

GLOBAL MIGRATION  
RESEARCH PAPER  
N°20 | 2018

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# **The Rohingyas Beyond Domination and Resistance**

## **A Case Study on Refugees' Innovative Strategies**

Cecilia Truffer

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The Rohingyas Beyond Domination and Resistance: A Case Study on Refugees' Innovative Strategies

ISBN 978-2-8399-2352-1

The Global Migration Research Paper Series – N° 20, 2017

The Global Migration Research Paper Series (ISSN 2296-9810) is published by the Global Migration Centre (GMC).

Located in Geneva, the world capital of migration, the GMC offers a unique interface between academia and the international community. The GMC conducts advanced research, policy-relevant expertise and training on the multifaceted causes and consequences of global migration.

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## **ABSTRACT**

This dissertation explores refugees' capabilities of inventing creative agencies to establish safeguard and solidarity in situations of hardship. Drawing on the field of legal anthropology, the aim is to analyse these strategies beyond the binary axis of domination *versus* resistance. While recognising the vulnerability of refugees resulting from the context in which they are situated, this analysis does not perceive refugees as merely helpless victims devoid of agency, nor as simple actors of resistance to grasp the complex interrelation between governance and opposition. This theoretical debate is illustrated with a case study on the exiled Rohingyas in Malaysia. Based on my fieldwork in Malaysia, mainly Kuala Lumpur, I discuss the extent, to which the Rohingyas are able to make use of the *liminal* space in which they find themselves to sustain their lives, support each other, collaborate and dream.

**Keywords:** Rohingyas; Resistance; Refugee; Malaysia; Domination; Agency; (In)formality

To all the young Rohingyas, whose resilience, courage and aspirations  
I deeply admire.



During an informal conversation with 29-year-old Faizal Islam\*, he figuratively described the situation of the Rohingyas as a hand striving towards the sky – symbolic for the Rohingyas’ constant ambitions and attempts to improve their living conditions – that is pulled down by another hand representing the different actors hindering them to do so.

This graphic shall signify the Rohingyas’ struggle for freedom. It pays homage to all the courageous Rohingyas passionately devoted to enhance the situation of the Rohingyas to the betterment.

\*Name changed for confidentiality matters

## ACKNOWLEDGMENTS

I am grateful to all the people, who welcomed me and devoted their time to my research. First of all, I express my thankfulness to all the Rohingyas, who invited me to their homes, shared their intimate stories with me, and allowed me to widen my horizon beyond the context of academic research. *Shukurya!* Also, I would like to thank my supervisor, Professor Monsutti, without whom this project would have never happened in the first place. Thank you for your great encouragement, support, and expertise. A heartfelt thanks to Mahi, who enabled me to gain access to the field and who was always there as a shoulder to cry on. I am thankful to Professor Kamal for all the valuable insights on the Malaysian context and the great *kopi*-times. I am sincerely appreciative of all my friends, especially Mariel, Mona, Eugenia, Sonja and Veera, who patiently listened to my concerns and fears, who proofread drafts of my work, and who so often provided me with useful advice. My gratitude also goes to the amazing support of all the ANSO friends. The last two years in your company was truly a pleasure and a sheer inspiration. Also, I am deeply indebted to my parents, without whom this work would have never been possible. *Merci* for your eternal support during this long educational journey. Last but not least, I would like to thank Fabi for being who you are. Thank you for your great encouragement, your sympathetic ear, your understanding and consent to let me leave so often.

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## ABBREVIATIONS

APHR	ASEAN Parliamentarians for Human Rights
APRRN	Asia Pacific Refugee Rights Network
ARC	ASEAN Rohingya Centre
ASEAN	The Association of Southeast Asian Nations
CAP	Comprehensive Action Plan
DAP	Democratic Action Party
DECRA	Discovery Early Career Researcher Award
FIDH	International Federation for Human Rights
IC	Identification Card
MYR	Malaysian Ringgit
NGO	Non-governmental Organisation
NLD	National League for Democracy
PROHAM	Society for the Promotion of Human Rights, Malaysia
RBO	Refugee Based Organisation
RELA	<i>Ikatan Relawan Rakyat</i> (Malaysian Volunteers Corps)
RFC	Rohingya Football Club
RSD	Refugee Status Determination
UMNO	United Malays National Organisation
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
USD	United States Dollar



## INTRODUCTION

The case of the Rohingyas has increasingly hit the headlines since the renewed outbreak of violence in Arakan in early October 2016. The United Nations (UN) depicts the Rohingyas as one of the world's most persecuted minorities and the media emphasises their desperate plight, suffering and vulnerability. Such statements are indeed highly crucial to raise awareness about the disastrous conditions in which the Rohingyas live in Myanmar,<sup>1</sup> and to put pressure on the Burmese government to change its minority policy. Yet, they overtly ignore the potential agency of the Rohingyas themselves. Whilst I do acknowledge the Rohingyas' precarity, I perceive it as inevitable to shed light on their capacities to react, deal and resist these oppressive structures of domination in which they are situated in order to grasp the complexity of their situations.

Against this background, the aim of this dissertation is to analyse the issue of refugees<sup>2</sup> as agentive actors in relation to prevailing control mechanisms. The topic is embedded in the study of power relations, which is often addressed by means of the binary concepts of domination and resistance (Campell and Heyman 2006, 1). However, this paper does not perceive domination as a rather fixed, institutionalised, monolithic and repressive form of power and resistance as the organised form of opposition to this domination (Ortner 1995, 174). Following Foucault's notion of power and resistance as intrinsically intertwined, as well as his attention to less institutionalised, more pervasive and more ordinary types of power (Ortner 1995, 175), and Scott's (1985) attention to less organised, more widespread and more *everyday forms of resistance*, a dynamic perception of power relations is adopted.

Moving away from the Agambenian scholarship, which highlights the growing control and domination of mobility and leaves little to no space for refugee agency, this dissertation contributes to the study of refugee activism and resistance. Yet, while it draws attention to refugee capabilities, it dissociates itself from the autonomy of migration research that reverses the control- and state-centred perspective by (over-) stressing migrant and refugee agency and perceiving flight as a "social and political movement in the literal sense of the words" (Papadopoulos et al. 2008, 202). The construction of this research object comes closest to Malkki (1995), one of the pioneers in legal anthropology, who offers a middle course between the aforementioned two rather radical discourses. Instead of considering refugee camps

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<sup>1</sup> Burma and Myanmar are politically charged and contentious labels that are applied according to general usage patterns and belief systems (Hoffstaedter 2015:3). In my fieldwork in Malaysia, I observed that the older Rohingya generations called the country Burma, whereas the younger ones named it Myanmar. The same applies to Rangoon and Yangon. Age disparity might explain the different usage of these terms, since the military junta changed the name Burma into Myanmar and Rangoon into Yangon in 1989, a time, around which most of the younger Rohingyas I conducted interviews with were born. Both expressions Burma and Myanmar are used interchangeably in this dissertation without any political motivations.

<sup>2</sup> In this paper, the term 'refugee' denotes people, who are forced into decisions to leave their homes and seek shelter elsewhere, regardless of the legal label that might be imposed upon them. Although they are forced to flee, refugees are never conceived as devoid of agency, but rather as making decisions about their flights (Korac 2009, 8).

simply as places of domination, Malkki (1995a, 236-7) also identifies the potential for resistance within the restrictive setting of them and dismisses Agamben's (1998) identification of refugees as *bare life* – people devoid of any politically qualified life. Crucially, while conceiving refugees as social actors responding to practises of *governmentality*, Malkki (1995a, 237) claims that sovereign power structures still restrict these instruments of resistance. Hence, she counters not only the Agambenian scholarship, but also the autonomy of migration. Drawing on Malkki's perspectives (1995), the objective of the paper is to challenge the dualism of dominance and resistance still persistent in a great number of academic works on refugees. To understand the dynamic relationship between domination and resistance, the following key research question is analysed: To what extent are refugees capable of cultivating agencies beyond domination and resistance to establish safeguard and solidarity?

The theoretical framework is illustrated with a case study on the Rohingyas' possible abilities and constraints to develop agentic strategies in Malaysia – one of their main countries of flight, which is non-signatory to the 1951 Refugee Convention and its 1967 Protocol. Remaining an academically under-researched topic, the selection of the Rohingyas as research subjects is significant. The choice of Malaysia as the site of this study appears vital due to anthropology's general neglect of exploring migration issues related to the region of Asia and the usual setting of analyses of refugee resistance and agency in Western contexts (Fassin 2011, 222; de Vries 2016, 3). To comprehend the role of power relations in the lives of the Rohingyas and their potentials for creating cooperation and safeguard in Malaysia, the following sub-research questions are assessed:

1. To what extent are the Rohingyas in Malaysia able to develop innovative strategies? And what can be identified as probable obstacles to this undertaking?
2. How can the agencies of the Rohingyas be interpreted in terms of more dynamic perceptions of power relations?

### *Structure*

To analyse the research questions and illustrate my arguments, the dissertation is divided into five main chapters. Chapter one outlines the existing debate around the term 'Rohingya', the socio-political circumstances of the Rohingyas in Myanmar and contextualises their situations in Malaysia. Subsequently, it analyses the Rohingyas' entanglement in a complex web of power relations influencing their lives in Malaysia, while structures of domination are perceived as feeding resistance instead of merely preventing it.

The second chapter examines the implications of Malaysia's non-compliance to international refugee protection mechanisms and its lack of an official refugee policy, as well as the simultaneous existence of an informal framework related to the management of refugees. In grasping this reality as politics of intersecting (in)formality, I argue that it has both an af-

firmative and oppressive impact on the Rohingyas' strategies, as it is beneficial and detrimental at the same time.

Chapter three draws on the different everyday forms of resistance (Scott 1985), which the Rohingyas apply to gain and secure access to basic needs, including housing, work, healthcare and education. To analyse the Rohingyas' capacities of developing and sustaining agencies beyond the binary domination-resistance axis, de Vries' (2016) conceptual framework of a dynamic *play of (in)visibility* is employed.

In the fourth chapter, the Rohingyas' communication and negotiation strategies are assessed. In addition, their abilities to carve out a space of cooperation, support and solidarity in Malaysia beyond the formal asylum system is examined, whilst turning attention to the role of the British colonisers and the Burmese government hereof.

Finally, by discussing the emergence of new opportunities among the younger Rohingya generations, chapter five focuses on more alternative forms of agency, namely refugee aspirations as well as the strategies and activities that evolve from these dreams.

### *Methodology*

In addition to a review of secondary literature related to the topic of the dissertation, qualitative ethnographic fieldwork for the case study on the Rohingyas was undertaken in Malaysia from August 2016 to February 2017. Most of the research was conducted in Kuala Lumpur area such as Ampang, Batu Caves, Klang, Puchong and Selayang, while field visits were also made to Johor Bahru and Kuantan. Before leaving to Malaysia, several Rohingya experts warned me about the potential unfeasibility of the intended fieldwork for reasons such as the likelihood of putting the research subjects at risk, the Rohingyas in Malaysia being unwilling to cooperate due to their enduring predicament, the inability to communicate with the Rohingyas because of an existing lack of English-speaking Rohingyas, the difficulty of obtaining accurate data, the project being too complex and frustrating for me as a newcomer in the field, and my own presence as a young European woman being disturbing to the largely male Rohingya society in Malaysia. After having heard this advice, my confidence in the research plan decreased and I spent much time agonising over whether to pursue it, how to design the entry point into the field, how to represent myself, how to ensure that I would not endanger and re-traumatise the researched, how to establish reciprocity, and so forth. With the encouragement and support of my supervisor, I finally decided to give it a try. Overall, many of the aforementioned initial concerns rapidly appeared as unjustified and within two weeks after my arrival in Malaysia, I managed to enter the field and quickly became immersed.

Referring to Halilovich's (2013, 131-2) assumption that research on refugees cannot be objectively neutral or apolitical, as it is conducted in politically complex, emotionally

charged and sometimes dangerous environments of forced displacement, I chose to play a more pro-active role by carrying out action-based fieldwork. Over the course of my research, I was teaching English in two different refugee schools, organising two reproductive health sessions for Rohingya women and men, and doing advocacy work. This approach and the presentation of myself as a researcher and Rohingya advocate enabled me to cultivate and maintain reciprocal, mutually trusting and appreciative relationships with my research assistants. While the Rohingyas in Malaysia exhibited a significant level of mistrust, they seemed to be rather trusting towards me, mainly because I appeared as a comparatively neutral actor to them.<sup>3</sup> Being conscious about the limits of my capability to contribute to the improvement of the Rohingyas' situation on the one hand, and the entailed risk of action-based research compromising the rigour of the data on the other, a constant self-reflection was critical throughout the conduct and evaluation of the fieldwork.

Besides countless informal exchanges, 50 unstructured and semi-structured interviews were conducted with mainly Rohingyas from different networks, but also with politicians, workers from community-based associations and non-governmental organisations (NGOs), activists, journalists and researchers. The conversations were held either in English or in the Rohingya language with Rohingya interpreters. By virtue of their insider status, the role of those interpreters, or research assistants as I call them, proved invaluable, as they contributed much to the understanding of particular codes and practices as well as the analysis of the data. The willingness of these young Rohingyas to support my research project, their enthusiasm for discussions about issues related to the topic of my dissertation (and far beyond that), and their readiness to spend a large amount of time interpreting for me without ever requesting compensation demonstrate their deep aspirations to not only engage themselves for their own people, but also to extend their knowledge about the Rohingyas' obstacles to improve their living conditions. These circumstances illustrate my assumption that the Rohingyas are indeed social actors, who make meaningful decisions. Their agency, coupled with the fact that I am in the same age group as they are, considerably facilitated my entry into the field.

Prior to the start of each interview, the objective of the study was elucidated, anonymity and confidentiality guaranteed, and informed verbal consent attained. In addition to interviews, other research tools were used for data collection such as (participant) observation, focus groups, interpretation of material and visual objects, attendance at events and conferences, triangulation, and life histories. I sought to interview Rohingyas of different ages, regions, educational levels, places of residence in Malaysia and genders. Due to the high inaccessibility of female Rohingya interlocutors, the voices of Rohingya women are underrepre-

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<sup>3</sup> During one of the discussion rounds I had with my research assistants, someone explained that they trusted me because of my perceived non-affiliation with either Malaysia or Myanmar nor with any humanitarian organisation.

sented in this study. The diversity of the sample of interviewees is further constrained by the fact that I was more intensely engaged with younger Rohingyas (aged between 18 and 31 years) with a relatively higher level of education. In general, I observed a rather salient disparity between the older and younger Rohingyas in terms of their mental conditions. The younger Rohingyas showed greater optimism and trust in the betterment of their futures, whereas the feelings of the older generations, who live much longer in a predicament, were characterised by a considerable lack of hope. The divergence of these findings may also be attributed to the fact that I developed much closer, more trusting and long-lasting relationships with the younger Rohingyas, which created the opportunity for more profound discussions.

For the high sensitivity of the research topic and the context, to which the research subjects are vulnerable,<sup>4</sup> the names of the quoted Rohingyas appear as pseudonyms.

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<sup>4</sup> This study concurs with Block et al. (2013, 5-6) regarding the contested nature of the term 'vulnerability'. Instead of assuming refugees as vulnerable people *per se*, their potential vulnerability is perceived as resulting from the context in which they are situated.

## 1. THE ROHINGYAS AND THEIR FLIGHTS TO MALAYSIA

The term Rohingya is a highly sensitive and emotionally loaded word “[...] that has become intertwined with a sense of shared grievances and debate over collective identity [and history], a high-stakes claim by [...] [a group identified as Rohingyas] to citizenship and its associated rights and privileges” (Thawngmung 2016, 529), as well as a legitimisation for the demanded systematic persecution and forceful expulsion of this group by the Burmese government and its anti-Muslim monks. The controversy about the Rohingya terminology and its *either* clear advocacy *or* strong rejection is inevitably connected to two existing polarised historiographies charged with particular symbolic and political motives. While both stances might contain elements of truth and since the objectives of this dissertation are others than a careful investigation of the Rohingyas’ origin, this debate is outlined only briefly. One theory, mainly represented by Rohingya advocacy groups, some scholars, as well as international and intergovernmental associations such as the UN, suggests that the Rohingyas are of mixed Muslim origin, who resided in Arakan well before the First Anglo-Burmese War starting in 1824 (Ibrahim 2016, 6, 20-1, 25; Singh 2014, 7; Yegar 1972, 18-25). The fact that the term ‘Rohingya’ derives from ‘Rohang’, the ancient name of Arakan, justifies this argument (Long 2013, 81).

A crucial interpolation at this point is the emphasis on the Rohingyas’ preference of the label Arakan over Rakhine, which signifies an essential politics of naming. Arakan transformed into Rakhine by the military dictatorship in 1989, is the state where most of the Rohingyas reside in Myanmar. It is situated on the western coast of Burma, bordered by the Chittagong Division of Bangladesh to the northwest and chained off from the rest of the country by mountains.<sup>5</sup> The Rohingyas’ tendency to call the state Arakan can be read as a politically inspired one, since the change of the name Arakan to Rakhine entails the government’s solidification of Rakhine as the home state of the officially designated Buddhist majority (Ahmed 2010, 2). The Rakhine Buddhists, increasingly referred to as Rakhines, and the Rohingyas live in heightened competition and tension. The state’s name transformation thus negates “[...] the Rohingya’s ‘nomadology’, [...] erase[s] entirely their version of history” (Azis 2012, 31). Being aware of the implied political prejudice, the term Arakan is utilised in this paper to best represent the Rohingyas’ perspectives. Instead of merely being a work *on* the Rohingyas, the underlying aim of my dissertation is to be a text composed together *with* the Rohingyas.

The Burmese authorities, the majority of the Burmese Buddhist population and certain scholars such as Jacques Leider (2014) advocate the second explanation, which counters the narration of the Rohingyas’ indigeneity to Arakan. They denounce the Rohingyas as

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<sup>5</sup> For a map of Myanmar, see appendix 1.

Bengalis due to their linguistic and physical similarities with Chittagongs and the absence of the term Rohingya in historical sources except for one. According to Leider (2014, 3), the Rohingya identification has been construed since the 1950s to legitimise their demands “[...] to be recognised as a culturally distinct Muslim community with a project of political autonomy” in Arakan. From the time when the military regime took power in 1962, the Burmese government has been upholding that the Rohingyas are Bengalis, who settled in Arakan after 1824 (Long 2013, 82). Based on the Myanmar government’s identification of the Rohingyas as illegal immigrants from Bangladesh, the Citizenship Law implemented in 1982 deprives them of their citizenship, renders them stateless and strips them of basic rights (Ibrahim 2016, 8). The military regime’s discriminatory thinking against the Rohingyas, which initially began as a scapegoating exercise, has gradually been absorbed by the wider Myanmar public and has been deeply engrained today (Ibrahim 2016, 4). The inter-communal tensions between Burmese Buddhists and Rohingya Muslims and the systematic persecution of the latter, which hit another peak with the outbreak of a repeated wave of violence between Rohingyas and Burmese security guards in Arakan in October 2016, is perceived to be rooted in the British colonisation period (Ibrahim 2016, 26-9; Long 2013, 87, 93).<sup>6</sup> As a consequence of the given conditions in Burma, many Rohingyas seek refuge in other countries such as Bangladesh, Saudi Arabia, Malaysia, Thailand, India and Indonesia.

In this paper, the Rohingyas are deliberately designated as refugees. Since the Malaysian government officially lacks a refugee policy and consciously avoids the ‘r’-word in its discourses, the description of the Rohingyas as refugees might risk a specific political positioning. Embracing a nominalist perspective that understands refugees as social constructions, I am cognisant of the sensitivity inherent in labelling processes (Malkki 1995; Moncrieffe 2007; Zetter 1991, 2007). Consisting of biased categories developed under certain conditions and serving particular purposes, the refugee label appears as an externally produced political classification imposed upon the people (Gupte and Metha 2007, 64-5; Zetter 1991, 48). Consequently, this top-down approach leads to a homogenisation of refugees, while often ignoring their diversity (Gupte and Metha 2007, 72, 75; Malkki 1995b, 511). Instead of a single, unitary and homogenous group, refugees are rather internally divided by virtue of factors such as age, gender, status, position and perspective (Ortner 1995, 175). As

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<sup>6</sup> The British colonisers’ establishment of a secular political system detached from the traditional Theravada polity after the First Anglo-Burmese War in 1824-6 created anti-colonial sentiments and suspicion among the Buddhist society, which later developed into the Burmese nationalists’ independence movement (Long 2013, 88-9). The British inclination to appoint Indians in colonial administrative and civil service structures deteriorated the strained situation, reinforcing the Buddhists’ anti-British feeling and the minorities’ (including the Rohingyas) pro-British sentiments (Ibrahim 2016, 26). During World War II with Japan’s invasion in Burma, the Rohingyas remained loyal to the British, which resulted in an ethnic conflict between the Rohingyas and Rakhine Buddhists and so, aggravated the divisions along religious and ethnic lines (ibid.). The military regime’s takeover sought to maintain its moral legitimacy according to the totalising Buddhist cosmology that dominated Myanmar’s political landscape before colonisation. During this period, the military began depicting non-Buddhist minorities as a threat to the Burmese Buddhist laity, leading to the internalisation of nationalistic xenophobia (Long 2013, 89).

a result, stigmatisation, de-contextualisation and alienation of the categorised people can be the outcome of institutionalising refugee statuses (Gupte and Metha 2007, 64, 70, 75; Zetter 1991, 44). Yet, refugees themselves simultaneously use or transform these labels into effective tools of power to achieve their rights and secure political space (Moncrieffe 2007, 3; Zetter 2007, 183). Following Brubaker's (2005, 12) notion of diaspora, I perceive the word refugee as a *category of practice*, which is used to make claims, articulate expectations and formulate identities for particular purposes in specific social and political environments. It is in this sense that the refugee label is employed in this study, since the Rohingyas firmly identify themselves as refugees and use this term to advocate entitlements and justify disentanglements.

The Rohingyas seeking refuge have been arriving in Malaysia since the 1980s and in bigger numbers since 1992 (Lego 2012, 81). They are primarily attracted to Malaysia for being a stable Muslim country (meaning a state with a majority Muslim population)<sup>7</sup>, as the Rohingyas have pre-established social networks, and as crossing Malaysia's rather permeable borders and finding informal work are relatively easy. Yet, despite sharing the same religion as the state-favoured Malays, the Rohingyas do not meet the pre-conceived perceptions of an ideal Malaysian citizen,<sup>8</sup> as they lack the economic and racial<sup>9</sup> characteristics, which the state prefers (Azis 2014, 840). Consequently, despite their long-term residencies, the Rohingyas continue to be excluded in Malaysia and are considered as short-term sojourners, who remain constantly in "[...] a state of precariousness that facilitates their exploitation" (Fassin 2011, 218).

While this study does not focus on the issue of gendered refugee relationships, it nevertheless wishes to underscore the Rohingyas' differentiated gendered experiences. According to Aegile Fernandez<sup>10</sup>, co-founder and director of the Malaysian human rights organisation Tenaganita, the rate of domestic violence is tremendously high among the Rohingyas in Malaysia, mainly due to the violence and trauma, which they experience. The assertions of Rashida,<sup>11</sup> a 31-year-old Rohingya woman, epitomise the fact that the younger, more educated Rohingyas interpret the women's subordinate positions and silencing as barriers to an inclusive improvement of the Rohingyas' living conditions:

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<sup>7</sup> While Article 3 (1) of Malaysia's constitution states that Islam is the religion of the federation, a debate exists in Malaysia around the questions of whether Malaysia is a secular, an Islamic, or a hybrid between an Islamic and secular state (Hoffstaedter 2013, 479). According to the results of a 2005 Muslim Identities Public Opinion Survey, 73 % of queried Malays believed of Malaysia as already being an Islamic state (Hoffstaedter 2013, 286).

<sup>8</sup> In Malaysia, where the Malays enjoy a beneficiary position of positive discrimination, primordial and essentialist approaches to identity are dominant. Critically, being Muslim is closely associated to being Malay.

<sup>9</sup> The term 'race' is understood in its Malaysian context, where debates about ethnicity and race that are in themselves considerably disputed identity markers, are amalgamated to mean the same thing and have a powerful impact on the state's interest in maintaining the boundaries of the Malay identity (Hoffstaedter 2011, 18, 49).

<sup>10</sup> Penal discussion at the closing of Saiful Huq Omi's photo exhibition in Publika/Kuala Lumpur, 21.12.2016.

<sup>11</sup> Interview conducted in Imbi/Kuala Lumpur, 30.12.2016.



I believe that if a community does not respect their women and girls, if a community does not give space for the women, this community will never ever become a better society and a successful community. And it will take time to make men believe this. And even to make those girls believe that they can and have to be an active part in society. [...] The women think that they need to depend somehow on someone. This idea has been put into their brains by the system and the society for a long time. I am so sad to see these kinds of things.

The women's high dependency on their husbands is credited to first, an existing lack of education, which is especially profound among Rohingya women; second, the dreadful environment of persecution and women's constant risk of sexual abuse by police and military officers in certain states of Arakan that reinforce men's protectiveness of their women; third, the high prevalence of child brides, which is partly a reaction to point number two and the lack of resources in Arakan and Rohingya women in Malaysia; and fourth, the influence from "[...] traditional Indian culture, according to which the women are primarily responsible for the raising of children and management of households."<sup>12</sup>

Certain scholars such as Korac (2009, 9) and McConnachie (2014, 145) state that displacements can in particular circumstances undermine sociocultural norms and power hierarchies prevalent in the country of origin. Consequently, women may experience their lives in prolonged exile as opening up their gender space by reshaping gender patterns within and outside the household. In terms of the Rohingyas in Malaysia, there is a selected group of young Rohingya women attempting to stimulate a change in existing gender perceptions, which they perceive as confining. Their relatively higher level of education and their fluency in Malay and English may be interpreted as empowering factors. Yet, their agency still remains constrained by established gender roles. Older Rohingya men and particularly Rohingya leaders met the recent advocacy undertakings for the emancipation of females by a few aspiring young Rohingya women with refusal. The reported case of Junairah<sup>13</sup> exposes the sensitivity of this issue, since she received death threats from certain community leaders after having established a Rohingya women's association with the objective of empowering fellow Rohingya women. Also, Rashida<sup>14</sup> revealed that her male former Rohingya co-workers used to *envy* her as she, being one of the few employed Rohingya women, gained most of the attraction from the media and international organisations. "[T]hey even threatened me to kill my own family. The men of my community saw me as a threat. They thought I was taking their space and getting all the credits. But that was not true," Rashida explains.

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<sup>12</sup> Interview conducted in Ampang/Kuala Lumpur, 23.01.2017.

<sup>13</sup> Interview conducted in Gombak/Kuala Lumpur, 08.02.2017.

<sup>14</sup> Interview conducted in Imbi/Kuala Lumpur, 30.12.2016.

Out of the 150,845<sup>15</sup> refugees registered with the United Nations High Commissioner for Refugees (UNHCR) in Malaysia as of March 2017, 57,619 are Rohingyas.<sup>16</sup> Whilst there are no refugee camps in Malaysia, most of them live in urban areas (Wake and Cheung 2016, 6). The highest concentrations of Rohingyas are in Kuala Lumpur and the surrounding Klang Valley as well as Penang (Nah 2011, 276; Wake and Cheung 2016, 6). Kuala Lumpur, which is a unique node for populations looking for shelter in Malaysia mainly due to the UNHCR's location in the capital, is one of the main cities in Asia accommodating urban refugees (Asia Pacific Refugee Rights Network, APRRN, 2013 in Azis 2014, 839; Nah 2014, 147). Being one of the largest importers of labour in the region of Southeast Asia, the Malaysian authorities increasingly implemented restrictions and control mechanisms to regulate immigration flows (Lego 2012, 93; Nah 2014, 148).

Against the Rohingyas' widespread belief of being powerless to improve their own conditions, the following chapters reveal their capacities to invent and cultivate imaginative strategies to minimise their own vulnerabilities and to a certain extent, develop collective tactics in response to the challenges they experience. Although the Rohingyas' abilities to influence Malaysia's state policies in overt and systematic ways such as demonstrations or social movements is fairly limited, they exhibit a great amount of agency in advancing their claims through the application of more informal strategies. These agencies are conceived as *weapons of the weak* or everyday forms of resistance by virtue of their commonplace, less organised, ordinary nature, as Scott (1985, 36) states: "Everyday forms of resistance make no headlines. [...] Their [the perpetrators] safety lies in their anonymity." These everyday performances can be labelled as resistance insofar as they "deny or mitigate claims from appropriating classes" (Scott 1985, 302).

### **1.1. An Attempt to Situate the Rohingyas Within a Complex Web of Power Relations**

This section refers to Halilovich's (2013, 133) notion that "[w]hile it is critical not to treat refugees as powerless victims, it is also important to recognise the power relations in the contexts in which the research takes place." Negotiating their presence in Malaysia as a site of *liminality*, a phase *betwixt and between* characterised by ambiguity and unpremeditated existence (Turner 1967, 93), the Rohingyas are entangled in a convoluted network of power relations. They work towards an enhancement of their own protection and assistance, but the Malaysian border is omnipresent as a social reality in everyday situations (Hedman 2008, 370). Yet, the Rohingyas ingeniously create strategies to confront liminality and diminish the prevailing 'climate of diffuse and negotiated authority' (McConnachie 2014, 80).

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<sup>15</sup> Due to the high amount of people unregistered with the UNHCR, the actual number is much higher.

<sup>16</sup> UNHCR Malaysia, "Figures at a Glance", [https://www.unhcr.org.my/About\\_Us-@-Figures\\_At\\_A\\_Glance.aspx](https://www.unhcr.org.my/About_Us-@-Figures_At_A_Glance.aspx) (Last accessed: 24 May 2017).

While chapter four scrutinises the Rohingyas' internal dominating structures and the role of the British colonisers and the Burmese state hereof, this section examines other forms of governance present among the Rohingyas. Crucially, this sub-chapter focuses solely on power structures interpreted as the most dominant ones. Due to the limited period of the fieldwork and the scope of the project, this paper does not aim to deliver an all-encompassing analysis of the complex web of structures of domination in which the Rohingyas are ensnared.

### 1.1.1 The Rather Positive Stance Towards The Malaysian Government

By virtue of the state's structural establishment and maintenance of categorisations and labels such as legal/illegal<sup>17</sup> (Agamben 2005 and Malkki 1995 in McConnachie 2014, 10), it seriously restricts refugee agency and is thus read as a central power holder among the Rohingyas in Malaysia. Yet, despite the state's essential role, it is not an exclusive actor, as other players exercise political authority *beyond* the state as well (ibid). In the case of Malaysia, the government officially disallows refugees and subsumes them under the category of immigrants, who are either legal or illegal according to the documents they hold (Lego 2012, 76). As a consequence, undocumented immigrants including refugees are constructed as threats legitimising the tightening of immigration policies,<sup>18</sup> border control and securitisation mechanisms (Nah 2011, 222-3). While the Rohingyas tolerate constraints to a large extent and hardly express direct and public disapproval against the Malaysian government, they bypass rules and regulations by everyday forms of resistance (Scott 1985).

Accordingly, this study emphasises the agentic capabilities of refugees and dismisses the perception of refugees as mere victims. Yet, it distances itself from the autonomy of migration research that completely rejects any victimisation of refugees and opposes human mobility and resistance to the state's securitisation practices (Scheel 2013, 581). Following Abu-Lughod (1990, 41-2), I claim that by romanticising and heroizing refugees' potential resistance, the autonomy of migration approach fails to examine the complexity of prevailing power mechanisms. With reference to Foucault (1978, 1982), Abu-Lughod (1990, 42) perceives resistance as a *diagnostic of power*, arguing that the analysis of the "rich and sometimes contradictory details of resistance" can be significant to trace the "complex workings of social power".

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<sup>17</sup> Following de Genova (2002, 422, 424) and Fassin's (2011, 217) approaches to illegality and undocumented migrants, I perceive the categories 'illegal', 'undocumented' and 'irregular' not as fixed entities, but as products of immigration laws and hence, as socio-politically produced, analytical and flexible classifications characterised by high heterogeneity. Being aware of the problematic nature of these categories, they are nevertheless utilised in this paper interchangeably to represent Malaysia's formal identity classification scheme, which equates undocumented migrants with illegals.

<sup>18</sup> According to the immigration act, entry and stay in Malaysia without an acknowledged "[...] legal document is punishable by a fine not exceeding 10,000 Malaysian ringgit [MYR] and/or up to 5 years imprisonment, with offenders liable to a whipping of up to six strokes of the cane" (Nah 2014, 149).

Despite their terrible fear of the police, RELA (*Ikatan Relawan Rakyat*)<sup>19</sup> and immigration authorities, the great majority of Rohingyas show a rather positive perspective on the Malaysian government. Whether registered with the UNHCR or not, most Rohingyas express the feeling of gratitude to Malaysia for being *allowed* to stay in the country despite legally being denied to reside in Malaysia and being subject to potential arrest and detention. Yet, compared to Burma that not only excludes them as citizens, but in their eyes, also wishes to extinguish them, the Rohingyas assert that the Malaysian government treats them leniently. Due to this overall appreciation of Malaysia and their perceived vulnerability, the Rohingyas are utterly discreet in raising their voices against the Malaysian government. Many aver that their status as refugees does not authorise them to condemn Malaysia's policies. 34-year-old Nur Arafat<sup>20</sup> highlights: "We are refugees, so we cannot request anything from them [the Malaysian government]."

While the government as an abstract institution is rarely criticised, allegations and complaints at more tangible levels are ubiquitous. Holding the police, RELA and immigration authorities accountable for their daily difficulties, the Rohingyas hardly link these security networks with the government. In addition to their extensive fear of probable repercussions of castigating the Malaysian government on the whole, this disassociation of the police, RELA and immigration officials from the state apparatus can also be explained with the fact that "[...] the state as a unitary executive is central to our conceptual models of political power but it is often less central to people's *experience* of political power" (Scott 2012 in McConnachie 2014, 11).

### *Operasis*

Having tolerated the increasing presence of irregular migrants in the 1970s, the Malaysian government started implementing more rigid governance mechanisms over the entry and residence of non-citizens in the 1980s because of an apparent increase in the population of immigrants without lawful documents (Nah 2014, 148-9).

Besides regular police investigations, which the following chapters address in more detail, the Rohingyas portray *operasis* (immigration raids) as especially dominant determinants of their daily lives in Malaysia. *Operasis* are operational rounds, perpetrated by immigration officers often assisted by the police and civilian groups such as the RELA to arrest undocumented people (Nah 2007, 42). While these raids primarily target irregular migrant workers, all sorts of people are captured in these *operasis* despite being registered with the

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<sup>19</sup> The *Ikatan Relawan Rakyat* or the Malaysian Volunteers Corps is Malaysia's largest auxiliary police force. Created in 1972, it operates under Malaysia's Home Affairs Ministry and has power to stop, search and arrest people suspected of being illegal (Nah 2014, 149). The members of the people's volunteer corps are Malaysian citizens permitted to carry firearms, imprison individuals and enter properties without special permits.

<sup>20</sup> Interview conducted in Ampang/Kuala Lumpur, 26.12.2016.

UNHCR, or possessing work permits or person of concern letters from the UNHCR or other institutions (FIDH and Suaram 2008, 11). Instead of checking the validity of people's documents on the site of the immigration operations, the authorities take them into custody.<sup>21</sup>

Whereas during usual police enquiries, the Rohingyas maintain a certain degree of negotiation, there is no point of return if they are caught in *operasis*. When being captured in such immigration raids, they are brought to the police station for the verification of their documents. These investigations can last up to a fortnight. During this period, the arrested people independent of their status are barred from work and family. Although in general, verified UNHCR-cardholders are finally released from arrest, they can be remanded in custody up to 14 days. For this reason, not only the Rohingyas unregistered with the UNHCR, but also the registered ones construe *operasis* as powerful deterrents.

Despite this seemingly high degree of governmentability by the Malaysian authorities', this paper rejects Agamben's (1998, 28-9, 124) ideas of refugees as being reduced to bare life and living in a *state of exception* characterised by an increasing domination of mobility and the legitimacy of violence without punishment. While Malkki (1995a, 237, 336-7) acknowledges the *disciplinary* and *biopolitical* nature of refugee camps that Agamben (1998, 166) identifies as the modern *nomos*, she simultaneously identifies the potential for opposition within this restrictive setting. Instead of delineating refugee camps solely as exceptions in time and space, where refugees live as bare life, Malkki (1995a) depicts them as complex, material, historical socio-political places, which create new forms and meanings of politics, history and nationalism. Yet, in the context of a Foucauldian analysis, Malkki (1995a, 236-8) conceives refugees as agentive actors, but recognises sovereign power structures as still constraining their potential for resistance. Drawing on Malkki (1995a), de Vries (2016) and Monsutti's (2005, 2008) views, this study aims to contribute to the moderation of the dichotomous conception of domination and resistance, as it tries to analyse refugees' everyday strategies beyond the binary victim-resister axis.

Regarding the issue of *operasis*, unregistered Rohingyas working at sites frequently targeted by immigration raids like *pasar borongs* (wholesale markets) especially tend to be constantly alert. They employ specific tactics such as the meticulous calculation of flight routes, the collection of information about possible conducts of future raids and the shouting of warnings to their fellows when noticing an *operasi* truck. While the registered Rohingyas commonly remain on the premises during immigration raids, the *blank*<sup>22</sup> ones run away. They often cross nearby highways, which occasionally cause accidents and deaths. However,

<sup>21</sup> In Malaysia, detained non-citizens are legally subject to 14 days of custody before being presented before a magistrate, while citizens have the right to contact a legal practitioner within 24 hours of their arrest (Nah 2011, 288). Commonly, non-citizens under remand are prohibited from communicating with outsiders, which complicates the request for assistance (ibid.).

<sup>22</sup> The Rohingyas call refugees unregistered with the UNHCR *orang kosong* meaning *blank people* or people devoid of UNHCR-cards or other legal documents recognised by the Malaysian state.

there are also Rohingyas registered with the UNHCR, who employ such escape strategies. To avoid being arrested and remanded in custody, as his temporary absence would have a negative impact on his fish business, 34-year-old Mohammed Faizal,<sup>23</sup> who possesses a valid UNHCR-card, developed the strategy of bolting and hiding in nearby places together with the *blank* ones when detecting an *operasi* troop.

### 1.1.2 The Ambivalent Perspectives on the UNHCR

Despite Malaysia's lack of a formal refugee policy, the UNHCR office located in a hilly residential area in Bukit Petaling/Kuala Lumpur, which is non-accessible by public transport, remains one of the busiest refugee status determination (RSD) operations worldwide (Nah 2014, 154). Lego (2012, 92) emphasises the *state of exception*, which enables the UNHCR in cooperation with NGOs to establish informal mechanisms to realise the protection and assistance of refugees in Malaysia. According to her, the Malaysian state produces this state of exception from its non-adherence to the international refugee convention through its sporadic acknowledgment of *humanitarianism*. This "[...] appropriates a noble role for the Malaysian government while simultaneously distancing itself from the language of human rights or the rights of refugees and any obligation that the language of rights invokes" (Lego 2012, 91-2). One main effect of this exceptional nature is the *juridical indeterminacy* such as the recurring *unspoken quota* in terms of UNHCR's determination and registration of people as refugees for the purpose of avoiding criticism from the Malaysian government (Lego 2012, 90). Instead of construing Malaysia's allowance of certain exceptions for refugees as a way of acquiescing to the country's sovereignty, Lego (2012, 91-2) considers this to be an act of asserting it.

In the Rohingyas' narratives, the UNHCR emerges as a major player described as an exceptionally powerful institution. Many of the Rohingyas depict the UNHCR as the only actor capable of improving their living conditions in Malaysia. "UNHCR is our office, is our home," 48-year-old Roshid<sup>24</sup> argues and 24-year-old Sadik<sup>25</sup> corroborates: "We do not have anyone in Malaysia except the UNHCR, which is our parents." Yet, the more educated, especially younger Rohingyas, who are aware of Malaysia's tight restrictions on the UNHCR, counter these perceptions. Many of them know that although the UNHCR has been operating in Malaysia since the 1970s,<sup>26</sup> their relationship with the Malaysian government is charged with tensions. Since the termination of the 1989 Comprehensive Action Plan (CAP) in 1996, under which the Malaysian state cooperated with the UNHCR, a formal agreement between the two actors no longer exists (Kaur 2013, 113). As a result of the absence of an official contract, the UNHCR's interventions with the government on behalf of the refugees are fluc-

<sup>23</sup> Interview conducted in Puchong/Kuala Lumpur, 30.09.2016.

<sup>24</sup> Interview conducted in Ampang/Kuala Lumpur, 26.12.2016.

<sup>25</sup> Interview conducted in Kuantan, 30.10.2016.

<sup>26</sup> Interview conducted with Lilianne Fan, International Director and Co-Founder of the Geutanyoë Foundation and Deputy Chair of the APRRN, in Bangsar/Kuala Lumpur, 14.02.2017.

tuating, unpredictable and ad-hoc (Kaur 2013, 114). The lack of a formal legislation and recognition of refugees and the government's inconsistent relationship with the UNHCR creates a challenging environment for the UNHCR to operate. According to Lilianne Fan,<sup>27</sup> International Director and Co-Founder of the Geutanyoë Foundation and Deputy Chair of the APRRN, the UNHCR Malaysia feels as though it is under intense pressure by the Malaysian government, as they could be expelled anytime. Fan<sup>28</sup> argues:

At least there is the government's political will to allow them [the UNHCR] to operate and to cooperate to an extent. Having said that, the parameters in which they can operate have not always been consistent. It has sometimes been easier and sometimes more difficult. And I feel that in the last few years, maybe before the Andaman Sea crisis, the space for UNHCR has been shrinking [...].

The recent diminution of UNHCR's political space in Malaysia can partially be attributed to the government's concerns about the counterfeit UNHCR refugee cards that are increasingly in circulation. To tackle this weakness, the UNHCR introduced the issuance of new refugee identification cards (ICs) with high security and biometric data collection features in collaboration with the Malaysian government in June last year.<sup>29</sup> This, together with other current developments appears to open the doors for stronger cooperation.<sup>30</sup>

In contrast to the Malaysian state's presentation of irregular migrants as a threat and danger to justify tightened immigration policies, the UNHCR itself displays its role embedded in a discourse of protection (McConnachie 2014, 88). Although discourses of protection might appear more sympathetic than discourses of deterrence and containment, McConnachie (2014, 88-9) stresses the problem inherent in perceiving refugees as victims in need of protection, the biopolitical characteristic of international assistance that systematically monitors and manages refugees, and the overall low level of refugee participation in programme coordination. Consequently, while UNHCR's operation may be read as an act of resistance against Malaysia's official negation of refugees, it simultaneously acts as a *mode of governance, management and exclusion*, which may have disempowering effects on refugees (de Vries 2016, 9).

The Rohingyas' attitudes towards the UNHCR are deeply ambivalent. By rendering the UNHCR a mighty organisation that has the power to alleviate their plight, the Rohingyas share high hopes for this institution. Yet many are losing faith in it, as the UNHCR seems

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<sup>27</sup> Interview conducted in Bangsar/Kuala Lumpur, 14.02.2017.

<sup>28</sup> Ibid.

<sup>29</sup> Malay Mail Online, "Malaysia working with UNHCR on more secure refugee cards", <http://www.themalaymailonline.com/malaysia/article/malaysia-working-with-unhcr-on-more-secure-refugee-cards> (Last accessed: 5 May 2017).

<sup>30</sup> Interview conducted with Lilianne Fan in Bangsar/Kuala Lumpur, 14.02.2017.

unable to meet their expectations. The slow RSD process, the dismissal of requests for financial or medical assistance and the *inhumane* treatment by UNHCR officers cause the Rohingyas' optimism to fade. Lacking the awareness of the UNHCR's limited agency, a few Rohingyas even consider themselves better off without the UNHCR's presence. While the more educated Rohingyas seem informed about the restricted room for manoeuvre of the UNHCR, they condemn the UNHCR for its apparent lack of qualification and mistreatment of Rohingya interpreters. Former UNHCR-employed Rohingya interpreters deplore the fact that the UNHCR and other international organisations treat them condescendingly and unequally compared them to other employees depicting them as *volunteers* instead of *workers*. Nur Arfat<sup>31</sup> clarifies:

The UNHCR Malaysia treats interpreters as refugees. Even if you are an educated person, the UN treats you like a refugee. They have a very bad policy. The local officers sometimes call you 'refugee interpreter' and ask discriminatory questions such as 'you know who you are?' This reminds us everyday that we are refugees.

Some of the interviewed Rohingyas accept these discriminations for the sake of their employment for the time being, but nurse plans to take *revenge* on the UNHCR Malaysia once they will be resettled to another country, e.g. by revealing their stories to the media. Others apply more direct acts of resistance such as resigning or going toe-to-toe with their supervisors.

Accusations against UNHCR's low quality standard mostly concern the absence of clear communication channels, its shortfall in engaging with refugees, the inefficiency of the RSD and the inappropriate behaviour of (local)<sup>32</sup> UNHCR officers. Sadik<sup>33</sup> comments:

Local officers have blood connections to this country. They do not really want to deal with refugees; they just do their work and do not have a heart for the people themselves. Most of the UNHCR officers behave like the Burmese military regime. The staff of UNHCR is deeply inhumane. Although they work on humanitarian grounds, the workers are not humanitarians themselves. [...] The UNHCR and the government need to come to the ground instead of just deciding on the higher levels. They need to realise what the communities are really facing. Without coming to the ground, they cannot understand anything. [...]

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<sup>31</sup> Interview conducted in KL Sentral/Kuala Lumpur, 26.12.2016.

<sup>32</sup> Most Rohingyas emphasise that mostly Malaysians working for the UNHCR treat them discriminatory. They justify this accusation with the fact that the Malaysians are not able to act neutrally (in contrast to the foreign staff) having certain prejudices against refugees, as their professional decision-making processes influence the well being of their own country.

<sup>33</sup> Interview conducted in Kuantan, 30.10.2016.



While these accounts clearly appear incontrovertible, it is essential to contextualise these allegations, as they otherwise reflect a one-sided perspective. Since efforts to interview the UNHCR Malaysia were refused with the argument that this matter is highly sensitive, a comprehensive analysis of the subject remains impossible. The UNHCR's justification obviously alludes to its strained relations with the Malaysian government. The high-profile arrests in front of the UNHCR gate in 2003, during which more than 400 people were detained, and the subsequent temporary closure of the UNHCR office exemplify these tensions (Nah 2007, 46-7). In addition to its narrow agency, the UNHCR suffers from a severe shortage of resources such as insufficient allocations and lack of (qualified) staff.<sup>34</sup> Given the high figure of refugees in Malaysia, these challenges in turn led to a number of new reorganisations within the UNHCR impairing its efficiency.<sup>35</sup> Also, there are structural charges against the UNHCR, e.g. having been involved in corruption scandals and fraudulent cases in the past.<sup>36</sup> Finally, while existing unfavourable conditions evidently impede the UNHCR's management and support of refugees in Malaysia and hence, cause frustration among the affected people, internal complications appear to further deteriorate the situation.

### *The UNHCR-Card*

Registration with the UNHCR emerges as one of the Rohingyas' primary strategies. Unregistered Rohingyas identify the non-possession of a UNHCR-card and the struggle for its acquisition as the biggest obstacles to the betterment of their lives in Malaysia. They believe that the registration with the UNHCR would reduce their vulnerability, as it endows them with an *unofficial official* refugee status (de Vries 2016, 7). Official insofar as in the eyes of the UNHCR, the UNHCR-card formally provides the receivers with refugee status. Yet, it remains in part unofficial, since the Malaysian law does not acknowledge the card as granting official refugee status (ibid.). Consequently, although the refugee card offers specific benefits such as easier access to work and healthcare, entitlement to subsidised medical treatment, eligibility for resettlement and a particular level of protection to its holders, it is no definite assurance against arrest.

Furthermore, the UNHCR's regular modifications of its registration procedure and the absence of clear communication regarding the criteria of how to obtain a UNHCR-card cause sheer frustration, confusion, mistrust and rage among the Rohingyas. This serious lack of information coupled with the high prevalence of rumours in Malaysia results in the often futile

<sup>34</sup> Interview conducted by Skype with Gerhard Hoffstaedter, 06.02.2017.

<sup>35</sup> Examples are the implementation of the Status Verification Process (SVP) – a quicker version of the RSD process – a few years ago, and the recent changes to its walk-in policy for the registration process. Source: Interview conducted with a Malaysian NGO that wishes to remain anonymous in KL Sentral/Kuala Lumpur, 25.11.2016.

<sup>36</sup> For more information, see Al Jazeera, "Malaysia's Unwanted", 101 East, <http://www.aljazeera.com/programmes/101east/2014/11/malaysia-unwanted-20141118111742722400.html> (Last accessed: 6 May 2017).

flocking of Rohingyas from far-flung areas in Malaysia to the UNHCR office in Kuala Lumpur, causing long queues in front of the gate.<sup>37</sup> Furthermore, it gives rise to an inconsistent appearance of the UNHCR's registration system to the Rohingyas. 42-year-old Mussina<sup>38</sup> comments:

There are Rohingyas, who have been in Malaysia for more than four years that are still not registered with the UNHCR despite the many registration requests they have sent to the UNHCR. Others, who have been here for only one year, already got registered. How is this possible?

Major recurrent complaints against the UNHCR are the countless applications for registration sent via e-mails and faxes that remained unanswered, the failed efforts to enter the UNHCR gate to submit medical appeals or registration inquiries, the alleged negligence of the Rohingyas in its resettlement policy compared to other refugee ethnicities, and the outstandingly long waiting periods for a registration appointment that can last up to two years.<sup>39</sup>

Besides more widespread methods such as repeated attempts to apply for the UNHCR registration through letters, e-mails, faxes, calls and visits, some Rohingyas consider imprisonment as a possible strategy to achieve UNHCR-status. Currently, only the UNHCR is permitted to conduct quick RSD procedures in detention centres to assess the detainees' eligibility for refugee status and to successively submit a proposal for their release with the respective Ministry in charge.<sup>40</sup> A release from detention therefore, inevitably leads to the UNHCR's further determination of the refugee status and subsequent registration of the released person. Yet, there are reported cases of Rohingyas pursuing this tactic of imprisonment, whose endeavours the police hindered. 23-year-old Mohammed Hussein,<sup>41</sup> kept in custody for possessing a fake UNHCR-card, was forced by the police to pay release compensation. As he wished to be detained to finally receive UNHCR-status, Mohammed Hussein replied to the officer: "Please help me. I do not have money. Take me to jail! I want to stay in jail." The police however, did not show any interest in his request and threatened him with severe punishments in case he is unable to recompense the offence.

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<sup>37</sup> Between 600 and 1100 people in total approach the UNHCR office in Kuala Lumpur daily as of September 2016. Source: Richard Towle, UNHCR Representative in Malaysia, at the *World Beyond War: The Rohingya Refugee Crisis and its Implications on Security in the ASEAN Region* conference held at the Institute Integriti Malaysia, 24.09.2016.

<sup>38</sup> Interview conducted in Kuantan, 29.10.2016.

<sup>39</sup> Informal conversation held in Kota Raya/Kuala Lumpur, 21.10.2016.

<sup>40</sup> Interview conducted with a Malaysian NGO that wishes to remain anonymous in KL Sentral/Kuala Lumpur, 25.11.2016

<sup>41</sup> Interview conducted in Puchong/Kuala Lumpur, 03.10.2016.

Another technique that individual Rohingyas employ to obtain a UNHCR-card is to apply with the UNHCR for the position as an interpreter. 29-year-old Mohammed Ullah<sup>42</sup> states:

I only got registered when I told them [the UNHCR] that I want to work with them as an interpreter. When you do not get something in a good way, you have to manipulate it. I really manipulated it because of my right. They did not register me as a refugee. So when I said that I wanted to work with them as an interpreter, they registered me.

The Rohingyas develop additional strategies to obtain some form of legal status such as the widespread acquisition of fake UNHCR-cards easily buyable on the informal market from MYR 50 (approx. USD 12) upwards.<sup>43</sup> These counterfeit cards convey a certain degree of safeguard, as police officers often do not validate the documents' genuineness.<sup>44</sup> They further equip the holders with the possibility to profit from several benefits such as the receipt of the 50 % discount off the foreigner rates at public hospitals. However, with reference to de Vries' (2016) concept of *governance-resistance*, the possession and presentation of false identity cards are interpreted as acts of resistance and governance at the same time. Following Foucault, de Vries (2016, 9) emphasises the existence of a *play of governance-resistance* productive of specific knowledge and subjectivities, where "[...] the same practices function as governance and resistance *simultaneously*." She defines the UNHCR's issuance of refugee cards as a practice of resistance against the Malaysian government's official equation of refugees with illegals and a simultaneous *mode of governance, management and exclusion* (ibid.). This approach similarly pertains to the Rohingyas' use of fake UNHCR-cards conferring them with power and concurrently enhancing their vulnerability and control. Fake UNHCR-cards are resistant insofar as for instance, they allow the receipt of subsidised health treatments or the escape of money extortions. Yet, they can equally be oppressive, since false ICs are inextricably linked with severe penalties.

Another way is the acquisition of community registration letters issued by Rohingya refugee community organisations (RCOs) for a fee. These letters confirm the people of concern's country of origin and the fact that they are in the process of awaiting official UNHCR registration (Nah 2014, 155). Although these documents do not have any official or legal value, they sometimes appear helpful in the Rohingyas' negotiations with the police. Additionally, a selected group of Rohingyas also buys identity documents at rather high costs – often involving corrupted officials – such as work permits, visa extensions or Burmese and foreign passports.

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<sup>42</sup> Interview conducted in Ampang/Kuala Lumpur, 23.01.2017.

<sup>43</sup> Informal conversation held in Batu Caves/Kuala Lumpur, 18.08.2016.

<sup>44</sup> The forgery of UNHCR-cards will increasingly become challenging if not impossible due to the recent introduction of new refugee ICs with high security and biometric data collection features.

### 1.1.3 Other Power Relations

Besides the Rohingyas' construction of the UNHCR and Malaysian security forces as main structures of domination, several other players exert influence on them. Certain Rohingya experts and Rohingyas blame particular Malaysian NGOs and politicians for taking advantage of the Rohingyas for their own political and economic purposes. Through the formation of alliances with Rohingyas or the creation of new Rohingya RBOs under them, these actors are accused of collecting money in the name of the Rohingyas. A common method is the distribution of specific identification documents for money, which supposedly protect refugees against potential arrests. Yet, these are often false promises. One such organisation called *Pejabat Pertubuhan Kebajikan Al-Islam Malaysia* was actively dispersing registration forms for a fee of around MYR 100 (approx. USD 24) to Rohingyas in Puchong and other areas in Kuala Lumpur at the end of last year until the UNHCR brought it to a halt.<sup>45</sup> Dr. Helmi Ibrahim,<sup>46</sup> United Malays National Organisation (UMNO) politician and founder of the ASEAN (The Association of Southeast Asian Nations) Rohingya Centre (ARC), emphasises: "The Rohingyas become tools for the Malaysian politicians and NGOs. [...] Actually, a lot of people are making a living with the Rohingya issue. [...] But in reality, it is just scams, high level scams." Vitally, this fact of the Rohingyas being regular victims of such tricks and played off against each other contributes to the existing culture of mistrust among the Rohingyas and consequently, is conducive to the prevalent lack of unity among them.<sup>47</sup>

The Rohingyas further allege that the Myanmar Muslims (*kafiyya*)<sup>48</sup> in Malaysia are exploiting the term Rohingya for their own benefits. By pretending to be Rohingyas, some of them profitably gain the attraction of local NGOs or other actors donating resources to them. The occurrence of such accusations increased especially after the Malaysian Prime Minister took part in a large-scale rally in Kuala Lumpur against the persecution of the Rohingyas in Myanmar on the 4<sup>th</sup> of December 2016, which encouraged the wider public's support of the Rohingyas. According to the Rohingyas, this in turn inspired other actors to make use of it: "If the Malaysian government gives changes to the Rohingyas, then other groups take advantage of the Rohingya issue." Nur Arafat<sup>49</sup> substantiates.

Additional dominating actors are Malaysian-Indian gangsters usually controlled by Malaysian Chinese, who deeply intimidate the Rohingyas. Reported incidents of such *gangster* attacking, threatening and beating Rohingyas are frequent. The Rohingyas usually lack confidence to press official charges against them due to their status and their conviction that the perpetra-

<sup>45</sup> Field visit to Puchong/Kuala Lumpur, 23.11.2016; Interview conducted in Ampang/Kuala Lumpur, 26.12.2016.

<sup>46</sup> Informal conversation held in Bukit Bintang/Kuala Lumpur, 31.01.2017.

<sup>47</sup> Section 4.2 discusses in detail the apparent suspicion as well as the prevailing lack of unity among the Rohingyas.

<sup>48</sup> The *kafiyya*, also called *Myanmar Muslims* by the Rohingyas, are Muslims, who are entitled to Burmese citizenship and live outside of Arakan.

<sup>49</sup> Interview conducted in Ampang/Kuala Lumpur, 26.12.2016.

tors would only remain in custody for a few months before being released and assaulting them anew. But crucially, the Rohingyas are organised in gangs as well. In an environment where access to official protection and security apparatuses is hampered, the Rohingyas establish their own informal protection and policing system, which they conceive as indispensable for the establishment and maintenance of order within and outside their communities. As a result, the potential for clashes with the Malaysian Indian syndicates is highest in areas where the Rohingyas move into neighbourhoods dominated by the former.<sup>50</sup>

Finally, the imbalance of power between the researcher – me – and the researched is another essential aspect to address. The following anecdote about one of my field experiences in a Rohingya village shall illustrate Marmo's (2013 in Block et. al 2013, 13) delineated dilemma, in which researchers find themselves within refugee studies:

At a macro level, the researcher is attempting to disrupt the malign influences of power on refugees' lives and the narratives shaping their representation as deviant offender. [...] At a micro (personal) level, however, the researcher is in a dominant position with respect to the [...] [refugee]. This creates ethical complications, with post-colonial overtones, as the researcher – who usually represents an ethnically or socially privileged group – dominates and represents the 'voiceless' research subjects.

Upon arrival in the aforementioned village that appeared in a rather dilapidated condition due to the given circumstances, I was invited to the village head's house. While sitting on the ground and chatting with the family, other Rohingyas flocked to the house placing them in front of me. Finally, there were over 30 people gathered in the living room. When asking my research assistant to politely explain the onlookers that I would like to conduct the interviews with the participants alone for confidentiality matters, he responded that it would be hard to convince these people to leave. "Many of them came from neighbouring villages, since you are the first Westerner coming to this village and they want to share their stories with you,"<sup>51</sup> he added. Although I strongly emphasised my role as a student not belonging to any humanitarian institution prior to the request for the interlocutors' informed consent, my appearance as a European woman generally led the Rohingyas to perceive me in a position of power. Recurrently, I was considered as being affiliated with the UNHCR, best represented by the interviewees' frequent appeals to help them obtain a UNHCR-card. This situation clearly reflects a relationship of dependency provoking idealistic assumptions of the benefits of my research by the participants, which were difficult to lessen. Stating that the participants associ-

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<sup>50</sup> Interview with Charles Santiago, Chairperson of the ASEAN Parliamentarians for Human Rights (APHR) and member of the Parliament of Malaysia for Klang/Selangor and the Democratic Action Party (DAP) in the Pakatan Rakyat opposition coalition, conducted in Petaling Jaya/Kuala Lumpur, 24.01.2017.

<sup>51</sup> Field visit to a village in Klang/Kuala Lumpur, 05.10.2016.

ated me with a person of influence, I do not intend to undermine the Rohingyas' agency. To the contrary, it can be argued that my research assistants for example, might have consciously taken advantage of this fact, as presenting themselves in my presence vested them with some power.

Overall, the fact that I am a white woman appeared beneficial to gain access to a range of research participants, since my voice was believed to carry more weight. Yet, this physical appearance simultaneously produced adverse effects. One probable impact of attributing a position of power to me is the interlocutors' filtering of information according to their expectations of the research's advantage, such as victimising themselves or highlighting their suffering. Moreover, by associating me with the UNHCR, specific facts identified as harmful to their relation with the UNHCR, may have been withheld by the interviewees. To minimise the risk of filtered information, the development and maintenance of trusting relationships with the research assistant and participants was critical.

In conclusion, this chapter exposed some of the Rohingyas' restrictions in regards to their capabilities to shape their own lives in Malaysia. The case study illustrated that power relations should not be perceived as merely preventing refugee activism, but rather as encouraging it. To mitigate the apparent tension between refugee constraint and creativity, this paper draws on Staples' (2007, 17-8) reference to Bourdieu's (1990) argument of action as being constituted through the *habitus* and the freedom to act within the restraints set by the *habitus*. He argues that such a focus on structure *and* agency "[...] provides a space in which to consider how marginalised people make meaningful choices [...] *without* pushing the structural sources of their marginalisation out of the picture" (Staples 2007, 18).

Whilst some scholars such as McNevin (2013) and Puumula (2013) associated with the autonomy of migration movement also temper the dichotomous conception of domination and resistance, this dissertation distances itself even further from this binary thinking. Referring to de Vries (2016) and Monsutti (2005, 2008), refugees' livelihood strategies are examined beyond preconceived notions of refugees as being *either* simply voiceless victims<sup>52</sup> subjected to violence and control, *or* mere agents of resistance to grasp the fragmented, overlapping and dynamic power relations inherent in the complex relationality of domination and resistance practices. The acts of refugees are often not evidently resistant or oppressive and their behaviours may not only undermine structures of domination but also reinforce them (Campell and Heyman 2006, 2, 5; de Vries 2016, 3). By revealing the intricacies of governance and resistance in the vein of de Vries (2016), this chapter further revealed that the per-

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<sup>52</sup> Essentialist notions of refugees are often closely linked to victimisation, as displacement is regarded as disempowerment, bereavement and terminal loss. However, this paper concurs with Korac's (2009, 7) notion that the process of becoming and being a refugee is a *transformative* one, which entails experiences of disempowerment and empowerment. Agency and victimisation are conceived as intertwined in shaping individual refugee experiences (Korac 2009, 8).

formances of actors dealing with refugees are similarly porous. This was best exemplified by the UNHCR's simultaneous nature of on the one hand, resistance against the government's securitisation and illegalisation of refugees, and on the other, domination and control over refugees.

## **2. POLITICS OF INTERSECTING (IN)FORMALITY IN GOVERNANCE-RESISTANCE PRACTICES**

Chapter two delves into the structural characteristics of Malaysia's refugee regulation. Extending de Vries' (2016) concept of governance-resistance forces, I claim that the intersection of formality and informality plays a crucial role in the governance-resistance of refugees in Malaysia. Malaysia's absence of an official refugee policy and the simultaneous existence of an *unwritten* refugee framework produces what I call *politics of intersecting (in)formality* that are concurrently subversive and oppressive in terms of the Rohingyas' acts of governance-resistance. Relegated to a grey area, where they are tolerated but remain illegal, the Rohingyas are here offered a site of negotiation that can be beneficial and detrimental at the same time.

### **2.1 Malaysia's Lack of an Official Refugee Policy: The Production of Illegals**

As mentioned above, the Malaysian state lacks a formal legislative framework for refugees, being neither party to the 1951 Convention relating to the Status of Refugees nor its 1967 Protocol. In addition, the national domestic charter does not provide refugees with legal rights. Instead, the country's formal classification scheme subsumes this politico-legal identity under the category of legal/illegal immigrants (Nah 2007, 53).

While Malaysia's external borders are relatively porous and unstable, the internal security landscape is a hostile and punitive one, ensuring that the 'border' is ubiquitous in everyday situations through the application of exclusions and sanctions on illegals (Kaur 2013, 107). Irregular migrants are considered as criminals, who should be subjected to the full force of punishment (Lego 2012, 76; Nah 2007, 37). Furthermore, the Malaysian government implements a conspicuously populist and spectacular method of apprehending illegals best embodied by the RELA's participation in raids and arrests (Hedman 2008, 370-1). Hedman (2008, 380-1) attributes the high-profile campaign of the RELA for the expulsion of illegal immigrants to a deeper anxiety about the presence of others evolving around Malaysia's discourse on the 'reproduction of Malay-ness', which is also inscribed in the recent proliferation of moral monitoring drivers focused on Malays. Referring to Fassin (2011), Foucault (2007) and de Genova (2002), Malaysia's increasing infusion of the lives of refugees with particular regimes imposed through immigration laws such as the policing of public spaces can be read as acts of governmentality. De Genova (2002, 429, 432) argues that the goal of such disci-

plinary tools is not the deportation of the undocumented migrants per se, but their *deportability* – the possibility of deportation.

Yet, as the following sub-chapter illustrates, Malaysia's rigid identity classification scheme and the apparent non-differentiation of refugees is disrupted at different levels. While it does not adhere to international agreements on the status of refugees and officially lacks a national legislative framework for refugees, Malaysia does possess an informal refugee policy.

## 2.2 Malaysia's *Unwritten* Refugee Policy

Despite Malaysia's non-adherence to international refugee protection regimes and the absence of a formal national refugee policy, the country has a long history of offering transitory shelter to specific refugee groups (Azis 2014, 839). Initially, Malaysia gained renown for its accommodative approach towards Indochinese refugees during the 1970s and 1980s (Robinson 1998; Suhrke 1983 in Nah 2014, 150). Notably, Malaysia's flexible housing of refugees is based on religious identity largely due to Islam's essential role in Malaysia's foreign policy and the country's aspiration for a leadership role among Muslim nations (Lego 2012, 82; Nah 2014, 150). However, the state's Islamic narrative is only eager to host certain types of Muslim: the ones who fit better into the government's promotion of Malay-ness. In terms of the government's stance towards the Rohingyas, Gerhard Hoffstaedter,<sup>53</sup> a senior research fellow (DECRA) and lecturer in anthropology at the University of Queensland specialised in Islam and refugee and immigration policy, notes:

Malaysia is probably one of the most racist countries around and they have so many internal racisms and sadly the Rohingyas fall into one of these racisms, well they are just too dark [...]. Regarding the Muslim thing, it is surprising that Malaysia has given sanctuary to so many Muslims but has been rejecting the Rohingyas until quite recently and I have argued this because of the racism, because they are just the wrong kind of Muslims.

A range of policy changes in various government departments since 2002 demonstrate Malaysia's possession of a *de facto* refugee policy, which recognises refugees and temporarily tolerates them until they are resettled to a third country (Nah 2014, 151). Examples of such more formal interruptions of Malaysia's official non-refugee policy are the Ministry of Health, which entitles refugees registered with the UNHCR to a 50 % discount off the foreigner rates at certain state hospitals, or the police's release of verified UNHCR-cardholders from arrest (Nah 2014, 151-2). Malaysia's officially rigid identity classification scheme is further disrupted by UNHCR's introduction of subcategories that enable a distinction between forced migrants

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<sup>53</sup> Interview conducted by Skype with Gerhard Hoffstaedter, 06.02.2017.



in need of international protection and illegal immigrants, who should be prevented from achieving refugee status (Nah 2007, 53). Notwithstanding its rejection of the 1951 Geneva Convention, Malaysia observes the principles of *non-refoulement* and no longer deports individuals registered with the UNHCR as refugees or persons of concerns (Kaur 2013, 114). Moreover, Nah (2007, 53) identifies localised negotiations between law enforcement officers and refugees as an additional, more informal type of disruption to the government's official categorisation system.

In line with Fassin's (2011, 218) statements about the contribution of migrant workers to the receiving state's economy, Malaysia's harsh policing mechanisms are not incompatible with its tolerance towards refugees, who considerably contribute to several economic sectors. The absence of a formal refugee policy and the parallel storing of refugees in the informal space give Malaysia a certain leeway, as it benefits the Malaysian government in its pursuit of particular economic and political interests.<sup>54</sup> Deliberately confined to the informal economy by the government, refugees constitute fundamental driving powers for Malaysia's process of *kebangunan* (development). While the Malaysian state officially negates refugees, numerous Rohingyas work as grass-cutters along Malaysia's busy highways and junctions, appearing to be employed by the government. Yet, the municipalities usually hire refugees indirectly through agents or recruitment companies.<sup>55</sup> Moreover, besides using refugees as political tokens for electoral campaigns, the Malaysian government occasionally used to provide refugees with temporary ICs valid only for the period of the elections to secure urban swing votes.<sup>56</sup>

Towards the Rohingyas, the Malaysian government's position is rather vague. Despite Malaysia's rigorous immigration act permitting the forceful expulsion of illegals and refugees' non-legalisation, the government frequently turns a blind eye to the presence of the Rohingyas (Equal Rights Trust 2014, 30). To ensure the peaceful co-existence of the diverse communities, the Malaysian authorities meticulously monitor the Rohingyas including gathering intelligence.<sup>57</sup> They are tolerated as long as they do not cause problems affecting Malaysia's society, similar to Foucault's (1995) notion of the *panopticon*, as the Rohingyas are perfectly aware of this surveillance.

With the Malaysian Prime Minister's participation in a large-scale rally in Kuala Lumpur against the persecution of the Rohingyas in December 2016, Malaysia officially broke ranks with ASEAN's non-interference policy and positioned itself on the side of the Rohingyas. However, Najib's reaction to the Rohingya crisis appears primarily as mere political to-

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<sup>54</sup> Ibid.

<sup>55</sup> Informal conversation held with a professor of the University of Malaysia in Bangsar/Kuala Lumpur, 09.02.2017.

<sup>56</sup> Ibid.

<sup>57</sup> Interview conducted with Lilianne Fan in Bangsar/Kuala Lumpur, 12.02.2017.

kenism to secure votes for the early elections planned for this year.<sup>58</sup> By taking such a position, Malaysia transformed its unwritten policy into its formal position. The recent declaration of the Malaysian government and the UNHCR's collaborative implementation of a pilot project in March 2017, providing 300 UNHCR registered Rohingyas with three years work permits for the plantation and manufacturing sectors, is a huge step towards the Rohingyas' formal recognition. Yet, this does not translate into an actual policy formalising the presence of the Rohingyas.<sup>59</sup> Consequently, the Rohingyas find themselves in a protracted situation of being "somewhat secure of *refoulement* but falling short of receiving a regularised right to stay" (Cheung 2011, 2). Finally, they remain in an apparent interspace between formality and informality, a *site of liminality* (Hoffstaedter 2014, 871). Their status seems to be of an *informal formal* nature, similar to the one of the UNHCR-card.

### 2.2.1 The Police and Immigration Officials: The Issue of *Noble Corruption*

One major consequence of the non-existence of an official refugee policy in Malaysia is the high prevalence of corrupted police and immigration officials, who disrupt Malaysia's classification scheme and manipulate the absence of a formal policy. Crucially, these corrupted government officers embody the intersection of formal and informal politics at an individual level. On the one hand, they inhere an official position as state employees. On the other, they regularly adopt unauthorised practises consisting of all forms of abuses such as extracting large amounts of money from the refugees<sup>60</sup> or confining them in their duty cars, driving them around for several hours before taking their belongings and dropping them in a location far away from the pick-up place.

Malaysia as a scene of overlapping formality and informality in the governance-resistance of refugees can be read as not only benefitting the Malaysian government, but also, to a certain degree, the refugees themselves due to their lack of legal status.<sup>61</sup> Muniandy (2015, 575) argues:

Informality for communities of largely temporary migrants becomes a way for people to escape or ameliorate somewhat their formally precarious conditions, [...] to seek autonomy and redistribution of social goods [...], to build communities and then start making stronger claims and demands for recognition and better resources from local municipalities and even the state.

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<sup>58</sup> Speech by Datuk Dr. Denison Jayasooria, Secretary General PROHAM (Society for the Promotion of Human Rights, Malaysia), at the closing of Saiful Huq Omi's photo exhibition in Publika/Kuala Lumpur, 21.12.2016.

<sup>59</sup> Interview conducted with Lilianne Fan in Bangsar/Kuala Lumpur, 12.02.2017.

<sup>60</sup> Commonly, the police officers do not investigate the Rohingyas in public. They take them to hidden places, where they request them to depose the bribery in rubbish bins, books or cardboard boxes to conceal the money transfer.

<sup>61</sup> Interview conducted by Skype with Gerhard Hoffstaedter, 06.02.2017.

Referring to Hoffstaedter,<sup>62</sup> the unauthorised practises of the police and immigration officials may in fact be identified as acts of *noble corruption*. The opportunity to pay money to law enforcement officers allows refugees to reduce their vulnerability (Nah 2014, 157). It enables these people, who the Malaysian state officially perceives as illegals, to be excluded from the legal framework and to circumvent potential punishments. At the same time however, this space of negotiation can equally be harmful to refugees, as they generally do not dare to press charges in case their informal tolerance is violated. Also, in a situation of limited protection and constant fear of police inspections, such *noble* forms of corruption can put an enormous amount of pressure on refugees.<sup>63</sup> Due to the high frequency of extortions during police investigations, the overall majority of the Rohingyas in Kuala Lumpur are deeply afraid of the police. The UNHCR-cardholders are generally less frightened, since their registration with the UNHCR gives them a certain degree of protection, although it does not always spare them from mistreatments. As a result, the Rohingyas have carefully calculated maps of dangerous versus safe streets in mind, which they use when moving around their areas. They avoid particular roads or corners that the police regularly patrol and change their routes or hide in nearby shops or restaurants when seeing a police officer.

### 2.2.2 The Influence of the Individual

The power of individual law enforcement officers over the determination of people arrested is enormous and often absolute in Malaysia. The police, immigration officials and custom officers are provided with the authority to “[...] arrest without warrant any person who he [sic.] reasonably believes has committed an offence against [the immigration act]” (Nah 2011, 108). Moreover, the direction of Malaysia’s standpoint on refugee issues is largely dependent on the respective minister in power.<sup>64</sup> As a result, refugees residing in Malaysia constantly live in an environment characterised by ambiguous, ad-hoc and oscillating institutional practices. The high amount of arbitrary use of power and discretionary actions infuse all levels of refugees’ everyday lives. Whether it concerns encounters with the authorities, the opening of bank accounts, access to healthcare, or negotiations with the heads of detention centres, the degree to which refugees are tolerated primarily depends on their performances and the interpretations of their identities by the individuals in charge of them.

In conclusion, the state’s absence of an official refugee policy and the parallel existence of an informal refugee framework produce politics of intersecting (in)formality that are concomitantly subversive and oppressive in refugees’ governance-resistance practices. Rellegated to an interspace in which they are tolerated but remain officially illegal, refugees

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<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

<sup>64</sup> Interview conducted with a Malaysian NGO that wishes to remain anonymous in KL Sentral/Kuala Lumpur, 25.11.2016.

adopt a condition of *(il)legality*. Referring to Menjivar and Kanstroom's (2014, 9) emphasis on the problematic nature of using legality and illegality as dichotomies, I argue that refugees persist in (il)legality – insofar as it is seen as a socially and politically constructed position exhibiting a wide range of blurred and ambiguous '(il)legal' statuses within the binary legal-illegal debate – while recognising their potential for resistance within the legal framework (Hellgren 2012, 4). As this study illustrates, instead of being helpless and devoid of agency, refugees have the capabilities to impact the legal and political features of the existing protection space, although in a restricted way. Furthermore, they demonstrate essential abilities regarding their livelihoods such as access to work, housing, public and private services, interactions and relations with the host society and the police, as outlined in the next chapter.

Finally, the case example of Malaysia challenges the very nature and function of the 1951 Refugee Convention developed by the UNHCR in the aftermath of World War II and hence, UNHCR's initial mandate as a protection agency promoting the ratification of the Convention. Richard Towle,<sup>65</sup> Representative of the UNHCR Malaysia, highlights that the signing of the Convention is not necessarily a first step towards the betterment of refugees' conditions. Consequently, value judgments of non-Convention states are highly sensitive. Yet, the Malaysian state's politics of intersecting (in)formality exemplify what Cheung (2011, 16), Fassin (2011, 217-8) and de Genova (2002, 249) define as the ambiguity, illegibility, ineffectiveness and indeterminacy that feature the state itself regarding the implementation of its immigration policy. On the one hand, Malaysia tends to create laws of exception when dealing with refugees and on the other, it may itself engage in illegal practices such as refugee vote-buying. As a result, the limits between legitimate and illegitimate actions (dis-) favouring the refugee begin to blur (Fassin 2011, 217).

### 3. ACCESS TO BASIC NEEDS

Referring to Cheung (2011), this research project proceeds from the hypothesis that notwithstanding their precarity, the Rohingyas in Malaysia find imaginative and creative ways outside the formal asylum system to overcome their predicament to a certain extent. By means of agentive and adaptive capacities, the Rohingyas manage to sustain themselves within an environment of harsh immigration policies. Accordingly, the Rohingyas in Malaysia strongly counter the assumption of refugees living in a state of limbo.

The Rohingyas' negotiation of their presence in Malaysia through their production of particular socio-political settings, their manoeuvring of access to work or healthcare services and the establishment of informal schools illustrate de Vries' (2016, 14) concept of a play of

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<sup>65</sup> Anthropology of Current World Issues World101x, "Full Interview with UNHCR Representative to Malaysia Richard Towle", <https://www.youtube.com/watch?v=IUbYLXQV8O0> (Last accessed: 8 June 2016).

(in)visibility, arguing that “[...] both visibility and invisibility can function as either governance or resistance, and certain practices constitute visibility and invisibility simultaneously.”

### 3.1 Housing

In Malaysia, the Rohingyas predominantly live on the fringes of urban areas. New Rohingya arrivals in Malaysia depend on pre-established village networks and are commonly taken into care by relatives or friends. Especially throughout their first years in Malaysia, the Rohingyas routinely change their places of residence. The search for better-paid jobs, the desire to live closely together with family members or villagers, and strategies of *vigilance* (Nah 2014, 156) – the persistent monitoring of changes in their surroundings and the performance of pre-emptive actions – are identified as main reasons for this rather high mobility. To minimise the risk of arrest, Rohingyas unregistered with the UNHCR prefer to travel by taxi or private vehicles, rather than public transportation. Besides strategies of mobility, the Rohingyas concurrently apply non-mobility as a protection mechanism to remain as invisible as possible. Rohingya women and children specifically isolate themselves at home to prevent harassments and arrest. According to the Women’s Refugee Commission (2011 in Hoffstaedter 2015, 1), urban refugee women are particularly targeted “[...] by the police and suffer verbal, physical and sexual abuse.”

Corroborating Malkki’s (1995 in Hoffstaedter 2014, 876) statement that instead of being *out of place*, refugees exhibit agency in reshaping and creating new spaces, and giving them a sense of belonging through their lived experiences, the Rohingyas in Malaysia actively engage in place-making processes. The consolidation of the Rohingyas’ networks and the regularisation of their movements over the years gave rise to the establishment of several Rohingya quarters in Malaysia’s urban centres. The Rohingyas’ social activities and daily performances can be interpreted as forms of *quiet encroachment*, in the sense of largely atomised, “silent protracted but pervasive advancement of the ordinary people on the propertied and powerful [...]” (Bayat 2013 in Muniandy 2015, 516). In areas transformed into meaningful locations, the Rohingyas appear to continue their lives in reproduced smaller versions of rural Arakan or Yangon adjusted to the urban context.<sup>66</sup> These residences are characterised by practices such as the slightly yellow faces of women and children wearing *thanaka* – a skin-protecting traditional cosmetic – women dressed with glittery headscarves and men clothed in *longyi* tied by twisting fabric and knotting it in front of the belly, the rich scent of curry cooking as well as the ubiquitous betel nut chewing embodied in the people’s bright red teeth and the myriad of red dots on the streets. These processes of quiet encroachment exemplify the governance-resistance characteristic, which de Vries (2016) elaborates with her

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<sup>66</sup> Interview conducted in Bangsar/Kuala Lumpur, 10.01.2017, with Mahi Ramakrishnan, an investigative journalist, filmmaker and a Rohingya activist, who has been working with Rohingyas for over a decade.

concept of a play of (in)visibility. On the one hand, through the Rohingyas' creative struggles and negotiations in establishing such neighbourhoods, they show remarkable resilience and resistance. On the other, these processes of quiet encroachment simultaneously make the Rohingyas not only visually visible, but also fuel the state's knowledge of them, thus giving rise to a mode of governance. However, in the case of Malaysia, where refugees and migrant workers living in the shadows of the cities are omnipresent yet invisible as they are often bypassed and unnoticed, the conception of a play of (in)visibility is more complex consisting of different manners of (in)visibilities as demonstrated in the following (de Vries 2016, 14).

In regards to the security of dwelling areas of exclusively immigrant and refugee communities, the Rohingyas portray them as less safe than the more hybrid neighbourhoods mixed with locals, as police presence tends to be higher in the former. Depending on their status and family circumstances, some Rohingyas choose to settle in and open schools or businesses in more diverse quarters such as Kuala Lumpur's Golden Triangle, or so-called *kampung Melayus* (Malay villages). In the Golden Triangle that epitomises Kuala Lumpur's enormous wealth gap through the luxurious shopping malls, condos and hotels located vis-à-vis rundown residential areas and hawker stalls, the Rohingyas manage to live invisibly to a certain extent, as they blend with the streams of people who are either unconscious or uninterested in their fates (ibid.). Moreover, in *kampung Melayus*, village-like spaces in the outskirts of cities or in rural areas, Rohingyas reside dispersed among Malays. Sporadically, the host communities invite the Rohingyas to join their festivities at local mosques or to participate in *gotong-royongs*, a tradition where the residents living in the same neighbourhood voluntarily work together for the benefit of the greater society. In a few rural areas, the Rohingyas' deep desire to assimilate in order to avoid attracting undesirable attention leads to a strong cultivation of perceived 'Malay-like' appearances and manners, which occasionally occur as *over-performances*.<sup>67</sup> In a mixed neighbourhood in rural Johor Bahru, my research assistant kept indicating the obvious Malay look of a group of Rohingya teenage boys. The youngsters were dressed in jeans and shirts of the local Johor Darul Ta'Zim football club, with haircuts that were short on the sides and long on the tops as well as watches and thick silver bracelets.<sup>68</sup> Following Cheung (2011, 16), these stages of the Rohingyas' adaptation leading to a potential *de facto* (unofficial) integration can be interpreted as vital elements of their protection strategies.

The level of the Rohingyas' safeguards in these districts is fundamentally reliant on the *kepala kampung*, the Malaysian village head, who is responsible for the permission of informal schools and the (dis)approval of probable police raids or *operasis*. Certain village heads have special agreements with the police to secure the Rohingyas' non-disturbance by

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<sup>67</sup> Interview conducted by Skype with Gerhard Hoffstaedter, 06.02.2017.

<sup>68</sup> Field visit to a village in Johor Bahru, 28.01.2017.

state officials. Building good relationships with the respective *kepala kampung*, as well as the host societies and government officers can be identified as further components of protection methods. In particular, the more established and educated, outgoing and self-confident Rohingyas succeed in developing such tactical relationships ranging from making friends with local taxi drivers in order to receive special fares to maintaining contacts with state officials that aim to promote pro-Rohingya policies.

### **3.2 Work**

By virtue of their legal non-status, the Rohingyas are officially prohibited from working in Malaysia. In order to survive, they are forced to seek jobs in the informal sector mostly consisting of so-called 3D-jobs: dangerous, dirty and demeaning. The Rohingyas are commonly employed as low-skilled labours in construction or plantation sites, *pasar borongs*, restaurants and grass-cutting or waste collection activities. A large part of them make a living with odd jobs, which is depicted as extremely difficult and frustrating. In terms of holding employment, the rate is much lower among Rohingya women than men. While the informality of the Rohingyas' workspace favours the Rohingyas to an extent due to their lack of lawful status, it also aggravates their potential vulnerability. In a setting of restricted protection, unsafe occupations and the fact of constantly being at the mercy of the employers' unfair treatments can be extremely detrimental. Accordingly, death by work-related accidents is highly prevalent among refugees in Malaysia and the non-existence of paid sick leave and days off as well as the deprivation of receiving salaries during several months of work appear to be rather normal.

Despite this rather bleak picture, the Rohingyas prove to cultivate impressive agencies. To avoid the aforementioned forms of exploitation, a few Rohingyas start personal businesses with the intention of being their own bosses. Examples are the procurement of hawker stalls or the conversion of bicycles into recyclable waste collectors. The search for new jobs entails a considerable risk for the Rohingyas owing to their legal non-status in Malaysia. To minimise the danger of being reported to the police, the Rohingyas are particularly vigilant about approaching the *right* people when looking for employment prospects. Besides cautiously inquiring about work opportunities in restaurants and shops, the Rohingyas mainly rely on their friends and village networks to find new occupations. The tactic of vigilance is further applied in regards to the choice of work sites, which are ideally close to home as long commutes pose an increased exposure to potential encounters with the authorities. The acquisition of fake UNHCR-cards serves as a further strategy to gain better access to work, since companies often exclusively hire UNHCR-registered refugees.

A usual problem related to salaried UNHCR-cardholders is the police's accusations of refugees for being employed. During police investigations, the officers frequently reprimand

that refugees should not be working due to their apparent receipt of financial assistance from the UNHCR. Explanations for this fallacy are mostly the pervasiveness of rumours in Malaysia and the prevailing lack of awareness about refugee issues among the police. Moreover, refugees themselves seem to substantiate such misconceptions illustrated by Junaid's delin-eation. To the police's interrogation about his occupational activity, 24-year-old Junaid com-monly responds: "I am a refugee from Myanmar and so I regularly get money from the UN-HCR."<sup>69</sup> He emphasises that only a tiny minority of the officials would challenge the truth of this statement. Out of three potential responses, Junaid perceives this as the best possible reaction. He elucidates that if he informed the police about his actual employment, they would accuse him of being an illegal banned from working. In case he apprised them of be-ing jobless, they would disbelieve him.

Finally, I argue that the Rohingyas adapt themselves to a perilous and exploitative work environment through the application of highly calculated strategies in their search and choice of employment. Furthermore, a selected group of Rohingyas recognises niche mar-kets and establishes new and creative forms of businesses. Yet, at a more general level, the majority of the Rohingyas still appears to be trapped in narratives of desperation by virtue of their continuous plight over generations. The resulting lack of hope, especially among older Rohingyas, causes lethargy that hinders them from developing more effective ways of gen-erating income.

### 3.3 Healthcare

Refugees' access to medical services in Malaysia is strictly limited due to the Ministry of Health's equation of undocumented people with foreigners and the subsequent considerably higher cost of medical treatments at state hospitals for non-Malaysians. Obviously, this im-pediment is exacerbated in cases of deliveries<sup>70</sup> and serious injuries or diseases that entail prohibitive rates. Consequently, by Malaysian law, the presentation of valid identification documents acknowledged by the state is necessary to gain admission to public health institu-tions (Equal Rights Trust 2014, 71). While this regulation accepts refugees registered with the UNHCR, it does not consider those without a registration with the UNHCR (Equal Rights Trust 2014, 72). The government healthcare providers then, are legally required to report un-registered patients to the authorities for further action upon completion of medical treatment (ibid.). Refugees' risk of being caught while seeking medical help deteriorated in 2014/15, when a rising number of public hospitals in Kuala Lumpur initiated the installation of adminis-

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<sup>69</sup> Informal conversation held in Puchong/Kuala Lumpur, 07.10.2016.

<sup>70</sup> Home births are not an option either, as the Malaysian law forbids them. Source: Informal conversation held with Lilianne Fan in Bangsar /Kuala Lumpur, 11.09.2016.



trative immigration counters in their buildings on an ad hoc basis.<sup>71</sup> Some health facilities continue to apply these measures today, although in a less draconian way. As a result of this new policy, numerous unregistered Rohingya mothers were placed in detention together with their newborns despite having paid the hospital bill. However, hospital personnel in public services do not comply consistently with this law of reporting unregistered people to the authorities. Certain hospitals accept the UNHCR-card of family members or alternative forms of identification papers as sufficient documents and do not reveal patients unregistered with the UNHCR to the authorities. Also, as the Rohingyas gradually become mindful of the distinct practices of public hospitals, they tend to avoid health facilities that reject or report *blanks*.

Besides the UNHCR and government institutions, there are other service providers in Kuala Lumpur that offer free or heavily subsidised healthcare and basic medical assistance to refugees. While some of these organisations solely treat UNHCR-registered refugees, others like the Taiwan Buddhist Tzu Chi Foundation Malaysia also provide assistance to non-registered people.<sup>72</sup> Yet, the vast majority of the Rohingyas remain unaware of these service suppliers. This lack of information among the Rohingyas can be ascribed to the Malaysian government's aim to limit the promotion of such facilities due to the absence of an official refugee policy and the UNHCR's inadequate awareness-raising of these pro bono services.<sup>73</sup> In addition to the prevailing absence of adequate information streams, the Rohingyas' employment of such healthcare provisions seems rather limited even in cases, where they are conscious of the existence of these medical facilities. The main reasons for the Rohingyas' unwillingness to draw from these resources are their distinct awareness of health matters, the discrimination which the Rohingyas occasionally experience in some of these clinics, the cost and the risk of potential police or immigration raids taking place on the way to these medical facilities.<sup>74</sup> Due to the relatively high fares of taxi rides and the real probability of police or immigration roadblocks, the Rohingyas favour consulting clinics in their neighbourhoods instead of approaching one of the free or inexpensive clinics located in the city centre.

Considering these obstacles, the UNHCR-card is identified as the only formal means of mitigating the Rohingyas' limits regarding the use of health services. First, the registration with the UNHCR is mandatory to gain admission to specific facilities and medical assistance from the UNHCR as well as healthcare at certain government hospitals. Second, UNHCR-

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<sup>71</sup> Interview conducted with a Malaysian NGO that wishes to remain anonymous in KL Sentral/Kuala Lumpur, 25.11.2016.

<sup>72</sup> Informal conversation with Dr. Foo Seay Liang, head of Tzu Chi Kuala Lumpur and Selangor's Medical Department, held in Pudu/Kuala Lumpur, 12.10.2016.

<sup>73</sup> Informal conversation held with a doctor of a charity clinic in Kuala Lumpur City Centre, 16.10.2016.

<sup>74</sup> Interview conducted by Skype with Gerhard Hoffstaedter, 06.02.2017.

cardholders are eligible to a 50 % discount off the foreigner rate on medical expenses at public health services (Wake and Cheung 2016, 12).<sup>75</sup>

More importantly, besides the acquisition of a real UNHCR-card, the Rohingyas also employ alternative everyday strategies such as the application of specific negotiation tactics, the use of networks and the falsification of documents to attain benefits and access to healthcare services. A widespread tactic among unregistered pregnant Rohingya women is the presentation of fake UNHCR-documents at the admission counter in hospitals to receive the 50 % discount. A recurring complaint among Rohingya women is the feeling of being mistreated and discriminated against in hospitals, e.g. not receiving as much attention as other patients or not being properly medicated. This sensation appears even stronger among Rohingyas whose forgery of the UNHCR-card has been recognised. Some Rohingyas are cognisant of which hospitals check the validity of the card with the UNHCR and hence only consult the ones that do not query it. A similar trick is the intended avoidance of health facilities with high registration fees. While certain Rohingyas are distinctly aware of the variations among hospitals' admission procedures, others are not. Moreover, Rohingyas who maintain good relationships with the host society sporadically ask local friends or acquaintances to deposit their identity cards at the hospital if they were incapable of paying the medical expenses. By depositing their ICs, these Malaysians bear financial responsibility for the Rohingyas as they guarantee the patient's payment by instalments and thus enable the admitted person to be discharged before having to compensate the full amount of the hospital fee. Similarly, some Rohingyas exploit their local networks to receive specific documents, which they are officially denied. One example is the acquisition of birth certificates, which a selected group of *blank* Rohingyas manages to secure for their newborns by the successful mobilisation of *special contacts*. Additionally, acts of communication are other essential instruments through which assertive Rohingyas mastering Malay or English negotiate financial matters and their presence, which section 4.1 reveals in more detail.

### 3.4 Education

Whilst refugee children are denied the right to access government-funded schools in Malaysia, the costs of private institutions are usually unaffordable to Rohingyas. Disrupting this denial of basic needs, Rohingya leaders and community organisations have founded their own schools, which are often invisibly located in residential areas or commercial districts on the upper floors of stores. Often, these informal schools, officially called *learning centres*, exhibit a range of features that resemble the procedures of Malaysian schools, such as the loud and determined singing of Malaysia's national anthem at the end of the daily lesson. While they

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<sup>75</sup> As Wake and Cheung (2016, 12) assert correctly, many of the Rohingyas are under the delusion that the UNHCR pays half of their health charges, rather than receiving the fee-rate to which they are allowed.

are usually established by the initiatives of the communities, the UNHCR, in partnership with NGOs, frequently supports the founding of these informal learning centres.<sup>76</sup> However, the responsibility for the operational costs remains largely on the community leaders and other actors assisting the schools. As a result, many of these schools are struggling to avoid closure or are forced to shut down due to a lack of resources.

Referring to de Vries' (2016, 15) notion of governance-resistance, the Rohingyas' establishment of such informal schools can be interpreted as practices of resistance and modes of governance at the same time. They are resistant in the sense that despite Malaysia's official denial of the refugee children's right to attend public schools, these schools offer a learning environment that enables the education and development of *affirmative subjectivities*. But as these schools are normally dependent on the support of external actors such as the UNHCR, NGOs or private donors, they are also monitored, which contributes to their governmentability. Ramakrishnan<sup>77</sup> claims that the Rohingyas have great difficulties allowing others to come in and watch them at a close distance, largely because of the atmosphere of mistrust and the close surveillance under which the Rohingyas have been placed in Myanmar. She states: "They [the Rohingyas] hold on to their fort and work as they have done it for a long time now, not realising that they also perpetuate the same divide, control and rule policy of the Burmese military. It is almost as they are just replicating it here itself."<sup>78</sup>

My own experience as a volunteer teacher in two Rohingya schools revealed that in addition to the monitoring of these schools, funding is a further trigger of conflicts. Due to the Rohingyas' acute shortage of resources in Myanmar and also in Malaysia, external monetary donations to these schools often lead to tensions among the people responsible for the schools as well as affiliated community leaders. One Rohingya school, with which I was involved, faced closure only two months after its opening for reasons of internal divisions among the teachers and the associated community leaders. Significantly, these clashes were not only related to issues of monitoring and power struggles, but also erupted shortly after a donor channelled a relatively large sum of money into the school. Moreover, there are accusations amongst the Rohingyas and by Rohingya experts that "Rohingya community leaders particularly use schools as a way of getting money, which they then pocket while they channel a tiny bit into the school."<sup>79</sup> Finally, the Rohingyas' establishments of their own informal schools can clearly be identified as governance-resistance practices. While these acts are indeed affirmative, they are concurrently oppressive. The Rohingyas show substantial agen-

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<sup>76</sup> The UNHCR, in partnership with NGOs, currently supports 125 informal learning centres in Malaysia. Source: The Star, "Education is the Key", <https://www.pressreader.com/malaysia/the-star-malaysia/20170101/281844348304973> (Last accessed: 1 June 2017).

<sup>77</sup> Interview conducted in Bangsar/Kuala Lumpur, 10.01.2017.

<sup>78</sup> Chapter 4.2 discusses in detail the perceived reproduction of Burma's policy and the issue of the Rohingyas' internal divisions.

<sup>79</sup> Interview conducted with Mahi Ramakrishnan in Bangsar/Kuala Lumpur, 10.01.2017.

cy in negotiating their presence in Malaysia through the formation and maintenance of learning centres but their room for manoeuvre still remains considerably constrained by direct and more indirect structures of domination.

In conclusion, contrary to Agamben's (1998) notions of refugees as living in a state of exception and being reduced to bare life, Malaysia should be read as a *de-exceptionalised* (Honig 2009 cited in Sigona 2015, 5) and complex socio-political space of *negotiation* (Azis 2012, 34), where refugees develop, essential agencies. The Rohingyas' strategies in regards to their livelihoods exemplify the capacities of refugees to carve out a certain degree of safeguard in an environment lacking a formal asylum system. By applying governance-resistance practices, the Rohingyas illustrate de Vries' (2016, 15) concept of visual politics of (in)visibility: By the use of specific (non)mobility strategies, overt place-making acts like the transformation of neighbourhoods into meaningful places, assimilation to host societies, circumvention of specific healthcare facilities and claim-making processes through the establishment of informal schools, refugees blend in, remain invisible, claim their presence and become visible at the same time. This in turn, entails their simultaneous inclusion and exclusion, control and subversion (ibid.).

## **4. COMMUNICATION**

### **4.1 The Power of Languages: Communicating With Outsiders**

Based on Brubaker's (2005) constructivist approach to diasporas, Baser (2014, 359, 362) conceives the formation of diasporas with a focus on social mobilisation, defining them as 'generated by politics' and including those people mobilised to engage in homeland political processes. According to Sökefeld (2006, 269-70), the mobilisation of transnationally dispersed people does not only arise from homeland nostalgia and social grievances but requires specific structural conditions such as means of communication, mobilising structures and media, as well as legal and institutional frameworks through which claims for community and identity can be articulated. Furthermore, diaspora mobilisation is often the result of critical triggering events or transformative developments happening in the home or host country, which are framed in particular ways to cause new modes of imagination and action to come into being (Baser 2014, 360; Sökefeld 2006, 275).

The Rohingyas do exhibit diasporic features in the aforementioned sense, which became especially apparent after the renewed outbreak of violence in Arakan in early October 2016. Examples are the Rohingyas' organisation and participation in street demonstrations in several cities worldwide against their persecution in Myanmar and the increased information

flow by Rohingyas active in blogging about the Rohingyas' plight.<sup>80</sup> Besides several street protests, a vast number of Rohingyas in Malaysia participated in the Rohingya solidarity rally led by the Malaysian prime minister towards the end of 2016. Despite these overt forms of mobilisation, which are mainly framed around the Rohingyas' persecution in Arakan as well as the idea of a shared Rohingya identification and belonging to Arakan, the Rohingyas do not embody a transnationally mobilised diaspora as Baser (2014) and Sökefeld (2006) define it. The Rohingyas' mistrust towards their current leader, Dr. Wakar Uddin,<sup>81</sup> who is alleged of being involved in corruption scandals and failing to unite the different Rohingya groups in exile, indicates the inefficiency of the prevailing mobilising structures and practices.

Besides the power of mobilisation, the Rohingyas in Malaysia display subtler practices of communication identified as everyday forms of resistance that intend to deny or mitigate the imposed control and restrictions. As Campell and Heyman's (2006, 1) concept of *slantwise* demonstrates, refugees incline to show a range of behaviours, which do not "fit neatly into the domination-resistance axis." Accordingly, the Rohingyas' negotiation strategies are not always intentionally resistant and may frequently be empowering and oppressive at the same time. A major example of such slantwise behaviour is the Rohingyas' occasional references to Grab drivers<sup>82</sup> about their refugee status and living conditions. While some Rohingyas purposefully emphasise their origins and situations in Malaysia to arouse compassion and mark presence, others refer to it either unwittingly or with more ambiguous objectives. The reflection of 19-year-old Osman<sup>83</sup> illustrates the receipt of a positive response to an apparently unintentional action. Together with his non-Rohingya friend, he was sitting in the back seat of a Grab car talking about the Rohingyas' circumstances. Without addressing them directly, the Grab driver later sent a text message to Osman's friend,<sup>84</sup> stating that she would like to engage in activism for the Rohingyas.

Overall, some UNHCR-registered Rohingya men and a few women fluent in Malay or English and often long-term residents of Malaysia are particularly outgoing regarding encounters with authorities and healthcare providers. While many Rohingya women isolate themselves at home being utterly terrified of the police, the men, who mostly work outside, are forced to face these threats. To protect themselves, they build confidence and acquire the knowledge of how to interact with police officers to escape potential manipulations such

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<sup>80</sup> See for instance: Rohingya Blogger, <http://www.rohingyablogger.com/> or The Stateless, <http://www.thestateless.com/> (Last accessed: 3 March 2017).

<sup>81</sup> The Rohingyas I interviewed in Malaysia call Dr. Wakar Uddin the current Rohingya leader. He, a Rohingya himself, is exiled in the United States and leads the Arakan Rohingya Union, a non-profit global umbrella organisation aiming to represent different Rohingya organisations worldwide. The vast majority of the Rohingyas I talked to have a low opinion of Dr. Wakar Uddin and think that he is an opportunist.

<sup>82</sup> Grab is a technology company offering a wide range of taxi services through its app in Southeast Asia.

<sup>83</sup> Informal Conversation held with Lilianne Fan in Bangsar/Kuala Lumpur, 12.11.2016.

<sup>84</sup> Osman's friend ordered the cab, which enabled the Grab driver to refer to her phone number registered in the app.

as financial extortions. The conscious speaking of either Malay or English serves to provoke admiration, respect and authority from the officers. Another common method is the arousal of compassion by telling the officials about the Rohingyas' challenging conditions. Additionally, some Rohingyas believe that the police are not allowed to ask refugees for proof of documents without specific instructions from higher levels while patrolling. These Rohingyas apply tactics of intimidation like overtly memorising the police car's license plate or the police officer's name. Others trick the police by giving them secretly less than the required amount of money or negotiate about the cash payments, while they frequently succeed in substantially lowering the requested amount of money. Furthermore, some of the Rohingyas, who are religious teachers by profession (*ustaz*), intentionally use their position to provoke sympathy from the police officers. They suppose that a notification about their *ustaz*-status gives them leverage in case the police officers share the same religion.

Moreover, some of the Rohingya youth recount that they estimate the officers' characters in order to react appropriately. According to Junaid,<sup>85</sup> two types of police officers exist: One is the *smiling, joking* one, who addresses the Rohingyas with *baya* meaning 'brother' in the Bangladeshi language. The other is the *angry* one, who dislikes refugees. Towards the *angry* type, Junaid behaves particularly polite aiming to rouse compassion, whereas he welcomes the *smiling, joking* one with a casual handshake and joke. Furthermore, many Rohingyas construct specific answers to commonly asked questions as well as stories, which they tell if they are investigated. When 24-year-old Abdul Salam<sup>86</sup> was walking back home from his employment place at midnight, the police stopped and asked him whether he came back from work. He answered deliberately: "No, I was visiting a friend and was stuck in traffic for quite some time. That is why I am so late." The successful application of such techniques appears to bestow the Rohingyas with a feeling of triumph. While the Rohingyas generally feel exploited and harassed when police officers demand money from them, they simultaneously express the feeling of being in a high position, being above the police because they ask them – refugees – for *help*.

In terms of accessing medical services or negotiating financial matters, a common tactic among the Rohingyas is the arousal of sympathy by clarifying their arduous conditions in Malaysia. When supporting an unregistered Rohingya woman suffering from delivery complications to ultimately receive a 25 % discount on the hospital bill, Osman<sup>87</sup> asked the person in charge:

How should this woman be capable to cover the whole amount of MYR 12,000 [approx. USD 2,770] while her husband only earns MYR 1,000 [approx. USD 230] per

<sup>85</sup> Interview conducted in Puchong/Kuala Lumpur, 07.10.2017.

<sup>86</sup> Informal conversation held in Batu Caves/Kuala Lumpur, 03.09.2016.

<sup>87</sup> Informal conversation held in Klang/Kuala Lumpur, 01.10.2016.

month? Of this salary, MYR 600 [approx. USD 140] is spent for the monthly rental and the remaining MYR 400 [USD 90] for food.

Even in cases when healthcare providers detect the forgery of a client's UNHCR-card, a certain room for manoeuvre remains available. Occasionally, it occurs that Rohingya women, often together with their husbands or male relatives, effectively succeed in convincing the medical personnel not to report them to the authorities after the falsification of their UNHCR-card is discovered. Also, as the case of 35-year-old pregnant Asibah<sup>88</sup> illustrates, the Rohingyas sometimes continue to have particular agency even after the medical staff informs the police about the committed offence. Although Asibah failed to persuade the administration employees at the hospital to prevent her from being reported to the police after her counterfeit UNHCR-card had been exposed, she nevertheless managed to escape detention by bribing the police officers. Evidently, the success of such negotiation techniques is dependent on the rules and regulations of the respective health institutions, the staff's decisive authority, their level of empathy and the Rohingyas' capability to communicate.

#### **4.2 The Internal Division: Lack of Communication Among the Rohingyas**

The issue of trust<sup>89</sup> appears central in the analysis of refugees, as experiences of massive trauma weaken the ability to have and build confidence (Muecke 1995, 38). While refugees' capabilities to trust are eroded by situations of conflict and betrayal, mistrust is also identified as a crucial protection strategy (Baker 1990 in Hynes 2003, 4). The development of mistrust can reach such an extent that refugees are wary of everyone they encounter, including members of their own group (Hynes 2003, 7). Monsutti (2005, 233) points at the ambivalence of relations of trust and mistrust among people affected by war and migration, describing them as more overlapping and profounder than in societies living in security. Moreover, Muecke (1995, 38) highlights that an inherent part of the process of becoming a refugee is fear rather than trust in the home government. In Myanmar, the authoritarian nature of the political system and the prevailing climate of fear and repression create an atmosphere of suspicion and mistrust (Fink 2001 in Hynes 2003, 3). Mahi Ramakrishnan<sup>90</sup> emphasises:

Everybody is wary and suspicious of the other person. And they are also in a collective body, wary and suspicious of the ruling government and of their identity as well. This deep suspicion towards everything around them has been systematically and very profoundly engineered, crafted, manufactured by the military.

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<sup>88</sup> Interview conducted in Puchong/Kuala Lumpur, 07.10.2016.

<sup>89</sup> While trust is conceived as a socio-cultural construct shaped by specific contexts, following Hynes (2003, 1), this study understands it as the capability to have confidence in a person or thing.

<sup>90</sup> Interview conducted in Bangsar/Kuala Lumpur, 10.01.2017.

Additional actors such as host governments, the UNHCR, agents organising flight routes, NGOs, etc. further consolidate the distrust existing prior, during, and after flight, as the Rohingya case epitomises (Hynes 2003, 8). Furthermore, specific problems, conflicts or values deriving from the conditions of the refugees' home countries are often reproduced in exile, perpetuating the internal division of communities (Lemos 2001 in Hynes 2003, 8).

#### 4.2.1 The Identification Issue: Who Is a *True* Rohingya?

With reference to Anderson's (1983) notion of *imagined communities* and Appadurai's (1996) concept of *ethnoscapes*, types of identifications are understood in this paper as non-localised, flexible, fluid and changing constructs "[...] at the crossroads of the past, present and future, as individuals are constantly reconciling their current sense of self and their accumulated past, with a view to dealing with what awaits them in the future" (Block 2006 in Hatoss 2012, 52). Thus, the Rohingyas' collective mode of identification is perceived as constantly being reproduced and reconstructed, as they leave their homeland and seek shelter in other places. Conspicuously, the Rohingyas' statelessness seems to intensify their identification as Rohingyas and their desire for unification, as the exiled Rohingyas in Malaysia strongly recognise themselves as Rohingyas and emphasise their belonging to Arakan. Junairah<sup>91</sup> comments: "I love to be a Rohingya, because Rohingyas are special. They are special, because no one wants them and all hate them. We need to try to perceive it positively and to make the best of it." These practices may be identified as *diasporic* stances in Brubaker's (2005, 13) sense, as such discourses are developed in specific socio-political environments to make certain claims.

Following Korac (2009, 32), this study does not proceed from a naturalised assumption of community rooted in particular territories and cultures, according to which the Rohingyas should have shared values and goals and a high level of unity. To the contrary, the existence of differences and tensions is acknowledged. As the Rohingyas in Malaysia identify the prevailing lack of unity among them as a major impediment to the betterment of their lives, this section tries to analyse the root causes for their divisions with the aim of contributing to the widely held notion that internal fragmentation and segmentation are especially characteristic of refugee communities. "Given that reasons and causes of flight are often socio-political upheavals that have been increasingly marked by ethnic, class, or religious divisions, refugees usually bring with them internal hostilities and histories of oppression and exploitation", resulting in internal separations within refugee groups, Korac (2009, 31-2) argues. As this case study on the Rohingyas reveals, such schisms generate different *vintages* (Kunz 1973), distinctive factions within the refugee group, leading to alienation and marginalisation of those who are interpreted as *the Other*. Occasional mutual disownments of fellow

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<sup>91</sup> Informal conversation held in Imbi/Kuala Lumpur, 14.11.2016.



Rohingyas articulate these vintages at the subtler level. The debate is typically framed along the axis of being a *true* Rohingya versus an *anikka*, a pejorative term meaning ‘people from the West (the Western side of the Naaf river)’ in the Rohingya language. The word *anikka* came into existence after Burma’s independence and is used to label different Rohingya subgroups.<sup>92</sup> Predominantly, Rohingyas from Mrauk, which remained the capital of Arakan until 1785 and was formerly called ‘Rohang’ (Yegar 1972, 18), and to a lesser extent, people from Kyauktaw claim to be the *true* Rohingyas.<sup>93</sup> By asserting to be the *original* Rohingyas, they separate themselves from the *anikka*.<sup>94</sup> Roshid,<sup>95</sup> formerly from Mrauk, states:

I am from Mrauk. Originally, most of the Rohingyas developed from Mrauk. Sometimes I say I am from Rohang. The people from Mrauk have the right to say this but not the people from other parts such as Kyauktaw, Buthidaung or Maungdaw.

Many of the Rohingyas in Malaysia are convinced that this identification issue is one of the main reasons for the internal divisions among them. The younger Rohingyas emphasise that this *anikka* versus *true* Rohingya debate played a crucial role in the past, but that this is not the case anymore. However, more informal conversations disclose that distinctions and discriminations based on this *anikka* phenomenon are still prevalent among the younger generations, although in a less conscious and aggressive form: “The people from Sittwe and central Rakhine are more modern whereas the *anikkas* are more conservative. Their women wear burkas and they are denied the right to go to school, to open a business or to use mobile phones,”<sup>96</sup> Abdul Salam,<sup>97</sup> originally from Kyauktaw, claims.

Considering the limited period of my fieldwork and the lack of academic resources, this analysis does not intend to draw any comprehensive and final conclusions on the connections or origins of this issue but rather cautiously hints at a few interesting facts that might be related to it.

In the wake of Burma’s acquisition of independence in 1948 accompanied by a deterioration of the Muslims’ conditions in Arakan, the Muslims formed a rebel group localised in northern Arakan, namely Buthidaung, Maungdaw and partly Rathedaung (Yegar 1972, 95). The movement called *mujahideen* intensified shortly after Burma’s independence with the aim of forming a Muslim region separated from Buddhist Arakan (Yegar 2002, 38). The *mu-*

<sup>92</sup> Interview conducted in Ampang/Kuala Lumpur, 23.01.2017.

<sup>93</sup> For a map of Arakan State, see appendix 2.

<sup>94</sup> Azis (2012, 37) further notes that people from Buthidaung name Bangladeshis *bara anikka* (big *anikka*) and the Maungdaw people *chota anikka* (small *anikka*), while Maungdaw people call the Bangladeshis only *anikka*.

<sup>95</sup> Interview conducted in Ampang/Kuala Lumpur, 26.12.2016.

<sup>96</sup> Crucial to highlight is the fact that there is a vital difference in the circumstances of the Rohingyas living in different regions in Arakan. The statement that the Rohingya women in central Arakan are more eligible to attend schools or start a business than the women in northern Arakan needs to be contextualised in terms of the Rohingyas’ deteriorated security situations in the Mayu District.

<sup>97</sup> Interview conducted in Johor Bahru, 28.02.2017.

*jahideens*' activities and demands led to increased clashes among the Muslim communities, as the more moderate Muslim leaders disagreed with the rebels and tried to fight them. The Burmese government accused the *mujahideen* of encouraging illegal immigration into Arakan of thousands of people from Chittagong, today a district in south-eastern Bangladesh, which used to be one land with Arakan until 1666 (Yegar 2002, 45; Zöllner 2008, 60). Due to the prevailing chaos and hard geographical conditions in northern Arakan back then, it was nearly impossible to differentiate the Chittagongs from the local population. Yet, during this time of heightened tensions between Arakan Muslims and Buddhists, the distinction between Chittagongs and Arakanese became critical. Following the surrender of the *mujahideen* rebellion in 1961, the Muslim majority rejected the planned creation of an Arakanese Buddhist rule, while the objectives of the Muslim minority differed as explained below (Yegar 1972, 101).

As a legacy of British colonialism, the Muslims of Arakan, who some scholars perceive as ethnically mixed due to migration and intermarriages, tend to be recognised as a single ethnic group homogenised through religion (Zöllner 2008, 56). Interesting in terms of the '*true* Rohingya versus *anikka*' issue is the fact that during the short democratic era that followed Burma's independence, various Muslim civil society organisations existed in Arakan, whose identifications and demands regarding the petitions to the Burmese government in the 1960s in reference to the Muslim status in Arakan substantially varied and led to tensions among them. The organisations in northern Arakan, which all included the word Rohingya in their names, claimed the exclusion of Buthidaung, Maungdaw and parts of Rathedaung from the planned Arakan State and the federation of these regions into a special district ruled from Rangoon. On the contrary, the organisations outside this area and especially those of today's Sittwe, whose designations did not contain the word Rohingya but expressions like Arakanese Muslim or Arakan National Muslim, supported the formation of Arakan as a state, including the Muslim regions (Yegar 1972, 102). With the military's takeover of power in 1962, the plan to grant Arakan statehood within the union was cancelled, but the Mayu District, incorporating the regions of Maungdaw, Buthidaung and the western part of Rathedaung, was established as special administration (Yegar 1972, 105).

The difference in the Muslim civil society organisations' naming is attributable to the fact that before the 2012 clashes between the Arakanese Muslims and Buddhists, the use of the term Rohingya was only prevalent in certain regions and among particular groups in Arakan.<sup>98</sup> Whilst especially the more educated Muslims originally from the Mayu District – where they were in the majority – used to identify themselves as Rohingyas, the small number of the relatively well-integrated Muslims into the Buddhist societies residing in Sittwe and cen-

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<sup>98</sup> Interview conducted by Skype with Chris Lewa, founder and director of The Arakan Project, 29.03.2017.

tral Arakan, called themselves simply Muslims, Arakanese Muslims or Myanmar Muslims.<sup>99</sup> Their status as a minority and the high sensitivity of the word Rohingya are possible explanations for their decision not to identify themselves as Rohingyas. Yet, the outbreak of the 2012 violence was a clear turning point, as for the first time, the Arakan Buddhists collectively attacked the Rohingyas with the support of the government, leading to the encampment of many Rohingyas in internally displaced people's camps.<sup>100</sup> The escalating level of violence and persecution reinforced the idea of a shared identification, which the exiled Rohingyas in Malaysia further reconsolidate. Since their reflections are dominated by certain core themes such as the interpretation of their origin, the historical persecution and the demarcation between them and the Rakhines, this awareness of shared grievances may be identified as a *mythico-historical* configuration in the vein of Malkki (1995a).

### 4.2.3 Legacies and Replications of Power Relations

#### 4.2.3.1 Regional Affiliations

Substantiating Monsutti's (2008, 69) observation of the existence of "[...] a line of tension between an abstract sense of Afghan-ness developed in exile while everyday life tends to be fragmented by group of origin", the Rohingyas' strong ethnic affiliation runs parallel to their tendency to classify and judge their fellow members according to their origin. With reference to Monsutti (ibid.), I am aware that an emphasis on the ethnic and regional dimensions of refugees', and in this case, the Rohingyas' internal divisions may be too simplistic, as it obscures the reality of existing solidarity networks based on a multitude of other potentially overlapping aspects. Yet, by virtue of the limited scope of this research project, the focus remains mainly on factors such as ethnicity and regional origin.

The authorities in Myanmar succeeded in not only segregating the diverse ethnic minorities, but also in fomenting divisions within a single ethnicity. In 1962, the Burmese government instigated the militarisation of Arakan through the establishment of military bases, systematic surveillance, oppression and requests, which seriously affected the Rohingyas' everyday lives (Farzana 2015, 298). The heavy restriction of freedom of movement in certain townships in Arakan was enormously effective in disconnecting the different Rohingya communities from each other. The travel permissions, which are required to move from one township or village to another in Arakan, are costly and often impossible to receive. As a consequence, many villagers never left their own village and hence, barely interacted with Rohingyas from other regions.<sup>101</sup> Accordingly, cooperation between the Rohingyas from distinct townships is hardly existent. "There is no communication among the different Rohingya

<sup>99</sup> Interestingly, nowadays the Rohingyas call the *kafiyya* 'Myanmar Muslims'.

<sup>100</sup> Interview conducted by Skype with Chris Lewa, 29.03.2017.

<sup>101</sup> Ibid.

communities”, Mohammed Hussein<sup>102</sup> emphasises. In an atmosphere that is fraught with tension and fear, such an absence of communication easily causes wariness and misunderstanding.

Moreover, a division exists between the Rohingyas from northern Arakan and other parts of Arakan such as Sittwe and central Arakan. Reasons for this are mainly geopolitical conditions. The Rohingyas of northern Arakan form the majority and live closer to Bangladesh, whereas the Rohingyas from Sittwe and central Arakan are in the minority and more assimilated to the Rakhines. Consequently, the Rohingya (sub-) dialects or accents slightly differ. The Rohingyas originally from central Arakan speak a dialect closer to Burmese, whereas the language of those who reside nearer the borderland with Bangladesh is more similar to Chittagongian. Although the nuances of the different dialects are small, they nevertheless often lead to misunderstandings, especially in formal settings such as UNHCR interviews.

A third major regional schism appears between the exiled Rohingyas in Bangladesh, the Rohingyas in Arakan and the Rohingyas, who migrated to other regions in Myanmar such as Yangon or Mandalay.

#### **4.2.3.2 Suspicion and Accusations of Corruption**

In an environment where basic food is often not guaranteed, some Rohingyas acquire agencies, which the wider Rohingya population conceives as morally incorrect. There are accusations among the Rohingyas that several of their fellows work or used to work as middlemen for the municipalities in Arakan. While 26-year-old Ustaz Isup<sup>103</sup> portrays the principle of this cooperation as a ‘you help me, I help you’ policy, the alleged Rohingyas claim to be forced to cooperate with these local governments, since a refusal would cause torture.

The Arakanese governments’ intention in appointing intermediaries is the oppression of the greater Rohingya society. One method that certain police and military branches used to employ and to a lesser extent still perform in specific places is the use of Rohingya leaders to supply them with forced labour. Often, the villagers would bribe the Rohingya leaders to be excluded from this dehumanising compulsory work. As a result, the wider public accuses those leaders of working too closely together with the authorities and enriching themselves. Another common tactic is the exploitation of Rohingya leaders or villagers as spies and informants to control the Rohingyas’ material and financial possessions. In return for delivering the requested information, the Rohingya spies receive remuneration from the municipalities, which causes feelings of betrayal and the desire for revenge among the Rohingyas. The re-

<sup>102</sup> Interview conducted in Puchong/Kuala Lumpur, 03.10.2016.

<sup>103</sup> Interview conducted in Selayang/Kuala Lumpur, 05.11.2016.

sult of this extremely effective tactic by the Burmese local governments is the fomentation of distrust among the Rohingyas more broadly and towards Rohingya leaders in particular.

#### **4.2.3.3 Family Support and a Strong Sense of Survival**

With the overall aim of contributing to the study of refugee agency, this paper clearly rejects the idea of refugees' adaptation processes as characterised by mere struggles for survival. Yet, while intending to analyse refugees' agencies beyond the domination-resistance axis, a consideration of the insecure and uncertain existences of refugees resulting from the given contexts seems crucial.

The Rohingyas in Malaysia exhibit a remarkable support network with regards to their individual families and communities, exemplified through their extensive remittance system. In times of difficulties, Rohingyas belonging to the same family or village in their homelands are sympathetic to each other in Malaysia. "When somebody who has been grown up in the Nayapara Refugee Camp [in Bangladesh] is in troubles, we act without any hesitation," Faizal Islam<sup>104</sup> clarifies. However, closer observation shows the inconsistency of this livelihood network, as relationships of mutual assistance can suddenly change into acts of animosity and revenge, especially due to issues related to money or power. Such family affairs may cause extreme repercussions like the threatening and chasing away of certain family members or the destruction of their sources of income. The instability of this support system is attributable to the Rohingyas' general difficulty of developing collective survival strategies. Due to the severe shortage of resources and the given circumstances in Arakan, the Rohingyas generally cultivate coping mechanisms that are based on individualism and not communalism. "[...] Everyone out there is fighting for their own survival," Hoffstaedter<sup>105</sup> comments. The Rohingyas' possession of such individualistic survival thinking skills can be read as an outcome of the divide and rule policy, which the British colonisers strategically imposed during their rule in Burma from 1824 to 1948. The Burmese military government later adopted and implemented this efficient strategy, enabling them to establish and maintain control over the ruled population. Over decades, the government successfully preserved an environment of fear with the intention to destroy the Rohingyas' ability to function as a society. Mohammed Ullah<sup>106</sup> states:

The cause of all the problems is the fear, which has been instilled in the people since they were born. When a child cries, the parents would say, 'stop crying! The police, the NaSaKa [Border Security Force], will come. And if children are only witnessing violence, what will they become when they are grown up and not educated enough?

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<sup>104</sup> Informal conversation held in Kota Raya/Kuala Lumpur, 17.09.2016

<sup>105</sup> Interview conducted by Skype with Gerhard Hoffstaedter, 06.02.2017.

<sup>106</sup> Interview conducted in Ampang/Kuala Lumpur, 23.01.2017.

They are running all to their own directions. They do not have a sense of organisation.

To paralyse the Rohingyas's capabilities to sustain themselves, certain municipalities in Arakan aim to control and oppress every form of sociocultural organisation by the Rohingyas. In several townships, the Rohingyas are strongly denied the right to assemble or organise. Being deprived of a sense of social association and unity in Myanmar, many of the Rohingyas are overwhelmed and incapable to cope with the circumstances when settling in Malaysia.

#### **4.2.4 The Implications of the Rohingyas' Internal Divisions for Their Lives in Malaysia**

This section refers to van Meeteren's (2010, 19) notion of a community's degree of success as often being ascribed to the level of solidarity and cooperation within that community. While Monsutti (2005, 237) highlights the co-existence of cooperation and competition within a group of people, van Meeteren (2010, 19) identifies the positive effects of embeddedness in a community as mutual support, and the negative results as mutual exploitation. With reference to Engbersen et al. (1999 in van Meeteren 2010, 19), she distinguishes the following three different patterns of incorporation: The first pattern involves *communal sharing*, which expresses relatively permanent support within a community for reasons of enduring solidarity; the second one, called *bounded solidarity*, symbolises incidental support on grounds of situational loyalty; and the third incorporation pattern is based upon *market relations*, and denotes mutual exploitation within a community. While the direction of the relational correlation between success and solidarity remains unclear (whether solidarity causes success or the opposite relation), scholars agree on the close link between high levels of solidarity and success.

Whereas communal sharing is missing among the Rohingyas in Malaysia, they exhibit bounded solidarity and mutual exploitation as incorporation patterns. Harsh economic conditions weaken their potential for solidarity and give rise to mutual exploitation and jealousy. In response to such adopted behaviours, the Rohingyas describe their own people often as having *bad hearts* or being *animal-like*, while expressing the desire to change to a more *positive mind-set*.

Partly as a result of the tight constraints on their freedom of movement in Myanmar, the Rohingyas meticulously reproduce their homeland settlement patterns in Malaysia. Neighbourhoods, RCOs and social establishments are created according to their regional affiliations. Broadly, the following three regional groupings can be identified: The Rohingyas from 1) Sittwe area, 2) central Arakan and 3) northern Arakan. Interaction between these different regional belongings is often non-existent, while strong suspicion lingers among them. The Rohingyas' propensity to directly inquire about a fellow member's origin when meeting

for the first time and the habit of adding a person's origin when mentioning his/her name articulate the significance of regional affiliations. To counter area-based tensions, some Rohingyas develop the practice of either not exactly stating from where they originate or claiming to be from another place that is more neutral in their perspective than their actual place of origin.

In regards to the Rohingyas' interactions with the UNHCR, the issue of regional attachment has serious repercussions. There are complaints by Rohingyas that due to regional biases, some of the UNHCR Rohingya interpreters behave inappropriately, for example by omitting facts or distorting the truth. Junaid's<sup>107</sup> experience illustrates such allegations. When the UNHCR first interviewed him, he pretended to be unable to speak and understand English. He soon realised that the Rohingya interpreter only translated a shortened version of his story to the RSD officer. And when Junaid asked the interpreter to repeat a question for linguistic reasons, since Junaid and the interpreter's dialects were slightly different, the former originating from central Arakan and the latter from northern Arakan, the interpreter scolded him for being stupid. Junaid, who became angry, addressed the RSD officer in English, saying that he does not need an interpreter.

Finally, the insufficiency of resources in some areas in Arakan and the subsequent high competition among the Rohingyas prompt the constant search for ways to surpass the others. The serious lack of exposure, education and empowerment, which the Rohingyas face in Arakan, further contribute to the development of a particular mind-set, which Hoffstaedter<sup>108</sup> labels as *trickster mentality*. Especially older Rohingya men and leaders, who deliberately manipulate situations to achieve what they require to survive, are called *tricksters*. The Rohingyas' continuing marginalisation in Malaysia and their struggles to adapt to an environment that is suddenly richer in resources and opportunities than their homeland, sustain this mentality. This attitude, often not malevolent in nature, frequently changes from an initial survival strategy to a more permanent method of gaining what they need or desire: mostly, money and power. The Rohingyas' tendency to strive for money and power can also be ascribed to the prevailing conditions in Myanmar. The richer and more popular they are in certain townships in Arakan, the bigger their chances to receive some degree of protection by the authorities. "In Myanmar, everything depends on money. If you are able to give money to the military government, everything is alright", Ustaz Ali<sup>109</sup> emphasises. The Rohingyas in Malaysia reproduce this protection mechanism, which the circumstances in Arakan force them to develop and internalise to ensure their own survival. Coupled with the significance of regional belongings, the replication of this trickster mind-set causes frequent leadership

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<sup>107</sup> Informal conversation held in Kota Raya/Kuala Lumpur, 21.10.2016.

<sup>108</sup> Interview conducted by Skype with Gerhard Hoffstaedter, 06.02.2017.

<sup>109</sup> Interview conducted in Selayang/Kuala Lumpur, 12.11.2016.

changes and the existence of a high number of independent Rohingya RBOs (more than 50).<sup>110</sup> A receiving country's perception of RBOs as 'the expression of mobilised resources and ambitions', forging a sense of belonging and a the subsequent orientation of its assistance and protection system on group access and provision instead of individuals, can be highly problematic when refugees fail to meet these standards of a functioning community association (Korac 2009, 33-4). Epitomising this problem, the Rohingyas are put at a disadvantage, as they lack an umbrella organisation representing the different Rohingya RBOs in Malaysia, while the UNHCR's cooperation mainly runs through RBOs (Hoffstaedter 2015, 193).

In conclusion, following van Meeteren's (2010) observation, the Rohingyas' solidarity based on mere situational loyalty, their refusal and inability to collaborate and their mutual exploitation are identified as major impediments to the betterment of their situations. The British colonisers and the Burmese government<sup>111</sup> appear as main perpetrators of this structural lack of unity among the Rohingyas, while other players such as the Malaysian government, the UNHCR and NGOs contribute to this low level of cooperation. 24-year-old Rafik<sup>112</sup> states: "Myanmar managed to sustain a system that keeps the Rohingyas in constant conflicts and wariness against each other, which finally leads to their self-destruction." A large number of the Rohingyas perceive the support of external actors as necessary to achieve an improvement of their conditions. "As long as the government or a well-organised institution does not help the Rohingyas, I do not think that they will be able to recover because they are so broken inside", Mohammed Ullah<sup>113</sup> explains. While most of the Rohingyas perceive themselves as powerless victims, I argue that instead of conceding defeat, the Rohingyas are actively resisting the repercussions of these powerful legacies, using different strategies revealed in this paper. Nevertheless, these tactics are not only identified as empowering, but rather as resistant *and* oppressive at the same time. By endeavouring to break the existing power relations, the Rohingyas get caught in a vicious circle, where the applied strategies such as the creation of autonomous Rohingya RBOs and frequent leadership changes finally reinforce their internal separations and, therefore, their domination. Faizal Islam<sup>114</sup> illustrates the Rohingyas' situation figuratively as a hand striving towards the sky – symbolic of the Rohingyas' constant ambitions and attempts to improve their living conditions – that is pulled down by another hand representing the different actors hindering their advancement.

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<sup>110</sup> Informal conversation held with Azlinariah Abdullah, news editor at Astro Awani and author of the book *Air Mata Kesengsaraan Rohingya*, in Bukit Bintang/Kuala Lumpur, 31.01.2017.

<sup>111</sup> The Burmese government is interpreted as formerly compromising of the military regime (before 2010) and currently consisting of the military junta and the National League for Democracy (NLD) ruling as parallel governments.

<sup>112</sup> Interview conducted in Kuantan, 30.10.2016.

<sup>113</sup> Interview conducted in Ampang/Kuala Lumpur, 23.01.2017.

<sup>114</sup> Informal conversation held in Kota Raya/Kuala Lumpur, 11.09.2016.



## 5. LOOK(S) AHEAD

While the preceding chapter focused on refugees' strategies closely linked to survival, this closing chapter puts refugees' aspirations – their intentions and goals – at the centre. To prevent a potential romanticising of agency by underlining aspirations, this paper follows the perspective of van Meeteren (2010, 30), claiming that aspirations derive from larger cultural norms and simultaneously feed upon subjectively perceived opportunities. Accordingly, refugee aspirations offer “[...] a conceptual link between structure and agency in that they are rooted firmly in individual proclivity (agency) but also are acutely sensitive to perceived societal constraints (structure)” (McLeod 2009 in van Meeteren 2010, 30).

### 5.1 The Wish to Return Home

The dream to return home and reunite with their families if the conditions in Myanmar improved is identified as a key aspiration pattern among the Rohingyas in Malaysia. Korac (2009, 28) attributes the deep attachment of refugees to their homeland to their forcible displacement and the continued absence from home, which invokes nostalgia for home. As narratives of home differ from the past as it actually was, myths of homeland are described as “active creation[s] of the past in the attempt to remember it” (Graham and Khosravi 1997 in Korac 2009, 28). The place the Rohingyas long for is Arakan, not Myanmar. Their allegiance to Arakan is so strong that many of them conceive themselves as belonging to Arakan instead of Myanmar. Roshid<sup>115</sup> states: “I am a citizen of Arakan, not Burma. That invader/coloniser [Burma] always says Rohingyas are immigrants. But this is not true.” Yet, by virtue of the deterioration of the enduring conflict in Arakan, the Rohingyas lost hope in their dreams to return home. Resettlement to a third country emerges as a number-two-choice. Success stories from resettled fellows impress the left-behinds in Malaysia and let them imagine a better future in a third country. Whilst relocation to a third country is perceived as a temporary solution until an improvement of the human rights situation in Arakan will enable the return home, some Rohingyas also conceive it as a strategy to gain citizenship. Following these high aspirations to return home, the majority of the Rohingyas construe Malaysia as a transit country, mainly due to the lack of an official status and its structural implications that convey the feeling of being hampered from developing. Rashida<sup>116</sup> states:

It has been a long journey from Myanmar to Thailand, to Malaysia and I still have not arrived yet at my destination. I am still on the way. For all these years that I have spent in Malaysia, I feel like I have not done any progress at all. No education and

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<sup>115</sup> Interview conducted in Ampang/Kuala Lumpur, 26.12.2016.

<sup>116</sup> Interview conducted in Imbi/Kuala Lumpur, 30.12.2016.

nothing. I am still the same or even worse as before. I am stuck. I am just surviving. But it is better than Burma. Here, at least I can survive.

## 5.2 The Emergence of New Opportunities and Their Potential for Unification

Whilst a clear lack of hope ensuing from the Rohingyas' continuous plight dominates the narratives of the older generations, the lower age groups show remarkable optimism, as the succeeding discussion of aspirational patterns among relatively educated Rohingya youth articulates.

A central motif of aspiration among the younger generations is the desire for the Rohingyas' unification, which they recognise as crucial for the improvement of their living situations. Some Rohingya youth, who actively try to become engaged with peers originating from regions different than their own, successfully manage to build friendships beyond the usual regional affiliation patterns. When Osman,<sup>117</sup> born in a refugee camp in Bangladesh, arrived in Malaysia a year ago, he strongly wished to meet and exchange with Rohingya youth living in Arakan prior to their flights. Although all his friends (who had grown up in the same refugee camp as him) warned him about the potential troubles, which collaborating with those Rohingyas might cause, Osman accepted a job offer in an informal refugee school, where he worked together with Rohingya adolescents, who had grown up in different parts of Arakan. As Monsutti (2005, 227, 230) shows, trust and friendship beyond patterns of kinship or origin may be crucial strategies for refugees to create networks of solidarity, especially since relationships of trust are both more necessary and more difficult to develop and preserve in migratory environments. Yet, as he emphasises regarding the case of the Hazaras, "[...] friendship [often] remains a difficult ideal to achieve" (Monsutti 2005, 232). Moreover, as a result of their aspirations for the strengthening of the Rohingyas' unity, some of these young Rohingyas establish new schools with the intention to preserve and consolidate their cultural heritage. The determination of the Rohingya language as the main teaching language appears crucial in this regard, since the main language of instruction is Burmese rather than Rohingya in many of the existing Rohingya refugee schools.<sup>118</sup>

Furthermore, identifying the existing leaderships as well as the absence of communication and cooperation among the different Rohingya communities as problematic, the Rohingya youth are determined to change it. Abdul Salam<sup>119</sup> states: "We are breathing with the noses of our leaders, we are not breathing ourselves." Due to an assumed shortage of authority and support, these aspiring youth do not conceive direct transformation of the present leadership system as an option. Rather, as outlined in the following, they pursue more indi-

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<sup>117</sup> Informal conversation held in Batu Caves/Kuala Lumpur, 28.08.2016.

<sup>118</sup> This can be attributed to the fact that it is quite difficult to find qualified Rohingya teachers due to the lack of education prevalent among the Rohingyas.

<sup>119</sup> Informal conversation held in Johor Bahru, 29.01.2017.

rect and creative strategies to make a difference with the intention of inspiring their peers and future generations. The provision of decent education is the first instrument, which the Rohingyas recognise as a potential counterstrategy against their internal divisions, as they perceive the Rohingyas' severe lack of education as one of its main root causes. Faizal Islam<sup>120</sup> claims:

We can accept if one or two Rohingyas die because of famine. But if nothing improves in terms of education, then all the following generations will die. And this, we cannot accept. But most of the Rohingyas do not understand this.

Recreational activities such as sports or music appear as a second evolving opportunity to galvanise a sense of togetherness. The Rohingya Football Club (RFC), which is part of the Australian Kick Project, appears specifically promising. Besides the objective of integrating the Rohingyas into the local society, the RFC also conveys the feeling of being united in a national team.<sup>121</sup> While the RFC currently leads the way in terms of sport facilities available to the Rohingyas in Malaysia, other smaller initiatives exist as well such as the recent organisation of a running competition for young girls by a Rohingya women's association with the overall intention of empowering Rohingya women. The organisation and participation in artistic talent shows such as singing or dancing competitions are delineated as further tools to coalesce the dispersed Rohingya youths and to raise awareness among them.

A third perceived avenue is through transnational practices and links across receiving and sending countries to foster multiple loyalties, which play an increasing role in refugees' development of agencies (Korac 2009, 122-3). The augmented use of social media enables young Rohingyas to meet in cyberspace and communicate through channels different than the conventional networks. They use these devices for the exchange of information, expression of frustration and anger about occurrences within their own communities, awareness raising and organisation of projects and events. A Rohingya RBO, recently created by a young Rohingya, posted on Facebook:

Dear fellow brothers and sisters, we need one united voice in order to develop our society, together we can reach [*sic.*] our goal, unity is a [*sic.*] universal strength [...]. Division between communities [*sic.*] is an indication towards failure; the greatest power on [...] earth [...] is called [*sic.*] 'Unity'. We urge every individual [*sic.*] to stand shoulder to

<sup>120</sup> Informal conversation held in Kota Raya/Kuala Lumpur, 17.09.2016.

<sup>121</sup> Interview conducted by Skype with Gerhard Hoffstaedter, 06.02.2017.

shoulder, side by side for the sake of our community. Every one [*sic.*] of us is [*sic.*] responsible to fight for our rights inside and outside Myanmar.<sup>122</sup>

In addition, new innovative technologies emerge such as RVision – the first comprehensive Rohingya news channel. Besides being an information platform, RVision actively intends to contribute to the unification of the Rohingyas, exemplified by the recently established research group that compiles and assesses the existing Rohingya RBOs in Malaysia with the purpose of bonding and structuring them.<sup>123</sup>

Finally, the case of the Rohingyas in Malaysia illustrates that refugees can be seen as active agents, who have the power to dream and strive for the realisation of their aspirations despite being constrained by structural forces. The appearance of such new possibilities discussed in this chapter carries considerable potential for the Rohingyas' increased involvement in social and political transnational activities grounded in their overall aspiration of strengthening unity among them. By recognising the significance of comprehending refugees' aspirations and their correlation with transnational practices, this paper corroborates van Meeteren's (2012, 18) notion that a focus on aspirations helps to grasp the cross-border activities in which irregular migrants are involved.

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<sup>122</sup> Facebook post, 21.01.2017.

<sup>123</sup> Informal conversation held in Kota Raya/Kuala Lumpur, 15.01.2017.

## CONCLUSION AND EPILOGUE

In conclusion, the Rohingyas' invention and maintenance of creative strategies to mitigate the hardship resulting from the context in which they are situated supports existing literature on refugee agency and activism. Instead of living in a state of limbo, this study proved that refugees are indeed social actors shaping their own lives within the restrictions they face. Yet, while this paper rejects any victimisation of refugees, it showed that refugees are neither simply voiceless victims subjected to violence and control, nor mere agents of resistance. Crucially, it revealed the artificiality of the domination versus resistance dichotomy, as dichotomies are generally much more complex, porous and overlapping in reality than assumed in theory. By exploring the dynamic relationality of the Rohingyas' domination and resistance practices, I argued that refugees are capable of cultivating agencies beyond the binary domination-resistance axis to a remarkable extent in order to develop resilience. Refugees act beyond domination and resistance, as their performances are often not evidently affirmative or oppressive, and instead assume interrelating in-between forms of governance and opposition. Therefore, following de Vries (2016), I called refugees' everyday strategies practices of governance-resistance, since the same acts may undermine prevailing power relations and reinforce them simultaneously.

The ethnographic analysis of the case study demonstrated the originality with which the Rohingyas in Malaysia manage to carve out a certain degree of sustainability outside the formal asylum system. By means of everyday strategies such as the falsification of documents, exploitation of ambiguities, (non)mobility, negotiation, bribery, place-making, vigilance, establishment of informal schools, bounded solidarity, aspirations, social activities and transnational practices, the Rohingyas manage to mitigate and deny the control and domination imposed upon them. Yet, despite making meaningful choices and claims, the Rohingyas' ingenuity remains in tensions with the constraints under which they live. Whilst the agentic capacities they develop are resistant and oppressive at the same time, they negotiate their presence in Malaysia without pushing the structural forces out of the picture. Before embarking on my fieldwork, I expected the Malaysian government and the UNHCR to be the major power relations impinging on the lives of the Rohingyas in Malaysia. However, this assumption quickly proved naïve and ran into serious problems as it entirely disregarded the multitude of dominating structures prevalent in and beyond Malaysia's territory as well as among the Rohingyas. Interestingly, the more data I gathered, the more I realised that my own research only constitutes a small proportion of the whole picture. While a deeper analysis of the topic was difficult due to time constraints and the limited scope of the project, this dissertation nevertheless underlined the significance of examining refugees' potential agencies to grasp the complexity of the situations in which they find themselves.

With reference to Malkki's (1995a) concurrent acknowledgment of resistance *and* governance predominant in refugee camps, chapter one examined the convoluted web of power relations, in which the Rohingyas are ensnared in Malaysia. It demonstrated that refugees' control and domination does not transform them into victims devoid of agency, but rather considered governance as encouraging resistance. Moreover, I highlighted the intricacies of governance and resistance in the vein of de Vries (2016). The interventions of the UNHCR as an international humanitarian refugee protection and assistance agency are not solely interpreted as resistant against a government's securitisation and illegalisation of refugees, but simultaneously as a type of domination, control and marginalisation, which may have disempowering effects on refugees.

Chapter two analysed Malaysia's non-adherence to the international refugee protection regime and its absence of an official national refugee policy, as well as the parallel existence of an unofficial refugee framework as politics of intersecting (in)formality. In terms of refugees' governance-resistance practices, these politics of (in)formality were construed as concomitantly subversive and oppressive; beneficial and detrimental; inclusionary and exclusionary. Stashed in an interspace, where they are tolerated but remain officially illegal, refugees were perceived as persisting in a socio-politically constructed position of (il)legality that exhibits a wide range of blurred and ambiguous '(il)legal' statuses, while offering the potential for resistance within the legal framework (Hellgren 2012). Furthermore, having a long tradition of accommodating refugees despite being a non-signatory to the 1951 Refugee Convention and its Protocol, the Malaysian case typified the limits of the Refugee Convention. However, at the same time, it also illustrated the ambiguity, ineffectiveness and indeterminacy featuring the state itself regarding the implementation of its immigration policy, which blurs the boundaries between legitimate and illegitimate actions of (dis-) favouring refugees.

Chapter three stressed the de-exceptionalised nature of Malaysia as a complex socio-political and historical space in Malkki (1995a) and Sigona's (2015) sense, considering the Rohingyas' negotiation of presence as a dynamic play of (in)visibility (de Vries 2016). Through their adoption of particular (non)mobility strategies, circumvention of medical facilities, assimilation to host societies, tactics of vigilance, place-making processes through the transformation of neighbourhoods into meaningful places and the foundation of informal schools, the Rohingyas – and refugees in general – subvert the state's denial of their basic needs. Conceived as visual politics of (in)visibility, refugees blend in, remain invisible, claim their presence and become visible at the same time, which entails their simultaneous inclusion and exclusion, control and subversion.

Chapter four highlighted the Rohingyas' strong communication skills towards outsiders as powerful everyday forms of resistance. Yet, it further revealed the difficulties of the Rohingyas to cooperate and establish solidarity among themselves, while reflecting on the

social, cultural, political and historical contexts in which they were entangled in Burma prior to their flights to Malaysia. The limited capacity to create bounded solidarity, the salient lack of unity among the Rohingyas and the concurrent prevalence of internal divisions and exploitations were identified as major impediments to the betterment of their living conditions in Malaysia. While I recognised the legacies of the British colonisers reproduced by the Burmese government as the main sources of these internal segregations, other actors such as the Malaysian government, the UNHCR, and Malaysian NGOs further feed this low level of cooperation. As a result, although this dissertation emphasises the Rohingyas' power to resist these powerful repercussions, they are still perceived as rather heavily constrained by them. I argued that by endeavouring to break the existing power relations, the Rohingyas get caught in a vicious circle where the applied strategies, which are concomitantly subversive and oppressive, finally replicate their internal separations and hence, reinforce their domination.

Despite this rather bleak picture, chapter five outlined the younger Rohingyas' aspirations and innovative strategies such as the promotion of education, (transnational) activities and the establishment of friendships beyond kinship and regional patterns to counter existing structures of domination. The emergence of such new avenues was ascribed to their intense thirst for the Rohingyas' unification, which they perceive as crucial for the overall improvement of their situations. Corroborating van Meeteren's (2012) approach of examining irregular migrants' aspirations to understand their involvement in transnational activities, the case of the Rohingyas illustrated the significance of considering refugees' power to dream as a critical analytical concept to grasp the true nature of their agencies.

In terms of future research, I recommend the conduct of more in-depth empirical research on the Rohingyas' gendered refugee experiences, since the living conditions and abilities of exiled female Rohingyas in Malaysia enormously differentiate from those of their male fellows. Despite the importance and urgency of delving more into this issue in order to positively influence policy-making processes, academic literature hereof is particularly scarce, if not non-existent. In addition, the undertaking of more thorough research on the Rohingyas' relational dimensions beyond the simple consideration of ethnic and regional factors is essential to understanding their complex relationships and strategies of trust and mistrust, as well as their multiple registers of solidarity and exploitation. This appears specifically critical, as the striking internal divide among the Rohingyas is identified as inhibiting their own capacities to enhance their situations, as well as the competencies of external actors supporting them such as the UNHCR or NGOs.

Conclusively, I would like to refer to one of the main ethical dilemmas with which I have been occupied intensely during my fieldwork: the issue of reciprocity. Conducting research in the context of displacement, where the research subjects are exposed to enormous

precarity and hardship, I quickly began scrutinising the purpose of my dissertation: Can I, as a mere student, contribute something valuable to the Rohingyas' situation? Or is it primarily a process of exploitation serving the furthering of my career? To alleviate these feelings of guilt, I decided to undertake action-based research and put into practice the idea of research as a tool for advocacy (while being aware of the entailed problems in relation to the academic rigour). Yet, the feeling of being in a position of imbalanced power relations persisted. And possibly even increased because of the action-based research approach. To address this power-struggle and to work towards reciprocity, the development of mutually trusting relationships was crucial. By so doing, I gradually realised that my relatively easy entry into the field can in fact be interpreted as an expression of the Rohingyas' deep aspirations to make a valuable contribution to the betterment of their own situations. Contrary to the warnings against the feasibility of the planned fieldwork that I received before embarking on this project, the interviewed Rohingyas appeared eager to answer my questions. Also, many of them insisted on using their real names in this dissertation, claiming that they were *not afraid* of potential repercussions. While these circumstances substantiate my claim that the Rohingyas are indeed social actors, who employ particular strategies, their willingness to assist my research and to share their stories with me can be conceived as an essential element of their agencies.

Finally, in retrospect, I assume that such ethical challenges concern all researchers working with refugees throughout the whole research process. This experience enabled me to perceive my decision to conduct fieldwork among the Rohingyas, the friendships I made with them, the knowledge I acquired about the Rohingya issue and matters beyond the context of academic research, as first individual pieces of a puzzle that will hopefully enable me one day to make the contribution I wish to do so dearly. In this sense, the awareness I built about the Rohingyas, as well as their relations, perspectives and difficulties regarding the UNHCR will be of high value for my forthcoming internship with the UNHCR Malaysia. For instance, the revealed tensions and communication problems prevalent between some of the UNHCR's Rohingya interpreters and their interlocutors triggered my intention to start learning the Rohingya language to prevent or diminish such occurrences during the completion of my internship. Having received a large amount of negative feedback on the UNHCR Malaysia from my research participants, I am willing to see behind the curtain to extend my knowledge about the complex study of refugees.



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## APPENDIX 1

### Map of Myanmar<sup>124</sup>

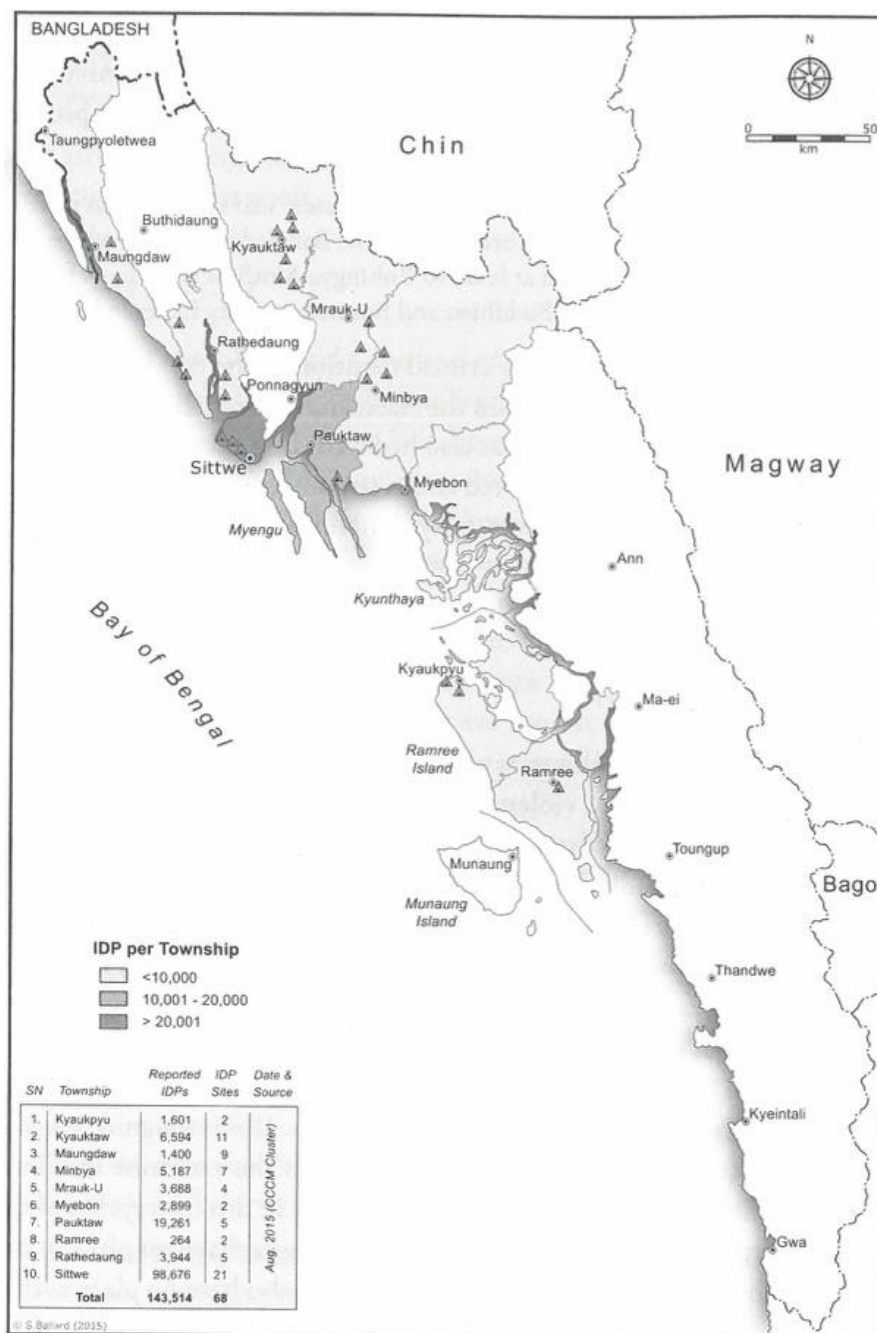


<sup>124</sup> Source: Ibrahim, A. 2016. *The Rohingyas: Inside Myanmar's Hidden Genocide*, p. xii. London: C. Hurst & Co. (Publishers) Ltd.



## APPENDIX 2

### Map of Rakhine State<sup>125</sup>



<sup>125</sup> Source: Ibrahim, A. 2016. *The Rohingyas: Inside Myanmar's Hidden Genocide*, p. 88. London: C. Hurst & Co. (Publishers) Ltd.

ISBN 978-2-8399-2352-1

GLOBAL MIGRATION

RESEARCH PAPER

N°20 | 2018