

## **The Role of Non Signatory State to the 1951 Refugee Convention: The Malaysian Experience**

**Ahmad, A. A.<sup>1\*</sup>, Abdul Rahman, Z.<sup>2</sup> and Mohamed, A. M. H.<sup>1</sup>**

<sup>1</sup>*Faculty of Law & International Relations, Universiti Sultan Zainal Abidin (UNISZA), 21300 Kuala Terengganu, Terengganu, Malaysia*

<sup>2</sup>*Universiti Malaya (UM), 50603 Kuala Lumpur, Malaysia*

### **ABSTRACT**

The protection of refugees, asylum seekers, and stateless people is fragile and unpredictable in ASEAN countries, principally because majority of its member states are not signatory to the 1951 UNHCR convention. Consequently, there is lack of national legal frameworks to offer adequate protection to refugees. In fact, some states have introduced restrictive policies such as denying safe disembarkation or access at the airport and narrowing protection space and access to asylum seekers. There is also an increase in maritime pushbacks and instances of refoulment. As a result, all asylum seekers and refugees are treated as irregular migrants, and in the absence of substantive engagement by the authorities, UNHCR remains the last option for refugees protection responsibilities. This paper examines the status of refugees in Malaysia, a non-signatory party to the Refugee Convention. It lacks legislative and administrative framework to address concerns of refugees and therefore, the study proposes mechanisms that can be adopted by the country to protect and safeguard the interests of refugees without affecting Malaysia's sovereignty.

*Keywords:* ASEAN, asylum, convention, human rights, mechanisms, refugees, sovereignty, UNHCR

### **INTRODUCTION**

The practice of granting asylum to people fleeing persecution in foreign lands is one of the earliest hallmarks of human civilisation. References to it are found in texts written 3500 years ago, during the blossoming of the great early empires in the Middle East, such as the Hittites, the Babylonians, the Assyrians, and ancient Egyptians. Over three millennia later, the protection of

#### **ARTICLE INFO**

*Article history:*

Received: 5 January 2017

Accepted: 26 September 2017

*E-mail addresses:*

[abdullahiayoade@unisza.edu.my](mailto:abdullahiayoade@unisza.edu.my) (Ahmad, A. A.)

[zulkana@um.edu.my](mailto:zulkana@um.edu.my) (Abdul Rahman, Z.)

[amajidhafiz@unisza.edu.my](mailto:amajidhafiz@unisza.edu.my) (Mohamed, A. M. H.)

\* Corresponding author

refugees was made the core mandate of the UN refugee agency, UNHCR, set up to look after refugees, specifically those waiting to return home after the end of World War II (The UN Refugee Agency). The 1951 Geneva Convention is the main international instrument that governs refugee interest. The Convention provides a clear definition of a refugee and their legal protection as well as social rights they are entitled to from signatory countries. The Convention also outlines the refugees' obligations towards their host governments. It also describes certain categories of people, such as war criminals, who do not qualify for refugee status. Although the Convention was limited to protecting mainly European refugees in the aftermath of World War II, its 1967 Protocol expanded the scope of the Convention, as the problem of displacement spread around the world (Hathaway, 2002).

According to the 1951 UNHCR Convention, a refugee is a person who, owing to his well-founded fear of being prosecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable, or owing to such fear, unwilling to avail himself of the protection of that country (Melander, 1987). In other words, a refugee is someone who has been forced to flee his or her country because of persecution, war, or violence. Due to fears of persecution, most of them do not return home. War and ethnic, tribal, and religious violence are leading causes of refugees fleeing their countries. Compared with economic

migrants who are protected by their home country and have freedom of movement, refugees have the right to safe asylum only outside of their country's borders. Malaysia has taken in a significant number of refugees and asylum seekers under its care, despite not being a signatory to the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol (Kaladan, 2009).

### **ASEAN AND THE REFUGEE CRISIS**

The growing Southeast Asian refugee crisis, largely involving Myanmar's persecuted Rohingya minority has strong similarities with the humanitarian disaster Europe is facing with its Middle Eastern and African refugees (Muntarhorn, 1992). In recent years, thousands of refugees from Myanmar and Bangladesh, have fled their home country due to persecution. The Rohingyas have been denied Burmese citizenship, and regularly subjected to violence at the hands of the military. It is alleged that not less than 25,000 people had left the Bay of Bengal in the first quarter of 2015, double the number in 2013 and 2014. It is also reported that no less than 300 of them have lost their lives while attempting to escape into neighbouring states (Paul, 2015).

Majority of ASEAN members have not signed the 1951 UN Refugee Convention or the 1954 Statelessness Convention. In Malaysia, for example, refugees who arrive are unable to work legally and often forced into low-paying exploitative labour (Hathaway, 2002).

While the proximity of the source of the problem might otherwise provide an opportunity for an effective solution, in Southeast Asia, it has only highlighted limitations of the capacity for cooperation. There exists a spirit of non-interference in domestic affairs of ASEAN member states, a policy inherited from opposition to colonialism and the military expediency of the Cold War and a conflicting regional mix of cultural and religious histories outlined in ASEAN's founding charter, namely the 1967 Bangkok Declaration adopted by all primary members of ASEAN. The bloc focuses on issues of collective gains, such as economic and security partnerships (Chang, 2015). Most criticisms of ASEAN focus on its unwillingness to address human rights abuses. This includes failure to censure the Myanmar government throughout its long history of state-sanctioned violence and taking too long to respond to the upheaval caused by East Timor's independence from Indonesia in 1999-2000. It should be noted that ASEAN has made some progress towards modifying its non-critical position during the past decade, including offering a strong and unified rebuke of the Burmese junta following its crackdown on civilian protestors in 2007. However, efforts supposedly aimed at boosting ASEAN's human rights-promoting infrastructure have frequently been derided. The ASEAN Intergovernmental Commission on Human Rights (AIHCR), established in 2009, is seen by many as toothless, while ASEAN's Human Rights Declaration of 2012 has also been dismissed as a

declaration of government powers disguised as a declaration of human rights (Ahmad, Sulhairil, Muhammad, Mohd Ashraf, & Hudrus, 2011).

### **MALAYSIA AND THE UN CONVENTION ON REFUGEES**

Malaysia is not a signatory to the UN Convention on Refugees. Asylum seekers who fled to the country lead a precarious existence on the margins of society, at risk of arrest as illegal immigrants. Malaysia's constitution makes no distinction between undocumented or illegal workers and refugees. A majority of them live in urban areas and have no right to work or to send their children to school. In 2011, a well-known Malaysia Arrangement was signed between Australia and Malaysian which stipulated the role of Malaysia in Clause 10, which allows the transfer of individuals who have already engaged Australia's international protection obligations to a country which is not bound by equivalent obligations under international law or its own law, and which cannot be relied upon to behave as if it were (Harriet, 2011).

According to Human Rights Watch, Malaysia's willingness to recognise a group of asylum seekers as being lawfully present is a positive development. However, creating an exception for 800 swapped people while 90,000 other refugees and asylum seekers on Malaysian soil remain illegal migrants and subject to deportation is unacceptable and contradictory. There was outcry within and outside Malaysia regarding the deal. Domestically, people believed that the

country would look silly in the eyes of the international community because it is not a party to the UN Refugee Convention of 1951. Others opined that the country need not burden itself for pursuing something totally illegal, and even contradicting domestic laws. Similar criticism was voiced by activists and human rights organisations against the Australian government, calling it to change the agreement. As a result, the Australian High Court declared it invalid for asylum seekers who entered Australia via Christmas Island to be transferred to Malaysia (UNHCR, 2016).

#### **REFUGEES AND ASYLUM SEEKERS IN MALAYSIA**

Malaysia's experience with refugees and asylum seekers began in the aftermath of the fall of Saigon in 1975, Vietnamese refugees arrived by the boatloads and the first boat that arrived consisted of 47 Vietnamese, and Malaysia became the temporary home to more than 250,000 refugees, all from Vietnam. Despite that, Malaysia was not a signatory to the Refugee Convention. It was only willing to act as an offshore processing entity as it deemed the influx of such vast numbers and their ethnic makeup especially ethnic Chinese, can pose challenges to Malaysia's demography. Under the Comprehensive Plan of Action for Indochinese Refugees of 1989, Malaysia became the first country to offer safe space for these boat people. They were housed in camps and had to wait several years before resettlement in a third country. In 2005, the last of the Vietnamese refugees left Malaysia

and were voluntarily repatriated to Vietnam after spending more than 20 years here (Melander, 1987).

Although the situation has improved over the last few years with the increase in raids and less overt rent-seeking on the part of the authorities, refugees and asylum seekers continue to face tough challenges in Malaysia, as UNHCR does not provide them with housing and food. They resorted to illegal work to support themselves and their families. Thus, they began a treacherous journey by boat to Australia. In Malaysia alone, there are around 100,000 asylum seekers and refugees registered with UNHCR, while additional tens of thousands of asylum seekers remaining outside of the purview of UNHCR. Due to lack of legal status, the vast majority have limited protection in Malaysia; many have work and some access to community-run schools and health centres. In 2011, UNHCR resettled 8370 refugees to third countries (Martin, 1997).

Malaysia wants to provide refugee protection on its terms such as when and for whom it provides protection. At present, there are over four million foreign workers in Malaysia, about half of them working illegally such as at construction sites, plantations, and as kitchen and waiting staff. The UN has stepped up calls to register people more effectively and allow them to work. In November 2002, the Home Minister told the parliament that the government was considering that option for the Rohingya Muslims, Myanmar's persecuted Muslim minority, who have

been coming to Malaysia for decades and currently number around 50,000 (Hathaway, 2002).

## **MALAYSIAN HANDLING OF REFUGEES**

For the past 40 years, Malaysia has been a major destination for refugees seeking either temporary or permanent refuge from devastating conflicts in their home country. Unlike many ASEAN member states, Malaysia is not a signatory to the 1951 Refugee Convention and its 1967 Protocol and therefore, refugees and asylum seekers who find themselves in the country lead a precarious existence on live on the margins of society, at risk of arrest as illegal immigrants, since Malaysia makes no distinction between undocumented workers and refugees. Asylum seekers include Filipino refugees from Mindanao who arrived during the late 1970s and early 1980s, and over 50,000 of them fled to Sabah. There were also Cambodian and Vietnamese refugees during the 1980s and 1990s, a small number of Bosnian refugees in the early 1990s, and Indonesians from Aceh in the early 2000s (Human Rights Watch, 2004).

Malaysia also continues to be an attractive destination for refugees from Myanmar's troubled ethnic minorities, the stateless Rohingya. Despite not being a signatory to the UN Refugee Convention, Malaysia does allow the presence of refugees in the country on the basis of humanitarian grounds and cooperates with the UNHCR in addressing these issues. The

discussion below focuses on refugees from Vietnam, Myanmar, Bosnia, and Syria who chose Malaysia as their destination (Ahmad, 2016).

### **Vietnamese Refugees in Malaysia**

Vietnamese refugees fled Vietnam by boat and ship after the Vietnam War, especially during 1978 and 1979, continuing until early 1990s. It is estimated that 2 million refugees left Vietnam between 1975 and 1995, while the number of boat people leaving Vietnam and arriving safely in another country totalled almost 800,000 during the same period. The immediate destinations for them are Southeast Asian countries such as Hong Kong, Indonesia, Malaysia, the Philippines, Singapore, and Thailand (McInnes & Mark, 2007). While North Vietnam had been the object of a US trade embargo since 1964, Vietnam's military action against the Khmer Rouge provoked further condemnation by the US and its allies, resulting in additional harsh economic sanctions being imposed on Vietnam by a number of countries and subsequent exodus of refugees from there due to economic hardships. The economic sanctions imposed on Vietnam by the United States and its allies were lifted in 1994-5, and Vietnam was re-admitted to the Association of Southeast Asian Nations. As a result, thousands of refugees returned to Vietnam, and their number declined drastically from their host nations (Cockburn, 1994).

On August 8<sup>th</sup>, 1978, Bidong was officially opened to house refugees from Vietnam. However, people from Vietnam had lived on the island soon after Saigon

fell into communist hands. In the late 1970s, Malaysia was also home to Cambodians fleeing the Khmer Rouge regime. In the early years, people lived in the trees, tents, or anything they could find to avoid the hot tropical sun, rain, and ocean storms. A few years later, the Malaysian government, the Malaysian Red Crescent Society (MRCS), UNHCR, and other relief agencies developed the Bidong Island which now has houses, hospital, schools, clinics, temples, churches, coffee shops, a post office, a vocational school, and some refugee-owned shops such as bakery shops, tailor shops, fruit stands, and small markets (Guy & Jane, 2007).

During this time, the Malaysian Police Task Force was created, and it did an excellent job preventing the refugees on the island from illegal fishing, illegal wandering into the mountains for wood, and from crimes and general disorderly conduct. The Monkey House jail was built to imprison people who violated the island's policies. Later, the task force set up multiple security offices in each residence zone along with the main Island Camp Office, in which the refugees would vote or appoint officials to enforce policies, nightly patrol, and security. About 90% of the island was considered a forbidden area. Only a small portion on the south side was used to house UNHCR staff and the refugees (Lamvi, Rosli, & Ghani, 1992). Although Pulau Bidong camp and Sungei Besi camps officially closed in 1991 and 1996 respectively, the last of the Vietnamese refugees finally left Malaysian shores only on 28<sup>th</sup> August 2005 (Bram, 2005).

### **Bosnian Refugees in Malaysia**

A small number of Bosnian refugees arrived in Malaysia in early 1991. A sense of Islamic solidarity made Malaysia offer asylum to 350 Bosnian Muslims fleeing the carnage of genocide in former Yugoslavia. The Malaysian government provided scholarships for students, and basic housing and jobs for these refugees from Bosnia. Besides being one of the strongest supporters of the Bosnians, Malaysia remained the only Asian country to accept Bosnian refugees. During the Bosnian war, Malaysia had sent its troops to be part of the UN Peacekeeping force there. Many Bosnian students also studied at the International Islamic University Malaysia and when the war ended, majority of the Bosnians residing in Malaysia returned home (Kate, 2014) (see Figure 1).

### **Refugees from Myanmar and the Rohingya's in Malaysia**

Tens of thousands of Muslim Rohingyas fled Myanmar, many of them embarking on a treacherous sea journey in the spring of 2015 to try to reach Indonesia, Malaysia, and Thailand. A long-simmering crisis between the Buddhist and Rohingyas in Myanmar led to their exodus. The discriminatory policies of the Myanmar government in the Rakhine State caused hundreds of thousands of Rohingya to flee since the late 1970s. Their plight was aggravated by the lack of response from many of Myanmar's neighbours, who were reluctant to take in these refugees for fear of a migrant influx they feel incapable of handling. According

to the UN, more than 137,000 refugees from Myanmar were registered in Malaysia as of September 2014, including tens of thousands of Rohingya. The Global Emergency Overview, which tracks humanitarian crises, tallied more than 40,000 UN-registered Rohingya as of last December 2017, but activists say there is roughly an equal number of unregistered Rohingya in the country. Malaysia has shown a growing unease with this influx. As a result, in May 2015, Malaysian Deputy Home Minister Wan Junaidi Jafaar asserted that Malaysia has treated the Myanmar migrants humanely but that they cannot afford to allow them to flood their shores. The Rohingyas also sought refuge in Indonesia, although the number of refugees there remains relatively small, estimated at roughly 2000 as of June 2015. Indonesia's military chief had expressed concerns that for his country to ease immigration restrictions would spark an influx of people coming in the thousands (Bernama, 2016).

In May 2015, amid international pressure, Indonesia and Malaysia offered temporary shelter to thousands of migrants. Malaysia launched search-and-rescue missions for stranded migrant boats, while Thailand agreed to halt pushbacks. Myanmar's navy also conducted initial rescue missions at the same time. Similarly, in June 2015, several secret mass graves were found by Malaysian police along the Thai border in the town of Padang Besar. In its 2014 Trafficking in Persons Report, the US State Department downgraded Thailand to Tier 3 as a source, destination, and transit country for men, women, and children who are subject to trafficking. As of March 2017, Malaysia has accommodated 134,175 refugees and asylum seekers with majority being Rohingyas (Mark & Peter, 2015).

### Syrian Refugees in Malaysia

The UNHCR estimates that Syria's bloody five-year civil war has created more than 4.6 million refugees, while another 7.6

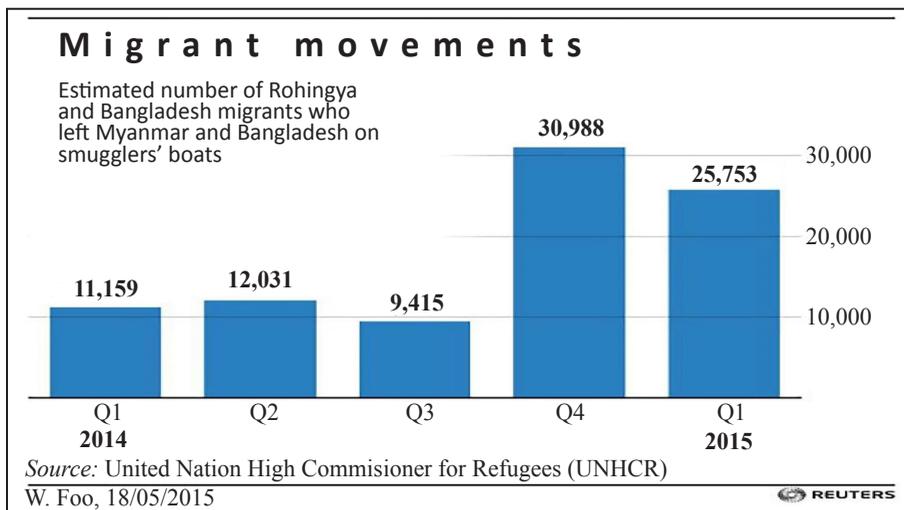


Figure 1. Rohingya and Bangladeshi migrant movements 2014-2015

million people have been displaced within the country. The overwhelming majority have sought refuge in Turkey, Lebanon, Jordan, and other countries in the Middle East. However, others, especially those who have some money, travelled all the way to Southeast Asia, and the Malaysian office of the UN's refugee agency said it had registered 822 Syrians by the end of December 2013, compared with 285 in October, and about 8 before the war started. Refugee activists who work in close collaboration with the community say that because of the length of time it takes to register the refugees officially, the actual number is probably even higher. Having recognised that, in 2015, the local office of UNHCR thanked the Malaysian government for not forcibly returning any Syrian asylum seekers to their homeland (Kate, 2014). The Malaysian Social Research Institute works with what it calls minority refugees including Afghans, Somalis, and the new arrivals from Syria. In October 2015, during his speech at the 70th United Nations Assembly, Prime Minister Najib Razak promised to welcome 3,000 Syrian refugees in three years to help with the refugee crisis. A few months later, Zahid Ahmad Zahid, the Deputy Prime Minister and Home Minister, declared that five Syrian refugee families had been brought into the country under the first phase and that the government was now in the process of bringing in the second group of Syrian migrants. He explained that the government will give priority to Syrian students in Malaysia who want to bring their families and families of Syrian

workers working in Malaysia (Kate, 2014). Zahid also said the Syrian immigrants would not be granted a Malaysian passport, but emergency travel documents as they do not have international passports (Bernama, 2016). Ahmad Zahid also launched the Syria Immigrant Humanitarian Fund with the collaboration of nine non-governmental organisations. Due to concerns from certain quarters, Zahid further downplayed the danger Syrians may cause if terrorists found their way through the refugee umbrella; he pledged that thorough screening will be done with the cooperation of Interpol and the UNHCR to ensure they are bonafide refugees (Bernama, 2016).

## RECOMMENDATIONS

Even though Malaysia has strict immigration rules that prohibit illegal entry into the country including severe punishment for anyone found guilty of doing so, exceptions were granted on humanitarian grounds. It is also important to note that by allowing these refugees to stay, the state is not playing an active role in protecting them or their rights. Instead, the UNHCR (since 1975) and other NGOs, including religious-based organisations, have played a crucial role along with the Malaysian government to ensure protection of refugee rights. Malaysia successfully handled a major refugee crisis almost 30 years ago in what was known as the international Comprehensive Plan of Action (CPA) for Indochinese Refugees. An exodus of Vietnamese refugees to Malaysia in the 1970s and 1980s led to the drafting of the CPA in Kuala Lumpur in March

1989, and its subsequent adoption at the international conference in Geneva in June of the same year (Coutland, 2004).

The CPA was set up to not only stop the flow of boat people from Vietnam, Cambodia, and Laos but also provided a framework for refugee status determination for asylum seekers from these countries and their voluntary repatriation and resettlement to third countries. Consensus was achieved between the countries of origin, host countries of the first asylum, including Malaysia, and third countries. Under this agreement, Malaysia accepted around 250,000 boat people from Indo China who were settled at the Pulau Bidong refugee camp in Terengganu. Malaysia provided temporary protection to these refugees at that time because of coordination with third countries and countries of origin, while those sheltered at refugee camps in Malaysia were processed by UNHCR to determine their refugee status. Once they were proven to be entitled to the refugee status, third countries such as Australia, the United States, and the European States resettled them. The international consensus among different countries and the leadership of the UNHCR were key factors in this successful example of what was termed *burden-sharing* in solving major refugee issues (Assalam, 2015).

This study suggests that Malaysia officially recognises the presence of refugees within its territory by regulating the group and facilitating enjoyment of their rights. By not recognising the rights of refugees, such as their right to education, many of

these refugees may become illiterate and indulge in other social problems. Education has always been considered a key factor to guarantee social stability of a community; it is also vital to stop violating human rights of refugees. By deporting refugees, Malaysia is contributing to human trafficking and smuggling, since traffickers are known to take advantage of refugee deportations. Since its economy relies so much on migrant workers, the country should allow working age refugees to join the local workforce after adequate screening. This will make it easier for the government to weed out economic migrants. It is timely Malaysia devises a specific legal and institutional framework to deal with refugees in the country. The law should also require the establishment of an independent refugee screening mechanism which is subject to appeal and judicial review. It was recently reported that syndicates were selling falsified refugee identity cards. As a result, the UNHCR in Malaysia launched a tamper-proof identity card on 21<sup>st</sup> May 2016. Its representative in Malaysia, Richard Towel, believed that with enhanced security features, it will not only give refugees protection but also to 'soften' Malaysia's approach to the refugees, namely enabling the latter to secure jobs and ensuring proper education for their children, which hopefully would lead to stability in their lives. Towel also had indirectly appealed to Malaysian authorities to accept refugees already in Malaysia, since they viewed Malaysia as their final destination rather than a transit point. As of April 2016, there were 154,140 refugees

and asylum seekers registered with UNHCR in Malaysia. More than 90% of them were from Myanmar, while the rest were from Sri Lanka, Pakistan, Somalia, Syria, Iraq, Yemen, Palestine, and Iran (Rashvinjeet, 2016).

However, this appeal did not go well with Malaysian authorities. Deputy Home Minister, Nur Jazlan, criticised UNHCR for pressuring Malaysia to take greater responsibility arguing that Malaysia had accommodated the refugees based on UNHCR's request, but only on the understanding that Malaysia was a transit country and not a final destination for refugees as UNHCR had tried to suggest. Jazlan further asserted that UNHCR's statements ran contrary to the spirit of the Federal Constitution as well as the sensitivities of Malaysians (Tasnim, 2016).

## CONCLUSION

Malaysia's ability to address the refugee situation would be more fruitful if all the ASEAN member states extend their cooperation to deal with this humanitarian crisis. The association does have a precedent in effectively dealing with regional disasters, for instance, it played a leading role in the humanitarian response to Myanmar's Cyclone Nargis in 2008. Nonetheless, recommendations contained in the report of ASEAN Parliamentarians for Human Rights should be adhered to, such as expanding the mandate of the AIHCR to include country visits, inquiries, complaints, and emergency protection mechanisms, and ensuring adequate independence and staffing support.

This could help to improve the domestic plight of refugee problem, and the region's overall limited capacity to address human rights. Nevertheless, it is hoped that the current step to issue the new refugee card in Malaysia will improve the situation.

The challenges lie not only in managing the increase in the number of refugees and other persons of concern who fall under its mandate but also because UNHCR's duty of screening asylum seekers on behalf of or in lieu of a state's machinery is tainted with issues of credibility and fairness. There are also problems when states completely ignore UNHCR's work while letting the office carry out status determination of the refugees. Simultaneously, UNHCR has no outright control over state matters, which makes its effort less effective. Even with direct assistance from the UNHCR, refugees and asylum seekers find themselves with an uncertain legal status; identification papers are not recognised. Although UNHCR is allowed to operate in Malaysia to process applications for refugee status, the actual weight attached to UNHCR identity papers or documentation is highly questionable. In other words, even though the authorities accept the UNHCR's presence, their powers are not recognised.

Malaysia has a good track record accommodating refugees but it remains unrealistic for Malaysia to host several thousand refugees without any legal stand. On the other hand, the country's efforts have not received due recognition from the UNCHR, as it is not a signatory to the 1951 Convention on Refugees (Human

Rights Watch, 2004). Therefore, whether Malaysia keeps the status quo or not remains to be seen. Nevertheless, Malaysian authorities need to consider every aspect, most importantly, national interest, and conformity with domestic law before finalising a decision to grant these migrants a formal refugee status.

## REFERENCES

- Ahmad, S. P. M., Sulhairil, H. H. S., Muhammad, F. O., Mohd Ashraf, C. J. Y., & Hudrus, H. (2011). The phenomenon of human trafficking activities in Southeast Asian. *International Journal of Humanities and Social Science*, 1(13), 168-177.
- Ahmad, Z. (2016). *Security screening required for Syrian refugees in Malaysia*. Retrieved from <http://english.astroawani.com/malaysia-news/security-screening-required-syrian-refugees-malaysia-ahmad-zahid-94258>
- Harriet, S. (2011). *Australia-Malaysia asylum seeker transfer agreement*. Retrieved from [https://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/FlagPost/2011/July/Australia-Malaysia\\_asylum\\_seeker\\_transfer\\_agreement](https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/FlagPost/2011/July/Australia-Malaysia_asylum_seeker_transfer_agreement)
- Assalam, A. J. (2015). *Malaysia's refugee policy leaves lives in limbo*. Retrieved from <http://asiapacific.anu.edu.au/newmandala/2015/08/04/malysias-refugee-policy-leaves-lives-in-limbo/>
- Bernama. (2016). 300 Syrian immigrants due to arrive in Malaysia this year. *The Sun Daily*. Retrieved from <http://www.thesundaily.my/news/1809372>
- Bram, S. (2005). Last Vietnamese boat refugee leaves Malaysia. Retrieved from <http://www.unhcr.org/43141e9d4.html>
- Chang, C. (2015). *Rohingya refugees buried in mass graves in Thailand*. Retrieved from <http://www.news.com.au/world/asia/rohingya-refugees-buried-in-mass-graves-in-thailand>
- Cockburn, P. (1994). *US finally ends Vietnam embargo*. *Independent*. Retrieved from <http://www.independent.co.uk/news/world/us-finally-ends-vietnam-embargo-1391770.html>
- Coutland, W. R. (2004). The comprehensive plan of action for Indochinese refugee, 1989-1997: Sharing the burden and passing the buck. *Journal of Refugee Studies*, 17(3).
- Guy, S. G., & Jane, M. (2007). *The Refugee in International Law* (3<sup>rd</sup> ed.). New York: Oxford University Press 1:15.
- Hathaway, J. C. (2002). Who should watch over refugee law? *Law quad. notes* 45(1), 54-7. Retrieved from <http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1703&context=articles>
- Human Rights Watch. (2004). Aceh under Martial Law: Problems faced by Acehnese refugees in Malaysia. *Human Rights Watch*, 16(5), 12.
- Kate, M. (2014). *Malaysia's stranded Syrian refugees*. Retrieved from <http://www.aljazeera.com/indepth/features/2014/02/malaysia-stranded-syrian-refugees-201421174821761925.html>
- Lamvi, D., Rosli, M., & Ghani, I. (1992). *Boat people legacy*. Retrieved from <http://pulaubidong.org/pulau-bidong-island>
- Mark D., & Peter C., (2015). *Migrant crisis: Rohingya buried in mass graves near Thailand authorities*. Retrieved from <http://www.abc.net.au/news/2015-06-22/rohingyas-secret-graves-of-asias-forgotten-refugees/6561896>
- Martin, D. A. (1997). Refugees and migration. In C. C. Joyner (Ed.), *The United Nations and International Law*. Great Britain: Cambridge University Press
- McInnes, C., & Mark, G., (2007). Post-cold war security issues in the Asia-Pacific region. Retrieved from <http://www.tandfonline.com/doi/abs/10.1080/13523269408404064?journalCode=fccsp20> Frank Cass & Co. Ltd. (83)

- Melander, G. (1987). Refugees with no country of asylum: Strategies for third-country resettlement. In J. R. Rogge (Ed.), *Refugee: A third world dilemma*. New Jersey: Rowman & Littlefield.
- Muntarbhorn, V. (1992). *The status of refugees in Asia*. London: Clarendon Press
- Paul, C. (2015). *Thailand must end its own Rohingya atrocity*. Retrieved from <http://the diplomat.com/2015/10/thailand-must-end-its-own-rohingya-atrocity/>
- Rashvinjeet, S. B. (2016). UNHCR Malaysia to launch new identity card to prevent fraud. Retrieved from <http://www.thestar.com.my/news/nation/2016/06/20/unhcr-malaysia-to-launch-new-identity-cards/>
- Refugees in Malaysia, Real People, Real Needs: World Refugee Day 2009. (2009). *Kaladan News*. Retrieved from: <http://www.skyscrapercity.com/showthread.php?t=894884>
- Tasnim, L. (2016, June 22). Nur Jazlan Warns UNHCR: Do not blackmail Malaysia. *New Straits Times*. Retrieved from: <http://www.nst.com.my/news/2016/06/153628/nur-jazlan-warns-unhcr-do-not-blackmail-malaysia>
- The UN Refugee Agency. (2016). *Flowing across borders*. Retrieved from <http://www.unhcr.org/pages/49c3646c125html>.
- United Nations High Commission for Refugees. (2016, February 20). The UN Refugee Agency in Malaysia retrieved from [http://www.unhcr.org/my/About\\_Us-@-UNHCR\\_in\\_Malaysia](http://www.unhcr.org/my/About_Us-@-UNHCR_in_Malaysia)