

The Organisational Pattern of Rohingya Refugee Community in Malaysia: Structural Opportunities, Constraints, and Intra-Community Dynamics

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ABSTRACT

This article draws attention to the proliferation of Rohingya community organisations in Malaysia. Based on interviews with Rohingya activists in Kuala Lumpur greater area, evidence shows that the refugee community organisations continue to be the focal points for welfare service and protection. It is argued that the ambivalent asylum policy and increasingly unfavourable socio-political environment of the host state were mediated by the organisations through support from the accumulated social capital and established social networks in their localities. We also found that despite a call for a united, collaborative Rohingya voice in Malaysia from humanitarian observers, the community continues to mobilise in separate, locally oriented organisations. Contributing factors are shown to derive partly from the structural opportunities and constraints encountered in the local contexts of Malaysia and partly from the persistent intergroup tensions. This article contributes to debates on refugee self-reliance and their prospective role in enhancing host countries' social and economic life, as indicated by the Global Compact on Refugees. It is also relevant to general debates about refugee mobilisation in transit countries in Southeast Asia.

KEYWORDS: refugee community organisations, refugee mobilisation, Rohingya, Malaysia

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All respondents' names mentioned in this article are pseudonyms. As of the end of March 2022, the Malaysia-based UNHCR has registered 182,120 refugees, of which 103,810 are Rohingyas (UNHCR, 2022). Nevertheless, the total number does not include asylum-seekers who have not registered with the UNHCR; thus, the figure could be more significant than reported.

1. INTRODUCTION

The study of refugee community organisations (RCOs) has discussed the formation, roles, and dynamics of such institutions,¹ though predominantly within the policy context of resettlement countries. Correspondingly, the existing analysis on this subject has been centred upon the integrative role of RCOs in countries with a relatively more established refugee policy framework. In recent years, however, protracted refugee situations are more profound in countries in the Global South, most of which are non-signatories of the 1951 Geneva Convention on refugees (often politically defined as ‘transit’ locations). Non-signatories principally assume no legal obligations to provide protection and assistance to refugees. Though many of them have been upholding some of the stipulations of the Convention and its subsequent 1967 Protocols by allowing the refugees to remain in the country on humanitarian ground and to some extent provide *ad-hoc* mechanisms to deal with their welfare provision, mostly in collaboration with aid sectors. Nevertheless, as their presence is perceived as temporary in those countries, the incorporation of refugees into the host society is deemed undesirable. In such a context, RCOs emerged as self-help mechanisms to fill in the welfare provision and protection gaps left by the states.

The Malaysian case provides an interesting lens for understanding the proliferation of RCOs within unconducive institutional settings for refugee incorporation. The growth of Rohingya RCOs in Malaysia inherently arises from governments’ and international aid agencies’ failure to provide sufficient protection and welfare supports to the refugees. Their functions include providing informal education for refugee children, medical checkups (often in collaboration with local non-governmental organisations or charities), employment assistance, and a centre for cultural/religious activities. Arguably, the Malaysian government has afforded the Rohingya refugees with opportunity structures for organising welfare-oriented activities to compensate for the absence of state-driven service provisions.

While the salience of Rohingya RCOs in Malaysia hints at the relative organising freedom for refugees, it is circumscribed in an exceedingly complex policy and political environment. In reality, the absence of a systemic refugee protection mechanism has propelled RCOs to deal with legal advocacy tasks despite lacking the capacity. While similarly susceptible to legal prosecution, RCOs often act as mediators between refugees and state apparatus once problems occur. In addition to structural constraints, some observers see the lack of cohesiveness and collaboration as contributory factors to the ethnic community’s inadequate collective capacity and

1 See R. Zetter, D. Griffiths & N. Sigona, “Social Capital or Social Exclusion? The Impact of Asylum-Seeker Dispersal on UK Refugee Community Organisations”, *Community Development Journal*, 40(2), 2005, 169–181; R. Zetter & M. Pearl, “The Minority within the Minority: Refugee Community-Based Organisations in the UK and the Impact of Restrictionism on Asylum-Seekers”, *Journal of Ethnic and Migration Studies*, 26(4), 2000, 676; D.J. Griffiths, “Fragmentation and Consolidation: The Contrasting Cases of Somali and Kurdish Refugees in London”, *Journal of Refugee Studies*, 13(3), 2000, 281–302; Ö. Wahlbeck, “Community Work and Exile Politics: Kurdish Refugee Associations in London”, *Journal of Refugee Studies*, 11(3), 1998, 215–230; D. Griffiths, N. Sigona & R. Zetter, *Refugee Community Organisations and Dispersal: Networks, Resources and Social Capital*, Bristol, The Policy Press, 2005; G. Hopkins, “Somali Community Organizations in London and Toronto: Collaboration and Effectiveness”, *Journal of Refugee Studies*, 19(3), 2006, 361–380.

bargaining power.² Since the Rohingyas are mobilised in smaller, locally oriented groups sans a community-wide organisation, competition for resources, and resentment between RCOs is unavoidable. It is further argued that the persisting, strong village identification also propagates intra-community tension.³

A burgeoning body of literature has discussed the plight of the Rohingyas in various contexts and frames the community as a helpless victim. However, there is an absence of study that explores their prolonged asylum situation from the perspective of refugees as key actors capable of providing protection and welfare services. Furthermore, although previous studies have examined the integrative role of RCOs in the context of countries of settlement, little systematic knowledge is available on those mobilising in intermediate locations where integration is principally constrained. We intend to fill this persisting gap in the literature, particularly on the Rohingya refugees' activism and self-reliance efforts in transit countries in Southeast Asia. This article, therefore, has several related aims: first, to examine the underlying factors that shape the organisational patterns of the Rohingya refugee community in Malaysia. These include Malaysia's distinctive asylum regime, political environment, and other aspects of the empirical reality in Rohingya mobilisation. The second aim is to shed light on the complex, fragmentary forms of community organisations amongst the Rohingya refugees and to challenge the stereotyped interpretation of the refugee community as homogeneous. To inform our analysis, we borrow the paradigm employed in the prominent studies of RCOs, particularly the neo-institutionalist perspective directly pertinent to the configuration of *opportunity structures*. Within a broader analysis of opportunity structures (further defined in institutional and discursive dimensions), we thus critically evaluate the roles of *social networks* and *social capital* in facilitating mobilisation. In doing so, we pay close attention to these notions and scrutinise factors that inhibit the development of a united refugee community mobilisation.

Our study points to important findings with broader implications for researching RCOs formation, roles, and dynamics. It is argued that while institutional and discursive opportunity structures shape and define the space for refugee mobilisation, the organisational pattern that emerges is not exclusively contingent on these structures. Instead, fragmented mobilisation is often deliberate, underpinned by socio-economic and cultural fabrics. This study suggests that the existence of a community-wide organisation does not always equate to a cohesive refugee community and a more effective service provision. Further, the general conception of the refugee community as homogenous and unified amongst donors, aid agencies, and state authorities has created resource disparities between refugee groups which potentially exacerbate the fragmentation. While our focus has been on the Rohingya case in Malaysia, we suggest that the intra-community tension illustrated in this article is omnipresent across refugee communities in various migration contexts. Nevertheless, the outcomes of such conflictual relations among co-ethnic groups may vary depending on the specific historical background, identities, and aspirations of the refugee community in question.⁴

2 See C. Wake, 'Turning a Blind Eye': *The Policy Response to Rohingya Refugees in Malaysia*, Humanitarian Policy Group Working Paper, London, Overseas Development Institute, 2016.

3 Ibid.

4 Griffiths, "Fragmentation and Consolidation".

2. RETHINKING REFUGEE COMMUNITY ORGANISATIONS

RCOs are often associated with a broader context of migrant associations and social networks. While there is no consensus on its definition, Zetter and Pearl generically define RCOs as “[...] organisations established by the refugees and asylum seekers themselves – or by their pre-established communities and supported by the ethnic or national refugee/asylum-seeker communities they serve”.⁵ In this sense, refugees are depicted as creative actors capable of rebuilding community life in exile through organisational activities, refuting the common perception of refugees as depoliticised, incapable victims. While their role is increasingly pivotal in mediating service provision for refugees, it is important to point out that RCOs are typically part of a complex web of aid networks dealing with refugee situations.

Previous studies have over-emphasised the role of RCOs as the “gap fillers” amid typically lacklustre support provisions from host states or aid agencies. In addition to offering an array of welfare services, these organisations help re-articulate the community’s collective identities in exile, thus providing a means of representation. Thus, they often act as mediators between refugees and service providers or state apparatus. Organisational activities also help refugees in overcoming boredom and depression by providing an empowering setting in which individuals may regain confidence, particularly in a prolonged, involuntary stay in transit sites.⁶ Migrant organisations typically combine welfare-oriented tasks with cultural functions aiming “to improve public understanding of the position of the particular migrant group”.⁷ Despite their pivotal role, evidence suggests that RCOs often endure some downsides, particularly related to insecure funding, weak organisational capacity, and factionalism resulting in poor service provision.⁸

While analysis on this subject traditionally focuses more on the integrative role of refugee associations, recent studies have been increasingly interested in interpreting variations in their forms, roles, and impacts *within* and *across* territorial contexts. To this end, research on RCOs has been situated in a range of interdisciplinary fields, most notably sociology, anthropology, and political science. However, the analysis of RCOs has been predominantly associated with the neo-institutionalist approach and is perhaps best represented by the works of Roger Zetter and his collaborators.⁹ It is argued that institutional settings manifested in the frameworks of asylum and immigration policy of the receiving countries fundamentally impinge upon the forms of RCOs and mobilisation of refugee communities.¹⁰ Receiving countries’ asylum

5 Zetter & Pearl, “The Minority within the Minority”.

6 M. Salinas, D. Pritchard & A. Kibedi, *Refugee Based Organizations: Their Function and Importance for the Refugee in Britain*, Refugee Issues, Working Paper on Refugees, 3(4), Oxford and London, Refugee Studies Programme and British Refugee Council, 1987; cited in Griffiths, “Fragmentation and Consolidation”; See also Hopkins, “Somali Community Organizations”.

7 J. Cheetham, “Ethnic Associations in Britain”, Research Study Project for Refugee Studies Programme (RSP), Oxford, RSP, 1985, 18; cited in Griffiths, Sigona & Zetter, *Refugee Community Organisations and Dispersal*.

8 See Wahlbeck, “Community Work and Exile Politics”; Zetter & Pearl, “The Minority within the Minority”; Griffiths, “Fragmentation and Consolidation”.

9 Zetter, Griffiths & Sigona, “Social Capital or Social Exclusion?”; Zetter & Pearl, “The Minority within the Minority”; Griffiths, Sigona & Zetter, *Refugee Community Organisations and Dispersal*; Wahlbeck, “Community Work and Exile Politics”.

10 Institutional dimension of opportunity structure is discussed largely in the context of migrant mobilisation by Y. Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe*, Chicago, The University of Chicago Press, 1994; See also Griffiths, Sigona & Zetter, *Refugee Community Organisations*

policies subsequently configure the “opportunity structures” constituting both enabling (*power to*) and constraining (*power over*) capacities.¹¹ On the one hand, it facilitates the mobilisation of some collective actors. On the other hand, it sets parameters to constrain mobilisation within specified limits. In this sense, once allowed, refugees must act and organise within the boundaries of rules and procedures primarily defined by host state institutions (*logics of appropriateness*).¹² However, it should be noted that those institutional settings are subject to change, even though change rarely occurs.¹³

Soysal prominently translates the institutional opportunity paradigm into the analysis of migrant incorporation regimes.¹⁴ The incorporation regime of host policy shapes the collective patterns of migrant organisations. In turn, migrant organisations articulate their trajectories in relation to the host state policy and resources. According to Soysal’s typology of polity membership, there are four models of migrant incorporation: corporatist, statist, fragmental, and liberal. The differences between these models lie in the extent of the host government’s involvement in migrant incorporation and the modes of incorporation (individual vs collective). Within the statist and corporatist structure, migrant organisations are centralised and typically undertake advocacy, cultural, and recreational activities as state or para-state institutions do more in terms of the welfare and incorporation of migrants. Conversely, fragmental and liberal models represent the absence of state-driven, centralised authority and formal structures to deal with migrant welfare and incorporation. The latter paradigms, once enacted, will typically result in the proliferation of local, voluntary associations as the agents of migrant incorporation, with migrants as the key actors. Within this *laissez-faire* (liberal) tradition, opportunity structure is immediately provided by the receiving countries. Migrant associations accordingly perform tasks related to service provision, which is otherwise a central government function. However, such a decentralised, society-centred structure ostensibly produces varying, complex outcomes. For instance, labour market incorporation does not guarantee incorporation into social and political fabrics.

Soysal’s model serves as an essential entry point to situate refugee communities’ resulting collective organisational patterns within the particularities of state incorporation regimes.¹⁵ However, it runs the risk of over-generalising collective actors and the political context of a particular country. Alternatively, in their study, Koopmans et al. situate different actors and immigration policies in a two-

and Dispersal; L. Zamponi, “From Border to Border: Refugee Solidarity Activism in Italy Across Space, Time, and Practices”, in D. Della Porta (ed.), *Solidarity Mobilizations in the ‘Refugee Crisis’: Contentious Moves*, Basingstoke, Palgrave Macmillan, 2018, 99–123.

11 C. Hay, *Political Analysis: A Critical Introduction*, New York, Palgrave, 2002, 101; See also R. Koopmans, P. Statham, M. Giugni & F. Passy, *Contested Citizenship: Immigration and Cultural Diversity in Europe*, Minneapolis, University of Minnesota Press, 2005; Soysal, *Limits of Citizenship*.

12 Soysal, *ibid*, 106.

13 Based on a study on RCOs in the UK, Zetter, Griffiths & Sigona, “Social Capital or Social Exclusion?”, suggest that the changing policy environment may unequally affect refugees’ mobilising resources (defined primarily as social networks and social capital), thus increasing the capacity gap between organisations.

14 Soysal, *Limits of Citizenship*.

15 *Ibid*.

distinguishes forms of social capital into *bonding* (intra-community relationship), *bridging* (inter-community relationship), and *linking* (relationship with official, authorised bodies).²²

Refugees are often seen as “social capitalists” who continue to use pre-dislocation ties and newly established networks in exile as a means of support.²³ Corresponding to this, refugee organisations play a central role in increasing the ability of incoming refugees to settle and bridge the relationship between these new arrivals and the receiving societies.²⁴ Furthermore, the accountability of refugee organisations is often derived from social capital accumulated from established networks with various actors at the macro and micro levels. It has been reported that resource competition substantially propels RCOs to “*enter the public sphere of accountability and legitimate representation*”.²⁵ Nevertheless, the gravity of impact social capital can exert is contingent on its volume measured by the size of the mobilised network connections and the capital (economic, cultural, symbolic) attached to them.²⁶

The dominant consensual paradigm of social capital and networks is challenged by the structural/conflict perspective, whose primary concern is on the question of how social capital may lead to power competition within a social group and manipulation. Griffiths et al. claim that the development of linking social capital by refugee organisations can create structural dependency and fester tokenism.²⁷ Refugees and their plight are often manipulated for political gain, i.e., attract voters who subscribe to the pro-asylum agenda. Due to their precarious legal status, refugees and asylum-seekers rely on manipulative political actors for protection, allowing their communities to be politically exploited. While on the intra-group level, social capital is often concentrated in the hands of a single agent or a small group of individuals who thereby become the legitimate representative of the group. Some organisations only exist through agents whose social capital enables them to receive social existence and thus influence the broader society. Such logic of representation, in reality, serves as a double-edged sword. The existence of known and recognised figures in a group strengthens trust and accountability of the organisation, subsequently opening access to resources. However, on the contrary, it enables internal competition for the right to declare oneself as a representative of the whole group and gain the “*par excellence*” status.²⁸

This also brings us to this article’s second aim concerning the conflictual relationships *within* and *between* refugee organisations. Increasingly, fragmentation has been observed in the analysis of RCOs across different contexts and settings and is considered a central feature. In addition to intra-community variables, it is also important to point out that institutional structure to varying degrees may propagate conflict

22 Putnam, Making Democracy Work.

23 P. Loizos, “Are Refugees Social Capitalists?”, in S. Baron, J. Field & T. Schuller (eds), *Social Capital: Critical Perspectives*, Oxford, Oxford University Press, 2000.

24 Salinas, Pritchard & Kibedi, “Refugee Based Organizations”.

25 Griffiths, Sigona & Zetter, Refugee Community Organisations and Dispersal.

26 Bourdieu, “The Forms of Capital”.

27 Griffiths, Sigona & Zetter., Refugee Community Organisations and Dispersal.

28 Bourdieu, “The Forms of Capital”.

operated at the micro-level.²⁹ Based on a comparative study of Kurdish and Somali RCOs in London, Griffiths highlights factors that cause fragmentation within refugee communities, including the presence of political projects, traditions of social and political organisations, a community of co-ethnics, and the local settlement context.³⁰ Also, using the case of Kurdish refugee associations in London, Wahlbeck alternatively postulates that the political allegiances in the pre-displacement duplicated in exile can serve as either valuable resources or obstacles for refugees in exile. In some cases, the same political conviction inherently helps create efficient smaller sub-ethnic associations.³¹ Conversely, the politicisation of refugee organisations may lead to the exclusion of those who do not identify with the movement.³² In addition to disparities in political views, it is further noted that differences in arrival dates might cause disintegration in refugee organisations.³³

To better understand Rohingya RCOs in Malaysia, we must take into account variables at macro and micro levels. At the macro level, analysis of institutional and discursive opportunities and constraints has contributed to advancing our understanding of structural variables that shape the organisational patterns of the refugee community. Meanwhile, discussion on networks, social capital, and fragmentation depicts the dynamics at the micro-level. In this article, the explanatory power of theories and concepts described in this section is examined through our empirical investigation.

3. METHODOLOGY

This study is primarily conducted through the content analysis approach to investigate how institutional and discursive opportunities and constraints and intra-community context determine the organisational pattern of Rohingya RCOs in Malaysia. The data were collected through a combination of secondary research, semi-structured qualitative interviews, and observation of refugee participants in the greater Kuala Lumpur area. We primarily analysed the content of Rohingya RCOs' social media pages and official websites to extract relevant information, including stated objectives, history, organisational structure, and activities. Additionally, we investigated the institutional arrangements for asylum-seekers and refugees in Malaysia and observed changes in public discourse at the national level over refugee issues and, specifically, the Rohingyas by analysing legal documents, official reports, testimonies from virtual events and news articles.

The interviews were conducted in 2016 and 2017 with six informants encompassing four RCO directors and two staffers in charge of the day-to-day operation of the organisations. Four informants were granted refugee status by United Nations High Commissioner for Refugees (UNHCR), and two were holding foreign passports. Many Rohingyas who had fled Myanmar in the 1970s and 1990s managed to obtain

29 Griffiths, "Fragmentation and Consolidation".

30 Griffiths, "Fragmentation and Consolidation" used a comparative study of Kurdish and Somali RCOs in London to substantiate this argument.

31 Wahlbeck, "Community Work and Exile Politics".

32 Hopkins, "Somali Community Organizations". See also Zetter, Griffiths & Sigona, "Social Capital or Social Exclusion?".

33 Salinas, Pritchard & Kibedi, "Refugee Based Organizations".

citizenship from Pakistan, Saudi Arabia, and other Middle Eastern countries.³⁴ Those with foreign passports technically enjoy various services and access for expatriates (documented immigrants) in Malaysia. Some of them were even enrolled in Malaysian universities.

The interviews were conducted in either English or Malay, depending on which language the informants opt to use and can speak more comfortably. We were accompanied by a native Malaysian research assistant, who helped us with the Malay-to-English translation. All of the interviews were conducted in the organisation's office. Given the contentious legal status of the informants in this study, consent was taken from all respondents, and pseudonyms have been used throughout this article. However, we retain the use of the organisation's name mainly for two reasons. First, they are not covertly operated, and their social media accounts can be easily found using the Boolean search strategy. Secondly, these organisations may benefit from this publication as it potentially increases the awareness of their activities and campaigns.

We recruited the first informant with the help of our academic networks, whereby some of our colleagues who had done studies on undocumented migrants in Malaysia provided us with the contact information of an RCO director. To broaden our access to the group and enable us to gain informants' trust, the informants have also provided important contextual information on the refugee situations in Malaysia. Unfortunately, while we initially planned to exercise the snowball method after our interview with the first informant, this plan did not go through as we observed signs of disinclination to discuss other RCOs during the first interview.

Due to this circumstance, we, in turn, tried to contact all possible Rohingya RCOs we could discover on social media platforms, i.e. Facebook and Instagram, while simultaneously collecting relevant information from their social media accounts. Many of these organisations rely heavily on social media to promote their activities. Some better-established organisations even have official websites managed semi-professionally with more advanced services and frequent updates. Amongst those we had contacted, four organisations agreed to a visit and interview. These include the Ethnic Rohingya Community of Arakan (ERCA), the Rohingya Society Malaysia (RSM), Rohingya Association of Malaysia (RAM), and RVision.

While, at the outset, the number of our interview samples may seem unrepresentative of the whole population, we concluded that there were no significant variations that could be obtained if we were to conduct interviews with more Rohingya RCOs. Information about their scope of work could be easily obtained from their websites or social media pages. We also observed clear signs of fragmentation within the Rohingya refugee community during the media monitoring process. We found little to no collaboration between RCOs. Furthermore, there was a dispute among Rohingya leaders surrounding the leadership of the Malaysian Rohingya Council,³⁵ and the council was technically discontinued.

34 See N. Van Hear, *New Diasporas: The Mass Exodus, Dispersal and Regrouping of Migrant Communities*, London, UCL Press, 1998.

35 Malaysian Rohingya Council (*Majlis Rohingya Malaysia*) was set up in 2017 to empower the Rohingya community and unite NGOs dealing with the Rohingyas in Malaysia. Its stated mission was to build a united voice of the Rohingya community and streamline the process of service delivery from aid agencies to the community. See also V. Babulal, "14 Rohingya Community Leaders Elected to Uphold the

Another caveat was that most of the organisations we visited have sustained activities, strong social media presence, significant membership size, and support from the Malaysians in their localities. Despite the lack of direct contacts, other Rohingya RCOs that we closely monitored were the Rohingya Women Development Network (RWDN), the Myanmar Ethnic Rohingya Human Rights Organisations Malaysia, United Arakan Institute Malaysia, and the Rohingya Education Garden.

During the data triangulation process and analysis, we explored links between the “pre-migration social ties” (kinship, village) with “organisation membership”. While some scholars have argued that differences in arrival time may adversely affect the cohesiveness of refugee groups, this was not pivotal in the Rohingya case in Malaysia. No preferential treatment was received by those who arrived earlier or later since Malaysian immigration policies remain intact. Instead, we found the ‘legal categorisation’ of refugees as undocumented immigrants and how RCOs assume their roles as ‘mediators’ between the non-existent legal protection and the reality of indefinite stay in Malaysia. At a later stage of the data analysis, there were other categories such as ‘funding’, ‘social ties with the locals’, and ‘established networks with NGOs and aid agencies’ that closely related to the discussion of refugee incorporation and sustainability of RCOs.

4. ROHINGYA RCOs IN MALAYSIA: THE PARADOX OF OPPORTUNITY STRUCTURES

This section mainly delineates the country’s institutional and discursive opportunity structures that subsequently affect the identities and aims of organising Rohingyas. To begin the discussion, we first describe Malaysia’s asylum policy context and how it later shapes the organisational patterns of Rohingya refugees. We also explore the dominant discursive categories for the Rohingyas and the implication of these dynamics to the ethnic community in Malaysia.

At the outset, the organisational pattern that emerged within the Rohingya refugee community in Malaysia resonates with the characteristics of a liberal, market-based migrant incorporation model.³⁶ At the macro level, the country has neither national policies nor centralised instruments to incorporate refugees into the social, political, and economic structures. Instead, inclusion efforts (if any) are decentralised and energised primarily by local initiatives, i.e. non-governmental organisations and the labour market. As illustrated in the multiplication of smaller Rohingya RCOs in Malaysia, the absence of a centralised, state-driven migrant incorporation framework has reduced the need for an umbrella organisation to act as a collective representation for the community. However, the reality of this self-help ecosystem is far more complicated and precarious, involving layers of challenges. Therefore, a closer look at variables that shape (and reshape) the existing opportunity structures for refugees in Malaysia is imperative in this study.

Community’s Interests in Malaysia”, *New Straits Times*, 20 Jan. 2018, available at: <https://www.nst.com.my/news/nation/2018/01/327107/14-rohingya-community-leaders-elected-uphold-community-interests> (last visited 1 Feb. 2019).

36 See Soysal, *Limits of Citizenship*.

4.1. Ambivalent asylum policy

Malaysia has generally been receptive towards the Rohingyas in the past decades. As a result, the country emerged as a nodal point for the ethnic minority group in Southeast Asia, hosting more than a hundred thousand refugees and asylum-seekers (this number can be exponentially more significant as many are not registered with the UNHCR). Arguably, the sizeable Rohingya population residing in the country has become the major pull factor for those who want to reunite with their families and acquaintances. In addition, we found that many Rohingyas intensively use the group chat feature on social media platforms to share their living situations.

Despite the considerable size of Rohingya population in the country, Malaysia's asylum policy framework (or lack thereof) principally does not promote incorporation since it only temporarily tolerates *de facto* refugee presence. Malaysia's immigration law (Immigration Act 1959/1963 and Passport Act 1966) makes no distinction between refugees and undocumented migrants (classified in a local term as *pendatang asing tanpa izin* or PATI for short). This legal framework implies that refugees are similarly at risk of being subjected to punitive measures, i.e. arrest, arbitrary detention, and even deportation. Undocumented migrants *per se* are also strictly prohibited from work according to the Employment Act 1995 and the Companies Act 1965. However, Filipino (particularly those who fled to Sabah before 1980) and Syrian refugees are exceptional as the government exclusively grants them temporary residency, work permits, and other welfare benefits under the IMM13 scheme.³⁷ They are, at large, exempted from the strict immigration laws indicating the systemic discriminatory refugee protection practices. Despite being the largest refugee population, the Rohingyas have not been afforded the same privilege by the Malaysian authorities.

The tumultuous relationship between the Malaysian government and UNHCR also complicates the already-ambiguous asylum regime in the country. Despite being the primary entity on which refugees can rely for protection, the UNHCR has startlingly limited access to government bodies and regulations, thus constraining its capacity in managing the refugees in the country. This situation has been exacerbated in recent years as Malaysia's Home Minister started questioning the UNHCR card's validity as legitimate documentation that purportedly offers the refugees some basic legal protections. The Minister claimed that any form of identification for individuals residing in Malaysia has to be issued by the Malaysian authorities, not by an external party.³⁸ Since August 2019, the government has also prohibited the UN agency from

37 IMM13 social visit pass or 'work permits' is an identification document initially granted to Filipino refugees who entered Sabah without valid international travel documents in the 1970s. Refugees can receive the IMM13 pass through the Exemption Order (Section 55 of the Immigration Act), which Malaysian authorities must approve. Pass holders are allowed to stay and work in Malaysia (especially Sabah dan Labuan) and are not subjects of forced repatriation unless involved in criminal activity. See C.E. Leong, "The Facts on Sabah IMM13, Burung Burung and Sijil Banci", *Borneo Today*, 27 June 2020, available at: <https://www.borneotoday.net/the-facts-on-sabah-imm13-burung-burung-and-sijil-banci/> (last visited 17 May 2021)

38 T.A. Yusof, "Govt, UNHCR to Discuss Overstaying Refugees, Asylum Seekers", *New Straits Times*, 5 Jun. 2021, available at: <https://www.nst.com.my/news/nation/2021/06/696200/govt-unhcr-discuss-overstaying-refugees-asylum-seekers> (last visited 5 Feb. 2022).

entering immigration depots to conduct verification of detained asylum-seekers and refugees.³⁹

Notwithstanding the semblance of punitive immigration laws, Rohingya refugees, to a surprising extent, have been participating in income-generated activities, though mainly in 3D (dirty, dangerous, difficult) jobs. Since Malaysians no longer take on blue-collar jobs, manufacturers and factories continue to suffer from a labour shortage, increasing the demand for foreign workers. As a result, many Rohingya refugees are employed in manufacturing industries, palm oil plantations, paddy fields, grocery stalls, and cleaning service providers. In addition, the Rohingyas residing in urban centres often work as cleaners, restaurant/shop assistants, or technicians in the automotive or construction industries. Some even own small businesses at wholesale markets across Kuala Lumpur, though illicitly operated using forged licenses sold by local hawkers.

The authorities mostly turn a blind eye to the practice of refugee employment due to the rising demands for cheap labour to suffice Malaysia's growing economic machinery.⁴⁰ The authorities arguably take this approach based on the understanding that refugees inherently need to independently make ends meet amid the absence of financial support from government or aid agencies. However, since employing refugees is intrinsically a violation of the immigration and employment laws, no legal and policy framework is available to protect refugee workers' rights. Such an ambivalent institutional setting has also enabled structural dependency to emerge between employers and refugees. While their jobs include excessive manual labour, they often receive much lower income (even lower for female refugees) than the minimum national wage rates of RM 1,200 per month or the agreed wage. Moreover, since their legal status prohibits them from gaining more leverage and power to make a complaint, many refugee workers continue to endure poor working conditions and exploitation.⁴¹ As also revealed by Hamid, a leader of an RCO:

Our members work in the bird market, restaurant, plantation, factories, collecting scraps/used goods to sell or sweeping the street. Their monthly incomes vary (depending on the job), ranging from 700 to 3000 MYR. However, even those who get 3000 MYR per month – which is rare – feel that their income is still insufficient to cover the living costs. (personal interview)

39 A. Ananthalakshmi & M.M. Chu, "Malaysia Denying U.N. Access to Detained Asylum Seekers, Agency Says", *Reuters*, 11 Nov. 2020, available at: <https://www.reuters.com/article/malaysia-migrants-idUSKBN27R13P> (last visited 5 Feb. 2022).

40 See A. Kaur, "Managing Labour Migration in Malaysia: Guest Worker Programs and the Regularisation of Irregular Labour Migrants as a Policy Instrument", *Asian Studies Review*, 38(3), 2014, 345–366; A.A. Wahab, "Rethinking Refugees as Economically Isolated: The Rohingyas Participation in Informal Economy in Klang Valley, Malaysia", *Journal of ASEAN Studies*, 5(1), 2017, 102–118; P. Muniandy, "From the Pasar to the Mamak Stall: Refugees and Migrants as Surplus Ghost Labor in Malaysia's Foodservice Industry", *Journal of Ethnic and Migration Studies*, 46(11), 2018, 2293–2308; E. Ehmer & A. Kothari, "Malaysia and the Rohingya: Media, Migration, and Politics", *Journal of Immigrant and Refugee Studies*, 19(4), 2020, 378–392; Wake, 'Turning a Blind Eye'.

41 M. Nungsari, S. Flanders & H.Y. Chuah, "Poverty and Precarious Employment: The Case of Rohingya Refugee Construction Workers in Peninsular Malaysia", *Humanities and Social Sciences Communications*, 7, 2020, 120.

While evidently inclusion, at varying degrees, has occurred on the individual level, the future of collective incorporation of the Rohingyas is alarmingly bleak. Malaysia has been reluctant to reify formal, systemic incorporation of refugees into its economic structure out of fear of public backlash. The economic sector, which stands to benefit from the presence of a large pool of “ready-to-work labours”, tends to exercise extreme caution when hiring refugees. Some companies have tried to get permission from Malaysian authorities to hire refugees formally but to no avail.⁴² Immigration raids and arbitrary arrests have been more frequent in the past few years, indiscriminately targeting undocumented migrants, including refugees and asylum-seekers. This circumstance illustrates that in addition to institutional deficiencies, societal views of Rohingya refugees *vis-à-vis* Malaysia’s political environment ostensibly play a central role in shaping the opportunity structures hence defining the space for refugee mobilisation.

4.2. Shifting perceptions of the Rohingyas

Scholars have argued that Malaysia’s (once) compassionate reception to the Rohingyas was perpetuated by the shared religious affiliation between the impoverished community and most Muslim Malaysians.⁴³ The discourse of Rohingya plight was the central element of Malaysia’s global Muslim solidarity agenda during Prime Minister Najib Razak’s administration. Critics, however, claimed that PM Razak’s extraordinarily proactive act of solidarity towards the Rohingyas was merely an election ploy to captivate Muslim constituents by milking the popularity of a pro-Rohingya stance among the Malaysian public.⁴⁴

The Rohingya solidarity agenda was still a dominant paradigm at the beginning of PM Mahathir Mohammad’s administration, re-elected as prime minister in 2018, marking his historical return to Malaysia’s political scene. In the campaign manifesto of his newly established coalition party, Pakatan Harapan, it was promised that Malaysia would ratify the 1951 Convention on Refugees so proper assistance could be given to those who escape from war-torn countries.⁴⁵ Some politicians from his coalition party even initiated the Malaysia Rohingya Council, a consultative channel and collective representation for Rohingya refugees in

42 J. Joseph, “Learning from Malaysia: Refugee Livelihood Opportunity | Refugee Legal Webinar Series#8”, *Jakarta Legal Aid*, 3 Jun. 2021, available at: <https://www.youtube.com/watch?v=VvbcJX8fhto> (last visited 7 Oct. 2021)

43 See G. Hoffstaedter, “Refugees, Islam, and the State: the Role of Religion in Providing Sanctuary in Malaysia”, *Journal of Immigrant and Refugee Studies*, 15(3), 2017, 287–304; C. Tazreiter, S. Pickering & R. Powell, *Rohingya Women in Malaysia: Decision-Making and Information Sharing in the Course of Irregular Migration*, Fiesole, Robert Schuman Centre for Advanced Studies, 2017.

44 T. Sukumaran, “Is Malaysian Support for Rohingya an Election Ploy by Najib Razak?”, *South China Morning Post*, 23 Apr. 2017, available at: <https://www.scmp.com/week-asia/geopolitics/article/2091627/malaysian-support-rohingya-election-plot-najib-razak> (last visited 10 Dec. 2019); J. Hong, “Rohingya Issue Shines Spotlight on Malaysia’s Refugee Policies”, *Asia Times*, 26 Sep. 2017, available at: <https://www.asiatimes.com/2017/09/opinion/rohingya-issue-shines-spotlight-malysias-refugee-policies/> (last visited 10 Dec. 2019).

45 R.S. Bedi, “UNHCR: Allow Refugees to Stay and Work in Malaysia”, *Star Online*, 25 Jun. 2018, available at: <https://www.thestar.com.my/news/nation/2018/06/25/unhcr-allow-refugees-to-stay-and-work-in-malaysia/> (last visited 10 Dec. 2019).

Malaysia.⁴⁶ These initiatives nonetheless fell through partly due to the shifting domestic politics and its subsequent impact on the overall Rohingya solidarity agenda in Malaysia. In 2020, the New Perikatan Nasional government replaced Pakatan Harapan's ruling after a prolonged political turmoil. This new administration does not seem to have as much political interest in the Rohingya solidarity agenda as its predecessors and generally takes a hard line on the treatment of refugees and undocumented migrants.⁴⁷

At its peak, the solidarity movement had allowed the Rohingya community to enjoy broad access to policy-makers at various polity levels and attention from mass media and the Malaysian public. As a result, the Rohingyas were able to ignite support to their "nationalist project", which corresponds to the horrendous acts by the Myanmar military and state-sponsored militias in Rakhine State against the ethnic group. Ethnic mobilisation can be seen in a series of mass protests condemning the brutal actions of Myanmar's military, visits to the parliament to meet with sympathetic politicians, meetings with Malaysian royal families, and interviews with local or international journalists (personal interview). Former PM Najib Razak even participated in the highly publicised mass rally to condemn the Myanmar government's violent acts against the Rohingyas in 2016.⁴⁸

In recent years, however, the Rohingya solidarity narrative has been on a dramatic decline, indicated particularly by the rise of xenophobia against the community amongst the locals. The coronavirus (COVID-19) pandemic outbreak has begotten an anti-refugee movement, causing many politicians, including those previously known as strong advocates for the Rohingya plight, to turn their backs and retract their support to the community.⁴⁹ This xenophobic campaign targeting the ethnic group at the onset of the pandemic marked a radical point of departure in Malaysians' ardent reception of the Rohingyas. Hostility involving hate speech, public harassment, and death threats was attributed to the rapid spread of misinformation about the Rohingya community. They were blamed for allegedly taking part in mass activities that have been faulted for being the epicentre of the virus outbreak.⁵⁰ Thousands of undocumented migrants – including the Rohingyas – were sent to detention centres, running a higher risk of virus infection. Many refugees also lost their

46 Babulal, *op. cit.*; J. Fiona, "More than 150,000 Rohingya Refugees in Malaysia to Get Knowledge Training", *New Straits Times*, 3 Jan. 2018, available at: <https://www.nst.com.my/news/nation/2018/01/321184/more-150000-rohingya-refugees-msia-get-knowledge-training> (last visited 10 Dec. 2019).

47 Human Rights Watch, *World Report 2021: Malaysia*, New York, Human Rights Watch, 2021, available at: <https://www.hrw.org/world-report/2021/country-chapters/malaysia> (last visited 18 Apr. 2020).

48 D. Hutt, "Najib's Dangerous and Self-Serving Rohingya Campaign", *The Diplomat*, 24 Dec. 2016, available at: <https://thediplomat.com/2016/12/najibs-dangerous-and-self-serving-rohingya-campaign/> (last visited 18 Apr. 2020).

49 H. Cheong, "In Malaysia, Why Has Solidarity Turned to Hostility for Rohingya Refugees?", *Southeast Asia Globe*, 11 Dec. 2020, available at: <https://southeastasiaglobe.com/rohingya-xenophobia-malaysia/> (last visited 18 Apr. 2020); N. Rodzi, "Once Embraced by Malaysians, Rohingya now Fear Attacks with a Rise in Xenophobia", *The Strait Times*, 30 Apr. 2020, available at: <https://www.straittimes.com/asia/se-asia/once-embraced-by-malaysians-rohingya-now-fear-attacks-with-a-rise-in-xenophobia> (last visited 25 Jan. 2021).

50 S. Sheikh, "The Shrinking Space for Refugee Rights in Malaysia", *The Diplomat*, 26 Jun. 2020, available at: <https://thediplomat.com/2020/06/the-shrinking-space-for-refugee-rights-in-malaysia/> (last visited 25 Jan. 2021).

jobs as the lockdown measure was put in place. While the government has not extended the pandemic relief package to refugees, aid distribution by humanitarian agencies experienced a significant cutback in fear of public criticism.⁵¹ This nativist sentiment against the Rohingyas, fuelled by pandemic-festered insecurity and anxiety, is further manifested in the intensification of immigration clampdowns and the prohibition on attending religious activities at local mosques.

Given the drastic change in Malaysians' attitude towards the Rohingyas in recent years, the notion of "religious-based solidarity" requires a critical examination. Some argue that the recent hostility was a culmination of frictions that eventually damaged the relationship between the Rohingya community and Malaysians. Beyond the backdrop of the recent xenophobic campaigns, the Rohingyas had fallen victim to multiple incidents, leaving a permanent dent in their reputation among Malaysian society. For example, they were suspected of killing 20 Buddhist workers during Penang's alleged communal violence in 2014.⁵² Also, the Rohingyas have been accused of taking over the workforce and economic space from the locals by operating businesses using licenses bought illegally from hawkers. Consequently, the authorities issued legislation to ban the refugees from entering local markets, running temporary businesses, or being employed by such businesses, citing the violation of immigration law.⁵³

Evidently, in the case of Malaysia, discursive opportunity structure plays a more significant role in determining the pattern of refugee mobilisation, whilst the statutory structure remains ambivalent. Malaysian society remains divided over the reception and inclusion of Rohingya refugees. The premise of shared religious affiliation is somewhat ambiguous as it does not invariably translate into the sympathetic treatment of the Rohingyas.⁵⁴ It is argued that there has been a severe discrepancy between Rohingyas' expectations of Muslim hospitality and the actual treatment from most Malaysian society. Evidence suggests that a growing number of refugees had expressed their deep discontent and disappointment with Malaysians' condescending attitude towards them.⁵⁵

Although no institutional barriers virtually inflict their mobilisation, Rohingya RCOs' orientation is strictly limited to welfare provisions and political claims against the Myanmar government. Particularly, since the sympathetic view of the Rohingyas among the Malaysian society continues to deteriorate, most Rohingya activists understand that the claim for systematic, formal assimilation will trigger socio-political fallout. Even for some RCO leaders who have lived in Malaysia for decades and, to a varying degree, assimilated into the local society, the intention to ask for

51 *Ibid*; See also E. Fishbein & J. Hkawng, "The Fear Is Always With Me': Refugees in Malaysia Recount Recent Lockdowns and Raids", *Pulitzer Center*, 15 Jun. 2020, available at: <https://pulitzercenter.org/reporting/fear-always-me-refugees-malaysia-recount-recent-lockdowns-and-raids-0> (last visited 25 Jan. 2021).

52 S. Aruldas, "Gruesome Myanmar Communal Murders Grip Penang", *Malay Mail*, 18 Sep. 2014, available at: <https://www.malaymail.com/news/malaysia/2014/09/18/gruesome-myanmar-communal-murders-grip-penang/747631> (last visited 28 Jan. 2021).

53 P. Sukhani, "The Shifting Politics of Rohingya Refugees in Malaysia", *The Diplomat*, 10 Jul. 2020, available at: <https://thediplomat.com/2020/07/the-shifting-politics-of-rohingya-refugees-in-malaysia/> (last visited 28 Jan. 2021).

54 Rodzi, "Once Embraced by Malaysians".

55 A. Aziz, "Urban Refugees in a Graduated Sovereignty: The Experiences of the Stateless Rohingya in the Klang Valley", *Citizenship Studies*, 18(8), 2014, 839–854.

Malaysian citizenship is nonetheless expressed with caution. During our interview, Hamid maintained that building a positive reputation for the Rohingyas is vital to sustaining their presence in the country. He stated:

We appreciate the generosity of the Malaysian government, people, and NGOs. We can stay here because they have approved and welcomed us to their country. If the Malaysian government and people do not like our presence, we cannot stay here. NGOs have no authority, so they probably cannot help much should the local people complain about us. The approval from the Malaysian people is of the utmost importance for us. (personal interview)

This shows that collective action by the Rohingya refugees is exceedingly liable to the Malaysian political environment and public perception. Previously, using “Rohingya” as a collective identity during a mobilisation would grant the refugees legitimacy and the likelihood to gain a favourable view in public. Evidence also suggests that opportunistic local politicians often used the Rohingya solidarity as a token to elevate their electability among Muslim voters during political campaigns. However, as recent years have seen the dramatic shift in public perception towards the Rohingya community, such collective identity no longer holds significant leverage. Instead, it has been articulated with extreme caution.

5. ROLES, STRATEGIES, AND CHALLENGES

Our findings indicate that most Rohingya RCOs have strategically adapted their action repertoires to the given opportunities and constraints. Due to the lack of the Malaysian government’s involvement in service provision and refugee incorporation, Rohingya RCOs have limited contact with bureaucratic processes. As a result, their organisational structure does not follow any standards, particularly those imposed by the government. However, we found that most RCOs adopt the conventional organisational model of a non-profit. Given that many RCOs have significant engagement with local or international NGOs, we also include the possibility that they might learn models of institutional structure through this interaction. An RCO is typically led by a director (often acts as the spokesperson) assisted by staff who manage the programmes and finance. Relatively well-established RCOs such as RSM and RVison even have staffers who speak fluent English.

RCOs’ works are primarily dedicated to providing welfare and livelihood services to the client groups, including shelters, education, and employment. RCOs have also taken the role of focal point for the UNHCR and the refugee support agencies to understand the situations on the ground. They often assist the UNHCR Malaysia to identify and register asylum-seekers (personal interview).⁵⁶ The UNHCR-recognised RCOs such as

56 See also Equal Rights Trust and Institute of Human Rights and Peace Studies, Mahidol University, *Equal Only in Name: The Human Rights of Stateless Rohingya in Malaysia*, London, Equal Rights Trust, 2014, available at: <https://www.equalrightstrust.org/ertdocumentbank/Equal%20Only%20in%20Name%20-%20Malaysia%20-%20Full%20Report.pdf> (last visited 20 March 2019); Equal Rights Trust, *Confined Spaces: Legal Protections for Rohingya in Bangladesh, Malaysia, and Thailand*, London, Equal Rights Trust, 2016, available at: <https://www.equalrightstrust.org/ertdocumentbank/Confined%20Spaces.pdf> (last visited 20 March 2019).

ERCA and RSM will issue a member card and recommendation letter as unofficial identification documents for members who have not been granted the refugee card.

The UNHCR recognises more than 25 Rohingya RCOs of varying size and capacity across Malaysia, most of which operates learning centres for pre-primary, primary, and secondary levels.⁵⁷ However, none of these UNHCR-recognised RCOs and refugee learning centres is licensed or registered with the Malaysian authorities. Those registered with the Registry of Societies – a government body regulating non-profits under the Societies Act 1966 – are refugee learning centres operated by NGOs.⁵⁸ In comparison to NGO-run learning centres, those operated independently by the refugees continue to endure precarious situations due to limited funding opportunities. They are mostly under-resourced, operating with inadequate teacher qualifications, teaching materials, and classroom facilities.

Although most organisations in this study are profoundly welfare-oriented, a significant portion of their activities includes the so-called nationalist project.⁵⁹ In exile, the Rohingyas are afforded a space to politicise and validate their identity representation. RCOs' identification using terminologies such as "Rakhine" or "Arakan" manifested in their organisation's name can be seen as a solid political stance against the falsification of the historical narrative about the Rohingya's origin by the Myanmar government. RCOs also offer a critical function in reproducing/preserving Rohingya's cultural identity and energising communal life through religious celebrations, cultural events, and sports activities. When atrocities against the Rohingyas in Rakhine intensify, they will organise mass rallies and public campaigns to raise awareness about their plight and advocate for the Malaysian government to pressure the Myanmar government. Through a group chatroom, Rohingya activists in various countries consolidate their collective public stance in response to the escalating violence in the Rakhine State and the recent military coup in Myanmar (personal interview). While the aligning interest in improving the situation in Rakhine has not been translated into the establishment of a "nationwide" organisation, it does motivate individual Rohingyas to participate in the political mobilisation pertaining to their shared cause.

Among the welfare-dominated RCOs, RVision and RWDN are exceptional as their activities are primarily dedicated to the ethnic group's political and cultural agendas. RVision operates an independent satellite television, RTV, which broadcasts

57 See Wake, 'Turning a Blind Eye'.

58 Some Rohingya refugee learning centres operated by local NGOs include Cahaya Surya Bakti (Johor), Baitulrahman Learning Centre (Kedah) run by Malaysian Consultative Council for Islamic Organization, and Al Ikhlas School (Kuala Lumpur) run by Al Ikhlas Hope Society (UNHCR Malaysia, "Education Services", n.d., available at: <https://refugeemalaysia.org/support/education-services/> (last visited 20 Jan. 2022)). See also Jabatan Pendaftaran Pertubuhan Malaysia, "Semakan Status Pertubuhan", n.d., available at: <https://www.ros.gov.my/semakan-status-pertubuhan/> (last visited 20 Jan. 2022)). In addition, there are 6 implementing partners (local charitable organisations) in the education sectors operating 10 refugee learning centres and organising teachers' training projects. These organisations include Dignity for Children Foundation, Buddhist Tzu Chi Foundation, Future Global Islamic Network, Soroptimist International Johor Bahru, Malaysian Social Research Institute, Muslim Aid Malaysia (UNHCR Malaysia, "UNHCR Implementing Partners", n.d., available at: <https://www.unhcr.org/education-in-malaysia.html> (last visited 20 Jan. 2022)).

59 Griffiths, "Fragmentation and Consolidation".

reports on the condition of Rohingyas worldwide, including those staying in Rakhine State, and programmes related to the Rohingya language and culture. Additionally, the organisation manages the Rohingya Football Club (RFC), dubbed as the “national” football team. Meanwhile, the RWDN was the first women’s organisation within the Rohingya community. It was established to promote gender equality and improve women’s leadership capacities, which was considered a breakthrough, given the highly patriarchal structure of the Rohingya community. Rohingya RCOs in Malaysia fund their programmes primarily through private donations, project-based UNHCR funding, religious-based financing (e.g., zakat al-Fitr or other forms of Islamic almsgiving from mosques), members’ voluntary contributions, private loans, and NGO-led non-monetary assistances. Some RCOs oblige their members to pay membership fees, while others only encourage voluntary contributions. ERCA and RAM, for instance, rely on private donations to function and do not impose a mandatory membership fee policy. In comparison, RSM requires its members to pay an annual membership fee of 40 MYR (about US\$9.60). The difference in membership fee policy is intertwined with concern over the limited financial capacity of refugees amid the increasingly limited income-generating activities for refugees and substantially low wages for those employed. As described by an RCO staffer:

Funding has always been a problem for us, and it is never sustainable. Previously, we received some funding from Islamic Relief, University College Malaysia, and NGOs. We got around 200-500 MYR, which was still insufficient to fund our programs. We even have to collect loans to maintain the operation, and our debt has reached more than 100,000 MYR. (personal interview)

While recognition by the UNHCR increases their legitimacy to engage donors and local supporters, it does not guarantee sustained funding support for the RCOs. UNHCR heavily relies on international grant providers to support RCOs in Malaysia, and, more often than not, the agency can only distribute external funding supports to a limited number of beneficiaries. For example, in December 2020, UNHCR Malaysia received EUR 27,800 from NAMA Foundation to support refugee learning centres under the agency.⁶⁰ However, it was revealed that the grant was to be channelled to 25 selected learning centres, far from the total number of UNHCR-registered refugee learning centres. During the interview, the Director of ERCA revealed that the UNHCR had indeed provided them with classroom equipment when they opened the school. However, it was one-time support, and they have not received any support from the agency since then (personal interview). This excruciating funding problem has led to many community-run learning centres ceasing their operation.

This condition also points to the disparity in resource distribution as numerous service delivery organisations compete for reserved funding from the aid sectors, including local non-governmental development agencies and other migrant

60 United Nations, “UNHCR Welcomes Support For Refugee Education from NAMA Foundation”, United Nations Malaysia Singapore Brunei Darussalam, 22 Dec. 2020, available at: <https://malaysia.un.org/en/106158-unhcr-welcomes-support-refugee-education-nama-foundation> (last visited 9 Jan. 2022).

or co-ethnic refugee organisations. Grants and donations are given to those with relatively high accountability, demonstrated by, *inter alia*, their membership size, human capital, organisational capacity, and impacts. Aside from organisations with distinct agendas such as RVision and RWDN, most Rohingya RCOs in Malaysia provide the same programmes and services. Though they acknowledged such duplication in services, this situation has been largely overlooked, which in turn creates perfect competition in the “development aid market.” Moreover, since the Rohingyas organise in separate, smaller groups, each RCO must portray itself as the most legitimate communal representation to gain trust from the donors. This competition over legitimacy *vis-à-vis* funding has been accounted the contributing factor behind the persisting resentment and tension among Rohingya RCOs which we describe later in this article.

Such a *laissez-faire* environment subsequently led to many Rohingya RCOs to defunct. Among those identified, only a few Rohingya RCOs are still well functioning, while others have ceased their operations. We observed a noticeable contrast between the better-resourced RCOs and those struggling with maintaining their day-to-day activities during our fieldwork. RSM, the ERCA, and RVision are located in commercial districts or residential areas, predominantly occupied by Malaysians. While RAM, a newly established organisation, has its office in a location where most residents are migrant workers. The more established organisations are generally well furnished, better equipped, and have several rooms with different functions. In contrast, smaller organisations usually have one multi-functional space dedicated to all forms of activities. Furthermore, the lack of organisational skills amid the limited human capital has been detrimental to the sustainability of many of these organisations.

5.1. Heavy reliance on social capital

Evidence suggests that Rohingya RCOs rely heavily on meaningful interpersonal ties established with the locals and authorities to mobilise resources and perform their functions (bridging and linking social capital), particularly in their communal area. Furthermore, organisations with good rapports fundamentally have the upper hand in the resource mobilisation race. As refugee organisations compete over shared resources, social networks and social capital are critical factors in successful fundraising and welfare benefits acquisition.

Our findings indicate that the organisational structure of RCOs, to a varying degree, was established by capitalising on these interpersonal ties and established social networks. RCOs are typically led by the long-stayers who are presumably more integrated into Malaysian society. Many of the current unheralded Rohingya community leaders had entered Malaysia during the mass exodus in the 1980s and 1990s. They speak fluent Malay, understand Malaysian bureaucracy, and most importantly, have built a close relationship with the UNHCR, local authorities, and various other local stakeholders. They also become the frontman or the “face” of the organisations due to their pivotal role in bolstering social capital, thus gaining trust and securing access to the authorities, prospective employers, funders, and aid-sector agencies.

Hamid, for instance, has stayed in Malaysia for over 20 years and, based on our observation during the meeting, is well assimilated into the local community, at least in the area where he lives. When we met him at a marketplace, we learned that he has a friendly relationship with the locals and many migrant workers in the area. He owns a private car and operates a small restaurant beside the organisation's office, located on a driving school practice ground. He also revealed that a significant portion of his restaurant profits had been used to fund the organisation's activities (personal interview).

Having a good rapport, however, does not reduce the possibility of arrests. In Hamid's case, whom we visited twice in 2016 and 2017, his situation changed drastically within a year. When we first met him in 2016, he picked us up in his private van and treated us to lunch at a food stall in the local market. He revealed that he was in the process of obtaining Malaysian citizenship promised to him by members of one of the Malaysian royal families (he refused to specify which one), attributed to his amicable relations with the authorities and decades spent in the country. Unfortunately, when we visited him a year later, he had just been released from a detention centre. The Malaysian police arrested him for getting involved in a fight between migrant workers, though he professed to be a bystander. He spent around 1 month in the detention centre before being discharged. His car was sold, and he closed down the small restaurant he owned. During his arrest, the organisation's activities were suspended, including its primary school (personal interview). Hamid's situation illuminates the precarious environment refugees in Malaysia have to endure, irrespective of their level of assimilation to the local community or purported social ties with the local authorities.

Social capital also plays a pivotal role in linking RCO members with potential employers. As employment brokers, RCOs largely animate the social networks and social capital built with local economic actors to find job opportunities – however precarious the jobs might be.⁶¹ Moreover, since Rohingya refugees are often caught during unannounced immigration raids targeting undocumented foreign workers, RCOs – either independently or alongside UNHCR – would negotiate with the authorities to release refugees from the detention centres, often by lodging bail money. There are cases where the authorities would use extortion tactics and bribery against the refugees caught during a raid. This process has become more complicated in recent years as the authority closed the access to the detention centres to unauthorised agencies for no apparent reasons, including the UNHCR. This has led to the unreasonably long detainment of Rohingya refugees in detention facilities with appalling conditions and harsh treatment of the detainees, as revealed by various accounts.

5.2. Intra-community dynamics

While structural opportunities and constraints play a central role in shaping the localised, fragmentary organisational pattern of the Rohingya community in Malaysia,

61 See also Wake, 'Turning a Blind Eye'; C. Wake and T. Cheung, *Livelihood strategies of Rohingya refugees in Malaysia: 'We want to live in dignity'*, Humanitarian Policy Group Working Paper, London, Overseas Development Institute, 2016.

other determining factors at the micro-level merit some attention. As previously illustrated in this article, the notions of bridging and linking social capital are inherently valuable resources for Rohingya RCOs' sustainability. Conversely, the inter-group relations within the Rohingya community (bonding social capital) are exceedingly complex and often contentious, refuting the general perception of the refugee community as homogenous and cohesive.

Aside from a few exceptional cases, members of a Rohingya RCO are usually from the same village or have been acquainted with each other since the pre-displacement.⁶² These pre-migration social ties also determine the concentration of particular refugee groups with similar backgrounds and affiliations across Malaysia. Leadership positions of RCOs are typically given to those from the same place of origin as most organisation members. Individuals with prominent social status and reputation in their hometowns in Rakhine State are usually prioritised, regardless of their professional qualification or duration of stay in Malaysia. Their primary roles are to ensure the organisation's appeal to the client group and entice the newly arrived refugees to become organisation members. However, this strong village identification arguably has caused a rift in the relationship among RCO leaders.⁶³ It is also considered a contributory factor to persisting mistrust and the staggeringly limited constructive engagements among the RCOs.

During our field study, we found a case where some members of an RCO decided to part ways and set up a separate organisation. The director of the newly established organisation stated that the main reason behind the split was the long distance between the former RCO's headquarter and the residential area of Rohingya refugees who eventually became members of the new RCO. However, when we tried to unearth more stories about the separation and current relations with their former affiliation, they seemed reluctant to answer our questions. Such an uneasy atmosphere may have been caused by factors such as language misinterpretation or our misjudgement of gestures and facial expressions. Nonetheless, this case intrinsically illuminates the potential fracture even at the sub-group level.

Causes of fragmentation amongst the Rohingya RCOs are not limited to village identification or clan dynamics. Our findings also revealed that mistrust has contributed to disunity and a low level of collaboration between organisations. The RCO leaders we encountered clearly expressed their reluctance to collaborate or create a unified operation. Some even insinuated that other organisations are less qualified and had expressed a somewhat antagonistic attitude. As staffers from different RCOs state:

We do not have collaborations with other Rohingya organisations. We will collaborate if the Malaysian government asks us to do so. The nature of our presence and relationship is just like other NGOs in the country. Each NGO has its mission and goals; hence they work separately. I know there are many other Rohingya RCOs in Malaysia. Nevertheless, they do their work, and we do our work. (personal interview)

62 See Wake and Cheung, *op. cit.*

63 Wake, 'Turning a Blind Eye'.

I do not know (about how other Rohingya organisations operate). However, I know that the UNHCR officially recognises only one Rohingya organisation in Malaysia (as a collaborator and implementing partner), which is our organisation. The agency also provided us with a support letter acknowledging our work (personal interview).

The other Rohingya organisations in Malaysia are not registered or formal, but we still work with them in a limited context. Some of them managed to rent an office; some of them do not have one. As a media-based organisation, we do have a connection with them but not in-depth. Some of them like us, some of them do not like us. We called it village politics here. For instance, those in Penang would be angry when we do not publicise their activities (personal interview).

Furthermore, there have been cases where a few controversial individuals within the community – some were known as RCO leaders – allegedly engage in misdemeanours and corruption, including diverting aid donations, making money from refugees within the community, or preventing them from moving forward with the resettlement process.⁶⁴ Hamid also points to this problem by stating:

There are these community leaders who are manipulating the refugees. Everybody can say anything (about themselves): “I speak English”; “I graduated from University College London,” but they know nothing about the suffering of fellow refugees. They come only when there is a meeting with the government, wearing a nice suit and tie. But they are not there when refugees get sick, pass away, or get into trouble. (personal interview)

There also remain fundamental differences between conservative refugees *vis-a-vis* the moderate progressive groups. For instance, the RWDN inauguration was perceived negatively by some conservative Rohingya refugee leaders (personal interview). The initiative is seen as a departure from the traditional patriarchal structure of the Rohingya community as women are encouraged to enter public life and take part in activities other than their conventional duties as housewives and mothers. Nevertheless, RWDN continues to cultivate attention and support from international aid agencies as it strategically aligns itself with the rise of the women’s empowerment agenda at the global level.⁶⁵

Despite the need for a collective representation amid the conspicuous policy and political environment, efforts to establish an overarching Rohingya organisation representing the community’s broader interests have not been successful. The initiative to develop community cohesiveness is predominantly energised through intervention by external actors. With the endorsement from a senior Malaysian politician and former Minister Tan Sri Syed Hamid Albar, Rohingya RCOs alongside local NGOs

⁶⁴ *Ibid.*

⁶⁵ Star Online, “Rohingya Activist Nominated as Malaysia’s Candidate for the US State Department Award”, 12 Mar. 2019, available at: <https://www.thestar.com.my/news/nation/2019/03/12/rohingya-activist-nominated-as-malysias-candidate-for-the-us-state-department-award/> (last visited 10 Dec. 2019).

aid sectors and sympathetic individuals or groups in their localities. Particularly, amid the increasingly unfavourable public views of the Rohingya community at the national level, they can only rely on the support and protection from these already-established, close contacts. Thus, to relent such “social capital” to a nationwide entity has been mostly unappealing. Therefore, mobilising in small groups is considered much more effective and efficient, especially for the very few well-established RCOs.

We conclude that the aid sectors in Malaysia (or elsewhere) must understand these micro-dynamics when delivering assistance and distributing resources to the refugees and asylum-seekers. In the absence of integrative asylum policy, equitable service provision and aid delivery can be achieved by recognising that division within the refugee community exists. That said, we argue that rather than attempting to unite the community under a single organisational structure, it is perhaps more realistic for UNHCR and aid agencies to encourage consolidation among different refugee groups to address the disparity in resource distribution and streamline their services.

While this article argues that the persisting fragmentation within the Rohingya refugee community in Malaysia is exceedingly complex thus hardly solvable, a collaboration between Rohingya RCOs has been increasingly important. In light of the intensifying hostility against the Rohingya in Malaysia, there has been an urgent need to amplify a unified voice to address misinformation about the community. Some RCOs, including ERCA and RAM, have taken a progressive step on this matter. In April 2020, they released a joint statement to apologise to the Malaysian government and clarify misunderstandings caused by statements made by one refugee, which have triggered negative sentiments among the Malaysian society against the Rohingya refugees.⁶⁹

Also, the pandemic has shed light on the importance of collaboration and joint forces amongst RCOs to cushion the impacts of COVID-19 amid shrinking resources and support from NGOs and UNHCR. The absence of a systematic and comprehensive administrative framework has adversely affected the Malaysian authorities’ response to the humanitarian needs of refugees within the territory. For instance, when the Malaysian government needs information on refugees for vaccination against COVID-19, it heavily relies on the UNHCR data instead of coordinating directly with the refugee communities.⁷⁰ Nevertheless, the UNHCR data are inaccurate since many refugees and asylum-seekers remain unregistered, thus excluding them from vaccination and pandemic relief packages. Conversely, RCOs’ outreach to these unregistered asylum-seekers and refugees is considerably broader than the UNHCR.

It is crucial for the Malaysian government, the UNHCR, and aid sectors to recognise and leverage refugee leadership and participation, particularly in refugee response.

69 “Rohingya Groups Apologise to Malaysia for Merhrom’s ‘Irresponsible’ Statements”, *New Straits Times*, 26 Apr. 2020, available at: <https://www.nst.com.my/news/nation/2020/04/587626/rohingya-groups-apologise-malaysia-merhroms-irresponsible-statements> (last visited 9 Jan. 2022)

70 P. Nambiar, “We Set No Conditions for Our Assistance, UNHCR Tells Hamzah”, *Free Malaysia Today*, 16 Jun. 2021, available at: https://www.freemalaysiatoday.com/category/nation/2021/06/16/we-set-no-conditions-for-our-assistance-unhcr-tells-hamzah/?_cf_chl_jschl_tk_=4.yv7N3PGwNNBa.CeYvThZLAwvE.SJE.GIOAF8E2R1Y-1642379486-0-gaNycGzNDIE (last visited 9 Jan. 2022)

We argue that an inclusive, enabling environment for refugee leadership will accelerate the mobilisation of resources, particularly in times of crisis, and enhance the effectiveness of refugee response. Active participation of Rohingya RCOs in disaster or pandemic relief efforts alongside local charitable organisations illustrates valuable contributions these actors can make to the host societies. Members of ERCA, for instance, distributed food packages to hundreds of families affected by floods in Hulu Langat and Selangor in December 2021.⁷¹ Against all odds, many Rohingya RCOs also play a pivotal role as first responders during the pandemic, providing their communities and the host community with immediate basic needs.⁷² Nevertheless, we also argue that the organisational capacity of RCOs needs to be improved so they can advocate for the inclusion of refugees in local and national responses. Likewise, the UNHCR or aid agencies will have to provide capacity building trainings for RCOs so they can participate on an equal level to other NGOs in policy-making and engagement with donors.

6. CONCLUSION

This study has largely confirmed the findings of previous studies about factors that shape the organisational pattern of the refugee community. As indicated in our analysis, variables at both macro (structure of opportunities and constraints) and micro levels (intra-group dynamics) have contributed to shaping the profoundly localised, disunified organisational pattern of the Rohingya community in Malaysia. It is argued that the ambivalent policy frameworks and acceptance of the host community ostensibly offers a more viable option for generating social capital, thus creating a more emancipated socio-political ecosystem. In retrospect, it has enabled the Rohingya communities to perform socio-cultural activities and establish routine political life in Malaysia to a varying degree. Nevertheless, such opportunity structures also allow the reproduction of village politics and replication of relational processes of a nation-state within which fragmentation and rivalry are perceived as the defining hallmarks.

The empirical material presented here inherently challenges the view that refugees are incapable victims and passive aid recipients, thus politically disempowered. Evidently, many refugees and asylum-seekers in Malaysia and other locations in Southeast Asia are willing and eager to be agents of change despite the precarious living conditions. Nevertheless, RCOs and refugee activism remain chronically underfunded and under-resourced even though their contribution to refugee livelihood and protection has been increasingly prominent. While the Global Compact on Refugees (GCR) has pledged to enhance refugee self-reliance and equitable responsibility-sharing amongst stakeholders dealing with refugee issues, its

71 This information was retrieved from Ro Amin Khan's Facebook page. He posted about the event on 24 Dec. 2021, available at: <https://www.facebook.com/profile.php?id=100008518507446> (last visited 9 Jan. 2022).

72 See A. Radu, "Refugees Giving Back to CORONAVIRUS-HIT MALAYSIA", *Al Jazeera*, 6 Apr. 2020, available at: <https://www.aljazeera.com/gallery/2020/4/6/in-pictures-refugees-giving-back-to-corona-virus-hit-malaysia> (last visited 9 Jan. 2022); UNHCR, "Refugees in Malaysia Making during the Time of Covid-19", *UNHCR With You* (4), Malaysia, Official UNHCR Malaysia, 2020, available at: <https://www.unhcr.org/en-my/5ff297c84.pdf> (last visited 9 Jan. 2022).

implementation is still far off the intended targets. Moreover, refugees and asylum-seekers continue to be excluded from high-level policy-making regarding their situation and future, i.e., resettlement, employment scheme, and access to welfare services, preventing them to contribute substantively to the process.

Despite advocating the empowerment and inclusion of Rohingya RCOs in Malaysia, we could not exclude the possibility that a more inclusive approach, i.e., promotion, capacity building, investment to refugee communities by the transit countries, might pull more asylum-seekers to enter the country. Therefore, it is expected that the host governments will realistically maintain the balance between its inclusive approach to the existing refugees in its territory and its punitive approach to the potential newcomers.

In reality, 86 per cent of the global refugee population are hosted by countries in the Global South, most of which are transit countries.⁷³ Despite voting in favour of the GCR, Malaysia has not showcased its commitment, and its asylum policy has been driven mainly by domestic and international political interests. The government's humanitarian ground narrative contradicts the increasingly hostile narrative against the Rohingyas amongst the Malaysian public. Nevertheless, there was a visible lack of political will to mediate this pitfall. In such a disadvantageous environment, this makes imperative the demand to recognise the humanitarian needs of this impoverished population in Malaysia, especially as the number of refugees and asylum-seekers has significantly increased in the past decade. Especially critical will be to place refugees and asylum-seekers under a different legal category within Malaysia's immigration laws, which requires a major overhaul of the Immigration Act 1965 and Passport Act 1965.

While the future of the Rohingyas returning in safety and dignity to Myanmar remains bleak, Malaysia's realistic option for these hundreds of thousand stateless people is to systematically incorporate them into the economic structure, i.e., continue with the plan to issue IMM13 permits to Rohingya. The government's initiative to grant Rohingya refugees these permits, which allow them to engage in lawful employment, has been up in the air since 2006 and has never been translated into action. The Malaysian government immaturely halted the plan due to accusations of corruption and fraud in the issuing process.⁷⁴ Further, in the more institutionalised setting, Malaysia will have to amend the Employment Act 1995 and the Companies Act 1965 to legalise the refugee workers, systematically providing them with access to decent work and a layer of protection.

In summary, there appears to be an inherent benefit that Rohingya RCOs can offer to the host communities, though this claim is exclusive to the well-functioning organisations. Once allowed and engaged, these organisations can assist the host government in managing the refugee response. This article has illustrated how Rohingya RCOs assist the UNHCR in tracking and registering the new arrivals and provide

73 UNHCR, "Figures at a Glance", 18 Jun. 2021, available at <https://www.unhcr.org/figures-at-a-glance.html> (last visited 9 Jan. 2022).

74 Equal Rights Trust and Institute of Human Rights and Peace Studies, Mahidol University, "Equal Only in Name".

immediate assistance to troubled refugees. In this regard, enhancing their organisational capacity and resources will be imperative. There is also merit in building systemic coordination and collaboration with RCOs to meet the labour market demands. Finally, by acknowledging and allowing RCOs' participation in refugee response, Malaysia can enhance its reputation and demonstrate its commitment to GCR and the international community.