that’s not enough to let them get citizenship in their own country due to the legislation on citizenship. As a result, they become refugees, beset by

⁷ Dispersion is the more general and inclusive term whereas ‘diapora’ is merely one of several kinds of dispersion. Other form of dispersion and mobility include migration intended to acquire education, jobs, land, settlement, new citizenship or a combination. There are also mobile-traders labours who circulate between homeland and extraterritorial opportunities or there are victims of mass deportations, refugees, asylum seekers.

an identity problem, living a life of sorrow and grief being Myanmar Muslim minority outside their countries. (Mohamed Dali & Abdullah, 2012, p. 3).

It is important to note that the Rohingyas as refugees and their challenges as community in Malaysia will be discuss further in next chapter. But for the purposes of the ‘diaspora’ in this chapter as it is, the Rohingya as diasporic communities in a few states will be discuss briefly below; that is, Rohingya diaspora in Thailand, Bangladesh and Indonesia.

The discussion on the existence of the Rohingyas in countries such as Thailand and Indonesia and Bangladesh are important to show that Malaysia is not the only countries that has attracted their attention.

4.4.1 Rohingya Diaspora in Thailand

Thailand is a neighbouring country to Myanmar. For Egreteau (2012), it has taken the lion’s share of Burmese population living abroad, with the Rohingyas being no exception. He, said that “ethnic refugees fleeing civil wars, exiled political dissidents, economic migrants or students still find a straightforward shelter in Thailand, while two other big neighbours that Myanmar has to deal with, India and China offer rather more hostile geographies or less open policy for exile and refuge” (Egreteau, 2012, p.123).

SK Lee (2012) noted that Thailand has nine official refugee camps built along the Thai-Myanmar border, housing more than 140,000 refugees. Most of these refugees are from the Karen and Karenni ethnic groups. In an article “Scattered but Connected: Karen Refugees’ Networking in and beyond the Thailand-Burma Borderland” Lee noted that “the cross-border movements of the Karen people in search of asylum have been taking place sporadically in the Thailand-Burma borderland since they began an insurgent

movement in the late 1940s” (Lee, 2012, p.4).⁸ When the long-existing military bases of the Karen National Union (KNU) fell to the Burmese army in the middle of the 1990s, a huge number of the Karen escaped to Thailand to seek refuge. Lee highlighted that “as they continued to cross the border, Thailand established refugee camps along the border to accommodate them”. For Karen Refugee Committee (2016) however, “as of July 2015, 146,477 Karen refugees have been staying in seven refugee camps along the border” (Karen Refugee Committee, 2016).⁹

Meanwhile, Lee (2012) noted that a series of refugee incidents opened new directions for research on the Karen. Regarding this, he said:

In the past, the scholars’ main focus was on how the Karen, as an ethnic minority living across the border, were integrated into nation-states and how their identities in relation to the host nation-states and other ethnic groups were formed in the integration process. Now scholars are preoccupied with the Karen as refugees. The main themes include power relationships between NGOs and the Karen refugees; mobilization of Karen nationalism; the Karen refugee camps as new power domains for the Karen nationalistic movement and the adaptation and identities of the Karen refugees in a refugee camp, deals with Karen narrations of nation in refugee camps in Thailand and analyses protracted conflicts and population movements. (p.7).

More recently, there has been greater attention to the plight of the displaced Karen in the war zones between Thailand and Burma. There has also been a focus on the hardships

⁸ See also The Karen people: culture, faith and history booklet published by the Karen Buddhist Dhamma Dhutta Foundation.

⁹ Karen Refugee Committee, (KRC) together with Karenni Refugee Committee (KnRC) serve as the representatives of refugees in the camps and act as liaisons between the camps and the government, border patrol, NGOs and the UNHCR. Camp members elect committee members and all refugees over the age of 20, regardless of registration status, are eligible to vote.

of the internally displaced Karen inside Burma from a journalistic stance. (Thornton, 2014, p. 10). In addition, Lee (2012) noted that human rights groups, such as the Human Rights Watch (www.hrw.org) and Karen Human Rights Group (www.khrg.org), thoroughly document atrocities inflicted on the Karen.

In total, there are 70 schools in the seven Karen camps and 11 in the two Karenni camps in the north. (HRW, 2015). According to HRW, “Pre-primary, primary, secondary, vocational and adult learning are made available in these camps. Thailand, like many other countries in Asia is not a signatory to the 1951 Convention relating to the Status of Refugees. It nonetheless allows local and international aid organizations to operate in these camps where essential services are provided for shelter, food, water, sanitation and education”. However, Rohingya refugees do not benefit from these services, in particular education.

Since the conflict in the state of Rakhine in June 2012, more than 6,000 Rohingya ‘boat people’¹⁰ have arrived in Thailand. (Lewa, 2008). The Thai Department of Foreign Affairs announced on January 25, 2013 that the Rohingya refugees will be allowed to stay in the shelters in the country for six months while the government prepares a new policy. As reported by *Myanmar Times* paper, “the Thai government has also agreed to provide basic humanitarian aid for these people, however, education is not part of this” (O’Toole, 2014). He said, that Thailand, for one, claimed that its navy give aid to the boats such as food, water, and basic medications. But the military continues to refuse them entry due to the government’s resistance to migrant settlers.

¹⁰ The Rohingyas are also referred to as boat people by various news reports. See for example Chris Lewa, Asia New Boat People in *Forced Migration Review*, Volume 3, 2008, p. 40-42. In 2015, when the Rohingya issue became a global focus, the Rohingyas is labelled as boat people in Asia, see for example Jonathan Pearlman, Who Are the Rohingya Boat People? In *The Telegraph*, May 2015. For full report visit <http://www.telegraph.co.uk/news/worldnews/asia/burmamyanmar/11620933/Who-are-the-Rohingya-boat-people.html>. CNN in their report published in May 20 also referred the Rohingyas as Asia boat people, Lost at sea, unwanted: The plight of Myanmar’s boat people see full report <http://edition.cnn.com/2015/05/19/asia/rohingya-refugee-ships-explainer/>

4.4.2 The Rohingyas Diaspora in Bangladesh

A state of emergency was declared in Rakhine on June 2012 after deadly clashes between the Buddhist and the Muslim communities. Violence flared after the rape and murder of a Buddhist woman in 12th of May 2012, followed by an attack on a bus carrying Muslims. Communal unrest continued for weeks as Muslims and Buddhists were engaged in attacks and reprisals, leaving many dead and forcing thousands of people on both sides to flee their homes. This development according to Brinham (2012) prompted the plights of the Rohingyas refugees to catch the attention of the world community. “Suddenly hundreds of people from neighbouring Myanmar State were fleeing by boat through Naf River, which is the common coastal area between Bangladesh and Myanmar, into the south coasts of Bangladesh, particularly, St. Martin Island, Teknaf, Shahpori Island and Cox's Bazar areas because of persecution”. For Huda (2012), based on numbers by Myanmar government, 211 people were killed in Rakhine since June 2012; although Rohingya activists estimated the number to be closer to 1,000. For Brinham (2012, p.5) regarding this, “there were 140,000 internally displaced persons (IDPs) 94% of whom were Muslims”.

The Rohingyas issue is not, however, a new phenomenon for Bangladesh. Médecins Sans Frontières (MSF) ¹¹ (2002) in their report noted, that the first wave of Rohingya refugees fleeing from Arakan to the area of Cox's Bazar occurred in 1784 when the Burmese King Bodawpaya invaded and annexed Arakan to the then Kingdom of Ava in central Burma. “Apart from the inflow of refugees in 1942, two major influxes of Rohingya people took place in Bangladesh in 1978 and during the warring period from

¹¹MSF is a private, international non-governmental and humanitarian organisation.

1991 to 1992 to escape the Myanmar governed backed systematic genocidal and ethnic cleansing programme” (MSF, 2002, p.20).

Currently, as of early 2016, around 0.5 million documented and undocumented Rohingya people are living in Cox’s Bazaar, Bandarban and its adjacent areas under the generosity of Bangladesh for over 30 years. Most notably, during 1991 and 1992, more than 270,000 Rohingya refugees crossed the border from Burma into Bangladesh. However, Huda (2012) found, that “the most detestable part of this is their characteristic evil habit of bringing along with them their experiences of horrible violence in the repulsive form of forced labour, rape, executions and torture. As a persecuted group of refugees from Myanmar who share a similar Muslim identity, Bangladesh initially welcomed them with open arms as fellow Muslims. There was no domestic law in Bangladesh to regulate the administration of refugee affairs or to guarantee refugee rights”. UNHCR’s legal status in the country was based solely on a Memorandum of Understanding (MoU) that was concluded in 1993 and which was originally intended to remain valid for a year, with a second year’s extension if required.

Initially, the Bangladeshi Government welcomed the UNHCR, the Red Cross and various other international agencies to assist the refugees. Ahamed (2010) said, that by then about 258,000 Rohingyas were registered by the government of Bangladesh and granted refugee status through an executive order, however, without any proper legal sanction. In addition to this, he said, “more thousands of Rohingyas arrived in Bangladesh, and were allowed to freely mix with the local population over the years” (Ahamed, 2012). In short, even though Bangladesh among neighbouring countries that the Rohingyas migrate in massive influx, since 2012, Bangladeshi authorities banned the humanitarian assistances to the Rohingya minorities, leaving them helpless and vulnerable.

4.4.3 The Rohingyas Diaspora in Indonesia

UNHCR in their yearly report stated that “Indonesia is a transit country for asylum seekers, normally on their way to Australia, but in the case of the Rohingya refugees currently reside in Aceh, on the journey to Malaysia. With the path to Australia effectively closed, Indonesia face the challenge of dealing with asylum seekers and refugees in a semi-permanent state of transit” (UNHCR, 2016).

In their report published in 2016, UNHCR highlighted that “Indonesia does not accept refugees for permanent resettlement, and did not initially allow for the Rohingya to enter Aceh, but signed an agreement to take part of the responsibility in 2015, providing a one-year temporary residence permit for the asylum seekers from Myanmar, as they have a well-founded fear of persecution and cannot return home. The migrants from Bangladesh who arrived in the same boats as the Rohingya were not considered victims of persecutions, and were deported by the Lhokseumawe Immigration Office shortly after arrival” (UNHCR, 2016).

Like Myanmar, Indonesia has not signed up to any of the Geneva Convention protocols regarding asylum and has thus not agreed to take responsibility. In fact, their first response to vessels of refugees entering Indonesian waters, was statements to send them back. However, according to UNHCR (2016) “some 1,300 Rohingya refugees are thought to have been rescued by fishermen from the Indonesian provinces of Aceh and North Sumatra”. In this regard, Indonesia opened their borders to the Rohingya in May 2015, after Acehnese fishers rescued more than 1000 people from the sinking boat.

According to Fortify Rights report (2016), on May 20th of 2015, an agreement was signed between the governments of Indonesia and Malaysia, granting temporary asylum

to thousands of Rohingya.¹² The report stressed, that “although they opened their borders, it is emphasised in Indonesia as several other ASEAN countries that they wish only to remain transit countries and offer nothing outside temporary asylum”. In other words, they, like many other countries worldwide, do not wish to create trends that invite more refugees to seek to their country.

Meanwhile, Missbach spoke in a talk in Melbourne in 2015 noted, that “the first vessel of refugees was found by local fishermen in eastern Aceh on 10th May 2015, and Aceh province now plays a vital role in assisting the Rohingya, now (since 2015) settled in temporary shelters”. For Missbach (2015), “over the course of a few weeks in May and June of 2015, nearly 8,000 refugees were stranded in the Andaman Sea after being refused entrance to several countries, and only 3,000 landed in Thailand, Malaysia and Indonesia”.¹³ The United Nations however, estimates that “as many as 1,200 refugees remain stranded at sea or unaccounted for but with the above mentioned number, the number of people stranded at sea or ending up in the hands of the wrong traffickers is likely to be far higher”. UNHCR highlighted, that “Rohingya survivors who fled by boat are now confined to camps in Aceh, but are forced to depend on service providers, mainly being NGO’s working with and in the camps, and most are not free to leave the camps”.

Indonesia does not allow for the local integration of refugees, so the Rohingya can only hope for resettlement. Limited resettlement capacity worldwide – less than 1 per

¹² Fortify Rights, “Everywhere is Trouble” A Briefing on the Situation of Rohingya Refugees from Myanmar in Thailand, Malaysia, and Indonesia, March 2016 <http://www.fortifyrights.org/downloads/EverywhereisTrouble.pdf>. Fortify Rights works to prevent and remedy human rights violations. Fortify Rights investigate and document abuses, provide customized technical support to human rights defenders, and press for solutions. Fortify Rights are a non-profit human rights organization based in Southeast Asia and registered in Switzerland and the United States. Fortify Rights website address www.fortifyrights.org

¹³ Antje Missbach in a talk entitled *The Rohingya in Aceh: displaced, exploited and nearly forgotten*, University of Melbourne, 15 May 2015, see full paper <http://indonesiaatmelbourne.unimelb.edu.au/the-rohingya-in-aceh-displaced-exploited-and-nearly-forgotten/>. See also news report for example, Hundreds of Rohingya refugees rescued from boats off Indonesian coast in *The Guardian*, May 2015 <https://www.theguardian.com/world/2015/may/10/hundreds-of-rohingya-refugees-rescued-from-boats-off-indonesian-coast>

cent of all refugees worldwide are resettled in a safe third country – suggests, however, their hopes may be misplaced. The Rohingya are at the bottom end of the “desirability scale” for refugees, as many have no formal education or are illiterate. Australia made it clear in May 2015 that it would not take any Rohingya. So far, only three Rohingya from Aceh have been resettled in Canada.¹⁴

In conclusion, how do Indonesian government respond to this diasporic Rohingya issue in their country? Despite the thousands of asylum seekers recovered in Indonesia by the local fisherman, the Indonesian government clarified that the refugees would remain unwelcome, warning fisherman not to rescue more of these more of these boat people. The government stated that the previous group of migrants spared in May 2015 could be expelled from the country as well, at any time. In this situation, Missbach (2015) in her talk entitled “The Rohingya in Aceh: displaced, exploited and nearly forgotten” stated that the Rohingyas remain stuck in Indonesia. She posit, that “lingering in camps with nothing to do, and unable to earn a living, they also face increasing hostility from locals, who feel that the Rohingyas have used up all their good will”. She added, that “with little chance of resettlement and no future in Indonesia, most Rohingya have absconded over the months, hoping to reach Malaysia. The only way to do so is – once again – to rely on smugglers who take them by boat across the Malacca Straits” (Missbach, 2015). At the end of January 2015, only 275 Rohingya remained in all three camps in Aceh.¹⁵

¹⁴ Antje Missbach in talk entitled *The Rohingya in Aceh: displaced, exploited and nearly forgotten*, University of Melbourne, 15 May 2015, see full paper <http://indonesiaatmelbourne.unimelb.edu.au/the-rohingya-in-aceh-displaced-exploited-and-nearly-forgotten/>.

¹⁵ Three camp includes Timbang Refugee Camp, Lhok Bani Refugee in Langsa City and Bayeun Refugee Camp in Bayeun city. See for example, UNHCR, Indonesia Fact Sheet 2016, <http://www.unhcr.org/protection/operations/50001bda9/indonesia-fact-sheet.html>.

4.4.4 The Rohingyas Diaspora in Malaysia



Figure 4.2: The Rohingya Geographical Distribution in Malaysia

Source: Local Rohingya Association and Society

The second largest recipient of Myanmar migrants ¹⁶ is Malaysia. According to conventional estimates, as of February 2016, 158,510 refugees and asylum seekers were registered with UNHCR in Malaysia. ¹⁷ The vast majority are from Myanmar, and of these 44,870 are the Rohingyas. ¹⁸ The Rohingyas have been seeking refuge status in Malaysia since the 1980s. A substantial number remain unregistered, with the refugee community themselves estimating the number of unregistered to be the same as registered. ¹⁹

The majority of Rohingya refugees or other refugees in Malaysia are concentrated around the capital, Kuala Lumpur, and the surrounding Klang Valley, though there is also a sizeable population in other areas of the country, including Pulau Pinang (Penang), Kedah Johor and Malacca and Pahang. It is considered to be an entirely urban population as there are no refugee camps in Malaysia. They live within the local community, as invisible as possible. As pointed by Abdullah (2009) and Aziz (2014), “they usually live in cramped low-cost flats in the city where they are able to find odd jobs in the restaurants and factories (Abdullah, 2009, p. 143, Aziz, 2014, p.245).

Many Malaysians are themselves not aware of these refugees and often mistaken them for illegal immigrants.²⁰ In Malaysia, the term “illegal immigrant” usually referring to an

¹⁶ A migrant in the broadest sense is, a person who leaves his or her country of origin to seek residence in another country. In the context of migrants from Myanmar, it also include the Rohingyas, Chins, Karens, Arakanese and Muslims Myanmar.

¹⁷ UNHCR estimates from 2013 suggest there are an additional 49,000 asylum-seekers from Myanmar in Malaysia who had yet to be registered. See for example, UNHCR, Global Strategy for Livelihood: A UNHCR Strategy 2014-2018

¹⁸ The remaining refugee population is comprised of Chin and people of other ethnicities from Myanmar, as well as refugees from Sri Lanka, Pakistan, Somalia, Syria, Iraq, Iran, Palestine and other countries as per Table 4.3.2.1. However, in light of significant differences within and between these refugee communities and variance in UNHCR policies towards them, this thesis focuses solely on the Rohingyas/Rohingya refugee to enable more nuanced analysis.

¹⁹ The researcher requested up-to-date figures from UNHCR regarding Rohingya registered refugee in Malaysia, but none were provided.

²⁰ An immigrant is a person who leaves his or her country to settle permanently in another country. In this study, “immigrant” is the general term used to describe persons born abroad who come to settle in Malaysia, regardless of their immigration status.

alien who enters the country without any proper documents or those who enters legally but overstays, thus abusing their passport or visa. This also include to those who are using false identities to live on the country.

Malaysia does not have a legal, policy or administrative framework for responding to refugees; thus, it does not receive, register, document or conduct refugee status determination for them. For Faruqi (2004), the Malaysian government does not provide direct protection or assistance to refugees on its territory, and efforts to promote a refugee law and policy are ongoing. “Malaysia, along with most of its Southeast Asian neighbors, is not a signatory of the 1951 UN Refugee Convention, and thus, have maintained that any newly arrivals aliens are illegal immigrants rather than refugees” (p.40). He noted that “since early 1970’s, Malaysia have been allowing other Muslims who stuck in a conflict on their countries to seek refuge in Malaysia especially to the Filipino Muslims in the Southern Philippines” (Faruqi, 2004, p.45).

In 1975, Malaysia accepted a thousand Cambodian Muslims who fled Cambodia during the administration of the Pol Pot regime. In www.pulaubidong.org website, Dao, Mohamed and Ibrahim wrote, during Indochina refugee crisis, Malaysia continue to allow a select number of Cambodian Muslims to locally integrate, assisted by the Malaysian Muslim Welfare Organization (PERKIM) who received fund from both UNHCR and the Malaysian Government. “Beginning in 1980, Malaysia permitted the local settlement for the Rohingyas Muslim and Achenese Muslim who were both fleeing from Muslim persecution and the Aceh insurgency in Indonesia” (Dao, Mohamed and Ibrahim, www.pulaubidong.org, accessed July 2015).²¹

²¹ Lamin Dao, Rosli Mohamad and Ghani Ibrahim, The Vietnamese Boat-People Legacy, visit www.pulaubidong.org. See also Martin Tsamenyi, The Boat People: Are They Refugees? in *Human Rights Quarterly Journal*, Vol 5, August 1983, p. 348-373

Meanwhile, Hoffstaedter (2015, 2016), researcher and anthropologist from University of Queensland, Australia, saw that approach is not new to Malaysia. He points out, that Malaysia is not a signatory to the UN Refugee Convention, and therefore is under no obligation to protect the refugees. He commented thus:

The Malaysian government contends that the convention is Western-centric, rather than accede to such a treaty, it opts to help displaced people using its discretionary powers. There are numerous examples of this happening, over 10,000 Cham Muslim refugees were resettled to Malaysia in 1980s, several hundred Muslim Bosnians were given the temporary protection during the Yugoslav wars and several thousand Achenese were allowed to stay and work after the tsunami and civil war in the early 2000s. (Hoffstaedter, personal communication, 2015).²²

In 2015, the Malaysian Deputy Minister of Home Affairs, Datuk Wan Junaidi Tuanku Jaafar stated that his ministry had spoken about the refugee issue numerous times with the UNHCR, telling the world that Malaysia is not a signatory to its convention on refugees, but still allowed refugees to stay in Malaysia on humanitarian grounds. As quoted by Ng (2015) He said:

Even Malaysia allow any refugee to stay in Malaysia, the UNHCR should not taking any advantage of Malaysia's compassion to allowing them here (Malaysia), instead it is time for the United Nation to send the refugees to another third-world nation. Even Malaysia is seen as an attractive country for the refugee

²² Interview with Dr Gerhard Hoffstaedter, Astro Awani, Kuala Lumpur, November 2015, 10am. Dr Gerhard appeared as a guest for Agenda Awani, Astro Awani 30 minutes program "A Global Attention on Rohingyas" aired on 15 November 2015. See also, Gerhard Hoffstaedter, The Limits of Compassion in *Overland*, online magazine, a daily publication covering all the important literary, cultural and political debates, 2016. More information, visit, overland.org.au.

to taking up the job that the locals did not want to take it due to dangerous, dirty and demeaning nature, both refugee and the migrant workers should not take the laws into their own hands when in Malaysia. (Ng, 2015).

Meanwhile, his comments referred to warnings from humanitarian groups such as HRW (2012) about their concern regarding the fate of estimated thousands of desperate migrants that stranded aboard rickety traffickers' ships in the busy Strait of Malacca and nearby waters, looking for a safe harbor to take them in in May 2015.²³ Regarding the Malaysian government policy toward refugee, it can be changed over time.

For example, during “Solidarity for Rohingya Rally”²⁴ it called UNHCR to issue cards to ethnic Rohingyas, rather than just Myanmar nationals. Following these events, the former Deputy Prime Minister, who then also the Home Minister, Datuk Seri Ahmad Zahid Hamidi announced a pilot project to allow 300 Rohingyas to work in plantation and manufacturing sectors. This statement was followed by an earlier statement in December 2015, namely that the government of Malaysia would accept about 3,000 Syrian refugees over a period of three years beginning 2015 and offer them shelter, employment and access to education for their children.²⁵

²³ *Ibid.*

²⁴ Solidarity for Rohingya Rally or Assembly held on Dec 4, 2016 at Lake Titiwangsa, in the heart of Kuala Lumpur, Malaysia and attended by the Prime Minister of Malaysia (until May 2018), Datuk Seri Najib Tun Razak, Deputy Prime Minister, Datuk Seri Ahmad Zahid Hamidi, Foreign Minister, Datuk Seri Anifah Aman, other ministers as well as Umno and PAS leaders and Muslim NGOs. From the Rohingya perspective, the rally could be their ‘historic moment’. One of Rohingya friend that the researcher interviewed said that “This is the first time a nation’s leader publicly support Rohingya”.

²⁵ First announcement on Syria refugees was made on October 1, 2015 by former Prime Minister, Datuk Seri Najib Tun Razak during his speech in United Nation General Assembly, New York. In his speech, he said, Muslim countries were partly responsible for ensuring the well-being of the marginalised Syrians fleeing their country in massive numbers, causing social and economic stresses in Europe.

As mentioned earlier, according to UNHCR, as of February 2016, there are 158,510 refugee and asylum seekers registered with their office in Jalan Petaling, Kuala Lumpur. Below, the numbers provided as of February 2016, according to the UNHCR website.

Table 4.1: The population of refugees and asylum seekers in Malaysia as of February 2016

| Country | Ethnicity | Refugees |
|-------------|--|----------|
| MYANMAR | Rohingya/Myanmar Muslims/Chin/Rakhine and others | 141,570 |
| SRI LANKA | Tamil/Sinhalese | 3,859 |
| PAKISTAN | Baloch/Sindhis/Pashtun/Punjabis | 2,692 |
| YEMEN | Arabs | 1,809 |
| SOMALI | Arabs/Oromos | 1,600 |
| SYRIA | Sunni Islam/Druze | 1,525 |
| IRAQ | Arabs | 1,323 |
| AFGHANISTAN | Pashtuns/Hazaras/Farsiwan | 841 |

Source: Data from UNHCR, unhcr.org.my

Data from above table confirms that Malaysia allowed many other refugee populations to live in diasporic in countries.

But, refugees and asylum seekers from Myanmar remain the biggest number, 141,570. For a clearer picture the number of refugee and asylum seekers from Myanmar in Malaysia, (see Table 4.2 below).

Table 4.2: Refugees/Asylum Seekers from Myanmar in Malaysia as of February 2016

| Ethnicity | Population |
|---------------------------|------------|
| Chins | 49,800 |
| The Rohingyas | 45,170 |
| Myanmar Muslim | 12,340 |
| Rakhine | 7,320 |
| Burmese/Bamars | 3,600 |
| Mon | 3,590 |
| Kachins/Other ethnicities | 3,340 |

From the table above, it is shown that the largest group is that of ethnic Chins (49,800) followed by Rohingya (44,870). This shows that Malaysia has not taken in any non-Muslim refugee population from Myanmar. In fact, the Chin are the biggest non-Muslim refugee population from Myanmar and the number is higher than the Rohingya.²⁶ But, it may also be seen that Burmese communities as asylum seekers and refugees are increasing in comparison to other nationalities from other neighboring countries like Indonesia, Philippines and Thailand. But, most of them have migrated through Thailand since the early 1990's. Local NGOs suggest that they also form a vast pool of cheap labor especially in Peninsular Malaysia.

In recent years, Mohamed Dali and Abdullah (2012) found that many Burmese communities worked in restaurants and car washes while the Rohingyas worked as rubbish and metal collectors. "Most of them dwell in the outskirts of Kuala Lumpur such as Cheras Baru, Selayang and Kajang or have moved to the Cameron Highlands, particularly the ethnic Chins. Some also live scattered in Pulau Pinang and Johor Bharu" (Mohamed Dali & Abdullah, p. 20).

It is important to briefly note that many refugees from Malaysia have been resettled to a third country over the years, with the help of UNHCR and other international aid and faith-based organizations. However, only a small number of opportunities are being

²⁶ Starting from the early 1990s Chin refugees come to Malaysia in search of security and survival. Most Chin refugees say they fled to Malaysia to escape life-threatening conditions at home as a result of widespread human rights abuses such as political repression, forced labor, arbitrary arrest and torture at the hands of Burma's ruling military regime. In 2005, the population of Chin refugees in Malaysia was estimated at about 12,000 and increased year by year. At the beginning, there are about 6000 Chin refugees who have already obtained serial number from Chin Refugees Committee CRC, a first step in a long waiting process for a UNHCR interview. Because UNHCR is currently accepting only 18 new interviews per week for Chin applicants, it is most likely that with the current pace it will take years before a regular individual case can get processed by UNHCR. Same as the Rohingyas, the living conditions of the refugees are deplorable. About 20-40 people on average are clustered in a two-bedroom apartment. These are only those who can afford to live in the city and towns. Many more thousands of refugees are living in the jungle of Putrajaya and Cameron Highland Plantation in makeshift tents with plastic roof. On several occasions, police have raided their jungle camps and burnt their tents. The refugees usually come back and rebuild their tents as they have nowhere else to go. Same as the Rohingyas, the Chin welfare in Malaysia was taken care by their network and organization. Church and Pastors set-up network, health-care and education for the Chins in Malaysia. For example, Chin Refugee Community responsible for giving healthcare and mobile hospital/clinic. Again, as mentioned earlier in discussion text, in light of significant differences within and between these refugee communities and variance in UNHCR policies towards them, this thesis focuses solely on the Rohingyas/Rohingya refugee to enable more nuanced analysis.

allocated for the Rohingyas in this resettlement process.²⁷ Refugees believe a third country, usually either Australia, Canada, the USA, Germany or France refuses to accept the Rohingyas because of their religion. Aziz (2014) found that “another fact that hinders the resettlement process for that community is that many of them are married to Muslim migrants from Indonesia who overstay in Malaysia. Due to their long stay in Malaysia, most of Rohingya refugees speak Bahasa Malaysia fluently, the official language in Malaysia. They have also integrated fairly well with local community, finding some level of supports in local mosque in terms of spiritual and religious need” (p. 250).

Meanwhile, a very large number of the Rohingyas children are born in this country, but since Malaysia does not practice the principle of *jus soli*, citizenship is not granted to these children. As mentioned earlier, Malaysia is also not a signatory to the 1951 Convention relating to the Status of Refugees. As Malaysia’s authorities have not signed the 1951 Convention on Refugees, the country mainly serves as a transit point for most asylum seekers en route to Australia or North America. The Malaysian government allows refugees to stay in Malaysia on humanitarian grounds while waiting to be resettled to a third country.

As stated by Letchamanan (2013), “the Rohingyas were given a reprieve in 2006 when the Malaysian government began issuing IMM13 permits which offered some form of legitimacy. This would protect them from being harassed by the authorities or even being arrested”. Unfortunately, said Letchaman (p. 89), the efforts to legitimize the Rohingyas were halted when the government decided to relook at the overall refugee situation. “This

²⁷ The researcher requested up-to-date figures from UNHCR regarding how many Rohingyas refugees in Malaysia that have been granted for resettlement process, but none were provided. However, according to media reports, there were substantial number of the Rohingyas given resettlement by UNHCR after the development of violence against the Rohingyas in 2015. See for example, “36 Rohingya refugee resettled in the US, *The Star*, May 2016. It is important to note that, The USA, Canada and Australia were the top provider of asylum to Rohingya who came to Bangladesh from Myanmar before Dhaka stopped the program around 2012. A Bangladeshi government official said it was feared the program would encourage more people from Myanmar to use it as transit country to seek asylum in the West.

has since caused them undue distress and prevented them from integrating into Malaysia society. The UNHCR has also adopted a “wait and see” approach” (p.90).

From the 1990’s until 2016, there has been an acute international focus on the Rohingyas stranded in Malaysia (Lewa, 2008). The Rohingyas, along with other refugees are not allowed to work and do not have access to free healthcare or public education in Malaysia.

UNHCR with the assistance from local non-governmental and faith-based organizations operate learning centres for refugee children.

There are about 120 such learning centres in West Malaysia, mostly in Klang Valley, Johor, Kedah and Penang. Letchamanan (2013) in her article, “Myanmar’s Rohingya Refugees in Malaysia: Education and the Way Forward”, noted, that “most of the teachers in these schools are from the refugee communities themselves with local and foreigners volunteering on regular basis.

These learning centres are also located in flats, and are usually cramped with 60-100 children, although there are centres with smaller number of children. Learning centres are opened where there is a big number of refugee community living in that area” (p. 91).

4.5 Journey of the Rohingyas in Malaysia

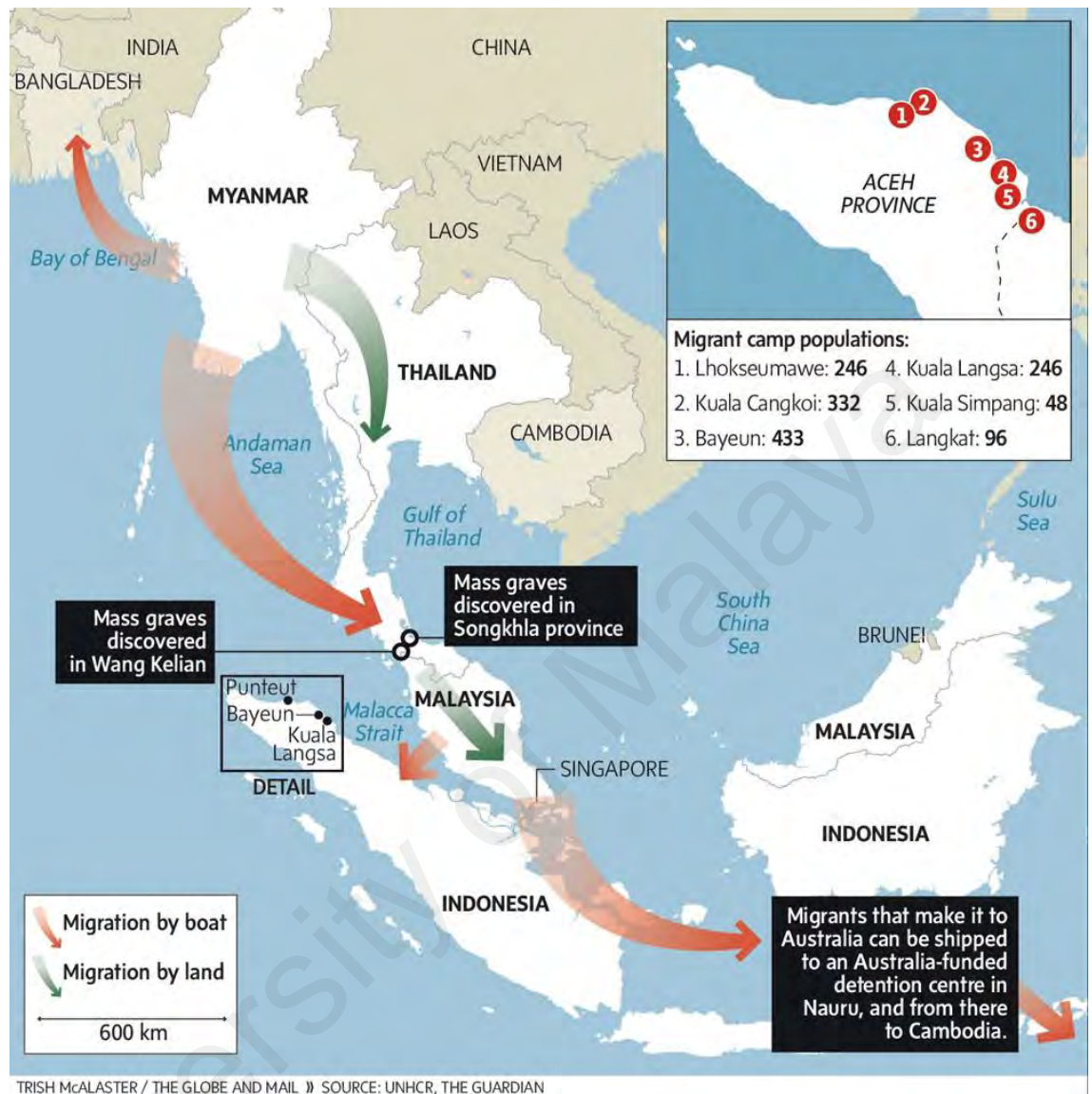


Figure 4.3 The Rohingyas' dangerous route to Malaysia

Source: UNHCR, www.unhcr.org and The Guardian, www.theguardian.org

Malaysia, geographically and politically, plays an integral role in the migration of Rohingya seeking asylum. For ERT Report (2010, 2014), “Malaysia has both long staying Rohingya communities and recent boat arrivals that have either come through Thailand directly to the shores of Malaysia, or as a result of pushbacks and denial of entry by Thailand and Singapore”. From map shown above, this chapter will discuss further about

the Rohingyas arrival to Malaysia and their changing pattern of arrivals from 1980s and 20s.

4.6 Pattern of Arrival

“Equal Only in Name: The Human Rights Stateless of Rohingya in Malaysia”, a comprehensive report by ERT (2014) ²⁸ outlined a pattern of the Rohingyas arrival to Malaysia. “Over the years they came in various ways such as by foot, boat and airplane. But all these three methods are particularly in relation to border security in Malaysia and neighbouring country. For example, border security with Thailand where goods and people have long moved across the border legally and illegally” (Equal Right Trust (ERT), 2014, p. 35).

As noted by Holmes (2017), because of the geographical factor, the majority of undocumented migrant cross into Malaysia. “Some do so with the help of people smugglers, who guide them across the border for an agreed fee”. But, Holmes, South-east Asia Correspondent of The Guardian highlighted, that “along the journey, they faced risky challenges, including many being trafficked and subjected to ransom negotiation, or forced to work in slave-like condition for prolonged periods” (Holmes, 2017). In relation to this, in May 2015, horrendous human trafficking camps where rape, torture and murder have been reported, were found both sides of the border.²⁹

²⁸ The Equal Rights Trust (ERT) is an independent international organisation whose purpose is to combat discrimination and promote equality as a fundamental human right and a basic principle of social justice. The Trust focuses on the complex relationship between different types of discrimination, developing strategies for translating the principles of equality into practice.

²⁹ Earlier report on horrendous human trafficking camp discovered please see for example, Human Right Watch (HRW), Thailand: Mass Graves of Rohingya Found in Trafficking Camp <https://www.hrw.org/news/2015/05/01/thailand-mass-graves-rohingya-found-trafficking-camp>.

4.6.1 New boat-people arrival

As mentioned earlier, the pattern of the Rohingyas' arrival in Malaysia includes using boat. But this method, through interviews done with the Rohingyas, means that they are forced to make the treacherous journey across the Andaman Sea. Their accounts reveal, that boats sometimes go missing, leaving family and friend unsure of the fate of their loved ones. At other times, people smugglers demand more than the agreed fare forcing them to work for their freedom. All these stories are, shared by the Rohingyas who arrived Malaysia and discussed in this chapter. It is important to note that as stated in ERT Report (2014), "in recent years, following the internal violence in Rakhine state in 2012, countries in the region have seen a sharp increase in the number of boat arrivals from Myanmar. Rohingya men, women and children fleeing persecution, mainly from Sittwe and Maungdaw, either arrive on the shores of Malaysia directly (through the northern islands of Penang and Langkawi), or overland from boat arrivals in Thailand" (ERT, 2014, p.35).

CNN News in their report revealed that "in 2012-2013, an increasing number of boats were intercepted by the Malaysian Maritime agencies following push-backs from Thailand and boats arriving directly from the Rakhine state" (*CNN*, 2015). In the report, it was seen, that "there are two types of journey that the Rohingyas took to come to Malaysia. This includes firstly boat to Thailand and overland to Malaysia, and boat secondly, boats arriving directly to the Malaysian shore" (*CNN*, 2015).

4.6.2 Boat to Thailand and Overland to Malaysia

For ERT Report (2014), firstly, in terms of the journey to Malaysia, most Rohingyas who arrive in Malaysia by boat do so indirectly through Thailand. The report stressed that, "their journey most often begins in small fishing boats that leave Sittwe and Maungdaw; from here, they may stay briefly in Bangladesh or transfer directly to larger

vessels that carry them across the seas towards Thailand and Malaysia” (ERT, 2014, p. 40).

Meanwhile, in the report, the exact numbers of Rohingya who have undertaken this journey are not known. Although each journey is different, and there are some common elements, as describe by a Rohingyas in translated interview:

The normal route is from Rakhine where in the hands of agents they go out in a small boat (which can only hold around 20-50 persons) for about two nautical miles, where a big boat waits for them. People are transported to the bigger boat and it can take two to four days to assemble everybody on the bigger boat. Finally, they start the journey. The fastest journey, I have come across is four days to Thailand. But in some cases, it can take anything between seven to twenty days because they sometimes lose their way. If they are arrested by Thai authorities, then they are in the jail for a long time. In some cases, they are robbed and fall into the hands of traffickers who keep them in the trafficking camps for a long time. (Ahmad, personal communication, 2015).³⁰

It is important to note, however, that this journey also includes Bangladeshi nationals who have increasingly undertaken the same journey as a result of tightening immigration controls at Kuala Lumpur International Airport (KLIA), though their numbers are believed to be significantly less than the Rohingyas.

People who survive the boat journey, manage to avoid detention in Thailand and are able to pay their smugglers or traffickers, are then taken to Malaysia. One survivor said:

³⁰ Interview with a Rohingya refugee who wanted to be known as Ahmad at his house in Langkawi, Kedah, June 2015, 2pm

After they are released from the traffickers they will be taken by car across the border. But during the journey in some places they have to get down and walk for a few hours to avoid meeting the authorities. People will be waiting there for them and they get into the car again. They bypass the checkpoints; that's why they walk in the jungle. Still in some cases they are arrested. Once they cross the border, they usually enter Malaysia through Kedah and Perlis states. For those who are detained in Thailand, they remain in detention and if released, use the same route described above to enter Malaysia once released to brokers. (Rahman, personal communication, 2015).³¹

4.6.3 Boats Arriving Directly to Malaysia Shore

Secondly, according to ERT report, the number of boats arriving directly on the shores of Malaysia has been minimal. In 2013, only four boats arrived in Penang, Langkawi and Kuala Selangor (without being intercepted). However, ERT (2014) found that this figure only includes boats that have come to the attention of the authorities, with potentially more boats having arrived undetected. "The Rohingyas on these boats come mainly from Sittwe and Kyauk Phyu, the coastal town that witnessed extensive violence and destruction in October 2012 and 2015" (ERT, p.38).

Meanwhile, ERT Report (2014) also exposed, that "a group of 450 Rohingya landed in northern Malaysia on the shores of Langkawi Island after a two-week boat journey.

Many Muslims displaced by the violence and destruction in Kyauk Phyu and surrounding areas identify as "Kaman",³² some of whom also fled to Malaysia by the

³¹ Interview with a Rohingya who wanted to be known as Rahman at his house in Langkawi, Kedah, June 2015, 2pm. Rahman and Ahmad are housemates along with other Rohingya.

³² According to history books, the Kaman people, also known as Kamein, arrived in Myanmar in the mid-17th century along with the Mughal prince Shah Sujga. Eventually, they were banished to Rambre Island off southern Rakhine in 1710. Unlike the Rohingyas, most of whom are stateless and denied citizenship rights despite many having lived in the country for generations, the Kaman belong to one of Myanmar's 135 recognized ethnic groups. But the conflict that broke out between the Rohingya and Rakhine Buddhist

same route. It should be noted that many refugees from Kyauk Phyu had first fled to IDP camps in Sittwe in October 2012 and did not sail directly from Kyauk Phyu”. It said, that the number of boat departures from Sittwe and Kyauk Phyu decreased in the lead up to the national census in Myanmar in March 2014, most probably due to the hopes of the Rohingyas that they would be included in the census. However, the report (2014) highlighted, that “following an escalation of violence and the announcement that the Rohingyas would not be allowed to identify as Rohingya in the census, 134 boat movements have picked up again with two new boats from Sittwe arriving in Malaysia”. (ERT, 2014).

In this regard, according to ERT report too (p. 40), the first boat arrived in Penang on 10 April 2014, carrying 129 people. “All persons on board were subsequently arrested by the immigration authorities and the case has been transferred to the Anti-Trafficking in Persons (ATIP) Unit. The second arrival was on 9 May 2014 in Kuala Perlis with 101 persons on board. As of 31 May 2014, all persons on board this boat were subsequently arrested by the Malaysian immigration authorities and remain in detention awaiting release by the UNHCR” (ERT, 2014, p. 40).

According to the latest news report (*Bernama Wire*, 2015), 82 of them, previously held at the Belantik Depot, Kedah were released by the authorities on 21 October 2015. *Bernama Wire* reported, that “they were later handed over to officials from the UNHCR. Each of them received a letter from the UN agency which confirmed their status as a refugees after more than a year of being detained at the Immigration depot” (*Bernama*

communities in northern Rakhine State in 2012 also sparked religious violence in the state’s southwest, including the town of Kyaukphyu on Rambre. Several thousand Kaman are estimated to have fled their homes and joined the Rohingya in IDP shelters that would soon become, in effect, open prisons. The displaced Kaman found themselves subject to the same rights abuses suffered by the Rohingya. Many had lost their identification papers when they fled, but even those who still have them say, like the Rohingya, they face restrictions on movement.

Wire, 2015). Based on a report of their pattern of arriving in Malaysia, the following is a description of a boat journey taken in 2012 to reach Malaysia as stated by one interviewee:

I was sent to a detention camp on Andaman Island for two months. After two months, I was put on a packed fishing boat that came from Malaysia. There were more than 200 men and three children aged about 10 years old on the boat. The nonstop journey took five days and four nights. We finally reached Pantai Merdeka in Kedah and waited for agents to bring us down. Unfortunately, we were all arrested by the Malaysian Maritime Enforcement Agency and were sent to the police station in Sungai Petani, Kedah. We were remanded for two months while waiting for the court hearing. I heard that usually the remand is just for two weeks, but this time it was longer due to the fact that some agents were trying to negotiate our release for a sum of money. The negotiations failed and we were finally brought to court, charged with illegally entering the country and sentenced to three months jail. After serving my sentence, I was sent to a detention camp in Melaka. UNHCR sent some people to register me and I was finally released. Rohingya persons endure squalid conditions on board these vessels. As a result of a lack of food, unsanitary conditions, violence by brokers and dangerous conditions at sea on board unseaworthy vessels, many Rohingya either do not survive the journey or survive with serious physical health repercussions and severe psychological trauma. (Haroon, personal communication, 2015).³³

³³ Interview with a Rohingya men who wanted to be known only as Haroon at a house in Langkawi, Kedah, June 2015, 2pm. Interview with Haroon and all other Rohingya in Langkawi, Kedah was arranged by Yusuf Ali who is President of Rohingya Society in Kedah.

Another interviewee recalled:

It was an old fishing boat. There were 208 Rohingya on board and around 70 Bangladeshi and one driver. It was crammed tight with people on the boat. We were like cattle crammed onto a lorry. There was not enough space to lie down. Just to sit crunched up. It was difficult even to find enough space to eat. Every two days, we were given a small portion of rice and every day we were given two to three cups of water. It wasn't enough. We brought very light food ourselves to sustain us. Like small packets of sugar and sauce. On board, we were not treated badly and we were never beaten. (Jamil, personal communication, 2015).³⁴

4.6.4 New Arrival: Changing in Pattern

For ERT (2014), over the course of 2013 and early 2014, “there have been noticeable changes in the demographics of new Rohingya arrivals, with women and children now making the journey”. It is estimated that women and children make up between 5 to 15% of persons abroad overall. It said that “this includes a growing number of unaccompanied minors. Although reasons for this change may be numerous, it is a likely result of the increasing violence in the Rakhine state, resulting in women leaving to reunite with their husbands already in Malaysia” (ERT, 2014, p.55). Additionally, it said, “there have been a number of women and a smaller number of child brides who have arrived by boat through Thailand to enter into marriages arranged by their parents or future husbands, with the latter often paying for their journey to Malaysia” (p.59). With the increasing number of women making this journey, there have been reports of incidences of rape on board these vessels.

³⁴ Interview with a Rohingya men who wanted to be known only as Jamil at a house in Langkawi, Kedah, June 2015, 2pm. Interview with Jamil and all other Rohingya in Langkawi, Kedah was arranged by Yusuf Ali who is the President of Rohingya Society in Kedah.

ERT Report (2014) informed about dire situation of the Rohingyas as stated by Rowley (2015), “an increasing number of newly arrived young Rohingya males aged 16-25 now have severe physical health conditions such as paralysis possibly caused by poor diets and long-term confinement” (Rowley, personal communication, 2015).³⁵

4.6.5 Long-term Population: Overland Routes to Malaysia

According to UNHCR (2015) and few reports in international and local media, “the long-term Rohingya population in Malaysia may be traced back to the 1980s, but, a large proportion of the current population made their journey through varying routes in the early to mid-1990s following the exodus in 1991-1992” (BBC, 2015 and *The Star*, 2015).

In December 1993, UNHCR Malaysia registered some 5,100 Rohingya. Most long staying Rohingya refugees who were interviewed were originally from Maungdaw in Rakhine State. Almost all of them came to Malaysia between 1993 and 1995 and have been living in the country for approximately 20 years. Most made the journey from Bangladesh by air through “brokers” who obtained some form of identification documentation including passport, false passport and visa for them. They would board an airplane from Dhaka, Bangladesh to fly to Bangkok and get to the Malaysia airport. As described in translated interview by one Rohingyas, now residing in Selayang, Kuala Lumpur:

We used a Bangladeshi passport. We got the passport by paying an agent in Bangladesh. If we had no identification documents, there is no charge of having the passport. The entire process including creating a passport, travel documents, visas and flight tickets from Dhaka to Kuala Lumpur cost approximately RM 12,

³⁵ Interview with Dr Nora Rowley, Oslo, Norway, 12noon, 7 of February 2015. Rowley is medical doctor and human rights activists. She was interviewed during European Rohingya Council (ERC) Conference on Rohingya Ethnic Identity and Basic Rights in Burma held in Oslo, Norway on 7-8 February 2015, where she presented a paper entitled Barriers to Rohingya Well Being in Malaysia.

000. For those who could not afford the air ticket, they would make the journey overland from Rakhine to Yangon and then through to Thailand and finally Malaysia. (Aftar, personal communication, 2014).³⁶

Regarding the journey using Bangladeshi passport, it is reported that some of the Rohingya refugees in Bangladesh come to other countries for employment with fake Bangladeshi passports. In an informal conversation by one young Rohingyas, he revealed, that these refugees have doctored the passports with the help of the NGOs that were working for the Rohingya camp in Bangladesh. Regarding this, he said:

Even I myself have been offered to have a Bangladeshi passport (which I know for sure, it is fake, because there is no such way they can produced one unless authorities in Immigrant Department). They (brokers) offered journey to any destination, but have to pay a large amount of money” (Amir, personal communication, 2016)³⁷

However, the authorities in Bangladesh were aware of this syndicate, and efforts to crack down on this are ongoing.

Meanwhile, this journey, even though it is easier than travelling on the open seas, was often much longer because the journey crossing numerous borders and townships. In addition to it, the journey had own set of challenges. As one Rohingya in an interview recalled:

³⁶ Interview with a Rohingya man who wanted to be known as Aftar at Sekolah Agama Tahfiz Hashimiyah, Selayang, Selangor, April 2014, 9am

³⁷ Interview with a Rohingya youth who wanted to be known as Amir who came down to researcher’s office at Astro Awani, Kuala Lumpur, July 2016, 11.30am

I came to Malaysia after first trying to live in Thailand. I left my hometown in Moulmein for Sittwe and then Yangon after the turmoil of 1988. In Yangon, I found other Rohingya people wanting to escape Myanmar and we made our way into Thailand with the help of a Rohingya couple. Once in Thailand, I worked as a roti seller for the couple in Bangkok. Things were alright for a while until I was arrested in 1993 and deported back to Myanmar. In 1994, I decided to try my luck again, but this time, I decided to make my way to Malaysia. I crossed the border into Malaysia through Padang Besar (north of Malaysia) on 31 December 1994. From there, I moved to Alor Setar (Kedah) and then to Butterworth in Penang. And now I am happy to live in Selayang. (Hafiz Hashim Qassim, personal communication, 2014).³⁸

During the late 1980s and early 1990s, freedom of movement for the Rohingyas in Myanmar was significantly better, with most being able to obtain some form of documentation to travel overland. Following the establishment of the NaSaKa³⁹ in 1992, this freedom of movement was significantly curtailed, and passports and other documentation were harder to come by. According to ERT Report (2014), “maritime movements however started picking up in 2006 as Malaysia became a preferred destination (over Saudi Arabia)”. As pointed by Mohamed Dali & Abdullah (2012), “based on series of interviews with Rohingya, most of the long-staying populations reside all over the country, in urban towns where job opportunities are rampant, such as Penang, Kuala Lumpur and Johor”. They stressed, that “having lived in Malaysia for many years,

³⁸ Interview with a Rohingya man known as Hafiz Hashim Qasim conducted at Sekolah Agama Tahfiz Hashimiyah, Selayang, Selangor, where he is the principal, April 2014, 9am

³⁹ The Nasaka, or “Border Immigration Headquarters” as it is sometimes known, is an inter-agency force established in 1992 and comprised of around 1200 immigration, police, intelligent and customs officials. It operates in the Muslim-majority northern part of the state, near the Bangladesh border. To Rohingyas the administration is to set up the genocidal strategies against them. After 2012-June violence, it officially came to a halt on 5 of March, 2013. And now it is seen as the Border Guard Police (BGP) in Northern Rakhine State. Report on NaSaka or its operation.

they have picked up the local language and some now set up community-based organisations and schools to assist new arrivals and Rohingya children who have no access to local schools” (p.55).

For ERT Report (2010, 2012), until recently, it has been very uncommon for Rohingya women to leave Myanmar, and the arriving refugee population has been mostly single young men or men with wives and families in Myanmar. Both of the report “Trapped in a Cycle of Flight: Stateless Rohingya in Malaysia” and “Equal Only in Name: The Human Rights of Stateless Rohingya in Malaysia” highlighted, that “having settled and procured a stable job in Malaysia, some made arrangements for their wives to make the journey from Myanmar; others, having lived more than 15 years in Malaysia, married local Muslim women or Indonesian migrant women” (2010, p.34, 2012, p.70). As also pointed by Aziz (2014), in both instances the presence of second and third generations of Rohingya born and living in Malaysia is significant. “These generations, despite being born in Malaysia and never have been to Myanmar, are considered to be “illegal immigrants”, and continue to remain in a state of protracted statelessness” (p.57).⁴⁰

On the other hand, not much can be said about the history or the real date of the first arrival of the Rohingya in Malaysia. This might be due to the fact that this group did not get enough attention from local and international media. Should there be any, it is inconsistent. Only when there is an issue being highlighted, do their stories get to be told, for instance, the case of abduction of a child with special needs, Muhammad Nazrin Shamsul Ghazali also known as Yin who went missing in the Sogo Shopping Complex, Kuala Lumpur. This story gained wide coverage in the local media in 2007, and suddenly,

⁴⁰ Human Right Report on Rohingya in Malaysia, Equal Only In Name, Equal Right Trust (ERT), London, 2015. This supports the earlier human right reports on Rohingya in Malaysia, Trapped in a Cycle of Flight: Stateless Rohingya in Malaysia that draws attention to the plight of Rohingya who have successfully made the hazardous journey to Malaysia – a present focus, and ‘hotspot’, for Rohingya migration. It focuses on detention practices in Malaysia and the cycle of deportation and trafficking.

there were many stories about the Rohingya. But this was only because Rashidah Nurislam, a mother of five who was said to have saved Yin, was a Rohingya, and that she was suspected of having intended to making Yin serve as a beggar. (Syed Ismail, 2007) and Ammaruddin (2007). The media subsequently published many reports on the Rohingya, mostly from a negative point of view.

There were numerous reports on the Rohingya in this country being beggars, involved in violence and so on (*Utusan Malaysia* and *Berita Harian*, 2007). Similarly, the latest of which Rohingya was brought to the world's attention after being found stranded in Thai waters and claimed to be abused by the Thai security forces. For example, in 2013, Reuters (2013) published a series of remarkable special report that added a new dimension to the Rohingya exodus. The news service said, “it”s investigation showed that some Thai naval security forces work with smugglers to profit from the fleeing Rohingya” (*Reuters*, 2013).

In a 17th July 2013 dispatch, *Reuters* (2013) said the lucrative smuggling network transports the Rohingya mainly into Malaysia, a Muslim-majority nation that the Rohingya view as a haven. In the report, the *Reuters* investigation by Szep and Grudgings (2013) showed that the Thai navy has played a role in spotting boats carrying the refugees and putting them in the hands of the smugglers, who demand money from families for onward passage. According to the *Reuters* report, “Thai naval forces are paid about \$65 per Rohingya “for spotting a boat or turning a blind eye” to the smuggling”. It added, that “once they are in the smugglers' hands, Rohingya men are often beaten until they come up with the money for their passage”. The report continued, that “those who cannot pay are handed over to traffickers, who sometimes sell the men as indentured servants on farms or into slavery on Thai fishing boats. There, they become part of the country's \$8

billion seafood-export business, which supplies consumers in the United States, Japan and Europe” (*Reuters*, 2013).

Meanwhile, Szep and Grudgings (2013) also revealed, that some Rohingya women are sold as brides. “Other Rohingya languish in overcrowded Thai and Malaysian immigration detention centers. The report came out based on The Reuters reconstructed one deadly journey by 120 Rohingya, tracing their dealings with smugglers through interviews with the passengers and their families”.

In subsequent developments, many stories of human rights, and many other woes regarding the Rohingya published in print and electronic media (Wan Chik, 2009, p.11), cause the Rohingya issue to be brought up for the first time during the 14th ASEAN Summit in Hua Hin, Thailand, discussed by the country leaders.⁴¹

The Rohingyas have been in Malaysia for over 20 years, if we assume the earliest arrival of this group to be at the end of 1980s. However, some Rohingya people interviewed recalled having lived in Malaysia before 1988. Hafiz Hashim Qassim, a school teacher who runs Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah, a religious school for orphans, said in an interview that translated from Malay language.

I've been here (Malaysia) since 1994, but my brother has been here way earlier. He (my brother) came here before I did, to work in Kelantan as a cleaner at a restaurant. I followed him, if I'm not mistaken, four years after that. That means

⁴¹ For additional reference on report and write-up in newspaper, see Appendices F and G.

my brother has been here almost 20 years (Hafiz Hashim Qassim, personal communication, 2014).⁴²

While Hafiz Hashim's statement can be taken into account, the official record that states the actual arrival of this group to Malaysia remains unknown, for some reasons. This fact was shared in an interview by Ismail (2014), a UNHCR Public Relation Officer in Kuala Lumpur who said: "The record of the Rohingya's first arrival in Malaysia by UNHCR dated back to 1998. It is based on data established by local NGO's. In addition to, that record on Rohingya's first arrival also depend on record on newspaper, such as coverage on their community. As for the previous arrivals, there is no telling of how many of them that came here'' (Ismail, personal communication, 2014).⁴³

If the exact date of their arrival in Malaysia remains a mystery, the actual number of refugees is also undetermined. However, based on various sources of information, there are at least 35,000 Rohingya living Malaysia. Initially, after 1998, this estimation was made by the US Committee for Refugees (USCR). Only after 2005 was the estimation record produced annually by the UNHCR, in conjunction with the World Refugee Day that is celebrated every year on 20th June.

However, the Rohingya population estimate also depends on data from the field interviews with the Rohingya, as well as the reports in local paper and portals such as Malaysiakini and the ABIM (Muslim Youth Movement of Malaysia). It is important to note here that the number of refugees is only estimated, and the real figures are unknown. Another reason is the fact that the Rohingyas are still considered illegal immigrant

⁴² Interview with Hafiz Hashim Qasim was conducted at Sekolah Agama Tahfiz Hashimiyah where he is the principal, April 2014, 9am.

⁴³ The same statement was given by Yante Ismail in an interview for an article published earlier in *Utusan Malaysia* in 2007.

according to the Malaysian Law. This group faces security issues, and often lives in a nomadic way, making it even harder to record their actual numbers. As mentioned earlier, according to the UNHCR database, as of the end of February 2016, “there were approximately 158,510 refugees and asylum seekers registered with UNHCR in Malaysia. 141,570 are from Myanmar, comprising some 49,800 Chins, 45,170 the Rohingyas” (UNHCR, 2016). While the UNHCR record is official, the number of newly-arrived Rohingya refugees was in fact not taken into account.

As shared by the President of the Islamic Community Pro-Democracy Organization (CRIPDO), Mustafa Kamal Abu Basir stated in their blog, www.cripdo.com, that the official number of Rohingyas Muslim refugees in the country is 50,000, however the actual number could reach 70,000, including the newly-arrived”.⁴⁴

The table below shows the estimated number of Rohingya recorded by various sources, and summarized as follows:

Table 4.3: Estimated number of Rohingya in Malaysia

| Year | Estimated population | Source |
|------|----------------------|---|
| 1998 | 5,000 | US Committee for Refugee (USSR) |
| 1999 | 5,100 | US Committee for Refugee (USSR) |
| 2000 | 5,000-8,000 | Human Rights Watch (HRW) |
| 2002 | 8,900 | Muslim Youth Movement of Malaysia (ABIM) |
| 2003 | 10,200 | Muslim Youth Movement of Malaysia (ABIM) |
| 2004 | 10,500 | UNHCR |
| 2005 | 11,000 | UNHCR |
| 2006 | 11,600 | UNHCR |
| 2007 | 12,800 | UNHCR |
| 2008 | 14,000 | Estimation based on interviews with Rohingya |
| 2010 | 18,000 | UNHCR |
| 2012 | 21,580 | UNHCR |
| 2015 | 50,500 | Estimation based on interviews with the Rohingyas |

⁴⁴ See for example, Long-standing issue of the Rohingyas in CRIBDO blogspot. For details, visit cribdo.blogspot.my

Based on the table above, which takes into account various sources, UNHCR and other sources, it may be clearly seen that the number of Rohingya increases every year since 1998. Why this increase? What factors led to the increase? These questions will be discussed further in this topic. Among factors that contribute to the influx of Rohingya refugees in Malaysia are the economic objectives. The minority in a certain country will not only try to find another place that is able to accept them, but that is also convincing in terms of the economic condition, as the economy will not only guarantee a good life for themselves, but also the next generation.

In a similar way to the flow that occurs when this group overwhelmed Bangladesh in 1992 and even before, that with people claiming to be oppressed and abused by the military junta, the same thing happens when they choose to come to Malaysia. Among some civil rights activists and non-governmental organizations (NGOs) such as Chris Lewa and Nyi Nyi Kaw view that the mass migration or exodus into Bangladesh as mentioned in the previous chapter was triggered by two major operations on them, other than some form of continued repression. Operation Nagamin and Phi Thaya as mentioned in earlier chapter, were both intended as a 'cleaning' action to make Myanmar free of illegal immigrants. The penalty for not having valid documents (a typical problem faced by the Rohingya problem) is often avoided by this group. As explained by a Rohingya, Jaafar Hussein:

I came to Malaysia to make a living, and to be safe from the military junta of Myanmar. I only sell metal scrap here, and sometimes collect garbage or other odd jobs. Yes, it is hard, but in Myanmar is even worse. I only came here to work,

and send money home, that is my aim in Malaysia. (Hussein, personal communication, 2014).⁴⁵

When the Rohingya manage to escape and have a fairly good life in the country they fled to, this motivates other groups to do the same. This trend is not only seen in the Rohingya but also in other minority groups living in neighboring countries. This can be seen clearly at some point when the Indonesian came into this country. More specifically as a result of the war with the Free Aceh Movement (GAM), many Acehnese fled to Malaysia. When they manage to build a good life with better economy, they tend to call other family members and friends to join them. This leads to the group growing bigger in a specific area. For the Rohingya, their area of interest is in Selayang, Batu Caves, Padang Jawa, Klang and some are residing in Putrajaya. The growing number of people is also associated with a positive attitude towards refugees. Malaysia government is said to exhibit a more positive attitude in accepting the Rohingya as refugees.

As stated by Kupusamy (2005, p.5), in 2005, the government, through the Ministry of Home Affairs, declared that the Rohingya refugees were allowed to work here, to meet the shortage of labor in Malaysia. "The change of policy has attracted them to come to the country". The Table 4.3 above has clearly shown that after 2005, the number has increased dramatically, and this is most likely caused by the government's decision to allow them to work in the country. However, until now the change of policy has not been done for reasons that cannot be determined.

How the Rohingya traveled here is also an interesting topic to be explored. Most of them that were interviewed tell the same story, namely that they entered the country

⁴⁵Interview with Jaafar Hussein at Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang, 2014, 9am

through agents in Thailand as mentioned above. Most of them had to go through difficulties in Thailand; for instance, they had to squeeze into a small boat and had to spend the night and stay in the woods, with no food or drink. Some of them who fled were promised passage to Malaysia to work as laborers, but instead, were sold in Thailand for agents who make money through human trafficking.

A Rohingya villager identifying as Nassaruddin tells how for months he had to live without working in Thailand, running away from the authorities, had to be in the forest of Mae Sot, at the border of Myanmar before being smuggled to Malaysia.

I led a pretty good life in Myanmar, but I had to run away because the military junta just cannot leave me alone. This is due to my job as a religious teacher. I came to Malaysia so I will be safe and build a new life. But I had to face a lot of difficulties in Thailand in Malaysia. In Thailand, there was a period of time when I didn't eat for two weeks, had to live in the forest, separated from my children before I arrived in Malaysia. When I finally arrived, I was sent back to Thailand for not having valid documents. I was sold for 300 Malaysian Ringgit to an agent in Thailand. To be able to re-enter Malaysia, I had to pay 1, 300 Malaysian Ringgit. My wife, who has entered Malaysia, had to find money to set me free. (Nassaruddin, personal communication, 2014).⁴⁶

The same thing was experienced by another Rohingya, Mohammed Rafiq, who was in Malaysia in the early 1990s, but went back to Myanmar to do business. Mohammed, who is now a gem dealer in Bogyoke Market in Yangon, tells of the scary experience of entering Malaysia through the waters in Thailand. He got to know about Malaysia through

⁴⁶ Interview with Nassaruddin was done at Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang, 2014, 9 am. Nassaruddin is a rich man who lives in Moulmein, North Rakhine has asked for his identity to be hidden.

friends and some other Rohingya people who had been to Malaysia at some point. Rafiq said:

I had an experience sitting in a cramped fishing boat for days from Yangon to the Thai border. I had to pay \$1,000 or 3,000 kyat (Myanmar currency). I did not mind because I wanted to earn money. I've been in the woods. I had to eat anything that I could find, and I had to run from border authorities. The agent was fierce, and did not give any food, even beat us although we did not do anything wrong. After a month we finally reached Malaysia. The agent took us to the employers to work. (Rafiq, personal communication, 2012).⁴⁷

Meanwhile, a diplomat who was the Information and Culture Representative at the Embassy of Malaysia in Myanmar, Wan Mohd Khalid also said that he dealt with a lot of cases of the Rohingyas who had lived in refugee camps in Bangladesh, who wants to try their luck in Malaysia. According to him, “the repatriation program that was done in stages in 2007 resulted in a total of 35,000 people (out of 26,000) being given temporary registration certificate. Most of them did not manage to get a job, nor get sufficient education, forcing them to flee again. To them, Malaysia promises a good life, regardless of their experience of being refugees in Bangladesh”. Wan Mohd, in an interview, gave a detailed explanation of how much the Rohingyas are willing to go through, to get to their destination.

The Rohingya have been living in hardship for decades. They don't mind being abused, not given any food, or forced to work. Although they have been given a temporary registration certificate, which opened up opportunities for them, they

⁴⁷ Interview with Mohammed Rafiq at his shop at Shop No 130, Nawart Block, Bogyoke Aung San Market, Yangon, Myanmar, 11am, 2012

don't make use of that chance. Instead, they choose to become refugees in other countries. Of all the many cases that I have handled, Rohingya is the most arrested, cheated and abused than other Myanmar minority such as Chin, Mon, Shan and others. When repatriated, they told us that they were smuggled into Malaysia. Even that, they don't really mind, as long as they can enter Malaysia. (Khalid, personal communication, 2012).⁴⁸

As informed by Khalid (2012), clearly the Rohingyas seem to be willing to do everything it takes, from raising money to pay to agents, even risking their lives to be able to come to Malaysia, a place they expect to provide protection and security, as well as economic stability.

4.7 Conclusion

As discussed in this chapter, the Rohingya refugees have no place to go, due to their status. Since there is no clear policy on the status of Rohingya in Malaysia, their status "drift" or "float" among undocumented immigrants, refugees and asylum seekers. While the government has expressed a desire, through a press statement that it will accept the Rohingya as refugees and absorb them as workers, this did not materialize due to factors that cannot be avoided.

As a country that has not signed the 1951 Refugee Convention and 1967 Protocol, Malaysian law does not provide any space to accept any refugees. In fact, as discussed in this chapter, documents provided by UNHCR are not recognized as a valid document that the Rohingya must have. Because of these barriers, nearly 15,000 Rohingya people in this country face many problems, particularly in terms of economic issues, health,

⁴⁸ Interview with Wan Mohd Khalid at the Malaysian embassy in Pyidaungsu Yeikhta Road, Dagon Township, Yangon, Myanmar. Currently, he is in Putrajaya with Wisma Putra since 2013.

education and safety. They have to face problems in life and also uncertainty in regard to their future, not only the current generation but among junior, youth and children of Rohingya.

Malaysian migration policies are focused on border control, removal, and deterrence rather than protection, meaning that Rohingya who make it to Malaysia continue to face countless challenges. Since Malaysia has not ratified the 1951 Refugee Convention, it makes no distinction between refugees, asylum seekers, and irregular migrants, so the Rohingya migrants, all of whom have arrived illegally due to their lack of documentation, lack the legal protections provided to other refugees.

All Rohingya refugee, including children, face mandatory detention upon arrival until UNHCR is able to register them and secure their release, a process that has become increasingly difficult and can take months due to limited UNHCR capacity.

Regarding their journey and arrival in Malaysia, whether by foot, boat or airplane, they experience trauma, sickness and owe debts to the family, friends or smugglers. In their journey by boat for example, they are being held in overcrowded boats or camps run by smugglers in Thailand, denied sufficient food and water, subjected to verbal and physical abuse, kidnapped while seeking to Malaysia on their own, tortured, sold into slave labor and forced to borrow large sum money to pay smugglers.

The same difficulties are faced by the Rohingyas who choose to use an airplane instead of taking a boat journey. They fall into false passport syndicates as discussed in this chapter based on interview by the Rohingyas themselves who experienced it. But, of all these suffering, challenging yet life-threatening, they keep coming through Malaysia, Thailand and Indonesia and Bangladesh, because for them life in host countries is better than in Myanmar.

As mentioned earlier, however, even though they safely overland in Malaysia, the face other challenges as refugee communities. Challenges such as in economic, social, livelihood strategies, integration and the issue of assimilation will form the focus of the discussion in the next two chapter, centered at everyday life of Rohingyas as refugee in Malaysia.

University of Malaya

CHAPTER 5: A STRUGGLE IN AN UNCERTAIN LIFE

5.1 Introduction

As violence continues to occur and political conflicts in various parts of the world are more, and more often, of an extended durable duration. As observed by Jacobsen (2001) that “this development means that return to home countries for refugees is increasing delayed”. At the same time, Jacobsen (2001) who discusses the relation between camps and settlement, pointed, that “global terrorism and concern about security have slowed the processed of resettlement in traditional resettlement countries (third countries such as Canada, Sweden, USA, and etc.) and, in some cases, the number of refugee who can be resettled has fallen and their countries of origin have been restricted”.

On the other hand, Jacobsen (2001) in Working Paper “New Issues in Refugee Research” highlighted, that “the increasing size of refugee population influxes to countries of first asylum has meant that host governments have been reluctant to facilitate local integration; indeed, local integration carries with connotation of permanence as well as security problems and resource burdens” (p.3).

Looking at the Rohingyas in Malaysia context, as discussed in earlier chapters, they have been affected by the problem whereby their stateless and unrecognized citizenship status made them into marginalized community in the process of nation building. As stated in chapter three and four, the Rohingyas faced repression, segregation by the government. They, who are minority Muslims were proclaimed to be refugees from Bangladesh. In 1982, the Myanmar government declared that the Rohingyas were not citizens of the state, which created further problems. As expected, the Rohingyas fled to Bangladesh, Thailand and Malaysia as well as Indonesia, when the violence and brutality against them continued later in the 20s (2012 and 2015). This situation has forced them to abandon their home in search for better places. In Malaysia, government acceptance

based on humanitarian grounds does not imply that the refugee problem has been solved permanently.

This chapter and the next one, focus on the everyday life experiences of the Rohingyas who have settled as refugees in Malaysia. It explores how the Rohingyas build up life in Malaysia as refugees after having fled the violence and forced migration to other countries. The livelihood of the Rohingyas is a form of struggle within a social environment characterized by extreme uncertainty. Therefore, various aspects of challenges such as economic, health, education and safety will be discussed in this chapter. Issues associated with the Rohingyas in Malaysia such as protest involvement and bribe case among the communities also briefly discussed in this chapter.

Based on interviews, the Rohingyas are shifting their expectations from a temporary residence towards a longer settlement in Malaysia. The alternative they may have is, resettlement to the third country, but for which not many places are available. It is important to note that the method used in this chapter and chapter Six goes to the method that discussed in the first chapter where it included anthropological qualitative observations, home visits, interviews, semi-structured group interviews and with two expert interviews.

To understand the living condition of the Rohingyas in Malaysia, the researcher observed the environment, activities, living conditions, network and behavior of the Rohingya refugees. Observations consisted of weekly visit with multiple families. These weekly visits consisted of eating food together, tutoring their children, reading, teaching Malay and English language and sharing current event with each other. Invitations to religious and community gatherings that also participate by the Rohingya refugee also provided an opportunity to observe large gatherings. Life events such as the birth of a child, sport activities, food celebration, religious activities and marriage celebrations were

also part of an observation data. Extensive interviews with the Rohingyas were conducted in the Klang Valley area, Selangor, Kedah and Pahang. Data life exhibited was, at times, contrary to the answers given in the interviews.



Figure 5.1: Rohingya Kids with UNHCR card in Kuantan, Pahang

Source: Ahmad Zakki Jilan

5.2 Challenges, Integration, Assimilation and Host countries

As pointed by Jacobsen (2001), “the refugee are confronted by the dual problem of preserving their traditional culture and integration into the host country”. She added, they are now dependent on the people of the host community and thus cannot alienate them socially and culturally. “This makes them susceptible to suggestions and pressures of cultural acculturation. Refugee try to emulate as many as customs as possible, so that they get help from the more prosperous and dominant host” (p.8). In this regard, examples may varied from language that has been one of the major factors in bringing about cultural change to the Rohingyas in Malaysia. In Malaysia, many non-profit organizations make

an effort helping the Rohingyas by developing schools that offers Malay language as main subject to the Rohingyas second generation. This effort of providing aids to the Rohingya kids indeed, has yielded positive results in enabling them to assimilate with local Malaysians.

Meanwhile, every researcher uses certain terms in his or her study. It is necessary that the term being used is clarified in this chapter so that there is no ambiguity or confusion in interpretation. The concepts which are used in this chapter and chapter Six are challenges, integration, and assimilation and into host countries.

5.2.1 Challenges

Having been driven to flee their own country due to their ethnicity and religion, being accepted by locals in a country that is not their own is not just important in practice, but also in conveying a sense of peace and stability. However, as with the Rohingyas in Malaysia, refugee engagement with the host community has its challenges.

Challenges, as defined by the Cambridge Dictionary, are “a situation of being faced with something that need great mental or physical in order to be done successfully and therefore test a person’s ability” (Cambridge Dictionary, <https://dictionary.cambridge.org/dictionary/english/challenge>, accessed 23 November 2016). This definition is more explicit in a refugee context, especially with the Rohingyas, as they have faced various level of challenges as refugee that need strong mental before adapted or assimilate with new society in the host countries.

The challenges are economic, social, and health, security, education and registration related. These pillars of their challenges will be discussed next in this chapter.

5.2.2 Integration

Rhetorically, integration has always been a guiding principle of refugee programs in countries around the world. According to the UN Refugee Convention, restoring refugees to dignity and ensuring the provision of human rights includes an approach that would lead to their integration in the host society.¹ According to Castles (2003), “the possibility of refugee and their hosts is a question of concern for international community and host governments, especially in the context of a protracted refugee situation”. While the impact of refugee host populations has been explored in various theoretical level in other academic research,² there has been little academic research on their integration, especially in the context of the Rohingyas in Malaysia. In simple words, “integration is a dynamic, two-way process in which newcomers and the receiving society work together to build secure, vibrant, and cohesive communities. Emphasis on the two-way process of changes by both refugee and members of receiving society contrast with alternative use of term of “integration” to signify a one-way process of adaptation by refugee/immigrants to fit in with a dominant culture”. (Merriam Webster, since 1828).

However, Kuhlman (1990) makes the definition of integration more explicit in outlining indices that can be used to gauge refugee integration to a host community. Among others, he identifies few characteristics of successful integration. Those include, “firstly, the socio-cultural change they undergo permit them to maintain an identity of their own and to adjust psychological to their new situation. Secondly, friction between host populations and refugees is not worse than within the host population itself, and

¹ Article 34, Convention relating to the Status of Refugees, 28 July 1951, 189 U.N.T.S. 150 (entered in force 22 April 1954).

² For further discussion of the theoretical level of impact of host refugees, see Stephen Castles, “Transnational Communities: A New Form of Social Relation under Conditions of Globalization?” in Jeffery G. Reitz, ed., *Host Societies and the Reception of Immigrants*, San Diego: Center for Comparative Immigrations Studies, University of California, San Diego, 2003, p.45-123.

lastly, refugees do not encounter more discrimination than exists between groups previously within the host society". (Peterson & Hoyi, 2004).

In law and government, there has always been "*de jure*" and "*de facto*" integration. *De jure* describes practices that are legally recognized, whether or not the practices exist in reality. In contrast, *de facto* ("in fact" or "in practice") describes situations that exist in reality, even if not legally recognized (Zetter & Loong, 2012). For Zetter and Loong (p.22), "the terms are often used to contrast different scenarios", for a colloquial example, "*I know that, de jure, this is supposed to be a parking lot, but now that the flood has left four feet of water here, it's a de facto swimming pool*" (p.23).

In the case of Rohingyas in Malaysia, for example, Malaysian policy does not support *de jure* integration because of their status, but there are many examples of their *de facto* integration such as in school and into the society. Relating to this, in the case of the Rohingya refugee in Malaysia, the economic and social factors of integration embodied in the above definition of integration are crucial to the examination of policies that foster or prevent integration. Indeed, as will be demonstrated in the case of the Rohingyas in Malaysia, often the challenges as communities and perception of being illegal is a substitute for the more complex process of integrations with local Malaysian.

5.2.3 Assimilation

The 1951, the UN Refugee Convention uses the word assimilation "to imply the disappearance of differences between refugees and their hosts as well as permanence within the host society".³ Meanwhile, Rudmin (2003) defined assimilation as incorporating refugees or immigrants into receiving society through an often-multi-

³ Article 34, Convention relating to the Status of Refugees, 28 July 1951, 189 U.N.T.S. 150 (entered in force 22 April 1954).

generational process of adaptation. “The initial formulation of assimilation posited that both refugee and host society adapt to each other, but the term has come to be associated with refugee relinquishing their linguistic and cultural characteristic in order to become part of economics and social structure of mainstream society” (Rudmin, 2003, p. 3).

Despite definitions and evidence that acculturation entails a two-way process of change, research and theory have primarily focused on the adjustments and adaptations made by minorities such as immigrants, refugees, and indigenous peoples in response to their contact with the dominant majority.

Contemporary research has primarily focused on different strategies of acculturation, how variations in acculturation affect individuals, and interventions to make this process easier.

5.2.4 Host countries

In simple terms this is “a country in which refugee took refuge or immigrant settle”. Alternate term includes “receiving community,” “host society” or “host community”. For Berry (1997, p.5), “host countries assist refugees in diverse ways, including through the delivery of life-saving assistance and critical services, in emergencies and beyond the initial phase, distributing relief items, aids, building or improving infrastructure such as school”. While in Malaysia, UNHCR is the main body to coordinate between refugee and host countries, even before UNHCR and other relief organizations are on the scene, host communities are the first provider of support to refugees.

Refugee-receiving States have generously assumed this responsibility, many for prolonged periods of time, which implies a significant financial burden, as well as economic and social costs borne across many sectors, including shelter, health, education,

water, energy and infrastructure. Nonetheless, host countries keep their borders open and play a critical role in protecting and assisting the displaced (UNHCR, 2015).

5.3 Problems Faced by Rohingya refugees in Malaysia

Even though the Rohingya refugees have been accepted by the Malaysian government, they still face several problems of uncertainty; for example, their status and documents. Since they are not recognized as citizens of Myanmar, they are not able to enter any country unless they are being smuggled in. They will be hunted by the immigration, and risks being sent home.

To make matters worse, Malaysia is not a member of Refugee Convention and Protocol in 1967, as mentioned in the previous chapter, and this results in a problem in terms of recognition. For Ishak (2004), he saw, if Malaysia is to accept them as refugees, the government must bear the cost of food and accommodation until there is a third country willing to accept them. He said that “once in 2004, there was talk of giving refugee status to this group, but this was objected is objected by many because it would create an influx of more foreigners to Malaysia” (2004, p.7).

The problem also exists because the government has no mechanism to grant the status of either refugees or asylum seekers. UNHCR, through its mandate, is responsible for the welfare of refugees, and decides on their status, including the Rohingyas, and gives cards to the group and recognize any that qualify as refugees. This temporary card, however, is not accepted by the authorities in this country, although it should be recognized and accepted. As a result, Ishak (2004) noted that “refugees face the risk of being arrested and sent to detention center before being expelled to the Thailand border. To avoid this, they are always on standby, and run away should they hear any information about any repatriation operations”. Hence, they live in constant fear and anxiety that they might be

arrested by the authorities. Since they are always moving around to protect themselves, they are not able to keep a regular job to support themselves and their families.

Abdullah (2006) also saw status to be a problem for the Rohingyas in Malaysia. Not having any documents that can confirm their identity, they are considered illegal immigrants. But those who claim to be Rohingya from Myanmar will make their way to the UNHCR office to obtain a temporary refugee card. According to Abdullah, “to get this, they must go through a series of interviews by UNHCR officials from various backgrounds including lawyers, doctors and social workers as well as representatives of non-governmental organizations (NGOs) from their country of origin” (p.6). Regarding this, in an interview with UNHCR (2006), former representative of UNHCR to Malaysia noted, that “they will only get a temporary card after they have been certified to have met the requirements of UNHCR. Otherwise, they will remain either illegal immigrants or asylum seekers” (Abdullah, 2004, p.6).⁴

Meanwhile, in the Humanitarian Policy Group (HPG) Working Paper entitled “Livelihood Strategies of Rohingya refugees in Malaysia ‘We want to live in dignity’”, Wake and Cheung (2016) highlighted, that “there is widespread lack of understanding within the Rohingya community of how registration works and who is prioritized for registration”. Relating to this, while for some, the registration process is relatively straightforward, one of the Rohingyas interviewed, illustrated that trying to obtain a UNHCR card can be long procedure and fatigue process to him. He said:

Before this, I tried to get a UN card. A Malay man drove me to UNHCR office in Jalan Petaling. It took me four hours to wait outside the UNHCR gates before I

⁴Interview with Dr. Volker Turk, a former representative of UNHCR to Malaysia. The interview was then published in conjunction with World Refugee Day, 20th June 2006 in Utusan Malaysia. Dr. Volker has been replaced by Wesper Kerner for the position since February 2010. As of October 2016, UNHCR in Malaysia was represented by Richard Towle since March 2014.

met one representative in Rohingya community working there. I was not allowed to enter in the office. The representative then gave me a recommendation letter and eventually got an appointment with UNHCR and my card 10-12 months. It's a headache process. But sometimes, due to right timing, to a certain degree, some got the luck, the exercise even faster. Really, it is very long, fatigue and frustrating exercise. (Nurdin, personal communication, 2014).⁵

The table below shows the number of those recorded as refugees by the UNHCR in the country until 2016. Since UNHCR produce these statistics every three years, the year 2016 is considered the latest data.

Table 5.1: Number of Refugees in Malaysia

| Year | 1996 | 1999 | 2002 | 2005 | 2008 | 2011 | 2013 | 2016 |
|----------------|-------|--------|--------|--------|--------|--------|--------|---------|
| No of Refugees | 5,309 | 50,517 | 50,612 | 63,693 | 75,688 | 88,100 | 90,130 | 158,510 |

Source: UNHCR <http://popstats.unhcr.org/en/overview>

The table above shows that the number of refugees rose sharply between 1999 and 2002. This was due to the positive attitude of the government towards this group. At that time, the government encouraged the industrial and farming. However, there was a shortage of labor in factories and plantations. It should be noted that these refugees or migrant workers are not only from Myanmar, but also from Indonesia, Philippines, Cambodia, Nepal and Thailand. But, according to the table, the number almost doubles between 2013 to 2016 due to government acceptance in receiving other refugee such as Syrians under pledge to help ease Syrians refugee crisis. The pledge made by former

⁵ Interview with Rohingya men who wanted to be known as Nurdin was conducted in Ampang, June 2014, 9 am

Prime Minister of Malaysia during his speech at United Nation, October 2015. The first batch of 3,000 Syrian refugee arrived in Malaysia in next three month after his speech.

To get a clearer picture of the number of refugees by countries, Table 5.2 detailed as below:

Table 5.2: Number of Refugees by Country

| Country | 1996 | 1999 | 2002 | 2005 | 2008 | 2011 | 2013 | 2016 |
|-------------|-------|-------|-------|--------|--------|--------|---------|---------|
| Indonesia | 9 | 181 | 144 | 19,153 | 25,000 | - | - | - |
| Myanmar | 5,114 | 5,136 | 5,247 | 14,208 | 60,000 | 88,100 | 100,000 | 141,570 |
| Sri Lanka | - | - | - | 87 | 783 | 1,065 | 2,675 | 3,500 |
| Afghanistan | 36 | 53 | 36 | 51 | 70 | 365 | 449 | 530 |

Source: UNHCR <http://popstats.unhcr.org/en/overview>

From the table above, people from Indonesia and Myanmar are among the many who become refugees in the country. Initially, there were not so many Indonesian refugees in Malaysia, but the number has increased since 2005. Until now, the citizens of Indonesia are the most populous in Malaysia, most of whom have already received permanent resident status after decades of being in the country. But Myanmar remains the number two most populous refugee group in the country.

As described earlier, refugees have certain rights and privileges. For example, they cannot be detained or arrested, and they may also be given permission to work to live in the country where they have taken refuge. However, although some Rohingya refugees have gained a certain status, they face the threat of arrest and deportation. It is however, important to note that refugees are considered as illegal immigrant, therefore are not allowed to seek employment in Malaysia.

In a report by the US Committee for Refugees and Immigrants (USCRI) in 2007, it was revealed that Malaysia has evicted about 1,200 refugees from Myanmar (this number consists not only Rohingya but also Chin and Karen) to Thailand, before 30 people were subsequently handed over by Thai immigration to the Myanmar authorities. Refugees who managed to return to their home country but left Myanmar before they could re-enter Malaysia said that Myanmar officials tortured and detained them for months, or penalized them with a high fine, from US\$1,000 to US\$7,900, which is equivalent of 6,000 to 50,000 kyat.⁶

However, sending the Myanmar refugees to the Thailand border before being taken to the country of origin was not wrong. This is because Malaysia, as discussed earlier, is not a member of the Refugee Convention of 1967. Hence the country is not subject to regulation to protect the refugees. The refugees were arrested due to the law, placed in a detention center and were given food and water before being deported. The Malaysian government did not blackmail them, and any reports to the contrary, are isolated cases only. But the government has made it clear, through its former Foreign Minister Datuk Seri Syed Hamid Albar ⁷ in his statement as quoted “we do not recognize refugee status. We only allow foreigners to stay here for a temporary period, and when it expires, they must return to their homeland” (Bangkuai, 2009, p. 9).

Meanwhile, the Rohingya in the country are generally considered to be illegal immigrants or people who do not have documents. In terms of definition, any individual would be considered illegal by law when entering any country without permission. Regardless of whether they are stateless, they have fled because of war and conflict and

⁶The kyat is the currency of Burma. The currency code for Kyats is MMK, and the currency symbol is K.

⁷ Tan Sri Syed Hamid Albar was Minister for Foreign Affairs in 1999 until 2008. He is also OIC Special Envoy for Myanmar in starting December 2016. He is the Chairman of the Land Public Transport Commission (SPAD) until May, 2018.

so on, if there is no such document required by the government that he enters, he will be considered illegal or undocumented.

This status is widely assumed by Rohingyas residing in the country. This is because the Rohingyas, being stateless, automatically have no official document or form of identity. Nor do they have a passport, and much less a visa that allows them to live or work in the country. It should be noted that some asylum seekers are illegal immigrants, and only a small number are not. As stated by a Rohingya who has lived more than five years in Malaysia and wanted to be known as Hafiz:

I cannot return to Myanmar, it is too risky. The violence continues. If I go back, I am afraid that I will be beaten and of course experiencing only terrible things. But, sadly, I also have no document to stay here in Malaysia either. Every night in Malaysia, I closed my eyes with hope, I won't be harassed. The reality is, "I am at a dead end". (Hafiz, personal communication, 2014).⁸

The issue of Rohingya status in the country is said to be more complex when they are also considered to be asylum seekers. As mentioned above there are some asylum seekers who do not have documents, but some do have, for example, identification as people from Myanmar.

The term asylum seekers refer to any individuals who may also hold refugee status but are not recognized, for instance, in cases whereby their application to become refugees are still on hold by UNHCR or a country.

⁸ Self-interview with Hafiz at Sekolah Anak-Anak Yatim & Tahfiz Quran Hashimiah in Selayang, Selangor, April 2014, 9am. "I" in this communication referred to a Rohingya that has no documents staying in Malaysia.

The following tables show the number of asylum seekers in the country, the number of applicants by country and new applications scrutinized by UNHCR.

Table 5.3: Number of Asylum Seekers in Malaysia

| Category | 1996 | 1999 | 2002 | 2005 | 2010 |
|----------------|------|------|-------|--------|--------|
| Asylum Seekers | 8 | 30 | 1,571 | 10,838 | 11,000 |

Source: UNHCR http://popstats.unhcr.org/en/asylum_seekers

Table 5.4: Number of Asylum Seekers according to Country

| Origin | 1996 | 1999 | 2002 | 2005 | 2010 |
|-----------|------|-------|-------|--------|--------|
| Indonesia | 8 | 61 | 1,448 | 5,752 | - |
| Myanmar | 8 | 1,608 | 487 | 7,7736 | 49,800 |
| Thailand | - | - | - | 206 | 1,500 |
| Cambodia | - | 4 | - | 308 | 290 |
| Sri Lanka | - | - | - | - | 3,970 |
| Syria | - | - | - | - | 960 |

Source: UNHCR http://popstats.unhcr.org/en/asylum_seekers

Table 5.5: Application Status by UNHCR

| Category | 1996 | 1999 | 2002 | 2005 |
|------------------------|------|-------|-------|--------|
| New application | 208 | 1,853 | 2,131 | 15,165 |
| Convention Status 1951 | 49 | 82 | 246 | 10,935 |
| Humanity | - | - | 21 | - |

Source: UNHCR <http://popstats.unhcr.org/en/overview>

The three tables above give clear indications. Firstly, like refugees, the number of asylum seekers has also increased every year. The flow is similar to the return of refugees, the number of asylum seekers increased dramatically from 1999 to 2005, due to the same factors that attract refugees coming to Malaysia. Secondly, the number of asylum seekers from Myanmar is more, when compared to Indonesia. This is because the government is more generous towards the people who came from Indonesia, in the name of alliance, although it is not the government that determines their status, the policies approved by the government influence the granting of their status. Here, most Indonesian people choose to become refugees and the status is given easily. In fact, even if they are not granted refugee status, they will live here illegally anyway. The large number makes them care less about the status – refugees, illegal immigrants or asylum seekers. This leads to many other people applying for the status.

Despite the government's decision at some point to give refugee status to the Rohingyas being opposed by various parties for some reason, the issue of the Rohingyas and their status is never a problem when it comes to bilateral relations between Malaysia and Yangon. In any meeting and official visit, the issue has almost never been raised. In 20 years, assuming the earliest arrival of the Rohingya into the country, their matters have never been on the agenda of the bilateral meeting of leaders. This leads to the conclusion that neither Yangon nor Kuala Lumpur sees the Rohingyas as a matter that can tarnish the relationship between the two countries. This, unlike Indonesia whereby the relationship is often tested when it comes to matters regarding the labour, international borders and so on. It became worst when cases of labour and services by the migrants from Indonesia were brought to court. This does not apply to the Myanmar-Malaysia relationship.

Some human rights bodies have criticized Malaysia in term of how they are treating the Rohingya refugees who live in the country. But the allegations are not true, as Malaysia is among the most prudent in treating the refugees residing in the country. This is especially evident when Malaysia presented a report to Parliament in 2006. A report however gave clear indication that what was published by the human rights body is wrong, and with the intention of tarnishing the image of Malaysia. There was, however, a point in time when the issue of the Rohingyas shook the bilateral relationship of Malaysia-Myanmar when Malaysia declared its commitment to bring the matter of Rohingya to the ASEAN Summit in Thailand in February 2006. This did not tarnish the long-standing ties between the two countries, however. At the hearing, the matter was seconded by the ASEAN countries to be solved holistically, and not in the short term.

Until recently, the Malaysian government-led protest has marked a departure from the long-standing policy of non-interference by ASEAN members in each other's affairs. The Malaysian Prime Minister Datuk Seri Najib Tun Razak (until May 2018), led a protest rally against what he called a genocide of Myanmar's Muslim Rohingya minority. In his speech, he urged Asian neighbors and the world to step up the pressure to stop the violence in Rakhine, Burma. During his speech in the rally he said "United Nation, please do something. The world cannot sit by and watch genocide taking place. The world cannot say it is not our problem. It is our problem" (VOA Portal News, 2016).

To sum it up, as reported in the *New Straits Times* newspaper (2016) that "his speech in the rally that focus on the "root cause" of refugee flight – Myanmar's internal abuses against the Rohingya – successfully presents the crisis as a national issue, and sidesteps the glaring evidence that countless refugees are trafficked across the region in horrific conditions, and fall victim to the combined effects of patchy law enforcement, organized crime, and Southeast Asia's insatiable appetite for cheap labor". This is, because, many

end up in Malaysia and Thailand, or in refugee camps in Indonesia; because none of these countries are signatory to the Refugee Convention, few enjoy the legal right to work or corresponding protections against abusive employers. In fact, in late 2015, the discovery of the mass graves of human trafficking victims in Malaysia brought the regional scale of the issue to global attention.

5.4 Life as Rohingya Refugee in Malaysia

Most of the Rohingyas come to this country with nothing, and they have to leave their loved ones in Myanmar with the hope of starting a new life in a foreign country. However, the refugee identity, and sometimes illegal immigrants or asylum seekers as discussed earlier, is not able to provide the life they were expecting. Unfortunately for them, upon arrival in Malaysia, their lives are full of elements of uncertainty, unlike what was dreamed and expected by them. Since their government denies the Rohingya citizenship, it is difficult for them to obtain legal travel documents. Thus, it is difficult for the Rohingyas to live in the country. Among the problems that they have to face is unemployment; there is no job security; the difficulty for the new generation to gain an identity despite being born here; unable to get formal education and the never-ending security threats.

As mentioned earlier, the majority of the Rohingyas that settled their life in Malaysia faced economic, health and medication, education, document and safety problems. For the purpose of this chapter that focus challenges and survival as its theme, all of this problem, issues and challenges face by Rohingya community in Malaysia will be discussed one by one in the sub-topic below.

5.4.1 Poverty and unemployment

Generally, the Rohingyas in the country are unskilled workers. Thus, the kind of work that they do is limited to the construction site, citing iron, mowing the lawn, helping out

at the stalls, and working in the factory. Employers refused to hire the Rohingyas because they are worried about the risks, while some take advantage of paying minimum wage to them. The misery and poverty story was told by an elderly Rohingya identified as Ahmad:

When I was in Myanmar, I could do carpentry. I do that too in Malaysia, but I am old now. Only one of my children is working, I have a family of nine people. Due to old age, and my poor health, I am not able to do woodwork anymore. My son sells metal scraps, and he doesn't get regular pay. The most that he can get is RM500 a month. The amount is not enough to support our family, when we have to pay RM350 for rent. My wife usually buys the cheapest fishes, to be salted. That is our main dish daily. (Ahmad, personal communication, 2007).⁹

Unemployment is also an issue for the Rohingya. The root of this problem is the absence of the documents. Simply put, if they have no documents, this means that they hold the status of illegal immigrants. As a result, the majority of them resort to doing odd jobs like selling boxes, helping out at the market and collecting scrap metal. However, the illegal immigrants' operations sometimes make them choose to sit quietly at home, despite their responsibilities as the head of the household. Zeinab, a 25-year-old wife who has worked in this country for more than 10 years told the story:

My husband has been unemployed for more than two months now. He used to work at the market, but the operations were rather frequent, so he changed job and sold boxes, collected metals and garbage, the same thing happened. The raids scared my husband so much he refuses to leave the house. It's hard to work at the

⁹The interview with Ahmad was conducted earlier in September 2007 at his home in Kelang to produce an article in *Pemikir Journal* published by Utusan Karya Sdn Bhd in 2007. The researcher revisit Ahmad at his home in Meru, Kelang in June 2014, 9am.

market, but selling boxes, collecting metals and garbage are hard too” (Zeinab, personal communication, 2014).¹⁰

5.4.2 No job security

The source of income by most Rohingya household is the husband's income. However, their jobs have no insurance coverage, medical coverage nor paid leave. The salary that they earn is no match for their labor. For instance, Husin, decided not to work at the construction site anymore when he found out that his employer cheated on him. He was required to work maximum hours but was not paid accordingly. Sometimes he got paid daily, sometimes monthly. Husin, a Rohingya who was from Moulmein said:

I worked at the construction site, but there were a lot of scam. We have not been paid several times, even after the project has finished. It is hard to take leave, and if you fall sick, you have to take unpaid leave. There is no employment benefit at all. (Husin, personal communication, 2014).¹¹

5.4.3 Medical treatment

Most of the Rohingyas, especially the old ones have serious health problem such as diabetes and high blood pressure. Although they are aware of the importance of health, they are not able to get the necessary medical treatment due to the cost, and also because most of them do not possess valid documents. The cost is higher since they are foreigners. However, not having documents is worse, as told by Husin's wife, Jamilah:

I always get dizzy and problem in breathing sometimes. It is probably because of low blood. I know that I had health issues. But I am also had problem. Whenever

¹⁰Interview with Zeinab was conducted at Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang, 9am. However for safety reasons, she has requested for her identity and photo not to be recorded.

¹¹Interview with Husin was conducted at Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang, 9am.

I go to the hospital to check for my health condition, the doctors ask me to go home. I know that why the doctor asked me so, I know, because I don't have documents. (Jamilah, personal communication, 2014).¹²

Rohingya refugees have been facing a lot of problems to get other basic services such as health care and legal services. In principle, government hospitals in Malaysia are open and available to refugees and asylum seekers, but evidence shows that refugees and asylum seekers experience substantial barriers accessing health care in Malaysia such as the cost of treatment, fear of arrest, and language barriers. For the above-mentioned reasons, United Nation High Commissioner for Refugees (UNHCR) works closely with partner organizations, Rohingya Society in Malaysia (RSM)¹³ who implement health programs. ACTS clinic is one of them.¹⁴

Although refugees can access public healthcare and are provided with a private health insurance scheme, there is, however, no adequate of medical subsidy or discount. According to UNHCR (2009), “health care is generally unaffordable and therefore inaccessible to the majority of refugees”. This contributes to refugees avoiding healthcare altogether, thus potentially worsening the associated risks, not only to themselves but to the wider community. It added that, “for example, public health issues such as TB and other conditions cannot be identified and treated this may compromise the health of the wider Malaysian population and also dramatically increase public health care costs”

¹²Interview with Jamilah was conducted at Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang, 9am. However for safety reasons, she has requested for her identity and photo not to be recorded.

¹³ RSM was formed in 2010 to advocate the needs of Rohingya refugees and Rohingya asylum seekers in Malaysia. Their overall objective is Rohingya nation building, as they been deprived all basic human rights in their home country, Myanmar.

¹⁴ ACTS clinic is a mobile-clinic established since 2019, with the aim of assistance focused on improving refugee access to primary and preventive care through health education. According to UNHCR, mobile-clinic services were provided in the Klang Valley and Johor while the Brickfields ATS Clinic saw a 60 percent increase in consultation every year since 2009.

(2009). Preventive and early health care interventions make more sense and are more cost effective in the longer term.

5.4.4 Security issues

This matter also results in the difficulties of getting legal documents for most of the Rohingya in Malaysia. It should be noted, that most of the Rohingya who arrived in Malaysia have no documents to identify them as refugees although they have registered with UNHCR. The only documents they have are the temporary protection letters, given UNHCR. These are, however, not recognized by the local authorities as legal documents. The operations often held by the Association of Volunteer Corps (RELA), and immigration officers often join them. Therefore, all most Rohingya, male or female, on average has had experience of being detained by security.

The police raid the house unexpectedly. A colleague of mine and me were arrested and taken to the station for a few days. I was sent to another camp before being taken to the Thai border. But I went back in after paying a middle man with the help of friends in Malaysia. (Mohd Rafiq, personal communication, 2014).¹⁵

Similarly, the Rohingya women have to deal with the barriers. Their story:

A group of police came to us for inspection. According to the police, should we hold an expired cover letter, we will be sent back to Myanmar. I was worried, because my children have no document, not even a birth certificate, they will get arrested. (Zeinab and Jamilah, personal communication, 2014).¹⁶

¹⁵Interview with Mohd Rafiq Abdul Majid was conducted at Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang.

¹⁶ Interview with Zeinab and Jamilah was conducted at Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang. However for safety reasons, both of them requested for their identity and photo not to be recorded.

The Rohingyas that have been repatriated through the border will try their best to come back to this country. Their families and friends will help pay the agents so that they can be smuggled back in. They refuse to return to their homeland for fear of being threatened and not accepted at all. No doubt many Rohingya, regardless of their status were sent back by the authorities in the country after they were detained for not having valid documents. The reports by US Committee for Refugees and Immigrants, as we mentioned earlier revealed that in 2007, Brazil sent nearly 1,200 Myanmar refugees to Thailand. From the number, more than 30 people were sent back to Myanmar and the rest managed to re-enter Malaysia and settled in Thailand.¹⁷

Aside from humanitarian considerations, the Malaysian government has good reason to be concerned about the plight of the Rohingyas in Malaysia. One of which is the possibility that many may eventually turn to crime as a matter of survival. In its 2002 annual report, the Human Rights Commission of Malaysia, or Suhakam, noted the views of a Rohingya representative that high unemployment and financial hardship would make it highly likely for criminal elements to infiltrate the community and for desperate Rohingyas to resort to petty crime.

The issue of security is always associated with registration and UNHCR card, even though the card is not a guarantee for the Rohingyas stay safe without harassment from security force and police in Malaysia. Many of Rohingya (almost all) are unable to obtain a passport or citizenship document in Myanmar and arrive in Malaysia with a Myanmar identity document or no document at all. The primary identity document used by refugees in Malaysia is a UNHCR card. As mentioned in earlier chapter, until February 2016, 44,870 Rohingyas registered with UNHCR, of whom 158,510 refugees and asylum

¹⁷ *U.S Committee for Refugees and Immigrants (USCRI)*, 2007.

seekers. In order to obtain a UNHCR card, asylum-seekers must apply to be registered by UNHCR, and then wait to be given an appointment. They also can be registered during UNHCR visit to immigration detention centres or through referrals from NGO's of asylum-seekers who have particular protection and assistance need.

Chow (2014) in an investigative report highlighted the issue with this card is that there is widespread lack of understanding within the Rohingya community of how the registration work and the capacity of the card have had. He pointed out, "the issue also with this UNHCR registration procedures is public accusations of systematic corruption have been levied at UNHCR Malaysia, most prominently in an investigative report by Al Jazeera in 2014" (Chow, 2014).¹⁸

Meanwhile, Wake and Cheung (2016) noted, that "the lack of understanding among some refugees of the UNHCR registration procedure, inability to obtain registration by refugees who conformed to UNHCR registration procedures and misconduct within the refugee registration process has serious implications, including undermining refugees' trust in UNHCR process, and leaving many without the basic protection afforded by a UNHCR card" (p.37).

5.4.5 Birth certificate

From the interviews, it was discovered that most Rohingya people have no birth certificate. Unfortunately for them, they do not have documents from either Myanmar or Malaysia. Most new generations of Rohingya that were born here have no birth certificate, as even the parents have no travel documents. Husin's grandchildren for example, were born in Malaysia, Hamed and his two children were also born in Malaysia.

¹⁸ 101 East 30 minutes program aired on 21 November 2014. UNHCR launched a formal investigation into accusations. However, at the time of writing, no findings from the investigation were publicly available.

Husin's grandchildren have no birth certificate. Neither do Hamed's children. Both Husin and Hamed are afraid of getting arrested should they try to get the birth certificates for their children and grandchildren.

This is another issue that should be given attention. Not having birth certificate will lead to other documentation problems such as work permit, identity card etc. This problem is somehow related to their lack of information in knowing the procedures to get the birth certificate, as told by Mohd Yunus Abdul Ghani:

Only one of my children has a birth certificate, and that was only because a friend who is a Malaysian helped us with the registration. The other three has no documents although they were born in Malaysia. I am not worried about myself not having documents. I am more worried about my kids not having birth certificates. (Mohd Yunus, personal communication, 2014).¹⁹

5.4.6 The issue of education for Rohingya kids

As the Rohingya children are not allowed to register for school, most of them are illiterate, although fluent in Malay. Realizing that the future of their children depends on the education, these Rohingya parents do not give up, still hoping for their children to be enrolled for formal education. A father, Hamed Mohd Sharif hope that his son can pursue education in the country, but his attempts always lead to frustration, as the applications were rejected many times. He said:

I hope my children can go to school, either the public school, or the religious school, both is good, but my applications are often refused. I have tried a couple of times, but to no avail, even when I tried to register at a new school that has not

¹⁹ Interview with Mohd Yunus Abdul was conducted at Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang.

many students. It always come back with unfortunate answer. (Hamed, personal communication, 2014).²⁰

For Letchamanan (2014), “it is through education, that a person can change his life and guarantee his future”. She said that “for the long term, formal education is much needed by the Rohingya children. But until today, the opportunity is still vague. Refugees like Rohingya kids are not allowed to go to state schools”. She added, that “they are allowed to go to privately operated learning centers. There are rules and regulations for these learning centers which must adhered to such as registration with the authorities, buildings certified fit for occupation, by urban authorities, approved syllabus etc. But, most of the Rohingyas are unemployed and even if they are employees, they are only given minimum pay for odds job they are hired for, and not enough to pay for private operated schools for their children” (Letchamanan, 2014, p.28). The question is, until when do the generation of the Rohingyas in the country has to deal with uncertainties in such a way?

Meanwhile, as shared by the Rohingyas who were interviewed, from 2002 to 2004 there was an informal school built in Cheras, sponsored by the UNHCR in collaboration with Yayasan Salam Malaysia. The school, known as “madrasah”²¹ is the only opportunity for the Rohingya’s children to get education. But it ceased operations in 2005 due to lack of financial resources from the sponsors. However, in the subsequent development, a year later, it was back in operation with a new sponsor.

²⁰Interview with Hamed Mohd Sharif was conducted at Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang, 9am.

²¹ Madrasah is educational institution for the study of Islamic religion, usually placed for students from the neighborhood.

There is also a school run by Hafiz Hashim, known as Sekolah Anak-Anak Yatim dan Tahfiz Quran Hashimiah in Selayang. It provides an informal back up education for the children of Rohingya in this country. According to Hafiz, the number of Rohingya students increased every year since it started operations in 2000. To date (as of February 2016), there are 103 students as young as four years old to teenagers learning and memorizing the al-Quran, religious studies and language, other than learning how to operate the computer.

Even the future of the school is uncertain. Existing solely on public donations and monetary sponsorship from the UNHCR, the school operates on RM5000 per month, which is insufficient for long-term maintenance. Funds are constantly required to pay the teachers and rent, and for books and stationeries. Sustainability depends on the support and goodwill of outsiders, including donations of rice, sugar, milk and so on. The most critical is the supply of milk and rice, as the Rohingya children should be given nutritious food to learn well.

5.5 Education Problem for Rohingya Refugees Children in Malaysia

As for education, UNHCR with the assistance of local non-governmental and faith-based organizations operate learning centers for refugee children. There are about 120 such learning centers in West Malaysia, mostly in Klang Valley, Johor and Penang. The majority of the teachers in these schools are from the refugee communities themselves with local and foreigners volunteering on regular basis. These learning centers are located in flats, and are usually cramped with 60-100 children, although there are centers with

smaller number of children. Learning centers are opened where there is a big number of refugee community living in that area.²²

Much research (e.g Letchamanan, 2014) has been done on education for refugees in their places of resettlement, but in comparison, research on the provision of education in places of temporary settlements is less comprehensive. For Letchamanan (2014), “in the midst of conflict, education is often seen as a luxury for refugees or internally displaced people who are also struggling to find food, aid and shelter. However, education is a basic right, one that is vital in restoring hope and dignity to people driven from their homes. It helps people to get back on their feet and built a better future” (Letchamanan, 2014, p.35).

Malaysia is a temporary settlement for refugees as it only allows them to stay on humanitarian grounds while waiting to be resettled or repatriated, hence providing limited or no opportunities and benefits for them. However, as pointed by Letchamanan (2013), “education is essential in ensuring stability and a sense of normalcy for the refugee children”. In an interview with Ismail (2014), she stressed, that “education the only tool that vital and important for a better future either when repatriated or resettled to a third country” (Ismail, 2014).²³

The Rohingya refugees have been living in Malaysia for more than two decades without proper access to basic healthcare and education. This means a generation without formal education. Many adult Rohingya refugees are illiterate, with some being able to read and write *Jawi* and after years of living in Malaysia, the Malay language. During interview, a 41-year-old principal of Madrasah Hashimiah, Hafiz Hashim from northern

²² Self-observations, Madrasah Hashimiah in Selayang, Selangor and The Rohingya School Community of Cheras Baru, Kuala Lumpur, June 2014

²³ Interviews with representative from UNHCR, Yante Ismail, Kuala Lumpur, June 2014, 10am

Maungdaw recites a laundry list of items that the school cannot afford, including full-time teacher and books. Here too, Hafiz Hashim teaches only Islamic studies and the Al-Quran to a group of 20 students aged between seven and 12 years. He said, as translated from Malay language:

But this is not enough. The children need to learn how to read and write. They must know how to count. They must know science and geography. They must know English and Information Technology, for example. What future will our Rohingya children have without knowledge? Of course, their future will be dimmed (Hafiz Hashim, personal communication, 2012) ²⁴

The Rohingya refugee children attend learning centres operated by the community and faith-based organization with the assistance of UNHCR. For the Rohingya refugee community, the purpose of education is for their children to succeed and have a better life than theirs. The conversation in Malay language is translated as below:

Our students are interested in learning. We as the parents want our children to succeed so that they have a better life. Not like ours. I can't read and write. I don't want my children to be like me too. But of course, this will be difficult, it is not easy for me, not easy for them too. But, we as parent try very best to give them education and encourage them to study. (Rohingya parent Arfat, personal communication, 2014). ²⁵

In most of the learning centers, UNHCR assists by providing textbooks, compensation for the teachers and teacher training. The children are taught Malaysian syllabus using

²⁴ Interview with Hafiz Hashim Qassim, Madrasah Hashimiah, Selayang, Selangor, June 2012, 9am

²⁵ Interview with Rohingya parent, Arfat, Madrasah Hashimiah Selayang, June 2014, 9am

books given by UNHCR. According to Ismail (2012), they learn Mathematics, English, Science and Malay Language beside Myanmar language. “But, most of the times, teachers consist of volunteers that rarely came to learning centers and teach the students”.²⁶

The efforts by the volunteers certainly need to be recognized and applauded. However, in some centers, it is difficult to get volunteers or to have committed volunteers. It may be that UNHCR as the main organization involved could source more committed volunteers and even provide transportation for them to go to these centers as some are located in quite remote parts of the city. In doing so, the centers will always have a pool of volunteers and more quality activities can be carried out.

In Madrasah Hashimiah for example, there are two sessions; morning and afternoon separated according to grades with the older children attending the morning session and the younger ones in the afternoon. The Rohingya Community School Puchong and The Rohingya School Community of Cheras Baru does not have the facility to conduct classes at different levels. All students aged six to thirteen attend the same class.²⁷ Monthly compensation is given to the principal and teachers in the form of cash, but from the interviews, it was understood that this compensation is very little and insufficient. Teacher training is provided to all refugee school teachers with the assistance of UNHCR. Trainings provided includes pedagogy and leadership.²⁸ As stated above, formal education is denied to refugee children as they are illegal immigrants under the law. The

²⁶ Interviews with representative from UNHCR, Yante Ismail, Kuala Lumpur, June 2014

²⁷ Self-observations, Rohingya Community School Puchong, Selangor and The Rohingya School Community of Cheras Baru, Kuala Lumpur, June 2014

²⁸ Interview with representative from UNHCR, Yante Ismail, Kuala Lumpur, June 2014

law as it stands does not allow them to be enrolled in public schools. The only education they receive is from informal classes organized by non-governmental organization with help from UNHCR.

The table below show how NGOs and UNHCR help to give informal education for refugee especially for the Rohingya kids or new generation in Malaysia.

Table 5.6: List of Educational Center for the Rohingyas in Malaysia

| Education Centre | Establish Since/Funder |
|--|---|
| Rohingya Islamic Center Kg Cheras Baru | 1998/Yayasan Salam (terminated in 2000) |
| Rohingya Learning Center | 2001/ABIM |
| Rohingya Children Learning Center | 2004/Harvest Center Sdn Bhd |
| Madrasah Hashimiah for Orphange | 2008/UNHCR |
| Rohingya Education Center | 2008/Taiwan Buddhist Tzu-Chi Foundation |
| Rohingya Education For Refugee | 2009/UNHCR |
| Rohingya Learning Center Tasik Permai | 2009/PERKIM |
| Rohingya Learning Center Tasik Tambahan | 2009/PERKIM |
| Rohingya Learning Center Taman Muda | 2009/PERKIM |
| Rohingya Learning Center Kg Pandan | 2009/PERKIM |
| Rohingya Learning Center Selayang | 2009/UNHCR |
| Life Bridge Learning Center in Penang | 2011/JUMP Network Group |
| Rohingya Learning Center Baitul Rahmah Sg Petani, Kedah | 2013/Council of Rohingya Ulama |
| Malacca Learning Center for Refugee Children | 2014/UNHCR |

Source: UNHCR <https://refugeeresettlementwatch.wordpress.com/category/rohingya-reports>.

As per table shown above, efforts began in 1998, when Yayasan Salam came up to help to educate some Rohingya children in Kampung Cheras Baru as an implementing partner of UNHCR and sadly, that project was terminated in 2000. From the year 2001, Muslim Youth Movement of Malaysia (ABIM) stood to fund for that school with a view to giving read and writeable education to some 50 children. Similarly, the UN refugee agency partnered with a non-governmental organization, the Taiwan Buddhist Tzu-Chi

Foundation, opened five new education centers within the Klang Valley in 2008, serving some 300 Rohingya refugee children.

The project received funding from the United States government, bringing education to the Rohingya community on an unprecedented scale in Malaysia. Likewise, from January 2008, the UNHCR extended a supportive hand to facilitate primary education to the Rohingya refugee children in Tasik Permai, Tasik Tambahan, Taman Muda, Kampung Pandang and Selayang respectively. Those schools are also not fully equipped.²⁹ But those 5 schools are based within Klang Valley only. Mostly the Rohingya live in Penang and Johor, but their children are still deprived of a basic right to formal education. Appreciation should be given to a humanitarian Non-Governmental Organization (NGO), JUMP Network Group, while helping Rohingya children in Penang in 3 schools.

In 2015, there was another school supported by Muslim Welfare Association of Malaysia (PERKIM), a local NGO chaired by Tun Dr. Mahathir Mohamad, since September 2009. This school is situated in Lembah Jaya, Ampang. There are 3 teachers including a religious teacher and 120 students enrolled in regular classes. All the expenditures of school and students such as rental, accommodation, text books for children, necessary material are conducted by PERKIM. The reality, however, is that two of UNHCR's five schools closed down as all the students shifted to PERKIM School.

In Penang, northern Malaysia, as well, there is where NGO Peace Learning Centre steps in, it tries to close the gap by providing basic education exclusively for Rohingya child refugees. Established in 2013, the centre started in a local madrasah before relocating to a double-storey house in Gelugor to cater to its increasing number of

²⁹ Information given based on interviews with representative from UNHCR, Yante Ismail, Kuala Lumpur, June 2014

students. Sixty children, aged five to 16, attend the school from Monday to Friday. Besides educating the children, the centre also keeps them off the streets and equips them with skills and knowledge that would give them a better chance of being relocated to a third country. Many children from centres such as this have, together with their families, been successfully relocated to a third country, such as the United State of America (USA).

Peace Learning Centre is the only place where they have access to basic education. To emulate the atmosphere of a public classroom, the rooms are equipped with blackboards and notice boards. Each student is provided with a black t-shirt with the words “School of Peace” emblazoned on the back, but some of the children wear the white and navy blue uniform of the Malaysian public primary school to experience what it feels like to be in a real school.

Lessons are conducted in Bahasa Malaysia, and exams are held monthly. The children are taught to read, write and solve basic arithmetic. Recently, they have been introduced to English, with lessons currently conducted by American expatriate Laura Reese. Even the future of the school is uncertain. Existing solely on public donations and monetary sponsorship from the UNHCR, the school operates on almost RM5000 per month, which is insufficient for long-term maintenance. Funds are constantly required to pay the teachers and rent, and for books and stationeries. But support from local NGOs and individuals have given hope to Peace Learning Centre. Several NGOs are currently providing free mobile clinic services for the centre.³⁰

In Johor Baru, southern Malaysia, there are some schools set up by privet initiative of Rohingya community to educate their own children but due to lack of fund unable to go

³⁰ Peace Learning Center (PLC) located at 56, Changkat Minden, Pulau Pinang. PLC encourages the public to help the school through donations or volunteering assignments. PLC also can be access via Facebook, Tweeter.

further and waiting to get any assistance from UNHCR or any NGO to develop school curriculums as minimum standard. According to strategic country plan by UNHCR, the 2012-2016 UNHCR budgets for the protection of children is USD \$209, 825 and for the refugee education in Malaysia is listed as USD \$1, 555, 717.³¹

The Rohingyas hope that on that issue, UNHCR may set up some more schools for Rohingya children in different places like Klang, Johor and Penang if the decision of government remains unchanged.³² In addition, Harvest Centre Sdn Bhd, set up an informal school in Sentul. About half of the centre's students are Rohingya refugee children. Believed to be Malaysia's first Montessori school for marginalized children, the Harvest Centre was set up in 2004 with seed funding from World Vision and is run on public donations. The school has qualified and full-time staffs and a host of volunteers, and entered as an implementing partner with UNHCR but there are no more than 200 Rohingya refugee children studying.³³

There is another school namely "Darul Uloom Blossom Garden" Kampung Sungai Pinang, Klang, where two teachers are in charge of religious studies, one teacher for teaching English, Mathematics and Science. Future Global Network Foundation (FGN), a local NGO funded the school, can only support for two religious teachers due to insufficient funds. There is no teacher available for the teaching of Bahasa Malaysia at the moment, but the children can speak Bahasa Malaysia because of their daily communications with the locals. Even though the children have placed emphasis on the

³¹ UNHCR, 2012-2016 Education Strategy.

³² Interview with Hafiz Hashim Qassim, Madrasah Hashimiah, Selayang, Selangor, 9am, June 2012

³³ Information given based on self-interviews with representative from UNHCR, Yante Ismail, Kuala Lumpur, June 2014

importance of Bahasa Malaysia for the tools of communication, Rohingya refugees also make an effort to make sure their language is sustained by opening one school in Kuantan, Pahang for said purpose.

Pahang Rohingya Language School (PRLS) in Kampung Kurnia, Batu 3, Kuantan Pahang, opened on July 18, 2013, driven by the awareness that Rohingya's problem is much concern with socio-economic standards rather than political ones. The committee is aware that they have to become socialized and civilized through education and financial harmony that they should have enough economic strength to change the standard of living from hand to mouth to a medium income family. The school supervised by Rohingya Social & Welfare Association of Pahang (RSWAP) has quite big classroom with 30 chairs and desk allocated for students. The teachers are volunteers from International Islamic University Malaysia (UIAM) to come and teach English, Maths and Science. For religious education, they have 3 Rohingya Imams. Currently, it has 45 children, aged 4-16 years old attended the school.³⁴ However in a recent development, the school was closed in October 2014, due to poor attendance of Rohingya's children and being short of fundings.

Meanwhile, according to UNHCR, "Rohingya children below 16 years are estimated to total about 6,000, of which 90% are engaged in the collection of recycle materials or child labor in Malaysia". Relating to this, the government of Malaysia does not have policy to accept any suggestion made by various local NGOs or Refugee Project holders including UNHCR's refugee children in public schools. UNHCR-Tzuchi Education Center has opened 4 new informal education sectors for 233 Rohingya children but the

³⁴ Self-observations based on visit at the Pahang Rohingya Language School (PRLS), Kuantan, Pahang, 10am, October 2014. For detail visit www.rohingyablogger.com/2013/07/pahang-rohingya-language-school-first.html

UNHCR is untruly claiming this to be about 600, while about 5,000 are still languishing in such circles. In fact, the Rohingya refugee children are deprived of recognized education, which does not bring hope for their future. One of refugee interviewed express his true feeling about dimmed future as he faces communication and language barrier. He said int translated interview:

I want to go to school, like my Malay friends did. I can speak Malay very well, I also can communicate very minimum English. But I can't go to school. I want to study, and I would love to do so. All I want, be good at speaking and writing English. (Anwar, personal communication, 2014).³⁵

For Letchamanan (2014, p.48), "providing education is important, but more important than that is to provide quality education that would benefit these children in the future". She stressed, that, "education, as much as it needs to solve the immediate problems, also need to address the long-term goals and prepared the refugee children to be independent and uplift them from poverty. Without this, they will go on living in a state of limbo for generations to come" (p.48). As stated by Letchamanan (2014), "this is especially pertinent in the case of the Rohingya refugees because they are not resettled in a third country. Nor are they repatriated because their country of origin has declared them stateless. For this, many have come to call Malaysia their home".

5.6 The Rohingyas Children and the Beggars Problem

There is a growing concern among the Rohingyas in Malaysia that their children will end up as beggars or be involved in vice activities due to the lack of education opportunities. In Penang, north of Malaysia, for example, it is estimated that out of the

³⁵ Interview with Anwar was conducted at MEHROM office, Cheras Baru, Kuala Lumpur, 2pm, June 2014.

15,000 refugees, mostly from Myanmar living in Penang, 5,000 are begging on the streets (MalaysiaKini, 2016). In the past two decades, most of Rohingya children born and grown up in Malaysia do not have access to government schools, although primary school education is a compulsory and available freely. As a result, most of them are working in odd jobs like construction sites, or as garbage collectors, which should be considered child labor. Even worse, the children may end up as beggars on the street or at outside the restaurants.

In reality, children may enter public schools, but as refugees, they were expelled out from the government school in early 2006, while very few numbers of Rohingya children got chance to study in public school as adopted children of local Malaysian. Nonetheless, there is no record of any Rohingya child from refugee community in Malaysia managing to be a university student. Some managed to become a “permanent resident,” which means they must pay higher fees, buy their own books and face a lot of red tape. For most of them, their parent cannot afford the extra costs. Access is also restricted as most of the refugee children do not have birth certificates, a legal prerequisite for admission (UNHCR, 2012).

Under the Malaysian Education Act 1966, only three categories of foreigners are permitted to enroll in government schools; children of foreign embassies, children of foreigners who have legal work permits and those who have been granted permanent resident status. Thus, the children of the Rohingya community in Malaysia do not have the privilege to study in government schools as they do not have birth certificates or any other official documents. Though they get birth certificates, they do not have the right to attend school.

In the case of one Rohingya refugee, Zaleha, 12 years old, has no choice except begging for money at eateries. She was spotted selling copies of the Yassin priced at RM1

each, while some were seen with begging bowls. Her case was referred to Welfare Department (JKM) as she was caught doing her activities. In an interview with Ibrahim Sadik, who is from Myanmar and whose family migrated to Malaysia in the late 80s, he, said that only education would take the refugee children off the streets and prevent them from becoming a generation of beggars apart from being dragged into being part of the 'bad hats'. He refers Zaleha case by saying:

Zaleha was actually selling religious books but this is also considered like begging because there is no fixed amount for the books. It is up to the people to give him whatever amount they thought suitable. The family is ashamed to allow Zaleha to do this, but they have no choice and the girl is also too young to get a job. The father used to go around collecting metal scraps and recycled items but later he became too ill and became bedridden. (Ibrahim Sadek, personal communication, 2015).³⁶

According to Ibrahim, there were two groups of Rohingya refugee children who took to the streets as beggars in Malaysia. On the one hand, the children were in the clutches of a triad from their own ethnic group and local gangs who paid some money to the parents of the children and the children themselves before sending them out to the street to beg. The other group are those who have no choice but to beg and begging is the easiest form of earning a livelihood. Ibrahim related this to another case similar to Zaleha by saying:

One boy name Abdul Rahim, who supposed to go to school but at the age of 9, he has to beg to support his family. The young boy then started to mix with the bad

³⁶ Interview with Rohingya refugee, Ibrahim Sadek, Meru, Klang, 6pm, June 2015

elements and was later picked up by the authorities. After some considerations by the relevant authorities, they decided to send him to a reform school in Kelantan. (Ibrahim Sadek, personal communication, 2015).³⁷

Despite numerous operations conducted by the JKM and the relevant authorities to take beggars off the streets, these alms seekers, however, are still begging. Below is a common scenario of Rohingya children beggars in few major cities in Klang Valley.

Scenario 1:

In Shah Alam, Selangor, armed with a biscuit tin each, two children believed to be Rohingya refugees were seen begging for money at the busy Persiaran Permai traffic light junction in Section 7. Some of the motorists were seen winding down their windows and handing out RM1 to RM5 notes, while some refused to give any. Moving from one car to another, the children, aged between 8 and 10, did not care about their own safety. At night, the two children with another small boy were seen begging at eateries in Jalan Plumbum, in Shah Alam. From table to table, they would ask patrons for some donation. Conversing in Malay language, they normally use magic phrases while begging such as translated below:

“Please help us. We have not eaten yet or my parents are sick”.

“I’m here with my siblings. Our parents are ill, and we haven’t eaten for days. We also want to buy medicine for our parents”.³⁸

³⁷ *Ibid.*

³⁸ Self-observations based on visit to a restaurant in Shah Alam, June 2015, 8.30pm

Scenario 2:

Occasionally, two Rohingya children could be seen begging for alms at the eateries in Section 13, Shah Alam. Approaching the tables separately, the two, however, sport the United Nations High Commissioner for Refugees (UNHCR) cards. A mother and her son were soliciting for alms at a food stall. When told that they are not supposed to ask for alms, both mum and son said “We are homeless, and we don't have enough money to eat. Begging is our only option”.³⁹

It is informed that through the cases above, no access to the formal Malaysian public education system has also marginalized refugees. The current situation is producing a generation of young adult refugees with limited education which, in turn, will impact on their capacity to improve their lives and provide for their families in the future. It will also limit their ability to contribute positively to Malaysian society during their stay in the country.

To create more sustainable pathways towards self-reliance and improving employability, technical and vocational trainings would provide refugees with the opportunity to seek employment and self-employment as well as prevent them from entering into negative coping mechanisms, such as begging and criminal activities to survive. Negative perceptions of refugees or a backlash against them by civil society would be better managed if they are seen as 'legal' individuals with real identities, via their registration in the Malaysian national database.

³⁹ *Ibid.*

5.7 Conclusion

Based on discussion in this chapter, regardless of the uncertainty, the Rohingya stay strong and struggle to live a life full of difficulties. The participants of this study are happy to be in Malaysia, where they can gain freedom of movement, practice their religion, opportunities for their children through a NGO's recognized education, and hope for their future. Being a refugee in Malaysia, they face challenges toward achieving these goals. Some of the challenges are with cultural acclimation and adjustments to a different way of life.

Other challenges are upsetting their economic expectation of financial comfort. High unemployment rates, underemployment, and the systems of the immigration process leave the refugees in a cycle of poverty and victims of structural violence. These struggles can frustrate them and bring on nostalgic feelings. Even so, transnational social fields among families and friends are developing among local institutions and grassroots networks that connect them. From interviews, what they share about their aspiration is, that they wanted opportunity to learn and earn, but both something that is limited, if at all available, for refugees in Malaysia. They argue, if there is no proper jobs (as they were not allowed to work in just any sector), they will ended with illegally work, thus unable to earn much. Adding to this, they earn enough to survive and sent a bit back home. If they can't save because of having without proper jobs, the refugee would not be able to have enough money to return home. As the host country, the Malaysia government must accept the fact that the Rohingya aren't going anywhere and have to manage the issue here rather than wait for migration options for them to open up.

Life for refugee and asylum seekers in Malaysia is inconvenient and difficult. They are unable to work legally, subjected to harassment by authorities because of their status. The refugee children are not allowed to study. For refugee and asylum-seekers to seek

medical treatment in government hospital is rather impossible and private clinic is too expensive.

Oppression and discrimination towards this ethnic group as discussed in previous chapter, continues in their own country, what choice do these refugees have except to live in Malaysia and integrated with Malaysian locals. This subject, integration, assimilation and adaptation will be the main focus discussed in the next chapter, second series of the whole challenges faced by the Rohingyas refugee communities in Malaysia. In fact, the Rohingyas should be treated like other refugees from Pakistan, Syria and Palestine because in the end Malaysia could be judged by the world in the international refugee and humanitarian index.

CHAPTER 6: INTEGRATION, ASSIMILATION AND DREAM OF HOPE

6.1 Introduction

Based on previous discussion, the journey of the Rohingyas to become refugees in Malaysia suffer a lot of psychological and physical trauma. While it is crucial to address their plight and strive to survive, it is also important to learn how they attempt to create normal life in a new place and whether they have been successful at doing so.

The integration of Rohingya refugees in Malaysia is bound to happen, as prospects of the Rohingyas returning home become less likely. Based on interview, the Rohingyas are shifting their expectations from a temporary residence towards a longer settlement in Malaysia. The alternative they may have is resettlement to the third country, but not many places are available. Rohingya refugees in Malaysia end up staying in the country for a very long time and in fact some of them for the rest of their life. Like the previous chapter, this second series of chapter focuses on the everyday life experiences of the Rohingyas who have settle as refugees in Malaysia.

Their network and its importance to the Rohingyas integration are also the subject of discussion in this chapter. This is because this study follows the trend in integration studies, thus, it is important to discuss and explore how network play a role in integration of the Rohingyas in Malaysia. The main question to answer is, how well do the Rohingyas integrate in Malaysia and what role do social networks play in this process.

The aspect of whether there is an effort on the process of their assimilation and integration is also discussed. This includes language spoken, religion and religious aspects, working for Malaysian employers, close bonding with Malaysian friends and neighbors, social activities, their shared system of belief and spaces. Like the Chapter Five, it is important to note, that the method used in this chapter, goes to the method that

discussed in first chapter where it included anthropological qualitative observations, home visits, interviews, two semi-structured group interviews and two expert interviews.

To understand the living condition of the Rohingyas in Malaysia, the researcher observed the environment, activities, home visits, network and behavior of the Rohingya refugees. Observations consisted of weekly visit with multiple families. These weekly visits consisted of eating food together, tutoring their children, reading, teaching Malay and English language and sharing current event with each other.

Invitations to religious and community gatherings that also participate by the Rohingya refugee also gave an opportunity to observe large gatherings. Life events such as the birth of a child, sport activities, food celebration, religious activities and marriage celebrations were also part of the observation data. Series of interviews with the Rohingyas were conducted in the Klang Valley area, Selangor, Kedah and Pahang. Data life exhibited was, at times, contrary to the answers given in the interviews.

This chapter seeks to contribute to the body of literature through an examination of using religion, network and sports as case studies and it will discuss these one by one as in sub-topics. From observations and interview with the Rohingya refugees, almost all face problems of adjustment to the social, religious, cultural, economic life of the new place they have move in. But they made an effort to be included within society through learning the local language, develop relationship with the locals, negotiating and invoking sympathy and this highly successful in some instances. However, most of them understand the challenges they faced as refugee community even though they had strong ties with local Malaysians or assimilate well into Malaysia society.

6.2 Integration and Assimilation: The Rohingyas Dilemma in Malaysia

“The Rohingya refugees, especially children that living in Malaysia will not receive “special status” or assimilation services to integrate the ethnic minority into local communities,” said former Malaysian Home Minister, Datuk Seri Shahidan Kassim (*The Star*, 2017). He said that as responding to question in Parliament session on the Malaysian’s government plan for social cohesion between refugees and host communities. He added, that “if the government were to introduce an assimilation program, this would mean that the government had the intention to give them (the Rohingya refugees) citizenship. By doing this, the government will open the floodgates, thus make others also come to Malaysia” (Rahim, 2017).¹

His remarks raise an interesting point of discussion on the difference between integration and assimilation. This is especially important in the Rohingya refugee context in Malaysia, insofar as that they were settled in the host countries for several decades, based on the earlier chapter discussion.

Meanwhile, Creatura (2017) provide a significant different between integration and assimilation. She has pointed out that “assimilationist policies imply the loss of one’s distinct cultural identity. These policies often include an evaluation to determine whether the refugee or migrant has successfully adopted cultural customs, whereas integrationist policies promote multiculturalism and encourage an exchange of cultural values between the two societies”. In an article published Brown Political Review, entitled “Rethinking “Integration” and “Assimilation” of Refugees”, she further explained, that “when refugee assimilate, they accept the way of they accept the ways of their host and become a full

¹ Statement that widely reported in news and media in Malaysia. Shahidan in his statement also argue that Rohingya refugees in Malaysia are typically provided with registration cards by the UNHCR, which gives freedom of movement and allows them (the Rohingyas) to practice their religion. Additionally, he said, they receive a 50 percent discount on healthcare. Education is mostly facilitated by NGOs, the private sector and UNHCR support programs.

part of community. Assimilation implies that refugee or immigrants, through education and experience, can earn their way into the host culture and be seamlessly accepted as full members of their new community”.

By contrast, she pointed out, integration “suggest boundaries. It defined in terms of equality”. (www.brownpoliticalreview.org/2017/03/rethinking-integration-assimilation-refugees/, accessed 23 November 2016). In this context, “equality indicates that a host is obligated to embrace foreign cultures as equal, even when they conflict with the values and traditions of the host”.

Understanding the concept and the difference between two as provides by Creatura (2017), is important as to see if the level of integration and assimilation of Rohingya refugee into local communities of Malaysia. This is more important as the scope of this paper is to study the pattern of adaptation that taking place among the Rohingyas in Malaysia. In this chapter, those patterns will be demonstrated in observing culture (religion), language and education, job, social activities and network. However, it is important to note that while pointing out the issue of integration and assimilation, the discussion in this chapter is never diverted from the challenges they faced as refugee communities in Malaysia.

It is widely accepted in develop and developing countries that people from poor and conflict countries emigrate to get a better life in another country. Initially started by the head of the family, what often ends with the whole family united, starting a new life in a country that is not their homeland. Migration of refuge to another country implied better income and better environment and thus increase in status and prestige of families which had members who had migrated in search of better opportunities. Movement of communities from familiar surroundings, certain physical environment into a new and relatively one is bound to have effect on their tradition and way of life.

6.3 The Rohingyas Refugee Community

The participants that spoken told of the pleasures they had come to enjoy now that they had been given refuge in Malaysia. They have freedoms and choices that are not limited to the refugee and IDP's camp, or to back in their own homeland western Myanmar. However, their living condition in some places in Malaysia are not ideal. They live in a small house in the suburb of the city in Kuala Lumpur or other major city such as Penang, Kedah in north of Malaysia and Johor, south of Malaysia. Extended families, grandparents, adult children, aunts, uncles and grandchildren often share small house with two or three rooms with two bathrooms. Frequently, the choice to live together is for both financial and social reasons.

Generally, a Rohingya family consists of a joint-family-from grandfather to grandchildren, including a son's wives and children and so forth. While the adult male members of the family are out earning, the major portions of the household activities have to be performed by the female members of the family. The female Rohingya prepare food, look after the children, clean and wash. The grown-up children will assist their parents in routine activities. As explained by a participant concerning the daily routine of domestic life of the Rohingya:

All the adult members of the family have to keep themselves engaged in various activities from dawn to dusk. There is no home for aged people in Rohingya society and is the tradition of looking after the grandparent and orphans by the relatives. The family life of the common people is harmonized by affection and devoted to each other despite of constant hardship. Both husband and wife equally share the joys and suffering. That elements of strength feeling they practice still in life as refugee, away from home country. That is why the Rohingyas in Malaysia don't really bother sharing and living in a cramped small house or

apartment. In Rakhine, they live with extended families and share the cost of burden and responsibilities of caring for children and elderly. The cost of living and hardship in Malaysia creates the necessity to continue the practice. (Field Notes, 2015).²

As mentioned above, the Rohingya community extends beyond families. If they speak the same ethnic language, it is acceptable to walk into another's home and make oneself at home. For example, a participant explained sharing by saying "Even if you have not met someone before, you can go to their house, eat and sleep, whatever you want for a short period of time" (Field Notes, 2015).³

During visits, it is common for someone who does not live with the family to walk in the door and help him or herself to food from the kitchen and then leave. A linguistically expression of this lies in the kinship term with which they choose to refer to each other.

When I first came here, I did not know why they say my name. In my country, we call each other the same age as us "brother" or "sister". If they are older than we are, we call them "uncle" or "auntie". So, when everyone says my name here, I wonder why they say my name. That is also answered why I called you "sister", when we first met and until now. I don't refer you as your name Azlina, but "sister" is more respectful. (Field Notes, 2015).⁴

In addition, there is no distinction between first and last name, nor there is a common surname or family name among immediate family. The Rohingyas, on their birth, keeps

² Field Notes, Hulu Klang, Kuala Lumpur, April 2015

³ *Ibid.*

⁴ Field Notes, Cheras Baru, Kuala Lumpur, June 2015

Islamic Arabic names corresponding to the Most Beautiful Name of God, the Prophet and the followers. Some keep Burmese or Rakhine names for the convenience of non-Muslim teachers and officials, as they cannot pronounce Muslim names correctly or as a gesture of communal unity or with the spirit of Burmese national culture.

As refugees in Malaysia, they commonly keep both names such as Saleh Tin Sein, Elias Ba Sein and so on. In addition, for the older generation of the Rohingya refugee, their name are usually similar to those of Muslim man or women in Malaysia; for example, Rahman, Sayed and Ghafur or Zainab, Sharifah, Halimah or Hidayah.

6.4 Life in a Muslim Country, Malaysia: A story of Rohingyas Imam

One participant involved in an interview was a Rohingyas from Moulmen, Rakhine, now, the principal at Madrasah Hashimiah. An introduction to him is because the researcher was as a full-time journalist. He is the source of coverage when the television channel that the researcher was working with wanted to publish various angle of a report on refugee and Rohingyas.

The researcher and this participant become friend, as recommended by him, and the researcher verbally agree to adopt one Rohingya girl in 2012, then, age three years old, to fund her education fees, bought her school uniform and other necessities. In 2016, at the age of seven, she was still the researcher's adopted daughter, regularly paid visits during the school holidays and the researcher continued pay her fees for education and other necessities.

During observation, the researcher witnessed him being a strict follower of the Islamic traditions. He observed his prayer five times a day. He never missed Friday prayer (prayer that obligatory to male only). In the month of Ramadan, he completed a recitation of the whole Quran and in fact he could be called Hafiz (who get the whole Quran by heart). In

the mosque at the place where he lives, he usually led the Taraweeh Prayer.⁵ He speaks fluent Malay, as many other Rohingyas that converse among themselves in Malay and a spattering of Rohingya dialect. Due to the long stay in Malaysia, most Rohingya refugees fluently speak Bahasa Malaysia, as did this participant. He has also integrated fairly well with local community, finding some level support in the local mosque in the term of religious and spiritual needs. Due to him getting used to the tradition and culture, he, normally wear his skull cap like many older Malay Muslim man did.

He began his refugee life in Malaysia as a vegetable seller at wholesale market, was later given an UNHCR card, and survived in few raids against undocumented Rohingya migrants by Malaysian authorities. And now, he is a principal of religious school for orphanage children. As a religious school, of course the subject is Arabic and religious subject like the History of Prophet Muhammad, Al-Quran and so forth. But his school also teaches the children Mathematic, English and Science & Technology. When asked about his feeling of being refugee in Malaysia he said:

Due to long stay here makes me always be gratitude, I can pray, I can fast, I can practice my religion, I can participate during festival (Eidul Fitri and Eidul Adha).

I can do all this without fear, without being harassed. I am also can practice all these publicly, where ever I want, I can't do that in Moulmen (Myanmar). In Malaysia, we can live as Muslims. In Myanmar, we are nothing. Something is

⁵ When the month of Ramadan begins, Muslims enter into a period of discipline and worship: fasting during the day and praying throughout the day and night. During Ramadan, special evening prayers are conducted during which long portions of the Qur'an are recited. These special prayers are known as taraweeh. The word taraweeh comes from an Arabic word which means to rest and relax. The prayer can be very long (well over an hour), during which one stands upright to read from the Qur'an and performs many cycles of movement (standing, bowing, prostrating, sitting). After each four cycles, one sits for a brief period of rest before continuing - this is where the name taraweeh ("rest prayer") comes from. During the standing portions of the prayer, long sections of the Qur'an are read. The Qur'an is divided into equal parts (called juz) for the purpose of reading sections of equal length during each of the Ramadan nights. Thus, 1/30 of the Qur'an is read on successive evenings, so that by the end of the month the entire Qur'an has been completed. It is recommended that Muslims attend the taraweeh prayers in the mosque (after 'isha, the last evening prayer), to pray in congregation. This is true for both men and women. However, one may also perform the prayers individually at home. These prayers are voluntary but are strongly recommended and widely practiced.

better than nothing. I would prefer to live in Malaysia instead of the USA because the USA is not an Islamic country. I have stayed in Malaysia for more than 15 years and know how speak, read and write well in the Malay language. I did not get everything that I wanted but I still stayed in Malaysia on Islamic grounds. We (Rohingyas) also discourage our member from going to non-Muslim third countries. (Field Notes, 2014, 2015).⁶

Meanwhile, even though the participant enjoyed few elements of acceptance by the community in the host country, Malaysia, he still feels like a foreigner. In this scenario, he pointed out about being Muslim, Rohingya Muslim and Malaysian Muslim.

I have already been Imam, head master for religious school, able to do fasting in month of Ramadan, celebrating two festival, Hari Eidul Fitri and Eidul Adha, doing sacrifice (during Eidul Adha), integrated with locals, can speak Malay and Arabic language, but....one thing I am yet to achieve as a Muslim in practice.⁷ Yes, true enough, I really wanted to perform Hajj in Mecca.⁸ Only after that, I can feel perfectly Muslim. If, like now I am in Myanmar, I know for sure I cannot perform Hajj. With the status as stateless and unwanted person by Myanmar, I can

⁶ Field notes, Selayang, Selangor, June 2014 and March 2015

⁷ *Ibid.*

⁸ The fifth pillar of Islam is to make a pilgrimage (Hajj) to Mecca, in Saudi Arabia, at least once in one's lifetime. This pillar is obligatory for every Muslim, male or female, provided that he/she is physically and financially able to do so. Prerequisites for performing the Hajj are to be a Muslim, to be free, to be an adult or mature enough, to be of sound mind, and to have the ability to afford the journey and maintain one's dependents back home for the duration. The reward for the Hajj is nothing less than Paradise. The Hajj is the ultimate form of worship, as it involves the spirit of all the other rituals and demands of the believer great sacrifice. On this unique occasion, nearly two million Muslims from all over the globe meet one another in a given year. Regardless of the season, pilgrims wear special clothes (Ihram) - two, very simple, unsown white garments - which strips away all distinctions of wealth, status, class and culture; all stand together and equal before Allah (God). The rites of Hajj, which go back to the time of Prophet Abraham who built the Ka'bah, are observed over five or six days, beginning on the eighth day of the last month of the year, named Dhul-Hijjah (pilgrimage). These rites include circumambulating the Ka'bah (Tawaf), and going between the mountains of Safa and Marwah, as Hajar (Abraham's wife) did during her search for water for her son Isma'il. Then the pilgrims stand together on the wide plain of Arafah and join in prayers for God's forgiveness, in what is often thought of as a preview of the Last Judgment. The pilgrims also cast stones at a stone pillar which represents Satan. The pilgrimage ends with a festival, called Eid Al-Adha, which is celebrated with prayers, the sacrifice of an animal, and the exchange of greetings and gifts in Muslim communities everywhere.

never be called as Haji.”⁹ But here in Malaysia also, even though I am accepted, I still feel that there is a divide among Muslims. I am Muslim, but I am from Myanmar. They accept me as Muslim from Myanmar, and I am forever not Malaysian Muslim. (Field Notes, 2014, 2015).¹⁰

The participant (Imam's) story reflects some of the Rohingyas sentiments and experiences toward responding to the authorities, negotiating and invoking sympathy. As Wake and Cheung (2016) pointed out, “speaking fluently in a national language, Bahasa Malaysia does not permit them to be caught or harassment by the authorities, especially the police”. In their HPG report, they highlighted, that “it is more difficult and harder for newcomers as they don't speak Malay at all. If a refugee cannot speak Malay, the police or authorities will charge them but if he speaks Malay and can explain politely that he is refugee, people may take pity, sometimes no charge against them. If there are harassment, the question sessions are longer than expected. The same thing happens in the case of religions. The participant religious status did not spare him from harassment, but it did ultimately lend a layer of informal protection” (p. 48).

Meanwhile, the story of the Imam's participant also disclosed that when a group has been discriminated against on the basis of their identity, as is the case at the heart of the

⁹ Field Notes, Selayang, Selangor, June 2014 and March 2015

¹⁰ *Ibid.* That was the last conversation that the researcher had with this participant. Until this work completed, the researcher heard no word from him on his wishes to perform Hajj, may be not his time as yet. But the researcher really hope that one fine day will come be his time to go to Mecca and perform his Hajj, so that is become “perfect” Muslim as he wish and perceive. Through a program that introduced by the Malaysian government under Prime Minister 1Malaysia Development Berhad (1MDB) Foundation Special Hajj Program whereby Bilals and Imams that will enjoyed sponsored to perform pilgrimage in Mecca, Saudi Arabia, the researcher believe that he will have a chance, once in a life time. Hajj sponsorship under the Prime Minister-1Malaysia Development Berhad (1MDB) Foundation Special Haj Program established since 2011. Every year since 2011, one thousand people, including two Tok Batin and eight pondok teachers received it. Their offer letters were presented by former Malaysian Prime Minister Datuk Seri Najib Abdul Razak. Apart from the sponsorship, they also received a cash sum of RM1000, sarongs and a box of dates each. The program was aimed at showing appreciation to the valuable deeds and contributions of Imams and Chairmen of village security and development committees nationwide. However, looking at refugee prism, it is quite difficult and challenging for them to beat local Imam and Bilal, as government for sure choose local over refugee, regardless how long stay and integrate into local society and community. No such offer or package has been made under new government in Malaysia since 10 May 2018.

Rohingya experience, it is understandable that this identity takes on a greater focus in their lives.

We had to leave our country because of religion. We have no rights to practice our religion down there. To make Allah happy, we have to practice religion and have to believe in religion. Food is not everything. Money also not everything, but religion is your main life. (Md Noor, personal communication, 2015). ¹¹

From a wider perspective, research shows that religious establishments can provide refugees and asylum seekers with extensive support in their daily lives, in particular with coping with social exclusion. For example, in the context of religion, Ugba (2007, 2012) found that “for the majority of migrants surveyed, their church membership compensated for the lack of recognition and reduced social status they experience in wider society”. For Ugba (2012), he has pointed out that “it is also worth noting that many religious institutions can be most willing to help out with integration initiatives and should be involved, where possible, in the future development of the project” (p.134).¹² The most obvious and immediate way in which religion will have an impact on their future is the fact that many of the Rohingyas feel they will not be able to stay in Malaysia if their needs are not met.

As Wake and Cheung (2016) pointed out, mosques act as important communal meeting spaces for Rohingya refugees, many of whom go for regular prayer. For them, “Malaysian mosques served as shared spaces for refugee and host populations, but some

¹¹ Interview with Rohingya a man who wanted to be known only as Md Noor, Ampang, Kuala Lumpur, March 2015

¹² Ugba, who has studied and written about African Pentecostals in Ireland, notes that religious activism is one of area where immigrant participant has been voluntary and intense. If in the Christian context, the church plays an important or central role in the lives of their members in term of providing spiritual guidance and comfort, practical advice and help through songs, prayers, sermon that emphasize their desire to survive and thrive in an increasingly difficult social and political climate where fears of racially motivated attack and precarious residence status have weighed constantly on their minds of many immigrant, it similar to Islamic context that mosque and other religious institution that play a center role to carry those for Rohingya as a Muslim living in Malaysia.

Rohingya people have also set up their own spaces for prayer in the form of suraus, or smaller places for prayer. Some children attended madrassas – religious schools – because their parents explicitly want them to gain a religious education, or because it is one of the only alternatives given that refugee children cannot attend government schools” (p.39). The report by Wake and Cheung further noted, that “these religious spaces also emerged as places of sanctuary, particularly for newly arrived refugees without pre-established networks looking for help or a place to stay. They receive help from imams and visitors to the mosques, as well as from Rohingya, Malaysian or international individuals or organizations channeling donations through the mosque or suraus. Help received from strangers at mosques is often short term, such as during Ramadan, helping refugees survive until they find other means of sustaining themselves”.

6.5 Helping to help others: The spirit of Rohingya women

As mentioned earlier in this chapter, the researcher’s introduction into the Rohingya refugee experience was as a journalist. That is where the researcher knows two Rohingyas in the sub-topics below, Sharifah and Ziaur Rahman.

There is a need for large families to have additional help when they first arriving. Often, the women are at home caring for the children and have little exposure to the outside world.

Additional exposure to Malay and English-speaking people helps women get exposure to Malay culture. UNHCR in Malaysia and other NGOs such as Islamic Relief,¹³ Muslim

¹³ An independent humanitarian and development organization founded in the United Kingdom in 1984 by a group of concerned postgraduate students. With an active presence in over 40 countries across the globe, Islamic Relief strive to make the world a better and fairer place for the people still living in poverty. It aims include, reducing the humanitarian impact of conflicts & natural disasters; empowering local communities to emerge from poverty & vulnerability; mobilizing people & funds to support Islamic Relief’s work. For more information in Islamic Relief, please visit, <https://islamic-relief.org.my/who-we-are/>

Aid and Malaysian Consultative for Islamic Organization or known as MAPIM¹⁴ that actively engaged in voluntarily and humanitarian efforts for refugees has addressed this by creating short-term volunteer opportunities of two hours or more in a week for six months in the family home. Not all families receive a volunteer due to the limited number and availability of volunteers. Those who do, develop strong connections with their volunteer.

Refugees depend on the volunteers or NGO's to come and visit. It is a joy for them learn from the volunteers and to build a relationship with their volunteers. These friends become a safe face in a new environment of uncertainty. They become a resource, not only to help teach Malay, English and explain ways of life in the Malaysia, but they also provide a sense of comfort as someone to whom they can turn.

Friendship creates confidence for the refugees. Volunteers are often students, transitioning through their own life and tend to move on or disappear after few months. This leaves the refugees feeling abandoned and wondering why their friend and resource has left. Life in general will continue to present challenges and it is helpful if there is someone to turn to who can translate the culture on a longer term than many volunteers are able to provide. But as a full-time journalist, the researcher tried the very best to stay and having connection with refugees that involved with. If it is not for coverage or source of news, the researcher maintains and address as a friend to them.

¹⁴ The idea of the MAPIM establishment was initiated in a resolution document named, "Consensus Declaration of Veranda of Mecca" (CDVM) 2007. CDVM 2007 was introduced in the national conference of Malaysia's Islamic Organizations in Kota Bharu, Kelantan. Moved by congress secretariat of Malaysia's Muslim with the association of state government of Kelantan Darul Naim. Participated by 500 representatives from 78 Islamic organizations of state and national level. As the conference ended, congregates clearly understood that all movers of the Islamic Organizations must realize the importance to act as one strong line to elevate the status of Muslims and strengthen the status of Islam in this country. The conference continued in Ipoh, Perak in 2008. MAPIM's methods and guidelines were accepted in the meeting. This breakthrough has clarified MAPIM'S structure and its movement mechanism in December 2009, a second conference was held in Pendang, Kedah and this is when MAPIM was officially initiated.

6.5.1 Sharifah's Story ¹⁵

The researcher met her through work and became friend not only in social network platform (Facebook and Instagram) but we both contacted each other quite frequently sharing various issue happening in Malaysia and Myanmar. She said, that she had more local friends than the Rohingyas. Sharifah, who had been in Malaysia for more than six years, is the one who introduce Rohingya cuisine, *Luripira and gosso salon* ¹⁶ during lunch at her house. As other Rohingya that had family in Malaysia, her house was small for more than six person that lived in. Her elderly father is lay on a single bed in the living room. There was a plastic woven mat in the center of the room with bowls of food; rice, curry meat, steamed long bean, turmeric soaked cabbage, fried chicken, some bananas and honey dew.

During lunch and the time that we spent next few hours, she told about her life and the struggles that her family is having. She said that her family thinks that if they did not come to Malaysia that her daily life would still suffer. She explained, that in Thailand (she and husband met in Thailand after separated for two years, the husband came first to Malaysia then only they reunited at one Detention Camp in northern Malaysia) and in Myanmar they all sleep together, eat breakfast in the morning and the kids go to school and the adults all go to work. As she shared:

¹⁵ Sharifah's name in this story and chapter is pseudonyms.

¹⁶ Rice is the staple food grain of Arakan. The diet of Rohingya is simple rice, fish, vegetables, milk and chillies. Meat is taken occasionally. The majority of Rohingyas eat fishes with fresh vegetables or potatoes. Dry fish also is not uncommon among Rohingyas. On all festive occasion's cows, water buffaloes and goats are slaughtered for sale and distribution. They eat mutton, beef, and chicken after making 'Halal' according to Islamic teaching. It was the tradition of the Rohingyas to honour their special guests by slaughtering a goat or more. If the host were poor, he or she would honour his guest with a roasted chicken. The Rohingyas do not eat tortoise, crab and pork. People during Manrique's days were very fond of rice cake and dried fish. People of this district still prepare variety of rice cakes popularly known as pitha on special occasions or whenever need rises. Sidol (decomposed fish), xaga (hak or vegetables), dried fish etc. were some of the common food of the common people of Arakan. The Arakan with its geographical location inherits a mixed culture in food Indian cuisine, the Rakhine dish and the English. While snacks of foreign nature are commonly made, the traditional snacks known as 'Pira' is in vogue. 'Pira' is made of rice powder, coconut, molasses, etc. Seasonal 'Pira' are made and people give special attention in their household. Steamed rice cake 'Dohpira' floating rice ball 'Panisatnya'. 'Bawla Pira' 'Zala Pira', 'Fakkon Pira', 'Guru Pira'. 'Luri Pira', 'Golali Pira', 'Madhu Bhat' a kind of fermented cooked rice, etc. have its own peculiarity and taste.

Here, in Malaysia, everything is just the same, maybe because of economical reason, all they have to be teaming with passion in all activities. So, here, we sleep together, there is no room for boy and girl. All the housing arrangement and the culture of sleeping together back in Myanmar and Malaysia that tied us together more intact. (Field Notes, 2015).

After we had eaten and cleaned up the dishes, she pulled the researcher into her living where there was one beds that her father used to lie down, a large walk-in closet with a twin mattress on the floor. There was a desk with a laptop, and she pulled up a You-tube video of news from her refugee camp in Thailand and IDP's at the border with Bangladesh. She pointed out family members and told the researcher about the events of the refugee camp.

Sharifah story revealed, that in particular, newly arrived Rohingya women and children from Thailand that took refuge in Malaysia and have been separated from their husbands and fathers or mothers, who were at first sent to detention centers. At the temporary shelter where the women and children live, NGO's or UNHCR usually provided educational opportunities for the children, has offered activities to lift the families' spirits, and is planning courses on income-generating skills for the women. But there are still particular challenges that the Rohingya face as they seek safe refuge.¹⁷

As shared by Sharifah, she works full time and helps many members of the refugee community, all while she feels she is having trouble navigating life as a resettled refugee herself. She explains, that she never had volunteer help her when she first arrived. She says, "I just had to do it. I make mistakes in life but just had to not be afraid." (2015)

¹⁷ Field Notes, Kuantan, Pahang, July 2015

What she is tried to explain that she had done well, was employed full time, and still needed help. Besides her husband, she was looking for a support system and someone who could help her understand not just how to get a job, but how to deal with family conflict and the stress of working long hours while still helping others. Explaining this, Sharifah stressed:

That is why I tried very hard to blend with the local societies, attended all invitations like wedding, religious activities, and social function from locals. It was to build up integration, because I felt that being a minority in a majority Muslim community like Malaysia, I needed a glue to paste it, and the glue must come from herself. I can say that, “I have wings, but I cannot fly so good if no help from locals. (Field Notes, 2015).¹⁸

Sharifah’s story represents how the Rohingya refugee can build up and expand their network, often to benefit of the other refugees as well as themselves. But at the same time, being accepted by locals in the country like Malaysia that is not their own, is not just important, but also conveying a sense of peace and stability. Smith (2013) in his article “Female Refugee Network: Rebuilding Post-Conflict Identity”, explored the impact of refugees’ ties to the culture of their origin country on the kinds of network they could develop in the host country. What he found, “cases that assigned a high degree of importance to their native cultural heritage developed stronger, supportive ties to family and religious network while those that assigned less importance to cultural heritage had stronger ties to co-workers and neighbors” (p.11).

¹⁸ *Ibid*

In the case of Sharifah, while keeping her and family ties to Rohingya culture and community intentionally loose, she and her family were able to replace those connections with stronger ties to Malaysia people and culture. This is evidence of her ability to expand her networks to include a wide range of Malaysians, such as her landlord and neighbors. In effect, Sharifah's disillusionment with the Rohingyas has allowed her and her family to better assimilate into the host community. These are trade-offs for refugee, balancing the support and shared sense of identity from those within their community, versus the benefits that can come from greater integration.

Based on observation, this had been clear for Sharifah, her husband, daughter, her father, and two uncles. They had been able to enjoy safer life and integrate with local society, which had the added benefit allowing them to avoid troubles. Her daughter also integrated well and is rarely stopped by the police or immigration personnel. But, even so, there are limits to such integration in Malaysia, as they lack the security and equality that come to legal status. As experience by a Rohingya parent and a neighbor of Sharifah, name Yasmin. Her daughter speaks well in Malay language, but undocumented status prevents her from pursuing her goal of further education. As she pointed:

My daughter cannot enter public school, I have to pay higher fees for education set up by UNHCR. That is fine with me, I have to work. My husband too, has to work. A factory nearby my house gave quite high pay, so every month I can pay my daughter's fee. She likes to study Bahasa Malaysia (Malay language subject). She got "A" for every writing and reading test. So, she was very happy. I am happy too. But, she can't go anywhere after primary school, because it is not

public school that in line with education policy by Malaysia government.

(Rohingya parent Yasmin, personal communication, 2015).¹⁹

Meanwhile, the Rohingyas are in a particularly vulnerable position, as in addition to the high levels of poverty in Myanmar and the human rights abuses, they suffer in their native region of Rakhine, most Rohingya people also only speak their local languages. As a result, when they flee to neighboring countries they cannot even integrate with the other migrants, and certainly not with their hosts. This is not a problem with other Rohingyas that are in Malaysia more than five years ago. Most of them, whether men or women can integrate well with local society. With the help from a few active NGO's, volunteers, and society, both local and their own society, they establish connection and develops many friends in Malaysia.

Local language is no longer a problem to the Rohingyas when they integrate and assimilate with societies. Furthermore, it must be the case that strengthening refugee ties to Malaysians will have a positive effect on their economic outcomes. It seems that one of the easiest ways to integrate the refugees into the local community is by providing language classes in order to lessen the communication barrier between the refugees and local Malaysians.

The most useful language for them (Rohingya) to learn would be Malay. This is for two reasons - the first being that most Malaysians speak conversational Malay. The second, is that the Rohingya and Malays are by in large Muslim, which is a commonality that the Rohingyas do not have with other groups in the country. It may be the case that the wider the network of Malaysians a particular refugee has access to, the better her

¹⁹ Interviewed with Rohingya parent at their house in Kuantan, Pahang, 2pm, July 2015. Their daughter speaks Malay and English well and fluently. While the interview took place, her Malay friend came and invited her to the house nearby. She is 9 years old.

economic outcome. In return, the Malaysians in the program might learn more about the Rohingyas and their culture, which may lessen the amount of negative bias towards refugees and to a greater extent towards immigrants from low-income countries that is commonly seen in Malaysian society.

Meanwhile, the Rohingyas regularly speak about their aspiration to be fluent in English and Malay language and look forward to the day when they can organize everything for themselves. Among their aspirations as follows:

What am I aim? What is my aspiration? Of course, doing our best, working very hard. This is the list of things to do in Malaysia. Other than that, be a good Muslim, very important, this has to be maintained and preserve. (Amir, personal communication, 2015).²⁰

When we learn to speak very well, everything will be good. Of course, I want to learn language as quick as possible. My friend said, if you speak well, Malay or English, you will be accepted. I want to be accepted in the society. (Saeda, personal communication, 2015)²¹,

I want to be able to speak the same as the Malay person. I want to speak really good English and Malay as well. Only then, I think I am confident to be in the society and has social life. Right now, I have tried very hard to learn language. Malay is easy but learning English is very difficult for me. (Rasheda, personal communication, 2015).²²

²⁰ Field Notes, Rohingya man wanted to be known only as Amir, Kuala Lumpur, October 2015

²¹ Field Notes, Rohingya women wanted to be known only as Saeda, Kuala Lumpur, October 2015

²² Field Notes, Rohingya women wanted to be known only as Rasheda, Kuala Lumpur, October 2015

However, there are voluminous of problem and challenges they face despite their commitment and excitement.

Learning a lot of English and Malay. Most of Malaysia speaks both languages very well. At the same time, we have to use our Rohingya language, if not it will extinct. Still very basic, need help NGO's, humanitarian body or visits. Can speak English and Malay now. A lot. Much better to speak and understand. Still some way to go. (Saiful, personal communication, 2015). ²³

Sometimes we (Rohingya) have to challenge ourselves. We use body language to describe or to understand. Still very difficult to understand at times. I can recall one moment, when first arrive, out of ten words, we only understand two, but we have to speak, to buy food, to interact with locals, to go and make new friends. Malay or English language, we have to learn. Now, with plenty vocabulary, I have many Malay friends. (Hashim, personal communication, 2015) ²⁴

Having lots of notes and different lessons every day given by Malay friends at work place. If compared to pamphlets, would prefer a book. Better if a book. For me, book would be easier to learn language. That's what I did. (Farouk, personal communication, 2015). ²⁵

²³ Field Notes, Rohingya youth who wishes to be known only as Saiful, Kuala Lumpur, October 2015

²⁴ Field Notes, Rohingya man who wishes to be known only as Hashim, Kuala Lumpur, October 2015

²⁵ Field Notes Rohingya youth only who wishes to to be known only as Farouk, Kuala Lumpur, October 2015

6.5.2 Ziaur Rahman's Way ²⁶



Figure 6.1: A poster of documentary film “Selfie with the Prime Minister”

Source: Ziaur Rahman's Facebook page, <https://www.facebook.com/public/Ziaur-Ziaur-Rahman>

Ziaur Rahman, like any other millennials in Malaysia, loves to take selfie and is active on social media. However, he is no ordinary youth. He is a Rohingya refugee who grew up in a refugee camp and was trafficked seven times by human traffickers. In the quest for freedom of his people, he turns to activism.

Despite having no rights as a refugee living in Malaysia, he finds unlikely ally for his cause, the Prime Minister of Malaysia, Datuk Seri Najib Tun Razak. In short, *Selfie with the Prime Minister*,²⁷ the story of a Rohingya refugee who does his best to help his people in Malaysia. He tries to enlist the help of Prime Minister through his penchant for taking selfies.

Like Sharifah, the researcher get to know Ziaur Rahman firstly on a capacity as journalist. Later, we became mutual friend on social media platform including Facebook

²⁶ Ziaur Rahman is a father with five kids and Rohingyas activists

²⁷ *Selfie with the Prime Minister* premiered at the Freedom Film Festival on November 2016 with the aim of highlighting stories that matter, including issues affecting marginalized communities in the country. It is screening with hope to break stereotypes about such communities, in line with one of the festival's theme. *Selfie with the Prime Minister*, a documentary of 24 minutes, is co-directed by Malaysian film-makers Nor Arlene Tan and Grace Hee Won.

(FB) and Instagram (IG). He frequently shared his pictures and activism activities to be used at any time, if relevant, for news piece or research purpose.

Ziaur's refugee status means that even after escaping from the traffickers, he will continue to be exploited by those around him. But Ziaur speaks English, and this allows him to affect change. He believes his story will open the eyes of the world to the horrors the Rohingyas face every day. This drives him and Ziaur tirelessly tells stories of his people. Prior to *Selfie with the Prime Minister*, he spoke about his people during the filming "*Bodies for Sale*", a film by local director, Mahi Ramakrishnan, also about the plight of Rohingya.

Because of a good relationship that we both enjoy, Ziaur once invited researcher to his residence in Pandan Indah, Kuala Lumpur. However, because of time constraints, the meeting did not happen. Instead, Ziaur brought a few numbers of mementos to remind him of home during our morning meeting in Petaling Jaya in June 2015.

One of it a calendar featuring a quote by U Nu, the first Prime Minister of Myanmar (then Burma). The quote in calendar reads: "*Rohingya are ethnic people living within the Union of Burma*". It was stated by U Nu in a national radio address in 25 September 1954. He also brought a few precious documents, newspaper clipping about his people, certificate of attendance for various workshop, and his own writings.

What researcher saw on Ziaur is, that he is a young man in a foreign country, without a passport and no way to see his mother again and yet, working tirelessly to inform the world of the Rohingya's plight.

I don't claim to know of any solutions to the hardship faced by the Rohingyas. However, I do hope that people will read and share my story. All I wanted is that all acknowledge the rights of the Rohingya people to exist in a country that they

call home. Like *Selfie with the Prime Minister* documentary, I saw him (Malaysia Prime Minister) the only one leader in the region who are mention about genocide that happen in Arakan, for that I must thankful to him, express gratitude. This is my way to highlight the plight of my people. (Ziaur Rahman, personal communication, 2015).²⁸

Ziaur commitment through art and entertainment is symbolized part of struggle for a better life everywhere in the world.

Activist art can educate and inspire. While not replacing other activities, creativity needs to be recognized as an important part of social activism. For Ziaur, he needs to challenge the concept of "art" as an elitist and commercial activity. As he said:

Activism is not a hobby for me. It is a commitment to affect change, it is why I am doing this. Of course, I have aim and objective in life and I commit myself to do that. In other word, I help myself to help others (Rohingya people).²⁹

6.6 Small team, big dream: The power of sports, refugee and Rohingya Football Club (RFC)

“I am in competitor with no one. I run my own race. I have no desire to play the game of being better than anyone. I just aim to improve to be better than I was before. That’s me, and I am free” (Field Notes, 2015).³⁰

²⁸ Self-interview with Ziaur Rahman, Petaling Jaya, Jun 2015, 10 am

²⁹ *Ibid*

³⁰ Field Notes, Pantai Baru, Petaling Jaya, Selangor, October 2015



Figure 6.2: Group photo of RFC Team, Awani FC, TNB and Utusan Malaysia's Team during friendly match in 2015

Source: Ahmad Zakki Jilan

It was one fine day that the researcher met a young, enthusiastic with an activism spirit. From Maungdaow, Rakine, this 29-year-old Rohingya, like to socialize himself, either with fellows Rohingyas or locals. Through Facebook, the researcher knew him and his solidarity to retain survival as the Rohingyas. What he believed, was the need for, Rohingyas in Malaysia to be assimilated in the society.

On Refugee Day celebration at every June 20th, a Non-Governmental Organization's project "The Kick Project"³¹ highlights the role of soccer or football as a tool for integrating refugee into Malaysia society. In almost two years of experience, "The Kick Project" has been struggling to endorse activities for integration through sports; integration is a concept that is still far away from being fully understood.

³¹ The Kick Project, was founded by Australian journalist, novelist and former political analyst, James Rose

Most refugees who enter Malaysia disperse to the north, south and east part of Malaysia and those who decide to stay in may face includes, cultural resistance, language misunderstandings, disorientation, both cultural and institutional and lack of confidence. These and many other barriers create the basis for a socially-exclusive environment. The founder of “The Kick Project”, James Rose underlines the importance of sports for cohesion between societies and cultures. He said:

Sport provides citizens with opportunities to interact and join social networks; it helps refugee to develop relations with other members of society; and it constitutes a tool for reaching out to the underprivileged or groups at risk of, or facing, discrimination. Through its contribution to economic growth and job creation, it can also help to revitalize disadvantaged areas. (Rose, personal communication, 2015).³²

In other words, he explained that “every sporting activity puts the athlete in a challenge against physical and rule limits; opponent teams or members are not properly a limit, but conditions through which efficacious actions towards victory develop”.

It was a great day to have a football game between Rohingya Football Club (RFC) and Astro AWANI Team. The game held at a football field used to witness many big games involving Malaysia national team. The time for a football game is perfect, after a hazy weather blanketed large parts of Kuala Lumpur and Klang Valley area. RFC consist of 11 players plus three reserves aged between 18-27 years old, as did Astro AWANI Team. The scene was thus set for a 90 minutes game that was full of social interaction that

³² Interview with James Rose, Kuala Lumpur, October 2015, 8pm. James is a journalist and has set up an NGO that brings football to crisis zones and they have one project with the Rohingya Football Club (RFC). The Kick Project can be access more on web: www.thekickproject.blogspot.com.au or FB: www.facebook.com/thekickproject and Twitter: @thekickproject

football as sport has as a tool power to integration. In all 90 minutes game between RFC and Awani Team, this is what the researcher observed:

Firstly, it was seen that football as a formal act is more characterised by seriousness compared with the theme of joy. Faces have neutral or serious expressions; the mouths are unsmiling. The space is presented as a sports arena, delimited by lines and attributes that belong to the sport (for example, goal posts). The people on the playing field are spread out, with a systematic relationship between them.

The players comments reflect a certain amount of pressure in the activities, which are often characterized in major global sports events. Even though it is a friendly match, when the Rohingya player enters the playing field, they are assigned a certain role to play in that game, for example, a goalkeeper or defender.

The player's sporting identity is created by their role on the playing field. Relations between team-mates are more formalised and in several expressions the player are formally presented. One interpretation of this theme, where sports is characterised by seriousness and higher expectations, is that the body appears as an object to overcome a certain movement. The reward lies outside the joy of movement. The Rohingya player feel pressure but it is fun to score and win. As one of RFC player observes, he said:

In Arakan (Rakhine), we have traditional game. Among them, Boli Khela. A sport like wrestling that is very popular. What I see and feel here, football is like Boli Khela, it is quite fun, but at the same time, too much pressure. (Field Notes, 2015).³³

³³ Field Notes, Pantai Baru, Kuala Lumpur, October 2015

Another player shares his feeling by stating:

Previously, we play with another club, play with many races like Malay, Chinese and India. We have friends. We play in a team, Rohingya Team. It is fun when you win. It is also proud moment when you can beat local. It is just a memorable moment to score and yelled 'Goal! (Field Notes, 2015).³⁴

For Rose (2015) experience of the sport and skills can be useful social capital when entering sports in a new society, since many sports are played internationally with similar rules across countries. However, he said, "different contextual circumstances can hinder the entrance to sport, despite experiences of global similarity in the country of origin". It is a great experience for RFC to share and interact with local society when they involved in a game. One of participant said:

We just play when we are at the field. We are the same. Football game, as we experience with local team, Astro AWANI, full of fun, we forget our sad stories, it is filled with peace in there, even though we are hunger for scoring goal. It is a good spirit. Plus, we can interact more with local, we as refugee feel accepted when the locals willing to play a football game with us. Well, the best part is, it can bring us closer to each other, and promote understanding because sport is one of those things that, regardless of race and religion, we all one. When talking about sports, we all unite, we all have to be together. (Field Notes, 2015).³⁵

³⁴ Field Notes, Pantai Baru, Kuala Lumpur, October 2015

³⁵ Field Notes, Pantai Baru, Kuala Lumpur, October 2015

For Hoffstaedter (2015), sport is a global movement with a common language. Its global character can make sport an important arena for integration for someone arriving in a new society. “At the same time, sport is an expression of national culture and identity. Such things as rules and artefacts, which at first seem to be similar are in reality locally embedded in the culture where it appears and not similar to other cultures” (Hoffstaedter, 2015). He added, that “the dominating society often has difficulties in welcoming those who are from other cultures and countries, not acknowledging the relevance of understanding which concepts of sport appear between and within cultures, and how these concepts can or should blend” (Hoffstaedter, personal communication, 2015).

On other occasions, the researcher observed Rohingya children engaging in sports and sport activities. This was to provide an understanding of the images and experiences that third generation of Rohingya, children have about sport and sports activities from their home countries, and what challenges arise in the process of integration through sport.

What emerged in the analysis of the observation was that the children’s lived experiences expressed different modes of activities, sport as feeling joy, where sporting activities were performed with friends during leisure time and sport as a spectator, where children were non-participants. In the mode of sport as feeling joy, the theme is characterized by the joyful and informal. The participants' faces are smiling; there is a relationship between the participants and the sports material, such as balls and goals.

There seem to be creative playful moments in their sporting activities. For example, in a football activity, it is more on enjoying nature with a local. There is no formal place for these sporting activities, for example a small piece of area or playing field. They just agreed to play and interestingly, the activity is not governed by formal regulations, but by rules agreed to by the participants. As one conversation with one Rohingya children translated from Malay language went:

I used to play various game with my Malay friends, I have a lot of Malay friends. We made teams and played among the houses and everywhere, even we can go as far as three kilometers from our place just to play. We just play, marbles, footballs and so forth. We made up the rules ourselves. I also played football with my Malay friends; it was funny in the rain. (Field Notes, 2015).³⁶

Another Rohingya children as translated from Malay language said that “I played a lot of football, together with my cousin and his Malay friends. We played against other boys, but not in a team, we had no coach. It is fun to score goals” (Field Notes, 2015).³⁷

The activities described above can be described as spontaneous sport, which is carried out outside school and sports society. One interpretation of the theme of sport as joy is that many Rohingya children have limited experience with organized sports, so their experience is based on what they do informally, by themselves and with others. As pointed by Alexandru & Lorand (2014) in an article “Sport – A Solution to the Social Integration of Children with Conduct Disorder? Pilot Study”, “corporeality emerges as spontaneous and emanating from the activity created by the children”. They added, that “boys and girls can often play sports together and the game is shaped by the opportunities that arise for movement, not by rules that have been set by a specific sporting authority or organization in the region they live in” (p.297).

³⁶ Field Notes, Kuantan, Pahang, July 2015. Malay version of conversations should read “*Saya biasa bermain macam-macam permainan dengan kawan-kawan Melayu. Kami ada pasukan sendiri. Kami main di rumah sesame kami sendiri dan kadang-kadang di tempat lain, jauh di hujung kampung. Kami main sahaja, guli, bola sepak dan lain-lain. Kami tentukan sendiri siapa menang, siapa kalah. Bola sepak, sebelum ini, saya main juga dengan kawan-kawan Melayu. Seronok, sangat seronok, lebih-lebih lagi dalam hujan*”.

³⁷ Field Notes, Kuantan, Pahang, July 2015. Malay version of conversations should read “*Sukan kegemaran saya, bola sepak. Saya banyak main bola sepak. Saya main bola sepak bersama-sama sepupu dan kawan-kawannya, bangsa Melayu. Kami lawan sama-sama budak lelaki, tapi bukan dalam pasukan, tidak ada jurulatih. Tapi seronok bila dapat masukkan gol.*”

As for the power of sports, as discussed and outlines earlier, it is informed that two themes emerged; sport as acting formally and sport as feeling joy. Experience and observation in the football game between RFC and Astro AWANI Team depict the second theme referred to in formal settings sport while the second observation refers to a joyful and often spontaneous activity.

Sport as acting formally, through participation in stadium or sports clubs, is the most common leisure activity for youth and teenagers in Malaysia. Some stadiums or clubs should be open to everyone, and the participants should not need high ambitions to participate, though these provisions are not always found, and it is arguable that sport is a valuable arena for integration of children and youth with different backgrounds.

Sports as a global phenomenon has rules and norms for example dress codes (jersey) that the youth seem to be aware of, and it may appear manageable for them to enter into roles determined by the game and play that role as well as possible. As Walseth (2008) pointed out, it is on the actual playing field that the multicultural dimension of sports is most visible. "Spontaneous sports require other kinds of communication and negotiation of rules, which might sometimes be more challenging to achieve" (p.109).

Sport, as we all know, simultaneously strokes the embers of competitiveness and unity among people. It is one of those strange phenomena wherein people come together whilst supporting different teams or players. Everyone who is part of a game, irrespective of their position in the bigger picture, a player, a referee, a spectator, a cameraman or a zealot perched on a tree on the lookout for a ball to come swooshing from the ground- are one in that moment, engulfed with similar emotions. Perhaps it is this virtue of sport that makes it a social adhesive of sorts. Walseth (2008) said, "according to research done by the North Carolina State University, focusing specifically on the role of professional football in the wake of Hurricane Katrina, organized sports can be a powerful tool for

helping to rebuild communities in the aftermath of disasters, provided that this is done without “glossing” over serious issues that need to be addressed” (p. 112).

Sports-based initiatives helping refugees in healing potential of sport can be harnessed with respect to refugees as well. In fact, locally, it has begun to be used by several organizations and the efforts are already bearing fruit. Like football match involved by RFC, after series of friendly matches organized by Astro AWANI, it received fair share attention as few big organizations has some sport initiatives for refugee especially RFC.

At international level for example, the UNHCR has recognized the positive influence of sport in the lives of refugees, particularly children, and it works actively with corporates and other foundations to integrate sport into the refugee welfare programme. It is not all that simple, however, as far as the relation between sports and the refugee cause is concerned. Some researchers find that by focusing on resolution of such serious problems through sports and the like, the true nature of the problem is overlooked and in fact, may be suppressed.

This would lead to a false sense of security and belief that the issue has been resolved when the actual concerns will have been left unaddressed. Thus, using sport in such cases will only result in a media circus or a publicity gimmick, with refugees being left none the better after the “drill” is over. In the case of RFC for example, despite their enthusiasm, the Rohingya footballers only train once in a while, with their own league, not mix with local youth, due to lack of money. The club needs about RM400 (AS\$100) every month to cover costs including the hiring of a venue for training, but it is so far relying on the limited resources the refugee can pull together themselves.

When turning to the children’s lived experiences in this chapter, it might be a wise idea to start with common and globally well-known sports activities, such as football. The

consistency with which the same themes emerge, regardless of culture or nationality, is misleading. The underlying bases of each theme vary, and individuals need to be engaged in various ways for participation to occur. These bases must be understood by the dominating culture to meet the new arrivals 'where they are' and make them a part of the national sport culture. Integration through sport, Walseth (2008, p. 110) argues, needs to be a two-way process between sport and refugee children and youth.

Sport such as football is a phenomenon that newly-arrived refugee children and young people often experience in their countries of origin and may be an important interface between those children and their new environment. Understanding the obstacles and opportunities which diverse cultural experiences can provide is important in creating a place where all children and young people can participate. Openness and willingness to change what is traditionally seen as the Astro AWANI sport team as Corporate Social Responsibility (CSR) activities can enrich Malaysia sports clubs and activities. It requires sensitivity from those who represent sports, so that the established power structures can be circumvented. One way to avoid immobilization in those structures is to ensure the refugee children's images and experiences are foregrounded when utilizing sports programs.

6.7 The Rohingyas Social Network

Social networks are webs of interpersonal connections, comprises of relatives, friends and other acquaintances. Social networks can be used to explain integration. In other word, social network are the main information providers about a new destination. In today's world, the internet has greatly transformed communication between friends and family. Social media like Facebook, WhatsApp, Twitter and Instagram enable personal conversation between people abroad. Transnational connections can therefore motivate the Rohingyas in Malaysia to keep going once they have arrived.

As for the Rohingyas in Malaysia, although they live in uncertainty and difficulty, they network well. They help each other to build a strong social network. This is important, especially since they are refugees, who are begging for shelter in a foreign country. Most of the Rohingyas live close to each other, in a rented house shared with way too many people - family and friends. A housing unit, for instance, is rented by three or four families to save cost. Those with no family will rent with friends instead – their way of lessening the economic burden.

Living in a community allows them to help take care of each other. Other than getting help from individuals, for example, when Hamed's family help with the maternity cost for Husin's granddaughter, there are also organizations that provide help to the community members. In this case, a social network provides social capital, protection, livelihood support and shelter, including sharing a place to stay, lending money, finding job opportunities and providing advice.

In sharing Hamed's family scenario, one Rohingya interviewed described about receiving help for him. As translated from Malay language, he said:

My family receiving help in term of money, basic needs, from other Rohingya such as relatives, friends, villages, organization, neighbors and even strangers.

They are very generous. (Hafiz Hashim, personal communication, 2014).³⁸

In the Humanitarian Policy Group (HPG) Working Paper, "Livelihood strategies of Rohingya refugees in Malaysia 'We want to live in dignity', Wake & Cheung (2016) illustrated how important pre-established social network are to the Rohingya refugees in

³⁸ Interview with Hafiz Hashim, Selayang, Selangor, 2014, 9 am.

Malaysia. For Wake and Cheung (p. 17), “they are critical to the Rohingyas when they reached Malaysia, with most refugees citing how their friends, family and villagers help them get establishment upon arrival”. They highlighted, “this include providing a place to stay, putting them in contact with employers or others within their network to help them secure jobs and providing small amounts of money to help them survive while looking for work” (p.18). It is important to note that the most popular organization is the Rohingya Information Center (RIC) which is based in Taman Bukit Teratai, Ampang, and Selangor. This center collaborates with agencies and charity organizations in this country, especially if it requires the Rohingya to be involved with charity events. Similarly, Rohingya Solidarity Democratic Movement (RSDM) which is based in Thailand and developed by human rights groups.

There is also the Ethnic Rohingya Human Rights Organization (ERHRO) and the Community Rohingya Muslims Pro-Democracy Organization (CRIPDO) that has recently come out with strong statements, chaired by the President, Mustafa Kamal Abu Basir. Although the organization is based in Kulai Jaya, Johor, this does not stop them from taking care of the welfare of about more than 40,000 Rohingya in Malaysia.

The network can also be used by the Rohingyas to ensure the survival of their identity. The Rohingya fails to preserve their identity in their own country; hence they are doing everything they can in a foreign country, and with limited resources of financial and a good home, they are doing a pretty good job. They practice their religion (Islam), and speak their language. They take part during the Muslim festivals. They pay alms, for those who can afford it. They do their best to participate in the community. Among the Rohingya organization or society established locally to serve as social mobile for the Rohingyas in Malaysia, as listed below.

1. Myanmar Ethnic Rohingya Human Rights Organisation Malaysia (MEHROM)
2. Majlis Ulama Rohingya or Council of Rohingya Ulama
3. Rohingya Society Malaysia or RSM (for example in Pahang, Ampang, Cheras, Johor, Kedah, Perak and so forth). It is important to note that Rohingya society or organization established in almost every state in Malaysia.
4. Rohingya Vision. RVision, media for Rohingya in Malaysia
5. Rohingya Arakanese Refugee Committee Malaysia (RARC)
6. Burmese Rohingya Association in Malaysia
7. Rohingya Blogger Malaysia
8. Rohingya Learning Center of Pahang (RLC)
9. Rohingya Football Center (RFC), exclusively for sports activities
10. Rohingya Information Center (RIC)
11. Rohingya Civil Society Malaysia
12. Malaysia Rohingya Refugees Society (MMRS)
13. Rohingya Welfare Association in Malaysia
14. Arakan Rohingya Ulama Council (ARUC)
15. Ethnic Rohingya Committee of Arakan Malaysia (ERCA)
16. Human Rights Association of Rohingyas Malaysia (HURAR)

Beyond informal help through social network, Wake and Cheung (2016) saw that the Rohingyas have supported each other through refugee-run community-based organization (CBOs). “They are not registered with the authorities and operate under the radar, financed by membership fees, private donations from Malaysians and some project-based UNHCR funding.

Rohingya CBOs provide a range of services to refugee members, including those related to documentation such as a membership documentation, which can be critical for unregistered asylum-seekers with no passport or identity documents and marriage certificates” (p.20).

In this scenario, Rohingya CBOs liaising with local institutions, education, assistance, and operating a shelter for ill or vulnerable refugees and livelihood support.

Estimates suggest there are over 15 Rohingya CBOs in Malaysia, though only a few consistently active and only one has direct relationship with UNHCR. For example, there is Malaysia Rohingya Council (MRM) that aims to oversee the Rohingya community in Malaysia as well as assists them in various aspects including mental health and providing them with a sustainable livelihood.

The council which comprises of several NGOs as well as Rohingya groups aims to document all the refugee in the country and data base them for future need.

Table 6.1: Organisation Involved in Assistance to Rohingya Refugees

| Organization | How | Where | Note |
|--|--|---|---|
| 1. Mercy Malaysia | <ul style="list-style-type: none"> • Medical Aids • Support mobile health clinics once per month | <ul style="list-style-type: none"> • Johor • Klang | <ul style="list-style-type: none"> • Close ties with government and receive financial and political assistance. Does not believe in pressure tactics with government. • Works with UNHCR in primary health care to the Rohingyas living in Klang. |
| 2. Rohingya Information Center (RIC) | <ul style="list-style-type: none"> • Assist in gaining UNHCR documentation • Community service | <ul style="list-style-type: none"> • Klang Valley, Penang, Johor and Kedah | <ul style="list-style-type: none"> • Good working relationships with police. • Holds monthly meeting with others in same community (50-80 rep.) |
| 3. UNHCR | <ul style="list-style-type: none"> • Registration • Temporary Protection • 'Travel documents for resettlement • Tries to legalise status in host country | <ul style="list-style-type: none"> • Prisons • Camps | <ul style="list-style-type: none"> • Under political pressure, accused that by helping refugees, it is encouraging more to come |
| 4. Malaysian Consultative Council of Islamic Organization (M APIM) | <ul style="list-style-type: none"> • Humanitarian mission • Community service | <ul style="list-style-type: none"> • Klang Valley, Penang and Pahang | <ul style="list-style-type: none"> • Actively involved in humanitarian mission |
| 5. Muslim Youth Movement of Malaysia (ABIM) | <ul style="list-style-type: none"> • Humanitarian mission • Community service | <ul style="list-style-type: none"> • Klang Valley | <ul style="list-style-type: none"> • Actively involved in humanitarian mission |
| 6. Islamic Relief | <ul style="list-style-type: none"> • Humanitarian mission • Community service | <ul style="list-style-type: none"> • Klang Valley | <ul style="list-style-type: none"> • Actively involved in humanitarian mission |
| 7. Muslim Aid | <ul style="list-style-type: none"> • Humanitarian mission • Community service | <ul style="list-style-type: none"> • Klang Valley • Thai | <ul style="list-style-type: none"> • Actively involved in humanitarian mission |

Source: Mercy Malaysia, www.mercy.gov.my

Meanwhile, below some Rohingya associations that have been established globally.

1. Burmese Rohingya Association in Japan
2. Rohingya Federation of Arakan Burma
3. Rohingya Community in Ireland
4. World Rohingya Organization in USA
5. Arakan Rohingya Union (ARU)
6. European Rohingya Council (ERC)
7. Australian Burmese Rohingya Association Sydney
8. Arakan Muslim Council Saudi Arabia
9. Burmese Rohingya Association Deutschland (BRAD)
10. Rohingya Youth Foundation in Saudi Arabia
11. Rohingya Patriotic Association in Pakistan
12. Burmese Rohingya Action Organization in UK
13. Rohingya Youth Union of India
14. Madina Rohingya Center Arab Saudi
15. Rohingya Jamiat Ul Ulama, North Arakan Burma
16. Rohingya Muslim Welfare Association Saudi Arabia
17. Myanmar Rohingya Refugee Committee Jammu & Kashmir State, India
18. Rohingya Society Association in Thailand
19. Rohingya Foundation in Pakistan
20. Australia Burmese Rohingya Organization Melbourne

The Rohingya refugees, regardless being said as oppressed peoples, are considered successful in Malaysia, though not all of them. For example, in the Selayang area, there are about 120 families living in the apartment area, with many of them trading at the Selayang wholesale market and bringing in goods from Myanmar, for instance, the face

powder that is very popular among the Rohingya people here – known as "*Thanaka*", sarong for men, known as "*longyi*".

Similarly, there are local pastries sold around the apartment building behind the Selayang wholesale market. Most surprisingly, there is a restaurant dedicated to the Rohingya in the area. Best known as *Anjung Selatan* (South porch), it was opened by Rohingya who have lived here for more than 20 years. Spices used for cooking beriyani were custom ordered from Yangon, to ensure the authenticity of Myanmar beriyani rice.

Taking these into account, with proper guidance and management, the Rohingya community in Malaysia can prosper as well as Indian-Muslim. This is because, in 20 years of time and the Rohingyas continuing live in Malaysia, the community will likely grow and may even contribute to the nation's economy. Like Indian-Muslim community, as well as Pattani and Aceh that they have formed to have hundred or even thousands of shop in the country, the same can be done for the Rohingya community because at the end, there has been social transformation in the past 20 years and they should progress a community.

6.8 Refugee Integration: Malaysia's effort

Malaysia's efforts for the past few years to highlight the plight of the Rohingya minority ethnic group in Myanmar has paid off. It has received the attention of the international community, including superpowers, with the latest development being that United States Secretary of State Rex W. Tillerson. Since Malaysia championed the plight of the Rohingya, many countries have joined to discuss the issue. It appears the United States, as a superpower also views the matter very seriously. However, like most Southeast Asian nations, Malaysia is not a signatory to the UN Refugee Convention, although it has allowed the UN's refugee agency (UNHCR) to register refugees on the basis that most will be resettled elsewhere. While registered refugees are not held in

camps, they are left to live in urban environments without crucial legal protections. Denied residency or work rights and given little aid, they take on low-paying jobs in unregulated sectors, living in constant fear of arrest, abuse, or extortion. Those with the coveted refugee status then wait for the creakingly slow process of resettlement to a third country. This is what the real scenario that happening to Rohingya in Malaysia. But now, after years of stalled talks, the government is working on a potentially game-changing pilot plan long advocated by the UNHCR – granting 300 Rohingya legal permits to work in the plantation and manufacturing sectors for a three-year period, starting early 2016.

The Malaysian government started a pilot program to grant a limited number of 5-year work visas to Rohingya refugees to work on plantations or in manufacturing. To UNHCR, it was a good initiative from Malaysian government to integrate the Rohingyas into the local society as if it is a success and all parties are comfortable with it, they would like to see all UNHCR refugees have the right to work. The plan comes at a time when new ideas on how to tackle the global refugee crisis are desperately needed. It's not just that more people are displaced than ever before – it's that fewer countries are willing to receive them as official residents.

Unfortunately, this program was deemed unsuccessful because only 120 refugees signed up to participate at the time of launch. This is not surprising for many reasons, the first being that refugees who accept jobs through this program would probably have to relocate their family away from the existing refugee community. Since many of the Rohingya are not well-integrated with the Malaysian community, this is suspected a very unappealing choice for most refugees due to the fact that they would lose their support system.

The second reason speaks to the booming underground economy in Malaysia refugees are probably earning a sufficient level of income supporting themselves and their families

by doing odd-jobs or working illegally for locals and local companies, enough so that having to relocate for the purposes of accepting a legal job is seen as unattractive.

It is important to note, that as mentioned in chapter one, the 2006 plan to issue 10,000 temporary work visas, for example, was halted after a few days amidst corruption claim. As it stands, the tenuous legal status of refugees in Malaysia renders them vulnerable to employment-related abuse and exploitation, including non-partial payment of wages, verbal abuses, arbitrary dismissal, physical abuse and workplace raids. Refugees have little recourse to address these problems, and most incidents go unreported.

6.9 Conclusion

Based on discussion in this chapter and the chapter earlier, regardless of the uncertainty, the Rohingya stay strong and struggle to live a life full of difficulties. As citizens who want to live a prosperous life in their own country one day, their struggle has great importance to ensure the survival of their identity preservation. It has been mentioned in the above discussion that they preserve their religion, appearance, daily food and language for communication purposes. Communication network among them are also likely to help the welfare of Rohingya in the country.

The Rohingya refugees as discussed earlier, largely relied on pre-existing social network develop while they are in Myanmar specially to guide their journey to and within Malaysia. For example, advice from friends and family already in Malaysia, communicated via phone, organization and word of mouth, help shape decisions about whether or not to come to Malaysia, how best is to make journey and where in the country to settle.

Many refugees that interviewed attribute their decision to come to Malaysia, to take refuge and then integrate with the host society, to religion and the existence of other

Rohingyas in the country. In term of social network too, some of the organizations that developed the awareness of protecting the welfare of the Rohingyas from time to time issued a statement recalling the fact that the Rohingyas in the country are supposed to be set aside but must be defended so that in the future, they may return to their homeland with recognized status.

The participants of this study are happy to be in Malaysia where they can gain freedom of movement, practice their religion, opportunities for their children through a NGO's recognized education, and hope for their future. Being a refugee in Malaysia, they face challenges toward achieving these goals. Some of the challenges are with cultural acclimation and adjustments to a different way of life.

Other challenges are upsetting their economic expectation of financial comfort. High unemployment rates, underemployment, and the systems of the immigration process leave the refugees in a cycle of poverty and victims of structural violence. These struggles can frustrate them and bring on nostalgic feelings. Even so, transnational social fields among families and friends are developing among local institutions and grassroots networks that connect them.

Due to the long stay in Malaysia, some are more than 30 years and prospects of returning home become less likely due to violence in the home country Myanmar that keep happening, the process of integration and assimilation is bound to happen to the Rohingyas. As discussed, Malaysia hosted nearly 50,000 Rohingya refugee that are concentrated around the capital, Kuala Lumpur, the surrounding Klang Valley and other areas like Penang, Johor, Kedah and Pahang. By hosting such big numbers of refugee, it is of course putting growing pressure on the host. To be able to understand benefits of hosting such a big population, it is essential to learn about the ways in which the Rohingyas integrate. Malaysia did not provide any assimilation program for the

Rohingyas, as it is indicating not to give permanent stay to them. But, based on observation and discussion in this chapter, it illustrates a wide range of pillars of integration. In this chapter, pillars that are discussed include cultural, institution and religion; education, social, sports, social network and employment. In the field of religion and education, it appears that being linked to NGO's and local assimilation can ease the harassment from police and immigration. Meanwhile, the choice of destination, receiving aid and other form of advice in an alien country, is dependent on both the social network, as well as political and economic opportunities. Based on this discussion, it can be concluded, that a networking appears to be a successful tool to assess the integration of the Rohingyas in Malaysia.

In Malaysia, the reality is that integration is the most likely option for many Rohingya refugees. While Malaysian policy does not support *de jure* integration, there are many examples of their *de facto* integration. Based on discussion, some degree of *de facto* integration is inevitable even when *de jure* integration is not possible, and such as it would be advisable for government actors to acknowledge this reality and formulate proactive policy responses in relation to it in order to reflect the dynamics of interaction between displaced and the host community. This study, which explored the dynamics, interactions and support mechanisms between refugees and Malaysia host community strongly support this assertion.

Many of the Rohingyas in Malaysia are already teaching their children in Malay and celebrate Muslim festivities like the Malays. They also play soccer with the locals. In fact, in some of the NGO-run schools for Rohingya, the children have been taught about Malaysian culture. As such, there is no need to introduce an assimilation program. But even this, does not mean that the Rohingyas wanted to stay permanently in Malaysia. From the interviews, what they share about their aspiration is, that they wanted

opportunity to learn and earn, but both something that is limited, if at all available, for refugees in Malaysia. They argue, that if there are no proper jobs (as they are not allowed to work in all sectors), they will end up by working illegally, and this will be unable to earn much. Adding to this, they earn enough to survive and sent a bit back home. If they cannot save because of being without proper jobs, the refugee will not be able to have enough money to return home.

As the host country, the Malaysian government must accept the fact that the Rohingya are not going anywhere and have to manage the issue here rather than wait for migration options for them to open up. In this case, to have a successful integration, the government should come up with a form of documentation for the Rohingyas which will allow them to work or open businesses and contribute back to the country while being self-sustainable.

Access to education, however, will also give the refugees skills, which would help them find a job in a third country or back home. It is nearly impossible to attend school during violence, so it is essential that children have access to education once they relocate to new countries. Although it is possible to provide education in centers through volunteer programs, it is best to integrate children into the national school system, which almost impossible to happen in Malaysia. This can easily be done with the help of language classes. This is no small task, so it is important for governments to invest in training and support for all educational professionals involved in the process if the Malaysian government genuine enough to see a successful integration particularly involving the Rohingyas. It is important to note that overall, successful integration is based on providing services to refugee as soon as they reach their destination. Only through mindful integration can multiculturalism prevail. Newcomers need to feel that their identities, and more importantly their humanity, are being respected.

Family reunification is equally essential to successful integration. Many refugees have left their countries of origin in search of a better life for their loved ones. Reuniting with these loved ones is often a refugee's first priority. This poses a logistical problem for countries already struggling under the strain of refugees on their government system, but family reunification is essential to a refugee's integration into the host country.

The reason refugee flee their homelands is now more to do with civil wars than war between nation. State fragility and war violence form a toxic brew. In order to address this new world or war more effectively, discussion in this chapter argue that government need to change their attitude and their policies. For example, housing refugee in large dedicated area such as Daadaab camp in southern Kenya, home to 300,000 Somalis refugees is often inimical to their welfare. Why not let them work so they can support themselves and contribute to the economy. Such subjects have been shown to be successful in Uganda and Jordan. It might mean something to Malaysia as well.

Meanwhile, it became clear as the research progressed that the combination of interviews and observations provided a better understand the experience of Rohingya refugees, challenges, and their process of integration into host society. The refugees' subjective experience of oppression and structural violence give them a unique way of navigating questions. Little observations through cultural, language and assimilation into local societies, including the input of the marginalized of the marginalized, and spending extended periods with the community provided data that pushed deeper into the lived experience than past literature.

It is hopeful that the observation data provided in this thesis will serve as a stepping-stone for future research on the needs for refugees not only the Rohingyas but other refugees, maybe from Palestine, Iraq and Syria; that their voices can continue to be collected, shared, and heard. The sample size of this research is small, leaving many

unheard perspectives and research topics to be explored, for example topics on gender issues, healthcare, stress and post traumatic syndrome disease (PTSD), evolution of local institutions, citizenship, access to education, religious practices, further ethnic and linguistic topics.

It is hopeful too, that this thesis is as an example of the importance of anthropological methods when doing research with refugees. Qualitative, observation data can build and grow as the community evolves. In addition, for those who have little experience with refugees, it is hopeful that it gives a perspective of the strength and determinations of the Rohingya as unwanted people. Life in Malaysia for the Rohingyas, is not always better than where they came from. They are continuing to struggle and face issues of oppression and marginalization after being given refuge. They are small in stature, quiet, guarded, and polite people. However, their experience of life demonstrates resilience, endurance, and kindness that is large and powerful. They will give you anything they have, even if it is just the sound of their laughter.

CHAPTER 7: CONCLUSION

From the discussion in the previous chapters, it is undeniable that the Rohingyas are part of the history of Myanmar. The Islamic empire, which is a substantial division of Myanmar history is connected to Rohingya and Arakan. The majority of Rohingyas used to live in Arakan, known as Rakhine in local language, which as we know today is the hub of Islamic preaching activities in the area, through intermarriages between Muslim traders and locals. The Rohingyas' presence in the modern history of Myanmar was also acknowledged through the establishment of Rohingya' national radio during the post-independence period, led by U Nu.

However, as time has gone by, and as a result of a change of political power, the Myanmar minority communities, through a long and bitter time, have become marginalized and segregated by the Myanmar ruling government. Evidence and facts related to the origins of Arakan Rohingyas show that even as an indigenous community, they have for a long time been involved in Myanmar politics; however, the current government's recognition of the Rohingya as their legal citizen is disappointing and seen as insufficient.

In addition to the denial in recognition as Myanmar's legal citizen, they are also abused, oppressed and ripped off their legal rights in the country. The new law called "Citizenship Law" was created by the government to deny the Rohingyas of their rights to legally own their citizenships. Termed as "legal" ethnic cleansing measures, the Rohingyas are hunted down through military operations. Merely because of their racial and religion identity, plus being legally "*stateless*", the government has taken ruthless military action against the Rohingyas. Their title as "Muslims" has also contributed to the oppression. On the other hand, the majority of Buddhists citizens in Myanmar enjoy many privileges, for example, high ranking position in government service, while at the same

time, the Rohingya Muslims are marginalized and oppressed in various forms, including punishments in terms of imprisonment without tangible reasons. The Muslim Rohingyas are also forbidden to either preach the Islamic teachings or perform their usual religious activities.

Based on several observations, the Rohingyas would not face this kind of suffering if they were not Muslims and belong to the part of the majority ethnic group. This situation indirectly explains that the Myanmar Junta government is anti-Islam and oppressive towards the minorities in their country. The Myanmar government is clearly taking advantage of the minority to strategically plan to oppress and discriminate the group. This is mainly because - the Rohingya's minority contributes very little to boosting the economy, thus leading to the least attention given to the group. The reason behind this is they were sidelined in the development of the nation's economy. As a matter of fact, they were forced to be on their own in terms of economic survival after the junta took over the administration of the country and were later left without assistance as a stateless community.

The absence of identity or statelessness as seen in this study, is the root of the problems faced by the Rohingyas. As "foreigners" in the native land, the Rohingyas became easily targeted for exploitation and abuse. This can be seen clearly through the initiation of the Burma Citizenship Act in 1974, followed by the Burma Citizenship Law of 1982, whose aim was to ensure that the Rohingya remained as foreigners in their own homeland. The Rohingyas in response had to find a way to avoid the oppression and denial of rights by the government.

Currently, the Rohingyas are facing an even more complex situation due to the denial of nationality, causing the community to be given little attention as required, even in the international arena, thus making them more and more sidelined. In the eyes of

international law, their status is not recognized, causing them to succumb to their fate. In order to survive the ethnic cleansing in their own land, they are however able to keep their determination to prevail over the legal issues by migrating or seeking refuge in other countries such as Bangladesh, Thailand, Malaysia, as well as Middle Eastern countries such as the United Arab Emirates (UAE) and Saudi Arabia.

The destinations of choice largely correlate with religious factors; according to records and data, it is seen that, Bangladesh and Malaysia are among the preferred destinations of the Rohingya refugees and the numbers are increasing year by year. As observed in other parts of the world concerning refugees, the oppressed groups are usually slow to familiarize themselves with the new environment. However, in the case of Rohingyas, they are seen as more adaptive and easily assimilate with the local people and the environment of the new country they choose to seek refuge in.

They are also able to learn and adapt to the new country's languages, tradition and cultures easily, while at the same time preserving their own culture, religion and identity. As discussed in the previous chapters, the Rohingyas, despite living their life in limbo because of their uncertain status and holding no valid travel document, engage themselves directly with local communities, and are found to observe activities especially the ones related to the Islamic traditions including religious celebrations. It is also observed that the Rohingyas maintain the usage of their mother tongue language even when they seek refuge in other countries, while at the same time they learn and practice the local languages.

However, a solution to the issue is still relatively far off and depends on concrete decisions regarding the situation. The most important issue here is the problem in acquiring citizenship among the Rohingyas in their native land - Myanmar. In the light of international plight over this issue, the Myanmar government has recently proposed to

end its practice of forced evictions and discrimination towards the Rohingya community by refining and amending the current Burma Citizenship Law, which was duly passed in 1982. This is an important step to be taken by the government because the act mentioned the legislation that deny the Rohingyas of their citizenship, resulting in the evacuation of the community from their home country in pursuit of seeking refuge in foreign countries for better lives.

Naypyidaw is the new capital city of Myanmar and hosted the Asean Summit in the year 2014. During the summit, various issues were raised during the heads of state meeting, among others, the ruthless crackdown on dissidents in Cambodia and Brunei's introduction of the punitive Shariah Law. However, during the same meeting, as the chair of ASEAN, Myanmar used their authority to ban any inquiries or talk about the ongoing persecution against the Rohingya Muslims. Myanmar generals and other cabinet members successfully dodged questions about the ruthless military treatment towards the minority community. In this particular summit, the international community determined that reoccurrence was to be avoided. Unfortunately, even as the heads of states converged again for the Asean Summit in Kuala Lumpur in November the following year, the same scenario happened again without any proper solution.

During the Asean Summit in 2015 in Kuala Lumpur, the other Asean leaders raised the issue of Rohingya to the Myanmar delegation concerning the large number of incidents that occurred in the year, such as incidents in the Andaman Sea and the discovery of mass graves at the border of Malaysia - Thailand. However, most of the leaders were only keen to highlight the issue that happened at the South China Sea, which was very much related to the interest of their own countries. The chair of the Asean summit at that time, Malaysia was supposed to ensure that the plight of Rohingya be

brought to the discussion table and was hoped to be as aggressive as the participation in Asean Summit 1997 which took place in Kuala Lumpur.

The systematic persecution that is happening to the Rohingya shows no signs of ending. Even after the Parliamentary Election in 2015 where the international observers were eagerly waiting for drastic changes in implementations of better treatments towards the Rohingya, there was still no indication of the violence to recede in Rakhine. The future of the Rohingya people and its state is still very much uncertain until now. Currently, they continue to live in overcrowded, displaced camps in Sittwe, which have a lack of basic sanitation and infrastructure. Lack of access to clean water has resulted in a high number of waterborne diseases among the Rohingya at the camp. To add misery to the already unfortunate condition, food supply is also limited in the camp, despite aid from the World Food Program.

Therefore, it is imperative that Asean countries cannot use the excuse of the non-interference policy to keep silence and refrain from voicing out the human rights violations and state-sponsored genocide against the Rohingyas. Asean member countries must place tremendous pressure onto Myanmar and continue to lobby for the recognition of the Rohingya as legitimate citizens of Myanmar.

While the world welcomes the Myanmar government's efforts to achieve peaceful and harmony situation in the country post 2015 election, it must be highlighted that the Rohingyas must also be included in the peace and reformation plan towards Myanmar's full democratization. Asean leaders must put pressure on Myanmar in order to allow the Rohingya to exercise their right and return safely to their homeland.

Every government, including all Asean member countries, endorsed the Responsibility to Protect at the UN World Summit in 2005. The declaration stated that the countries

which signed the principle would be committed to safeguarding all people, irrespective of their religion, ethnicity or citizenship, from crimes against humanity, genocide, ethnic cleansing and war crimes. The Asians Charter requires its members to promote and protect the human rights and fundamental freedoms of all human beings. It was established that the Junta was not ready to agree to the Responsibility to Protect as well as the committing to the Asean Charter. The violation of principle despairingly means that the present Government of Myanmar is planning to continue its policy to marginalise and prosecute the Rohingyas regardless of many efforts to voice it out in the international arena.

Based on the historical observation, the Myanmar government should declare the Rohingyas as the indigenous people of Rakhine. The official recognition should be immediately given, for Rakhine to be in peace. If the Rohingyas are granted citizenship, then the issue of their rights as refugees in Bangladesh, Malaysia and many other countries that the Rohingyas fled to can also be resolved.

The issue of citizenship can be brought for discussion to a neutral party, such as the International Court of Justice (ICJ). The Government of Myanmar and the representative from the Rohingya community must work towards facilitating the solution to these problems. In this regard, the main solution seen in this matter is that the Government of Myanmar must accept the Rohingyas and treat them with dignity like other citizens in the country, if the problem is to be solved through the legal channel. The same suggestion applies to the Rohingyas, if they intend to choose the legal path to solve the problem, the representative of Rohingya people must agree to proper discussions in civilized manner with the current government.

As the minority group in Myanmar, the Rohingyas have voiced out the hope that Muslim organizations take a look at their plight more seriously. The Organization of the

Islamic Conference (OIC) for instance, has been focusing on the issues of Gaza and Palestine for a long time but not the problems pertaining the Rohingya. The international organizations that took the pledge to protect Muslim rights should look into the Rohingya issues in line with its objective to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony.

Knowing full well that, the Rohingyas problem has a direct relationship with Malaysia, some measures should also be considered by Kuala Lumpur to improve the lives of the Rohingyas. The Malaysian government cannot deny, that the Rohingya refugee's presence in this country, regardless of their citizenship status, may cause problems if it is not managed carefully and effectively. If the issue is left unresolved in the long term, Malaysia might suffer from the influx of foreigners, which in turn may lead to many other social and health problems that will affect the Malaysians in general. Therefore, the Malaysian government should review its commitment regarding human rights standards. In doing so, Malaysia may also participate in the Convention Status of Refugees 1951 and Protocol in 1967. By committing this, Malaysia can properly look into the legitimacy of the Rohingya refugees, especially in terms of improving their standard of living in this country.

Currently, the Rohingyas only receive UNHCR cards as their sole identification while being identified as refugees in Malaysia. However, the Malaysian government does not recognize the card, thus putting the Rohingya at the risk of arrest by police and security forces, especially in terms of violation of work permits and such. To help solve the problems and challenges that the Rohingyas in Malaysia are facing, based on the discussion in the previous chapters, it can be seen that it needs more than just understanding the necessity in their lives, it also requires an immense understanding of their goals, constraints, capabilities and strategies.

It is also important to note why and how they understand and operate within the institutional landscape as refugees in this country. Rohingya refugees in Malaysia identified protection risks as one of the most critical issues affecting their lives, to which this study has considered the extent of the risks and challenges that refugees confronted on regular basis. Among others, the risks include being stopped by the authorities for interrogations, detainment by the immigration, deported or forced to pay bribes, as well as the efforts various parties made to mitigate the refugees. While there are efforts that have been made by the refugee to blend in with local community, including learning the local language, negotiating and invoking sympathy, the refugees are still facing risks posed by the authorities, and as such, most refugees perceived protection risks being an unmanageable part of their lives. Although the Rohingya refugees expressed worries, disappointment and resignation over this matter, they also understood that the Malaysian authorities are merely trying to do their job.

Refugees are highly aware of the fact that their presence in Malaysia is considered 'illegal', and the refugee status rendered them unable to undertake critical activities such as employment and other basic rights, namely receiving proper education, access to health care and others, leaving them trapped in poverty and refraining their ability to contribute positively to their host society.

UNHCR, unfortunately does not stand as a development agency, so it cannot intrude and request the local government to provide better education, assessment to health care and decent shelter to the refugees. It has no mandate for prolonged involvement in peace-building, reconciliation, reintegration, and return of the refugees protected under their program. As for the situation in Malaysia, the local government has had limited involvement in the wellbeing of the Rohingya refugees; for instance, in terms of health

care and education causing the responsibility of the protection in those matters to be dispersed to UNHCR.

The resource constraints faced by UNHCR obstructed the much-needed help that is needed for thousands of Rohingya people in Malaysia, some of whom are second- or third-generation refugees. Despite the fact that there were innovative efforts done by UNHCR, such as the establishment of health insurance, Rohingya refugees in Malaysia remain largely excluded from formal institutions. At this moment, many refugees have access to services set up by UNHCR and NGO's to fill the gaps in state provision, such as learning centers and primary health clinics, there are limited financial costs and manpower to execute such programs. Even with the involvements of UNHCR and NGOs, the efforts have limited power to allay the social fragmentation and exclusion that constrain the lives of many refugees in Malaysia. Humanitarian assistance cannot replace the formal engagement of the local government. It is hoped that the Malaysian government, as a significant middle-income country and UN member state, can provide legal status recognition, assistance and integration opportunities for refugees bound for its territory.

The refugees in Malaysia receive a lack of formal support and engagement by the Malaysian government to protect and assist them, leaving the refugees in highly precarious conditions with limited assistance in basic needs in their daily lives. This is particularly confirmed in the context of durable solutions. It is a well-known fact that Rohingya refugees in Malaysia live in poverty; while some are in protracted displacement awaiting a durable solution although the solution is unlikely to happen. To help solve the issues on immediate response, in such a context it is deemed necessary to focus not just on official durable solutions, but also on how to improve the quality of camp protection to avoid the refugees to remain in protracted displacement. Judged on the current

condition of Rohingya refugees in Malaysia, there are obvious needs to address the matter in terms of quality of the shelters that the refugees live in and probably the long-term solutions to remain legally in Malaysia should the country consider the change of policy in regards to the refugee status.

There is an absence in the state policy and approach towards the matters concerning the refugees in Malaysia. Gray spaces between the official policy and how it is enacted in the lives of the Rohingya refugees in specific are called to be improved. The clarification in Malaysian government policies is hoped to overcome the barriers in the daily lives of refugees in their work, children's' education, engagement with the local authorities while integrating with Malaysian local communities.

Most importantly, such solutions must be associated with the lives of the refugee communities in Malaysia. Rohingya refugees in this country are actively pursuing goals, aspirations, and conduct economic activities within their limited resources to survive over multiple generations of displacement. Improving the Malaysian understanding of the diverse lives and motivations (or the lack of it) of Rohingya refugees, is a critical step towards gaining interventions intended to assist them. In this case, interventions are aimed to improve the status quo by providing more basic services or other assistance whether in the form of cash, learning centers or primary medical care. These services are considered essential but ultimately inadequate in the lives of Rohingya refugees in Malaysia currently. The improvements may alleviate some of the immediate suffering of refugees, but the problems on persistent poverty and lack of hope on their rights and freedoms are very much unsolved.

Findings from this study strongly support the argument made by Loren B. Landau and Marguerite Duponchel (2011), namely that an effective approach to protect urban refugees requires substantial reposition in the human attitude and mindset. Among the

suggested measures to be taken are to change the perception that refugees are passive victims whereby the local surroundings should help provide favorable policy and environment in which the refugees can build their new lives and set goals, in order to contribute positively to the host communities.

Meanwhile, the international community must continuously give their attentions to the problems that afflict the identity of the Rohingyas. The international community is hoped to urge Myanmar to change its policy towards accepting the minorities, but this call must be continuous and not seasonal. In fact, the international community should give continued support, in the form of financial and encouragement to countries that accept the Rohingya people as refugees. The problems can only be solved with tremendous support and cooperation by all interested parties.

In short, based on discussion in previous chapters, it is seen that the Rohingya political and human right issues are not as complex as the Government of Myanmar claims. The Buddhist Rakhine leadership and radical elements in the Government of Myanmar have capitalized on the longstanding issue of Rohingya ethnic cleansing policy from the former Junta Military during the democratic transition in Myanmar. In various efforts made by the international community to find solutions in Arakan polemic, the government officials in Myanmar twisted the issue in order to avert any progress of the solution. Delay tactics and the voice-of-Buddhist-Rakhine factors are being used by the Government in which became the two most common obstacles in making progress of this issue.

Because of the unfavorable political climate for the Rohingya people, there is very limited progress in solving the Rohingya issues internally. The realistic situation in Rohingyas villages in specific, and political situation in Myanmar in general has raised attention from the international community, which has evidently made some tangible progress, despite many limitations in handling the matter.

It must be noted that the root of the problem in Arakan is the result of the longstanding Myanmar government's discriminatory and hostile policy towards the Rohingya; therefore, the key to the solution lies with the government. If the Government of Myanmar is genuine in devising a realistic roadmap to finding a permanent solution to the issues in Arakan, the following objectives – immediate, short-term, and midterm/long-term must be addressed by the government in coordination with the international community:

As for an immediate solution, it is vital for government to provide full security for the IDPs and vulnerable Rohingya villages and provide unrestricted access by the international and national humanitarian teams to the IDP camps and the villages of all the affected people. In fact, for an immediate solution, the government should, prior to this rescue and repatriate all the Rohingya refugees who were adrift in the Andaman Sea in 2015 and ensure their safe return to their villages. Moreover, government of Myanmar should cooperate with the Thai, Malaysian and international teams in handling the investigation of mass grave issue in Southern Thailand and border of Malaysia; increase international and national humanitarian groups in all affected areas in Arakan State.

The government of Myanmar should also void the regional administrative rule in Northern Arakan state that is the instrument of major human rights violations such as restrictions on freedom of movement, worship, marriages, denial of basic education and health care, confiscation of lands, and numerous other violations; put an end to the impunity of the persecution of the Rohingyas; retract the Presidential decree nullifying White Cards and allow the Rohingyas to form political parties and to legally participate in the state and national elections, permanently cease the "Verification" process that labels the Rohingyas as "Bengali" or "Illegal Bengali Immigrants"; stop vicious campaigns by Myanmar officials against the ethnic identity of the Rohingyas; remove

Border Guard Police (BGP) units from Rohingya villages and localities; release all the Rohingya political prisoners, those detained on false accusation of inciting violence, and those arrested arbitrarily as an immediate solution to this crucial issue.

There are also short-term solutions for the Myanmar government to consider. This includes, returning the IDPs to their homes without pre-conditions; providing full Government security for the IDPs and vulnerable Rohingya villages; allowing the Rohingyas to rebuild and renovate mosques, religious schools, homes, and businesses; returning the confiscated lands to the original Rohingya farmers, and stopping leasing their own lands to them; remove the settlement units (NATALA) of Buddhist Bengali Rakhine (Maghs) from Bangladesh and elsewhere in Arakan; provide hospitals and clinics accessible to Rohingya residents in the villages and towns, and allow the international health workers to provide healthcare to all Rohingyas in Arakan.

However, what is important is a midterm or long-term solution. Among recommendations to consider are: amend the 1982 citizenship law (in a manner that does not hinder the reinstatement of equal and full citizenship of Rohingya); allow the Rohingyas to self-identify themselves, cease and officially recognize the ethnicity of the Rohingya; the Government of Myanmar reposition itself to neutrality and assume the role of facilitator for peace in Arakan; the Government of Myanmar to accept the initiatives from the international mediators for communal dialogue in Arakan with full support from the Government; revamp the Rakhine Action Plan, abandon the segregation policy, and develop strategies of integration the Rohingya, Karen, and Buddhist Rakhine communities; the Government of Myanmar to take strong initiative to rebuild the Rohingya and Karen communities in affected townships, and allow/assist international agencies to rebuild the homes of all the IDPs on their properties in the original location; repatriation of Rohingya refugees and/or displaced Rohingya persons from Bangladesh,

Malaysia, Thailand, Indonesia, India, and other countries; develop the economic, social, and educational development in Arakan state for all communities.

The prioritization of the categories of the objectives mentioned above are based on the current needs and situation on the ground; however, the Government of Myanmar, in coordination with the international community, may address some of the objectives with more expediency, if it is truly dedicated to bringing peace and stability in Arakan state. The set objectives must be made in aim for the fledgling democracy in Myanmar to flourish. Restoration of peace and addressing basic human rights of the Rohingya and other ethnic minorities in Myanmar may be a testimony to progress the transition of democracy in Myanmar.

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b) Photo

All photos for interviews with the Rohingyas in Malaysia and Yangon, Myanmar, Oslo, Rohingya in diaspora in Norway are the copy-right of Ahmad Zakki Jilan. He is a professional photographer from Utusan Malaysia, main Malay language daily newspaper based in Malaysia. Zakki is the writer's husband.

c) Interviews

Interviews with 16 Rohingyas in Malaysia sharing their experience as refugee, 7 February, 9am in Selayang, Selangor. Second and third interviews was conducted in 2010 and 2014 at the same place. They include:

1. Jaafar Hussein
2. Nassaruddin
3. Ahmad
4. Zeinab
5. Husin
6. Jamilah
7. Hamed Mohd Sharif
8. Hafiz Hashim
9. Mohd Yunus Abdul Ghani
10. Mohd Rafiq Abdul Majid
11. Nur Islam
12. Abdul Ghani
13. Mustafa Kamal Abu Basir

14. Suleiman
15. Hidaya
16. Rohingya Parent – Arfat, Humaira (wife) and Raesa (daughter)

Interview with the Rohingyas who have been in Malaysia, went back to Yangon with hoping to come again to Malaysia, 12 February 2010. 2pm (Myanmar time). Three of them are:

1. Mohammad Rafiq
2. Haji Jamil
3. Mohd Bilal

Interview with the Rohingyas in Cheras Baru and Ampang, June 2014, 9am

1. Zafar Ahmad
2. Nurdin
3. Mohd Noor
4. Rohit
5. Saiful
6. Anwar (student)

Interview with the Rohingyas in Kajang, June 2014, 3pm

1. Jauhar
2. Muhammad Zaw Win
3. Mohd Saber
4. Rahman Siddique

Interview with the Rohingyas in Meru, Klang, June 2014, 5pm

1. Ahmad
2. Hamdani
3. Nur Alam
4. Monir Basher
5. Abdul Rahman
6. Ibrahim Sadek
7. Saeda
8. Rasheda

Interview with the Rohingyas in Kuantan, Pahang, 3 February 2015, 9-11am

1. Mohd Rafique
2. Mohd Ayoub
3. Rafiq
4. Zahir Uddin (Second interview was conducted in May 2015, 11am)
5. Jabardeen
6. Mohamad Farooq
7. Yasmin

Interview with the Rohingyas in Langkawi, Kedah, June 2015, 10am

1. Yusuf Ali

2. Ahmad
3. Haroon
4. Rahman
5. Aslah Walid
6. Nojum
7. Arif Habib
8. Abu Bakar Siddik

Interview with the Rohingyas in Balik Pulau, Penang, June 2015, 10am

1. Salim
2. Ibrahim
3. Farouque
4. Abdulla
5. Ismail
6. Sayed
7. Mohamad Rafiq

Interview with the Rohingya living in diaspora in European countries (Sweden, Norway, Denmark, Netherland and Germany), 2015

1. Dr Hlakyaw Khubybe
2. Mohd Towheed
3. Alisha Hamid
4. Mohamad Ibrahim
5. Mohd Amin
6. Abdel Rahman
7. Nazumudin
8. Inayet Ullah

Interview with Richard Towle, Representative for UNHCR in Malaysia, Kuala Lumpur, October 2015, 11 am.

Interview with Dr Laura Ellen van Vaas on statelessness and inclusiveness, University of Tilburg, Netherlands, 7 August 2015, 6pm (Tilburg time).

Interview with Saiful Omi Jan, freelance photographer on Rohingya, University of Tilburg, Netherlands, 6 August 2015, 2.30pm (Tilburg time).

Interview with Dr Hlakyaw Khubybe, Amsterdam, Netherlands, 31 July 2015, 8am (Amsterdam time).

Interview with AFK Jilani, author of “The Rohingyas of Arakan: Their Quest for Justice” and “A Cultural History of Rohingya”, Hulu Klang, June 2015, 10 am.

Interview with Zafar Ahmad President of MEHROM, Kuala Lumpur, May 2015, 7.45pm.

Interview with Professor Dr Wakar Uddin, Director General Arakan Rohingya Union (ARU), Oslo, Norway, 7 February 2015, 8am (Oslo time).

Interview with Dr Nora Rowley, human rights activist, Oslo, Norway, 7 February 2015, 1pm (Oslo time).

Interview with Dr Gerhard Hoffstaeder, Astro Awani, Kuala Lumpur, 10 November 2015, 11 am.

Interview with Chris Lewa, Law Faculty, UM, Kuala Lumpur, February 2014, 10am.

Interview with Yante Ismail, PR Communication, UNHCR in Malaysia, Kuala Lumpur, March 2014, 9am.

Emailed conversation with Dr Maung Zarni (fanon2005@gmail.com), April 2014.

Interview with Representative for Malaysia in Yangon, Wan Mohd Khalid, February 2010, 12noon (Myanmar time).

Phone live interview with Professor Abu Talib Ahmad, School of Humanities USM, 27 February 2009, 7.45pm.

d) Field Notes

Field Notes, April 2015, Ampang.

Field Notes, June 2015, Kuantan, Pahang.

Field Notes, June 2015, Pandan Indah, Kuala Lumpur

Field Notes, July 2015, Cheras Baru.

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APPENDIX

APPENDIX A: Rohingya Children put on “Thanaka”, traditional form of make-up refreshing powder from Myanmar.



Source: Ahmad Zakki Jilan

APPENDIX B: List of Arakanese Kings that ruled Arakan

| Name of King | Year |
|--|------------------|
| 1. Sulayman Shah (Narameikhla | 1430 |
| 2. Ali Khan (Men Khari (a) Naranu | 1434-1454 |
| 3. Kalima Shah (Ba Saw Pru) | 1459-1482 |
| 4. Mathu Shah (Doulya) | 1492-1493 |
| 5. Mohammed Shah (Ba Sow Nyo) | 1492-1493 |
| 6. Nori Shah (Ran Aung) | 1493-1494 |
| 7. Sheikh Modullah Shah (Salimgathu) | 1494-1501 |
| 8. Ili Shah (Meng Raza) | 1501-1523 |
| 9. Ilyas Shah (Kasabadi) | 1523-1525 |
| 10. Jalal Shah (Men Saw Oo) | 1525- |
| 11. Ali Shah (Thatsa) | 1525-1531 |
| 12. El Shah Azad (Ming Khing Raza) | 1531 |
| 13. Zabuk Shah (Min Bin (a) Min Pa Gri | 1531-1553 |
| 14. Daud Khan (Min Dikha) | 1553-1555 |
| 15. Sikandar Shah (Min Phalaung) | 1571-1593 |
| 16. Salim Shah (Min Raza Gri) | 1593-1612 |
| 17. Hussain Shah (Min Kramaung) | 1612-1622 |
| 18. Salim Shah II (Thiri Thudama) | 1622-1638 |

Source: *The Burmanization of Myanmar's Muslim*, 2008, p.135

APPENDIX C: Time-line of 2012-2017 Violence in Rakhine

| When? | What happen? |
|---------------------------|--|
| June 2012 | Rioting and clashes between Rakhine Buddhist/Muslim left 200 dead, displaced thousand. It was the rape and murder of a young Buddhist women which sparked off this deadly chain of event |
| March 2013 | An argument in a gold shop in Meikhtila, central Myanmar led violence, 40 people dead and entire neighborhood razed |
| August 2013 | Rioters burnt Muslim-owned houses and shops in central town of Kanbalu after police refused to hand over a Muslim man accused of raping a Buddhist women |
| 2014 | Violence between two communities continues |
| January 2014 | The United Nation (UN) said more than 40 Rohingya men, women and children had been killed in Rakhine in violence that flared after accusations that Rohingya killed a Rakhine policeman |
| June 2014 | Two people were killed, five hurt in Mandalay, following a rumour spread in social media that a Buddhist women had been raped by one or more Muslim men |
| October 2016 to June 2017 | Burmese authorities lauched “clearance operations” which killed more than 1,000 Rohingya civilian, according to United Nation (UN) fact-finding report |
| 25 August 2017 | Attacks on military outposts by Arakan Rohingya Salvation Army (ARSA), sectarian violence erupted once again in northern Rakhine |

**APPENDIX D: 14 Myanmar Government's Intent of Slow-Burning Genocide
shared by Dr Zarni.**

| | |
|-----------|---|
| 1 | In the two largest pockets of Rohingya in the country, Buthidaung and Maung Daw, the doctor patient ratios are estimated to be, 76, 000: 1 doctor and 83,000: 1 doctor, while national and local/provincial ratios are about 375:1 and 550:1 for non-Rohingya. |
| 2 | The Rohingya are not allowed to train in medical field, or any other professional disciplines. |
| 3 | 60,000 Rohingya children are not registered, in direct violation of the Right of the Child to have a nationality at birth. |
| 4 | Infant mortality rate and the mortality rate among children below five among the Rohingya children are also twice or thrice the national average. |
| 5 | Over 80-90% of the Rohingya adults are illiterate in a country which won a UN-Award for the eradication of illiteracy among adults. They are by and large denied access to schooling. |
| 6 | Over 140,000 are placed in semi-concentration camps where extraction of Forced Labour is rampant, sexual violence, summary execution and extortion are norms. |
| 7 | Out of a myriad of Burma's ethnic groups, the state has developed and attempted to enforce ethnic population control as a matter of policy, only among the Rohingya through severe marriage restrictions and in many cases forced sterilization. |
| 8 | Law enforcement agencies throughout the Rohingya regions of Western Burma enjoy total and blanket immunity from whatever persecutorial acts the former may engage in - rape, gang-rape, execution, abduction, daily abuses, threats, intimidations, 24 hours, 7 days a week and year round. |
| 9 | The Rohingya who are not put in the semi-concentration camps have been living in a total of 11 security grids with heavily armed guarded posts, and their physical movements even between one communities to the other are closely monitored, controlled and forbidden at the pleasure of both central and local state authorities. |
| 10 | Myanmar governments regularly deny any wrong doings while covering up its mass atrocities against the Rohingya and disposes countless number of dead bodies of the murdered or slaughtered Rohingya - male, female, children and elderly. |
| 11 | Empirically, Myanmar governments, in close collaboration of the local Nazi-inspired segments of the Rakhine Buddhists and backed by the popularly genocidal Buddhist public, have long attempted to deny, restrict or otherwise make it difficult for the delivery of any humanitarian aid, including basic survival food, to the Rohingya. |
| 12 | These Myanmar governments are found to be engaged in a pattern of systematic and verifiable attempts aimed to destroy social and economic foundations of the Rohingya community at large over the past nearly 40 years. |
| 13 | The destruction of the Rohingya as a group, in whole or in part, began with Myanmar government's deliberate erasure/destruction of their identity, both self-referential and formerly officially recognized, as Rohingya as early as 1982, through the Rakhine-nationalist-inspired Citizenship Act of 1982 enacted under General Ne Win's one-man dictatorial rule, 1962-1988. |
| 14 | Talking about them as simply 'citizenship-less' or 'stateless-people' is to look at the symptom of the state-sponsored slow-burning genocide which began in the late 1970's with the first state-directed large scale wave of repression of the Rohingya. |

Source: Answer in email conversation with Dr. Maung Zarni, dated April 2014, email address fanon83@gmail.com

APPENDIX E: Shwedagon, Myanmar Landmark.



Source: Ahmad Zakki Jilan

APPENDIX F: News Report on the Rohingyas in Malaysia

Rohingya dedah cara mereka masuki Malaysia

KUALAJAYA 1 Mac – Pelarian Rohingya di Malaysia mendedahkan bagaimana mereka membayar sejumlah wang kepada individu tertentu yang dipanggil ejen di selatan Thailand untuk membawa mereka masuk ke negara ini secara haram menerusi sempadan di utara tanah air.

Menurut mereka, jumlah bayaran yang dikenakan oleh ejen-ejen terabit terhadap golongan pelarian itu adalah berlainan dengan bayaran sebanyak RM2,200 bagi orang dewasa dan RM1,000 untuk kanak-kanak.

Seorang pelarian Rohingya yang dikenali sebagai **Nur Aishah Mohamad**, 40, berkata, setibanya di selatan Thailand, kumpulan pelarian itu akan dikumpulkan di dalam kawasan hutan tebal berhampiran pekan seperti di Tak Bai dan Sadao.

"Kami akan tinggal di dalam hutan sambil diawasi dengan ketat oleh ejen-ejen. Kami tidur beralaskan plas-

tik dan diberi sedikit makan serta minum, menunggu masa untuk dibawa masuk ke Malaysia," katanya yang memasuki negara ini bersama tiga orang anaknya berumur di antara empat hingga lapan tahun.

Beliau yang mendedahkan perkara itu kepada *Bernama* di dalam temu-ramah di sini baru-baru ini, berkata, kehidupan di dalam hutan itu adalah amat teruk, selain kotor dan berbahaya.

"Binatang berbisa seperti ular dan lain-lain berada di mana-mana," kata Nur Aishah yang mendakwa membayar kira-kira RM5,000 kepada ejen untuk membawa beliau dan tiga anaknya ke Malaysia secara haram.

Tiga anak beliau, Siti Nor Naha, 8, Mohamad Yahya, 5, dan Siti Nor Safia, 4, yang juga cacat kini berada di negara ini.

Seorang lagi pelarian, **Abu Shahid Ahmad**, 33, pula berkata, ejen-ejen

tersebut akan bertindak ganas terhadap mana-mana pelarian Rohingya yang gagal melunaskan bayaran untuk membawa mereka masuk ke Malaysia.

Abu Shahid yang membayar RM4,500 kepada ejen bagi membawa beliau, isteri dan tiga anak mereka bukan sahaja mendakwa sering dipukul oleh ejen, tetapi turut dipaksa meminta sedekah untuk memenuhi jumlah bayaran tersebut.

"Saya telah dipaksa untuk meminta sedekah di Kota Bharu selama dua minggu kerana duit (untuk dibayar pada ejen) tidak mencukupi. Selama itu, isteri dan anak saya tinggal di hutan di selatan Thailand.

"Saya bersyukur, mereka tidak diapa-apakan oleh ejen," kata Abu Shahid yang mendakwa ditahan oleh ejen di satu kawasan hutan di Tak Bai.

Bagaimanapun, beliau berkata,

apa yang dialaminya di tangan ejen adalah tidak seberapa, berbanding kejadian menimpa dua lelaki Rohingya yang gagal melunaskan bayaran sebagaimana diminta oleh ejen terbabit.

"Kedua-dua lelaki itu ditembak di depan mata saya dan mayat mereka dibawa ke suatu tempat di dalam hutan tebal itu oleh ejen-ejen terbabit," dakwanya sambil menambah, ejen sanggup bertindak ganas untuk mendapatkan bayaran.

Presiden Pertubuhan Pro-Demokrasi Masyarakat Islam Rohingya (CRIPDO), **Mustafa Kamal Abu Basir**, 36, berkata, ramai di antara pelarian Rohingya yang gagal melunaskan bayaran kepada ejen akan dijual kepada pemilik-pemilik kapal nelayan di selatan Thailand.

"Mereka akan bekerja di kapal nelayan itu sehingga menemui ajal. Mereka akan hidup selagi sihat untuk

bekerja, jika jatuh sakit pemilik kapal akan ambil jalan mudah dengan menembak mati dan mayat mereka dihumban di lautan," katanya.

Beliau yang telah 25 tahun berada di Malaysia berkata, kisah-kisah menyayat hati itu adalah lumrah di kalangan bangsa Rohingya berikutan sikap masyarakat dunia yang tidak mengambil peduli tentang nasib mereka.

CRIPDO merupakan salah satu daripada beberapa pertubuhan yang ditubuhkan oleh pelarian Rohingya di sini untuk menjaga kebajikan kira-kira 15,000 pelarian bangsa itu yang berada di Malaysia pada ketika ini.

Mustafa Kamal berkata, pelarian Rohingya di Malaysia berasal dari wilayah Arakan, Myanmar yang meninggalkan negara itu berikutan kekejaman dan penindasan yang dilakukan oleh kerajaan tentera Yangon. - *BERNAMA*

Source: *Berita Harian*, March 1, 2008. Re-shoot photo by Ahmad Zakki Jilan,

APPENDIX G: Feature Writing on the Rohingyas in Malaysia

Rohingya diusir dari tanahair sendiri

Glen AZLINARIAN ABDULLAH

ISUNYA hanya satu satu kebhinngan, yang asal dari sejarahnya di Myanmar, tetapi adalah kepada itu yang satu ini menjadi variasi, mereka yang dibuktikan kerana asal ini kebhinngan satu etnik tiga, malah ada yang mahu nasabkannya empat. Cabang isuny ialah Thailand, Malaysia dan semestinya juga Indonesia turut sama dibhinngan.

tersebut. KODIM Jaya mengimbau keselamatan dan kelancaran jentara tadbir atas Perdana Menteri Thailand yang baru, Abhisit Vejjajiva, yang naik kuasa memenangi undian Parlimen. Beliau dua bulan lepas, Selebriti, ia juga memenangi anugerah Bangkok sebagai masyarakat terbaik Asia yang berlatar belakang pelbagai dakwaan seksualiti. Ia akan muncul di selatan Thailand, semasa khidmat insiden di Tak Bai enam tahun lalu, kalau ada

Dalam insiden terbaru, *scimitar* Thailand dituntut melakukan penarikan ke atas lokasi-ratus Rohingya selepas kira-kira 178 pelarian ditemui terdampar dalam keadaan lapuk, tidak terutamanya dalam persekitaran di luar kepulauan Andaman. Sedangkan isu mereka melalui perairan Sabang, Indonesia. Menurut antarabangsa, semua data pengiraan atau media cetak juga memperlembakan insiden itu, dengan insiden-kira-kira kepada pengapungan-layanan. Dengan kata lain masih menyertai

Mereka menunjukkan kepada klayuk-
klayuk lebam dan luka yang dialami kami
Rohingya ini. Sebelain ini ada terharu itu sekali
pun, Bangkuk dadaku membengkak 500
Rohingya mati di lautnya apabila mendengar

Dituturkan, Kolihingya ini adalah pencari suaka ekonomis, maka mereka tidak layak mendapat layanan kesehatan atau diberikan pelayanan jiwa.

nyaman, sejuk dan udara segar. Setelah selesai, kami berangkat ke arah utara yang akan kami kunjungi ke kampung adat di daerah ini berada di Thailand. Dari pada 178 yang diteliti di utara Thailand itu, 66 daripadanya dibahagikan ke, maka-maka dan kesemuanya didapati bersahaja-jela. Maka-maka Daerah Ranege, Analisa bersahaja, m-

Jadi, apa cabang kantannya dengan Malaysia? Kepada pertanyaan ini, jawabannya barangkali boleh diulangi lagi. Senang bukan memantapkan semula A.S. D. dengan orang-orang di Amerika, Kanada, dan

supaya 66 Rohingya yang ditangkap berhasil
karena memasuki Thailand secara resmi pulang
ke negara asal - di sini berakutaka Myanmar,
kebanyakan mereka membuat bayaran supaya
jangan dihantar ke Myanmar, sebaliknya baw



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metelka for Malaysia.

Ini kornet, pentalah Molliagya ini merendabok, hantya pading hianu di Malysia bodoh narnahari meraka nyawa tawak sebuah kehendapan. Dakuwa meraka di Myanmar meraka saku kehendapan, lant sekadi kaping-mari janta ngagau itu mahu malyani meraka sebagai marnah. Terapi malagagya bud Malysia, vialagapi di karnali ANARA merna pading berhemah dua pinalah karnahumalan, temagapi saku lagi unok

Laporan Sarungdajaya Pertubuhan Bangsa-Bangsa Bersatu untuk Pelarian (UNHCR) sehingga tahun lepas meredakan bahawa

Myanmar merinci negara kedua paling besar menyumbang peredaran selepau Indonesia. Jumlah Ropinya di negara ini lebih pun semakin bertambah setiap tahun sejak mereka diperkenalkan mula memasuki Malaysia pada 1992.

Laporan INHCR menunjukkan bahwa selama tahun 2008, bilangan mereka telah 20.000 berbanding pada 1992, hanya seumpadan kecil saja. Maka, makna angka itu ialah, kalau pun Malaysia ada tahap belajar kuantiti yang tinggi dan malah mungkin lebih berbanding...

Iti Malaysia, bagaimana pula dengan Indonesia? Seperti Malaysia, Indonesia juga mempunyai beberapa bandar utama. Misalnya, di Jakarta ada 10-

reputasi dan warganya Rohingya di negaranya. Rohingya Rohingya yang lari dari negara asal, mereka sama ada akan menetap di Malaysia atau di In-



PELARIAN Kohingya terdampar di pantai Indonesia setelah diusir dari Thailand

Oleh kerana mereka tidak diiktiraf di negara sendiri, mereka digelar juga kumpulan tidak bernegara (*stateless*) atau *citizen nowhere*, menjadi orang hanyut Asia yang baru.

Sepintas mencucukkan jarum Robingya, Hicrek!
Jahat mentera! Bilang yang apanya dari Arakan,
yang diulunya camerang! Sebaga sebuah korajon
pada kurin ke-9. Semana menjadi pusat
pencapaian Islam rasul padang Arab dari India
datang ke Arakan sebelum mereka ini bercampur
paul membina kehidupan dengan masyarakat
kepuasan dan lahir kemudian dihidupi!

Tetapi selepas berdebat dan berdebat pada tahun-tahun alih pada 1962 dengan agensi-agensi sebagai agensi asing, ia tidak mereka bentuk secara rasmi. Rombongan menjadi "sistem paku" di negara sendiri apabila Undang-Undang Keadayaan Darma diperkenalkan pada 1974 di mana diperkenalkan bahawa semua orang etnik yang

Setelah perang saudara berakhir, mereka pindah ke daerah lain. Setelah perang saudara berakhir, mereka pindah ke daerah lain. Setelah perang saudara berakhir, mereka pindah ke daerah lain.

BNMIG selaku penyandang, Operasi ketenteraan
tersebut dengan kerajaan tentera mahu
menyediakan keadaan yang selamat dan stabil. www.bnmig.gov.my

lebih 20 operasi katektomi dengan dua palang laser. Operasi Naga Mia (1979) dan Phi Thuya (1992) dua inilah yang mengakibatkan pelajaran besar banyak mereka ke Bangladesh, Thailand, dan Amerika Serikat.

Malaysia merupakan sebahagian kecil negara Asia Barat.
Seperti kita perlu mengingati, pelajaran Rukhiny
ini direkodkan datang berdayung-dayung ke
Malaysia selepas 1992, kerana Operasi Pyl Thya
(Meli kerana mereka tidak diiktiraf di negara
Malaysia).

Ibu Rohernya jatah mendapat perhatian. Mereka sudah tempat untuk mengadu. Entah berapa, tapi itu cukup. Kalau memang ada masalah, itu bisa diurus.

kenapa, itu tidak dapat disimpai masyarakat dunia yang bercita-cita pendidikan dan pendidikan kepada soal hak asasi. Semasa sains Buddha itu ke jalan dan pergi kepada juria fonsia pada September 2007, dunia menemui seniman yang pernah dan memberikan hal-hal yang baik itu.

Perubahan Persepsi dan Sikap (OPC) tidak pernah menyebarkan hal mengenai Rohingya (di mana-mana) sidangnya terak di (distribusi) lebih

Sidang Kamus ASEAN bakal berlangsung ke-10 kalinya Hua Hin, Chong Mai bermula 27 Februari hingga 2 Mac depan, berangkali meng-

platform terbaik untuk membangun ini ini. Bukan
atau pun menyimpang daripada prinsip ASEAN
yang mendukung dasar tiga campur tangan
tetapi setidaknya ada misi utama ke arah
untuk ini. Misalnya, ketika ini cabang kepada

● Penulis ialah pelajar Sarjana Pengajian Asia Tenggara di Jabatan Sejarah, Universiti Malaya.

(UM) yang sajatunya berhubung masyarakat.

Source: *Mingguan Malaysia*, June 2009. Re-shoot photo by Ahmad Zakki Jilan,

APPENDIX H: A photo of the Rohingyas that have been stranded on the boat for a week in 2015 at The Andaman Sea.



Source: *Reuters*, www.reuters.com. Re-shoot photo by Ahmad Zakki Janan

APPENDIX I: Photo taken with Rakhine Ethnic in Cultural Center in Yangon.



Source: Ahmad Zakki Jilan

APPENDIX J: Rohingya Kids Wearing Traditional Attire



Source: *Burma Times*, www.burmatimes.net. Re-shoot photo by Ahmad Zakki

Jilan

APPENDIX K: Rohingya Kids Learning Center in Selayang, Selangor



Source: Ahmad Zakki Jilan

APPENDIX L: Rohingya Kids play soccer with locals in Kuantan, Pahang



Source: Ahmad Zakki Jilan

APPENDIX M: Rohingya Kids at their informal school in Selayang, Selangor



Source: Ahmad Zakki Jilan

APPENDIX N: Plain Language Statement

Plain Language Statement

“The Myanmar Rohingyas: Challenges Faced by the ‘Refugee Community’ in Malaysia”

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Ms Azlinariah Abdullah (Doctoral Candidate, azlinariah_abdullah@siswa, 012 6946489)

Introduction

You are invited to participate in the above research project. The purpose of the research is to look at the challenges of the Rohingyas refugee in Malaysia. Your story, depth experience will provide valuable insights into this work. This interview will be part of Ms Azlinariah’s doctoral thesis at AEI, University of Malaya and has been approve by the committee.

What will I asked to do?

Your involvement comprises an interview and audio recording. You will be asked questions that form the basis for an open discussion on your experience as refugee in Malaysia. The time commitment ranges between one to two hours, with possible follow-up sessions. I will seek your permission to record the interview. You can stop the interview at any time. Your participation is completely voluntary and you are free to withdraw consent at any time and to withdraw any unprocessed data previously supplied. Later, you will be given a transcript of the interview and the opportunity to make corrections or request deletions.

It is usual in oral interview based research to use participant’s names. If you wish to remain anonymous, you will be referred to by a pseudonym in the final research. We will also remove any references to information that might allow someone to guess your identity. In this case, your name and personal details will be removed from all records after you have approved the interview transcript, unless you request otherwise for the purpose of receiving ongoing information about the research. Your details will be kept in a separate file, with only Ms Azlinariah having access to these details. All the data will remain confidential subject to legal limitation.

What will happen to the data collected?

Research result from the data collected will be published as a doctoral thesis. A summary of the finding will be sent to you, if you request it. The result may also be presented at academic conferences, used in journal articles and/or published as a book for general audience, and will be kept for a minimum of five years after any publication.

Where can I get information?

Should you require any further information, or have any concerns, please do not hesitate to contact any of the researchers via email or telephone Ms Azlinariah on 012 6946489.

If you have any concerns about the conduct of the project, you are welcome to contact the administration at Asia Europe Institute, University of Malaya on phone 03-79676920.

How do I agree to participate?

If you would like to participate, please indicate that you have read and understood this information by signing the accompanying consent form.

Kind regards

University of Malaya

APPENDIX O: Imam of Chulia Mosque with Muslim's Myanmar in an interview in Yangon, Myanmar.



Source: Ahmad Zakki Jilan

APPENDIX P: Researcher with AFK Jilani, an author of “The Rohingyas of Arakan, Their Quest for Justice” at his residence in Ampang, 2015. He passed away on 21 June, 2017.



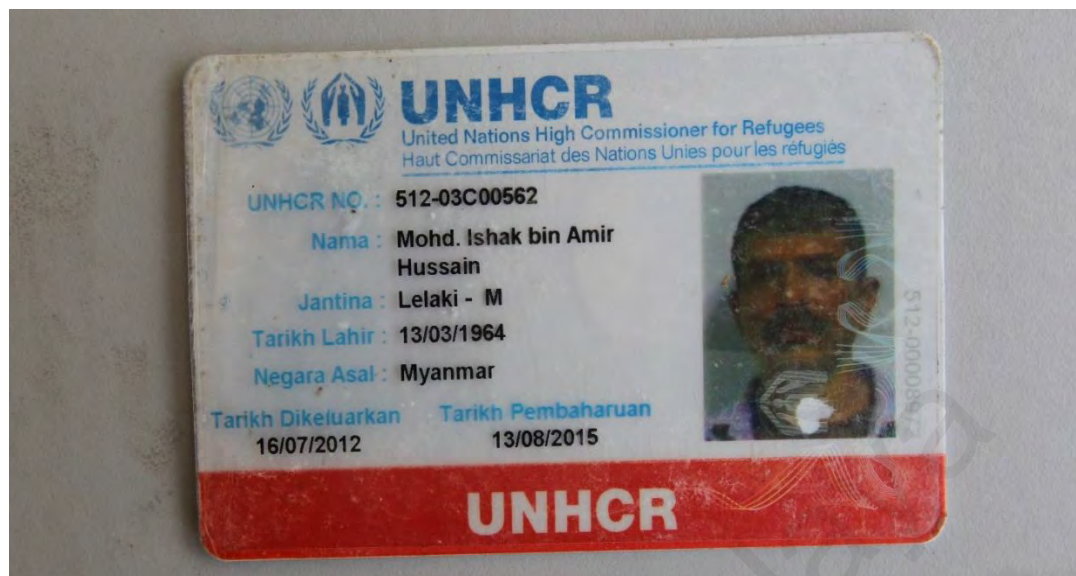
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APPENDIX Q: An Interview with few Rohingyas in Malaysia. Interview took place in Kuantan, Pahang.



Source: Ahmad Zakki Jilan

APPENDIX R: Sample of UNHCR Card hold by the Rohingyas in Malaysia.



Source: Ahmad Zakki Jilan

APPENDIX S: Rohingya Third Generation passing their time get together in Kuantan, Pahang.



Source: Ahmad Zakki Jilan

APPENDIX T: Rohingya family having lunch at their house in Cheras Baru, Kuala Lumpur.



Source: Ahmad Zakki Jilan

APPENDIX U: Interview Questionnaire

Demographic Questions

Sex:

Age:

City of origin in Myanmar (Rakhine):

Date of arrival to Malaysia:

Neighborhood of residence within Kuala Lumpur/Klang Valley/States:

Current size of household:

Current occupation (if any):

Previous occupation (in Rakhine/Myanmar):

Educational background:

Marital status:

Location/legal status of spouse:

Current occupation of spouse (if any):

Number of children (if any):

Age of children:

Location/status of children:

Location of parents:

Location of siblings:

Migration Decision-Making and Refugee Status

1. Why did you decide to leave Rakhine, Myanmar?
2. Why did you decide to come to Malaysia?
3. Did you go anywhere else first?
4. How did you enter Malaysia?
5. Did you apply for UNHCR card (refugee status)? If so, who helped you apply?
6. Are there any organizations that help you as a refugee in Malaysia? Which organizations? How did you hear of them?
7. Did you have friends or family already living in Malaysia?
8. Why did you choose to live in your neighborhood?

Daily Livelihood Strategies

Income

1. How do you support yourself and family in Malaysia?
2. Do you receive from UNHCR or any other NGO's?
3. Do you work? (If so, what is your job? Where? What is the rate of your employer? How many hours per work?)
4. How did you find out about your current employment?

Housing and Neighborhood Choice

1. Did you live in any other neighborhood before your current neighborhood?
2. Do you know any other Rohingyas in your neighborhood?

3. How did you find your present accommodation?
4. Who else lives with you?

Expenses

1. What are your main expenses (housing, food, education, medical, relatives, legal, community-based activities, transportation)?
2. If you run out of money, who do you ask for help?
3. Do other Rohingyas help pay for expenses of housing, food, etc.?
4. How often do you ask others for assistance with your expenses?

Education

1. Do you receive any kind of education? If yes, where?
2. How did you find out about it?
3. Do you take any language, skill classes or other activities?
4. Are your children receiving schooling?
5. What kind and where?
6. How do you pay for it?
7. How did you find out about your children's schooling?

Health

1. Did you have any health problems before arriving to Malaysia??
2. Do you receive any health services? Where?
3. Do you have any health concerns?
4. How do you find out about information pertaining to accessing medical services?
5. How do you pay for health needs?

Networking

1. Do you get together with many Rohingyas in your neighborhood? How often?
2. Are they family members or friends?
 - a. What do you do when you get together?
 - b. Do you help one another with daily livelihood? (For example, do you borrow from one another, share housing, share food, exchange information (probe what kind of information they exchange), help each other in other ways? (Kindly specify) How often do you do that?
 - c. Are there particular Rohingyas that you depend on more than others? Who? Why do you think that is the case?
3. If they are friends, did you meet them in Rakhine or did you know them before, for example Thailand or Bangladesh?
4. Do you feel comfortable associating with other Rohingyas in Malaysia?
5. How did you meet other Rohingyas in/outside of your neighborhood that you did not already know from home?
6. Do you feel safe in your neighborhood? Why/Why not?
7. Do you mostly associate with other Rohingyas in your neighborhood or those living in other neighborhoods?

8. Do most of the Rohingyas you know in Malaysia live in your neighborhood or another neighborhood? Are you friends with non-Rohingyas in Malaysia?
9. Do you have family members or friends still in Rakhine?
10. Do you have family members or friends living outside of Myanmar and not in Malaysia? Where?
11. If so, how do you communicate with them? How frequently?
12. Do they assist you with anything (migration, repatriation, and resettlement)?

Identity Formation and Future Plans

1. What are your plans for the future? Do you plan to stay in Malaysia, return to Myanmar, or move to a third country?
2. Have you made concrete steps to leave Malaysia?
3. Have you applied for resettlement?
4. From who do you obtain information about resettlement?
5. How do you feel about Myanmar and Rakhine now? Do you ever want to return?
6. Do you interact with Myanmar people? Where? How often?
7. How would you describe these interactions?
8. Do you have Malaysian acquaintances/friends?
9. How would you describe these relationships?
10. Do you have contact with other refugee communities?