

## Malaysia and forced migration

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**Abstract:** This paper analyzes the phenomenon of “forced migration” in Malaysia. It examines the nature of forced migration, the challenges faced by Malaysia, the policy responses and their impact on the country and upon the forced migrants. It considers forced migration as an event hosting multifaceted issues related and relevant to forced migrants and suggests that Malaysia has been preoccupied with the issue of forced migration movements. This is largely seen in various responses invoked from Malaysia due to “south-south forced migration movements.” These responses are, however, inadequate in terms of commitment to the international refugee regime. While Malaysia did respond to economic and migration challenges, the paper asserts that such efforts are futile if she ignores issues critical to forced migrants.

**Keywords:** forced migration, refugee policy, asylum seeker, migration movements, Malaysia

**Abstrak:** Kertas kerja ini menganalisis fenomena “penghijrahan paksaan” di Malaysia. Ia mengkaji keadaan penghijrahan secara paksaan, cabaran-cabaran yang dihadapi Malaysia, tindak balas polisi dan impak ke atas negara serta kesan terhadap penghijrah paksaan itu sendiri. Kertas kerja ini mendefinisikan penghijrahan paksaan sebagai satu peristiwa yang mempunyai pelbagai rupa isu yang berkaitan dan relevan kepada penghijrah paksaan. Perbincangan kajian mencadangkan supaya Malaysia mengambil berat terhadap isu gerakan penghijrahan paksaan tersebut. Ini dapat dilihat dalam pelbagai tindakan yang dikemukakan oleh Malaysia disebabkan oleh gerakan penghijrahan paksaan selatan-selatan. Namun begitu, tindakan-tindakan ini tidak mencukupi dari segi komitmen yang diberikan terhadap rejim antarabangsa pelarian. Walaupun Malaysia telah bertindak terhadap cabaran ekonomi dan penghijrahan, namun kertas kerja ini menegaskan bahawa usaha-usaha tersebut adalah sia-sia

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sekiranya Malaysia mengabaikan isu-isu kritikal untuk menolak penghijrah-penhijrah paksaan tersebut.

**Kata kunci:** penghijrahan paksaan, polisi pelarian, pencari suaka, gerakan penghijrahan, Malaysia

Migration plays different roles and creates different impacts on countries. Development theory suggests labour migration as vital for supporting countries' developmental activities. Skilled and professional migrants provide a comparative advantage and help elevate a country's position in the global political economy. Migrants are also critical ingredients for the establishment and development of plural cultures. This paper discusses Malaysia in the context of forced migration which is a part of the international migration and presents many societies –including Malaysia– with major policy dilemma. In general, this paper attempts to answer the following questions: What is forced migration and how does it relate to Malaysia; What responses has Malaysia made so far to deal with the issue of forced migration; and what are the current migration challenges facing Malaysia and how do they affect forced migrants in the country?

### **Forced migration**

As a theme, forced migration has been greatly discussed by scholars of social sciences, including those of political science. The theme is of great importance to many scholars due to its direct impact upon other issues such as “human rights”, “human security”, “global peace”, and “peace building” (Adelman, 2001; Loescher, 2002; Wood & Phelan, 2006). Scholars dealing with topics such as “citizenship” and “national-identity” (Gaim, 2003; Kastoryano, 2005) generally include issues of forced migration such as access and rights to the international protection and solutions for forced migration groups. To be sure, forced migration as a social phenomenon has long been part and parcel of human history. Before the establishment of the nation states system and international migration regime, fighting and wars erupted between or amongst civilizations or tribes that gave rise to what are now known as forced migration movements. One such case was that of the Assyrian Christians' forced migrations which took place between 1843 and 1933 (Zaken, 2004). Forced migration occurs when a person abandons her or his residence due to violence and cruelty or for fear of persecution.

Literature on forced migration suggests various reasons for its existence. Wars, human rights violations, civil wars, etc., are recognized by the international migration regime as classic factors contributing to the existence of forced migrant populations (Devant, 2008; Loescher & Monahan, 1990; Richmond, 1994). As recent migration reports indicate, forced migration movements may also take place as a result of environmental disasters, extreme drought or flood, nuclear failure, earthquakes and tsunamis (Simms, 2003).

Forced migration is dynamic. It can be trans-boundary or otherwise in nature. This means that two broad categories of forced migration exist: those who cross borders and those who are displaced within their national territories. The former refers to people known as refugees and asylum seekers. The latter consists of those codified by the international migration regime as “internally displaced persons” (IDPs).

Forced migration produces negative consequences which not only affects states, but also humankind. First, forced migration destabilizes and reduces security of regional and international systems. National leaders often conflict with each other in seeking solutions to urgent forced migration situations. This is due to several reasons. First, solutions to forced migration are often related to the sovereignty of the nation. Second, forced migration movements create substantial costs to the regional and global economy. A large sum of money is required to assist forced migrant populations and to coordinate humanitarian assistance in forced migration situations. Third, forced migration generates human insecurities within the forced migrants and creates gender discrimination and inequality, in addition to economic, health and social issues that pose core challenges to their development (UNHCR, 2001).

Issues related to forced migration are seriously considered amongst global agenda at the international level. The international community responds to human misery from forced migration by continuously engaging in the proposal and discussion of ways to prevent forced migration situations. Policymakers, practitioners and scholars placed their efforts in confronting the impacts and challenges of forced migration. The establishment of the United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency and the United Nations Refugee Convention in the early 1950s are proofs of these efforts. Though considered by many

as a European response towards the forced migration situation of the region, both became key parts of the international refugee regime and continue to play a vital role in protecting global refugees, asylum seekers, and IDPs.

In the 21st century, the international community has, through growing international migration regimes, stepped up its efforts to respond to the dynamics of global forced migration phenomenon. The latest UNHCR protection programmes, for instance, cover refugees and other newly recognized forced migration populations, the internally displaced persons (IDPs) and the Stateless. Furthermore, close cooperation may be observed between international migration organizations and local non-governmental actors on forced migration. Efforts are taken to systematize international assistance for forced migration groups and gather forced migration databases at country and regional levels. International law has also responded to emerging forced migration issues such as the international protection of refugee women and children. On national levels, government authorities as well as legal and humanitarian activists cooperate to enhance humane and liberal treatment of these groups of people, thus contributing to the critical needs of forced migrants (Triandafyllidou & Gropas, 2007).

A buzz topic among observers of forced and international migration is how forced migration intersects with broader migration. New terms referring to this are “mixed migratory movements”. This type of migratory movement carries both forced and non-forced migrant persons and is perceived as an after effect of globalism. Technological advancement, low costs of transportation, mushrooming informal and formal migrant networks make travel available, if not faster, to all types of migrants. The globalization of the neoliberal economy, on the other hand, increases regional and country level economic activities, while promoting global economic disparity and societal poverty; thereby leading to more economic migration. Moreover, increasing terrorism and other non-traditional threats such as ‘racism’ and ‘anti-immigrant’ movements push states for strict border control and immigration policy review (Bohmer & Shuman, 2008; Schlentz, 2010).

A common voice amongst migration observers is the need for the international community to give immediate attention to emerging migratory patterns. Issues at hand include how to sort out forced migrants from these types of movements and what policies should be formulated

in dealing with those trapped in such migratory situations. Many agree on more concrete international cooperation on this matter and view significant input from expert advisors to protect forced migrants from the various threats present in mixed migration (Betts, 2008; Refugee Studies Centre, 2010).

In the light of the brief discussion presented above, this study defines forced migration as an event that hosts multifaceted issues related and relevant to forced migrants. These issues may be broadly grouped into three categories: 1) forced migration movements, 2) forced migrants and international migration regimes, and 3) State policies towards forced migrants. Each of these three broad categories has a cluster of sub-issues that expands the breadth of forced migration discussion. Table 1 outlines, albeit briefly, issues and sub-issues of forced migration and the literature related to these issues, respectively. This paper discusses forced migration in Malaysia along this line of definition.

*Table 1: Issues related and relevant to forced migration*

<b>Forced Migration Issues</b>		
<b>Forced Migration Movements</b>	<b>Forced Migrants and International Migration Regime</b>	<b>State Policies towards Forced Migrants</b>
<ul style="list-style-type: none"> <li>• Types and patterns of movements (Castles, 2000; Haque, 2005)</li> <li>• Factors generating movements (Zolberg, 1985; Castles, 2004; Devant, 2008)</li> <li>• Forced migration impacts (Coleman, 1995; Fai- Poldlipnik, 2002)</li> </ul>	<ul style="list-style-type: none"> <li>• Forced migration institutions (Adelman, 2001; Loescher, 2002)</li> <li>• Forced migrants and international protection (Pitterman, 1985; Feller, Turk &amp; Nicholson, 2003)</li> </ul>	<ul style="list-style-type: none"> <li>• Policy substances, i.e., national protection provisions (Geddes, 2000; Triandafyllidou &amp; Gropas, 2007)</li> <li>• Factors making policies (Dirks, 1985; Freeman, 1995; Adelman, 1996; Boswell, 2005)</li> <li>• State's treatment towards forced migrant, i.e., liberal, humane, inhumane, generous (Feen, 1985; Loesher &amp; Scanlan, 1986; Russel &amp; Keely, 1994)</li> </ul>

### **Malaysian forced migration**

In 2011, the UNHCR reported Malaysia having some 94,000 refugees and asylum seekers in the country. This number, however, covers those who have registered with the UNHCR and are staying in Peninsular Malaysia. Additional refugee populations in the country may be found in West Malaysia, especially in Sabah. These consist of Filipino origin who have entered the country in the early 1970s and have stayed long in Sabah now standing at its second generation (Kassim, 2009). The total number of refugees in Malaysia is high if one includes unregistered refugees. It is estimated that at least 10,000 unregistered refugees and asylum seekers are living in the country. Due to the lack of awareness concerning their rights, financial and location problems, as well as their fear of being caught by the government authorities, they do not approach the UNHCR for registration and protection.

Out of 94,000 refugees and asylum seekers in Peninsular Malaysia, 86,900 are from Myanmar. The Myanmar refugees comprise some 35,000 Chins, 21,800 Rohingyas, 10,400 Myanmar Muslims, 3,800 Mons, 4,600 Rakhines, and the rest are Kachins and other ethnicities. The remaining refugees and asylum seekers are from other countries, including some 4,300 Sri Lankans, 1,000 Somalis, 730 Iraqis and 470 Afghans. Common amongst these refugees is that most are of 'South' origins. There exists no refugee database suggesting that Malaysia is hosting refugees from developed countries. In other words, refugees in Malaysia are those from the "south-south forced migration movement."

### **Malaysia and South-South forced migration movements**

The term "south-south forced migration movements" refers to refugees hailing from third world states who seek refuge in neighbouring third world states. This may be contrasted with the "south-north refugee movements" or refugees from third world states who seek asylum in a developed country. Since independence, "south-south forced migration movements" have characterised Malaysia's migration. In other words, refugees from countries of the South have made a number of entries into Malaysia. Table 2 lists refugee groups, their nationalities and the year they made their first entry into Malaysia.

*Table 2: Refugee movements into Malaysia by groups and countries of origin*

<b>Years Entered Malaysia</b>	<b>Refugee Groups and Countries of Origin</b>
1970s	Filipino (Philippines) Vietnamese (Vietnam) Champa (Cambodia)
1990s	Bosnian (Bosnia) Acheh (Indonesia) Indonesian-Chinese ethnic (Indonesia) Rohingya, Chin, Mon (Myanmar)
2000s	South-Thailand (Thailand) Somalian (Somalia) Iraqi (Iraq) Afghan (Afghanistan) Sri Lankan (Sri Lanka)

Source: UNHCR, “Refworld” at <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain> (retrieved February 22, 2012).

It can be seen that in the 1970s, Malaysia experienced two huge refugee movements: the Filipino and Indochinese refugees. Refugees from the Philippines were mainly those who fled the violence caused by government-guerrilla armed conflicts in the southern part of the country. The Indochinese refugees consist of two groups of people; the first being from Vietnam who escaped the Communist regime of Vietnam, and the other consisting of Champa refugees who crossed into Malaysia to avoid the Khmer Rouges’ brutality. The number of these refugees who entered Malaysia during the 1970s is estimated at hundreds of thousands of people for Filipino and Vietnamese refugees and a few thousands for Champa refugees (Arzura, 2011). It needs to be mentioned here that until the 1990s, Malaysia witnessed the entrance of Vietnamese and Filipino refugees into the country.

In the 1990s, another wave of “south-south forced migration movements” carrying refugees from Bosnia, Indonesia and Myanmar hit Malaysia. However, the number of refugees brought by these movements was not as huge compared to those that had brought the Filipino and Indochinese refugees. For example, in 1996, a total of 258 Bosnian and 5,000 Burmese Rohingya refugees entered Malaysia, and in 1998, some 5,000 ethnic-Chinese Indonesians reportedly entered

Malaysia following large-scale riots which led to the resignation of Indonesia's President Suharto (United States Committee for Refugees, 1997; 1999). "South-south forced migration movements" have continued to characterise Malaysia's migration. Since the year 2000, Malaysia has witnessed refugees of third world countries including distant ones such as Sri Lankans, Afghans and Iraqis entering the country.

The impacts of forced migration movements on Malaysia differ according to forced migration cases. In general, movements bringing small numbers of refugees and asylum seekers into Malaysia have not caused many problems to the country. Malaysians, in general, do not feel threatened by the entrance of refugees in small numbers into their country. This most likely occurs because through its leadership, the Malaysian government provides justification for the government's willingness to offer the refugees protection in the country as seen in cases involving the Bosnian and South-Thailand refugees. Malaysians, in general, have responded positively to the government's rationale and have been sympathetic to the refugee presence in the country.

The huge influx of refugees and asylum seekers into Malaysia, however, has triggered temporal but relatively strong reactions from the public. The Filipino and Vietnamese refugee movements into Malaysia in the 1970s, for instance, triggered uneasy feelings amongst Malaysians, particularly those living near refugees (Kassim, 2009; Arzura, 2011). Many perceived the refugees to be causing social and economic problems.

Thus, a high number of Vietnamese refugees' entrance into the country during 1978 to 1980 was opposed by the public, which nearly created a legitimacy crisis for the government of Malaysia. Some politicians questioned the rationale behind the government's generous treatment towards these refugees who they deemed as outsiders. They viewed the increased number of the Vietnamese refugee population in the country as being due to the government's incompetence in handling the Vietnamese refugee matters. They also perceived the "first asylum" policy adopted by the government towards the Vietnamese refugees as failing to slow progress in resettling the Vietnamese refugees to third world countries. The Vietnamese refugee movements also strained Malaysia's relationships with Vietnam. At the international level, opinions varied; some advocating Vietnamese refugees to be integrated



into Southeast Asian countries, while others insisted on Malaysia to be treated as the country of “first asylum”.

### **Factors contributing to forced migration in Malaysia**

Forced migration occurs in many places. Most regions in the world, including Southeast Asia, have experienced forced migration. For Southeast Asia, the 1970s Indochinese refugee exoduses are unforgettable. The event complicated the regional and international security system of those years and helped popularise the term “first asylum”, which refers to “temporary refuge”, “provisional asylum”, “temporary asylum”, or “temporary residence” as a solution for Indochinese refugees (Coles, 1981).

Various factors have contributed to forced migration in Southeast Asia and the movement of forced migration groups into Malaysia. Most of these factors have to do with the nature of Southeast Asia as an unstable region. Countries in the region faced various domestic problems and threats from various quarters. There have been rivalries among political elites leading to illegal regime changes, human rights violations, racial violence, and nation-building crises. Some of these threats became serious and triggered violence, destabilizing the countries concerned. This exposes the region to forced migration impacts which among others, forced migration movements. Violence in the South Thailand, for instance, caused the Thai refugee movement into Malaysia. In 2005, some 131 South Thailand citizens fled from Narathiwat and sought political asylum in Malaysia (UNHCR, 2005a).

Indochinese refugee exoduses were caused by prolonged wars and border disputes amongst countries of Indochina (Tucker, 1999; Arzura, 2011). In the 1970s, millions of Indochina people ended up as internally displaced people and refugees in countries of first asylum and resettlement. The violence between Thai and Cambodian military forces over the disputed temple Preah Vihear (Mydans, 2011) also triggered forced migration movement. This violence caused many civilian and military deaths and led to displacement and forced migration. As of May 2011, UNHCR records show at least 18 people have been killed and 85,000 have been temporarily displaced in weeks of clashes over the ownership of the small patch of land around the temple (Refugees Daily, 2011). If not curtailed, this conflict could lead to a humanitarian situation and population movement cross borders. Once this happens,

countries located close to Thailand and Cambodia, such as Vietnam and Malaysia, could probably be flooded by refugees of these two countries.

In Southeast Asia, prolonged security issues such as armed conflicts between government and insurgent forces or separatist movements have caused forced migration. In the 1980s, conflict between the Armed Forces of the Philippines (AFP) and the New People's Army (NPA) displaced thousands of Filipino civilians. Similarly, a 25-year Philippine-Muslim Mindanao conflict has caused a large number of Muslim Mindanao refugees to flee to Malaysia. At the end of 1999, some 45,000 refugees from Mindanao remained as refugees in Malaysia, mostly in Sabah (United States Committee for Refugees, 2000).

Repressive regimes are another factor that triggered forced migration movements in Southeast Asia. For decades, oppressive policies of the military Junta in Myanmar have caused humanitarian crises and the displacement of some 3.5 million Myanmarers. Myanmarers refugees may be found in countries inside and outside the Southeast Asian region while thousands of her citizens continue to be displaced and live in refugee-like situations within the country. Malaysia and Thailand are among those Southeast Asian countries that host a substantial number of Myanmarers.

Conflicts and wars in the Middle East, Europe and Africa also contributed to an increase in the number of refugee populations in the Southeast Asia in general and Malaysia in particular. Political turbulence in Iraq and Somalia, for instance, forced refugees of both countries to find protection in other countries, including distant ones, such as Malaysia. As of January 2010, a UNHCR report shows that some 200 Somalis and 190 Iraqis sought asylum in Malaysia (UNHCR, 2011).

Other factors contributing to forced migration movements into Malaysia are ones coming from Malaysia itself. In the literature on migration, these factors are classified as the "pull factors" or factors that entice forced migrants into countries of immigration. A fast developing country, such as Malaysia, offers migrants all sorts of economic opportunities. This attracts migrants of various sorts, including forced migrants because, like others, they also seek better life opportunities. In addition to this is the tranquillity that Malaysia enjoys which makes the country a promising and safe sanctuary for those seeking refuge.

### **Malaysia's responses to forced migration**

Malaysia's attitude towards the forced migration issue is particularly disappointing if one looks at it from the international refugee regime perspective. Despite five decades of independence, Malaysia remains one of those countries reluctant to sign the 1951 United Nations Refugee Convention. So far, policies towards refugees in Malaysia have been made in an inconsistent manner. Policies and decisions on refugees do not fully conform to international standards of refugee regime and often depend on Malaysian leaders' perception and judgements on refugee cases, as well as the type and number of refugees who enter the country. Refugee policies of the country are also different in terms of treatment towards refugees.

In the areas of refugee protection, Malaysia is left far behind countries that have established national migration institutions and provided some sort of national protection for refugees and asylum seekers. Until now, there is basically no formal asylum system that adjudicates asylum seekers' cases or allows them to apply for settlement in the country. Malaysia also has neither national act nor national migration institutions protecting refugees and asylum seekers in her territory and often leaves issues related to refugee welfare and protection to the UNHCR. Unfortunately, Malaysian authorities are also reported to have been treating refugees and asylum seekers in the country as "illegal immigrants" (Amnesty International, 2010). Refugee reports reveal cases where refugees and asylum seekers were subjected to various types of punishments meant for illegal immigrants ("No refuge," 2009; Litvinsky, 2009).

Despite the lack of commitment to protect forced migration groups in the country, Malaysia has been active in sending assistance to those trapped in humanitarian situations outside her territory. Amongst groups that received Malaysian humanitarian help are the Myanmar Nargis Cyclone IDPs, Palestinian refugees, Aceh and Japan Tsunami IDPs, and Somali IDPs. The humanitarian assistances provided by Malaysia towards these refugees and IDPs are channelled either by the government or civil society groups of Malaysia ("Malaysia sends humanitarian aid," 2008).

The often asked question is why does Malaysia lack commitment for refugee protection, and in particular, for those in her territory? Four

reasons are usually advanced. First, Malaysia is a multi-racial country; its leaders are striving to build a nation. The leaders, however, are bound by the social contract made between the *Bumiputeras* (sons of the soil) and those who migrated to Malaysia at the country's independence. The granting of permanent asylum status to refugees or making an asylum system and certain rights and benefits available to them may complicate the racial situation in the country and strain the country's nation-building agenda which rely on the smooth execution of the social contract.

Second, forced migration issues such as refugee protection are not central to Malaysian leaders. They take urgent care of refugees with acute humanitarian needs or those who received extensive international media coverage. This was the case for the Vietnamese, Champa and Bosnian refugees who did receive a relatively structured programme of protection from the government including rights to asylum and access to basic refugee protection provisions, settlement in the country or transit opportunities (Nik Din, 1978, United States Committee for Refugees, 1997; Arzura, 2011).

Third, forced migration is not an issue of great concern to the Malaysian leaders and hence, they consider it as a foreign one. Unlike countries in highly volatile refugee-producing regions like the Horns of Africa, Malaysia is free from such calamities and as such, does not have to deal with the issue of forced migration in a systematic way.

Fourth, forced migration is an uncommon phenomenon to the Malaysians and hence the welfare of forced migrants appears to be of no concern in the country. Throughout Malaysia's existence since independence, Malaysians are exposed more to discussions and debates on local issues such as national development, Malaysian politics and ethnicities. Refugees, asylum seekers and their rights to protection and the like are unheard of subjects for many and rarely discussed in public. Occasionally, civil societies and media take the matter up, but even then, half-heartedly.

### **Malaysia's policies towards the Indochinese refugees**

Nevertheless, Malaysia has to deal with forced migration. What policies were adopted by the Malaysian government towards the Indochinese refugees, Vietnamese and Champa? What factors contributed to the policies adopted by the government? The Vietnamese and Champa refugees were dealt with separately by the Malaysian government with

two types of refugee policies. While the former were given temporary asylum in Malaysia, the latter were integrated into Malaysian society. Both policies included some refugee protection provisions and are relatively structured hence deserve serious discussion.

The humanitarian factor played a significant role in policies made by Malaysia towards the Indochina refugees who entered the country in the 1970s. The second Prime Minister, Abdul Razak, considered the Indochina refugees –the Vietnamese and Champa– as the people in dire need for help, and consequently allowed them to seek international refugee protection in the country. He facilitated the two groups' access to UNHCR protection and local assistance. The Vietnamese refugees were given local assistance that included safe entrance into Malaysia through the Ministry of Home Affairs and humanitarian assistance from the Malaysian Welfare Ministry and Malaysian Red Crescent Society (Arzura, 2011). Nonetheless, in making policies towards these two refugee groups, the Prime Minister, Abdul Razak, had considered other factors as well. These additional factors explain why Champa and Vietnamese refugees received differential treatment by Malaysian government.

Security factors influenced what was known as Malaysia's "first asylum" policy towards the Vietnamese refugees. The policy began during the Prime Minister Abdul Razak's administration and continued on until the administration of the fourth Prime Minister, Mahathir Mohamad. It allowed the Vietnamese refugees to transit in Malaysia before being resettled in other third world countries. The "first asylum" policy offered by the Malaysian government towards the Vietnamese refugees was a generous one given the length of period it covered as well as the number of Vietnamese refugees it provided sanctuary for. Between 1975 and 1980, a total of 124,459 Vietnamese refugees landed in Malaysia of whom 93,312 were settled in other third world countries (Arzura, 2011). The policy comprised of well-structured accommodations for refugees, programmes for refugee care, and procedures for sending refugees for resettlement, etc.

The fifth Prime Minister, Abdullah Ahmad Badawi, adopted a different approach in dealing with the Vietnamese refugees in the country. Instead of resettling them in other third world countries, the government gradually repatriated them to Vietnam. This started when the international community introduced the Comprehensive Plan of

Action (CPA) in the 1990s and repatriation programme for Vietnamese classified as economic migrants. The UNHCR and leaders of various states, including Malaysia, perceived such a programme as vital in preventing an open-ended Vietnamese migration, especially when Vietnamese who fled their country in the 1990s included those who fled because of economic reasons. The ‘first asylum’ policy ended in 2005 with the departure of the last group of Vietnamese refugees to Vietnam (Steenhuisen, 2005).

The “first asylum” policy was considered by Prime Minister Abdul Razak as a solution that worked best for Malaysia and the refugees. Through this policy, the Vietnamese refugees were allowed to access protection both from the Malaysian government and resettlement countries. At the same time, the policy allowed Malaysia to protect her own interests. It must be mentioned here that the 1970s Vietnamese refugee exodus took place at a time when Malaysia was involved in fighting Communist insurgents at home. The Vietnamese refugees were seen by Malaysian policymakers to possess links with the Communist regime and as such were a threat to the country. Prime Ministers, Abdul Razak and Hussein Onn, were also worried that the influx of Vietnamese refugees into Malaysia may adversely affect their nation-building policies. Given these circumstances, Malaysian Prime Ministers did not show any intention to grant the Vietnamese refugees permanent settlement in the country.

As stated earlier, Malaysia’s policies towards Champa refugees were also influenced by a humanitarian factor. From 1978 onwards, news of the brutalities of the Khmer Rouge in Cambodia reached the communities at regional and international levels. Such events shocked national leaders who responded with generous assistance. Compared to the Vietnamese, the Champa refugees of Cambodia were given two options by the Malaysian government. The first option was to transit in Malaysia and resettle in third world countries like the one offered to the Vietnamese refugees, and second option was to settle Champa refugees in Malaysia and integrate them into Malaysian society (UNHCR, 1978). In the beginning, a number of Champa refugees transited to Malaysia and departed to resettlement countries. Some stayed back and chose to integrate into Malaysian society. According to earlier works on Champa refugees in Malaysia, the first Champa refugee settlement was established in Kelantan (Nik Din, 1978). This early Champa settlement

was part of Champa refugee assimilation programme adopted by the Malaysian federal government with help from the Kelantan State. The policy was successful and the Champa communities became part of the Malaysian society, but no work has been carried out thus far on these groups to track their integration process or examine how well they have integrated into the Malaysian society.

Favourable treatment accorded by the Malaysian government to the Champa as opposed to the Vietnamese refugees is due to the fact that the Champas were somewhat similar to the Malays. People carrying such titles as “Nik” and “Wan” in Kelantan and Terengganu, for example, are said to be the descendants of Champa. Many Champa also share cultural, religious values similar to the Malays. Literature on Malay Sultanates also shows that Malay-Champa relationships developed through close relationship the Malay kingdoms had with Champa Kingdom (Danny, n.d.; Abdul Rahman, 1988). Given the fact that the Champa people are well-known amongst the Malays, and that there are cultural similarities between them, Malaysian policymakers had reasons to believe that Champa refugees would have no difficulties in integrating themselves into the Malaysian environment, especially in areas such as Kelantan and Terengganu where Malays form the majority. The policymakers were also of the view that the Champa integration policy presented no threats to Malaysia’s national harmony since Champa refugees were well-received by the Malays, and the Sultans of the respective states had no objection to the Champa’s presence and integration in their domains.

Clearly, the Malaysian Federal Government might have not embarked upon the policy of integration had there been no support from the Malays, their leaders and most importantly the Sultans. The refugee integration policy involves issues related to local consent as well as refugee settlement and land distribution towards refugees. In the Champa refugee case, Kelantan Sultan’s readiness in approving and allocating land for Champa refugee settlement in Kelantan had inevitably helped the implementation of such policy. It must be noted that in Malaysia, issues relating to land are within the State’s jurisdiction; with the Federal Government normally discussing with the State Government headed by Sultans when making or implementing policies involving land. For the same reason, the Malaysian Prime Ministers dealt with a number of state governments and acquired their approval to temporarily house Vietnamese refugee population in Malaysia (Arzura, 2011). For



the record, during 1975 to 1980, eight Vietnamese refugee camps were built in the states of Terengganu, Kelantan, Johor, Pahang and other places.

### **Malaysia at the age of global migration: What to do?**

Malaysia's orientation towards migrant workers has changed over time due to economic globalization and a competitive market. Malaysia's economy has been progressing well and her economy remains amongst the strongest within the ASEAN countries. At the international level, Malaysia competes with other countries to win existing and emerging markets in the European Union, China and India. To remain competitive and strong, Malaysia's economy must have a liberal and international appeal with a comparative advantage in high-end sectors. All of these forced her to invest, among others, in attracting migrants by providing them with conducive and healthy working environments. The current Malaysian government has responded to the above-mentioned economic requirement by taking a number of steps relating to her immigration policy. The government, for instance, adopted policies to treat migrant workers better; monitor and systematize migrants' inflow into the country; and create a migrant workers database while making issues related to migrants as part of her national agenda ("2.2 million," 2011). In other words, Malaysia has taken steps to manage migration.

Malaysia's migration management is not a mere economic response. It is also due to migration challenges which Malaysia faces. These challenges are only growing in size and complexity. Malaysia is not the only country facing these challenges. Other countries are facing more or less, similar migration problems. Table 3 lists some of the global migration problems and countries that are affected by them.

Of the six global migration problems, at least four are affecting Malaysia. In Malaysia, news on racism and anti-immigrant violence against migrant workers are rarely heard of, but those pertaining to human trafficking, smuggling, and drug trafficking involving migrants appear almost frequently in the Malaysian media (Sira Habibu, 2010; Kurniawati, 2011). Issues relating to migrant workers' rights and their exploitation have been regularly voiced in a public fashion by civil society groups in Malaysia (George, 2005; Suhakam, 2008).



*Table 3: List of global migration problems and affected countries*

<b>Global Migration Problem</b>	<b>Affected Countries</b>
1. Migrant Workers' Rights Exploitation	China, India, Malaysia, Middle East, etc.
2. Human Trafficking	Europe, Asia, America, etc.
3. Human Smuggling	Europe, Asia, America, etc.
4. Drug Trafficking	Europe, Asia, Middle East, etc.
5. Racism	Europe, Australia, United States, Indonesia, India, etc.
6. Anti-immigrant Violence	United Kingdom, Indonesia, United States of America, South Africa, etc.

Source: International Organization for Migration (IOM) Website <http://www.iom.int> (retrieved February 22, 2012).

With regards to human and drug trafficking crimes, Malaysia has been used as a destination, transit as well as a source country. Malaysian women are reportedly being trafficked into the prostitution industry in other countries. At the same time, women migrants and under-aged persons are reportedly being smuggled into Malaysia as sex and forced labourers. Drug traffickers of African nationalities operate in Malaysia and use Malaysian citizens as “drug mules” to smuggle drugs cross borders. There are also reports of Malaysia becoming a transit country for human organs trafficking (Teoh El Sen, 2011).

Cross border related crimes have threatened Malaysia's security and created consternation for the government and fear among Malaysians. Drug trafficking, for instance, makes various types of drugs cheap and easily available in the country, thus making the government's fight against counterfeit drug addiction amongst Malaysians tougher. The Malaysian government is aware of the long-term impact drug trafficking crime can pose on the country's valuable asset: the Malaysian youth. On the other hand, the presence of women prostitutes brought illegally from countries such as Uzbekistan, Russia, China, Vietnam and Indonesia into Malaysia has alarmed Malaysian citizens and local NGOs since they brought with them all sorts of diseases and social problems into the country. Consequently, the Malaysian government is compelled

not to merely strictly monitor migrants' inflow into the country but also to have good migration management practice. This is especially critical when migrants are considered important in helping transform the country's economy, while simultaneously posing certain problems. In addition to that, good migration management is necessary to support Malaysia's efforts at countering cross-border crimes. The United Nations acknowledges the trafficking and smuggling of human and drugs as crimes threatening nations and violating human rights. Malaysia being a UN member sees her role in this, not as a passive observer but as a committed participant, in helping to implement international policies related to these crimes.

One interesting development relating to Malaysia's efforts in managing her migration is that she is beginning to link forced migrants with migration problems affecting the world. The government, through the migration network it has developed with other states and migrant organizations, has succeeded in isolating cases in border-related crimes that involve various sorts of migrants including forced migrants. Cases of forced migrants used in human trafficking and smuggling are frequently addressed by international media, and migration reports have also been looked upon seriously by the Malaysian government (UNHCR, 2005b; Pleitgen & Fahmy, 2011). Steps taken by the Malaysian government in this respect include the Malaysia-Australia initiative at combating human trafficking through the refugee swap deal, announcements to establish a sub-unit on refugees in the Ministry of Home Affairs, and efforts to register refugees in the migrants' database of the ministry ("Proses daftar," 2011, November 9).

## **Conclusion**

Malaysia's effort towards managing her migration problem is timely and commendable; given economic and migration challenges affecting the country. The government's steps in implementing new policies on forced migrants in the country and institutionalising them are admirable and portray the maturity of the Malaysian government in managing her migration issues in a comprehensive manner. What is more important, however, is the creation of a sustainable migration management policy that would help boost the country's overall development. Such sustainable migration management policy would dictate a balanced and just approach to all categories of migrants,

including forced migrants in the country. Forced migrants through migration movements have been part of Malaysia's migration and as such, their presence and issues related or critical to them should not be overlooked.

The Malaysian government is better advised to start addressing issues critical to forced migrants, such as their security, welfare and protection. These would help Malaysia prevent crimes amongst forced migrants and the exploitation of forced migrants and counter cross border crimes. Forced migrants who receive inadequate protection from the host government are easily exposed to crimes and they make a good criminal target. Asylum seekers and refugees in the country could fall into webs of international crime or may be used as human stocks for human trafficking activities. Refugee children could be smuggled and trafficked across borders as forced labourers in sweatshops or have their organs removed and sold in the "organ black market". Malaysia and many Southeast Asian countries have yet to adopt and implement protection provisions for refugees.

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