

## Navigating Security and Human Rights: The Malaysian Maritime Enforcement Agency's Response to the Rohingya Refugee Crisis

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### Abstract

This article explores the dilemma faced by the Malaysian Maritime Enforcement Agency (MMEA) as it navigates the challenging terrain of balancing human rights considerations with national security imperatives in response to the Rohingya refugee crisis. The agency's response is marked by the delicate tension between upholding human rights obligations and addressing security concerns. This study employs a qualitative methodology, utilizing purposive sampling to identify MMEA personnel experienced in managing the Rohingya refugee crisis. In-depth interviews were conducted with respondents, employing semi-structured questions. The data collected was analyzed by content analysis and theoretical application. The ethical and legal challenges faced by the MMEA in handling the Rohingya refugee crisis are examined, considering Malaysia's non-ratification of the 1951 Refugee Convention and its ramifications on the treatment and protection of Rohingya refugees. The securitization of migration and the perception of refugees as potential security threats further complicate the agency's decision-making process. The MMEA endeavors to adopt a comprehensive and multidimensional approach that reconciles human rights values with security imperatives. This research underscores the imperative for enhanced regional cooperation, policy coherence, and the development of sustainable solutions. It emphasizes the protection of Rohingya refugees while concurrently addressing the legitimate security concerns of host countries, thereby framing the discussion within the broader contexts of security and human rights. The article also provides insight into how security agencies can navigate the tension between safeguarding national interests and upholding fundamental human rights values.

**Keywords:** Malaysian Maritime Enforcement Agency (MMEA); Human Rights; Rohingya Refugees; Maritime Security; Sovereignty

### Introduction

The refugee crisis in Southeast Asia has reached alarming proportions in recent years, largely due to the protracted conflict in Myanmar. Among the most affected are the Rohingya, a Muslim minority group from Rakhine State, who have long suffered systemic discrimination, persecution, and denial

of citizenship rights by the Myanmar government. This situation escalated in 2017, when a violent military crackdown triggered a mass exodus of over 700,000 Rohingya into neighboring countries, particularly Bangladesh, rendering them effectively stateless. The Rohingya crisis has since evolved into one of the world's most pressing humanitarian and security challenges, with implications for regional stability, human rights protection, and international legal obligations. It has also highlighted the difficulties faced by receiving states in balancing national security concerns with humanitarian responsibilities, particularly in contexts where refugee movements intersect with transnational crime, border control, and domestic political sensitivities.<sup>1</sup>

At the forefront of this issue stands the Malaysian Maritime Enforcement Agency (MMEA), tasked with balancing safeguarding national security interests and upholding international human rights obligations. This article explores the intricate dynamics surrounding the MMEA's response to the Rohingya refugee crisis, shedding light on the ethical and legal challenges encountered in managing this complex issue. The Rohingya refugee crisis has its roots in the longstanding persecution faced by the Rohingya ethnic minority in Myanmar, driving thousands to flee their homes in search of safety and security. As these desperate individuals embark on perilous journeys across the Andaman Sea and the Straits of Malacca, Malaysia has often served as a destination and transit point for Rohingya refugees seeking asylum and protection. However, the influx of Rohingya refugees has presented a myriad of challenges for Malaysia, particularly in reconciling its commitment to human rights with legitimate security concerns.

Central to understanding the MMEA's response to the Rohingya refugee crisis is Malaysia's non-ratification of the 1951 Refugee Convention, which has significant implications for the treatment and protection of Rohingya refugees within its borders. Without the legal framework provided by the convention, Malaysia faces ethical and legal dilemmas in providing adequate support and assistance to Rohingya refugees while safeguarding its sovereignty and security interests.<sup>2</sup> Moreover, the securitization of migration and the portrayal of refugees as potential security threats further complicate the decision-making process for the MMEA. As the agency grapples with the need to address security concerns it must also navigate the delicate terrain of respecting the human rights and dignity of Rohingya refugees who are often vulnerable to exploitation, trafficking, and abuse.

The MMEA endeavors to adopt a comprehensive and multidimensional approach to managing the Rohingya refugee crisis. This approach seeks to reconcile the values of human rights with the imperatives of maritime security, emphasizing the protection of Rohingya refugees while concurrently addressing the legitimate security concerns of host countries. However, achieving this delicate balance requires enhanced regional cooperation, policy coherence, and the development of sustainable solutions that prioritize the rights and dignity of all individuals affected by the crisis. This article focuses on the ethical and legal challenges faced by the MMEA in the following sections, exploring the agency's response to the Rohingya refugee crisis within the broader contexts of security and human rights. Through qualitative research methods, including in-depth interviews with MMEA personnel experienced in managing the crisis, this study aims to provide insights into the complexities of navigating security and human rights in the face of the Rohingya refugee crisis.

### **The Rohingya Refugee Crisis: A Dual Context of Persecution and Displacement**

The Rohingya refugee crisis represents one of the most severe and enduring humanitarian emergencies in Southeast Asia. At its core lies the systemic persecution of the Rohingya, a Muslim ethnic minority residing in Rakhine State, Myanmar. For decades, the Rohingya have been denied citizenship under Myanmar's 1982 Citizenship Law, effectively rendering them stateless.<sup>3</sup> This legal exclusion has been accompanied by widespread human rights abuses, including restrictions on movement, access

to healthcare and education, and the denial of political and civil rights. The situation escalated dramatically in 2012 and again in 2017, when the Myanmar military launched violent crackdowns against the Rohingya population, allegedly in response to insurgent attacks. These operations resulted in mass killings, rape, the destruction of villages, and other atrocities that the United Nations and various human rights organizations have described as ethnic cleansing and crimes against humanity. These actions triggered a mass exodus of Rohingya refugees from Myanmar to neighboring countries, especially Bangladesh and Malaysia. These circumstances marked by targeted violence, state oppression, and the absence of legal protection that constitute the primary push factors driving the Rohingya out of their homeland.

Malaysia has emerged as one of the key destinations for displaced Rohingya, due to its geographic proximity, relatively stable economy, and established Rohingya diaspora. These elements serve as pull factors attracting refugees who seek safety, livelihood, and community support. However, despite being a preferred destination, Malaysia is not a signatory to the 1951 UN Refugee Convention or its 1967 Protocol.<sup>4</sup> As a result, Rohingya refugees are not legally recognized and remain vulnerable to arrest, detention, and deportation under immigration laws. They are also denied access to formal employment, healthcare, and education, forcing many to live in precarious conditions on the margins of society. The Malaysian government has alternated between humanitarian assistance and restrictive enforcement, reflecting a broader struggle to balance national security with human rights obligations. Agencies such as the Malaysian Maritime Enforcement Agency (MMEA) face complex ethical and legal dilemmas when responding to boats carrying Rohingya refugees.<sup>5</sup> While concerns about human trafficking and border security are valid, a lack of consistent legal frameworks and policy clarity exacerbates the vulnerability of these populations.

### **A Perilous Journey from Myanmar and Bangladesh to Malaysia**

The Rohingya refugee movement from Myanmar and Bangladesh to Malaysia represents a harrowing saga born out of desperation and dire circumstances. Fleeing persecution, violence, and discrimination in their home countries, Rohingya people have been forced to embark on treacherous journeys in search of safety and sanctuary. Initially seeking refuge in neighboring Bangladesh, many Rohingya refugees found themselves congregating in overcrowded camps, particularly in Cox's Bazar, where conditions are deplorable.<sup>6</sup> Cox's Bazar is in the southeastern part of Bangladesh, along the coast of the Bay of Bengal. It is part of the Chittagong Division and borders Myanmar to the southeast. Cox's Bazar is internationally known for having the longest natural sea beach in the world. Nowadays, it has become widely recognized as the location of the largest refugee settlement for Rohingya refugees who fled persecution in Myanmar access to essential services such as healthcare and education, coupled with the absence of viable long-term solutions has exacerbated the plight of Rohingya refugees in Bangladesh.

Driven by a fervent desire for better prospects and spurred by the existence of Rohingya communities in Malaysia, some refugees have chosen to undertake further journeys, braving perilous routes and relying on human smugglers to reach their destination. The journey from Bangladesh to Malaysia is fraught with danger, involving multiple border crossings and exposing refugees to exploitation, abuse, and hazardous conditions along the way. Traversing land and sea, Rohingya refugees navigate through a maze of countries, including India, Thailand, and Indonesia, in their quest for safety and refuge.<sup>7</sup> However, these journeys are often irregular and clandestine, leaving refugees vulnerable to the mercy of traffickers and subjecting them to exploitation and abuse.

The perilous nature of these journeys underscores the desperate plight of Rohingya refugees and the extreme lengths to which they are willing to go to escape systemic persecution and violence in Myanmar. Forced to flee their homes, often with nothing but clothes on their backs, Rohingya refugees endure treacherous voyages by sea and land. They frequently travel in overcrowded boats or through clandestine overland routes and face the constant threat of drowning, starvation, disease, and exploitation by human traffickers.<sup>8</sup> Their displacement is not only a physical journey, but a prolonged ordeal marked by fear, trauma, and profound uncertainty. In host countries, many remain stateless and undocumented, subject to arrest, detention, and deportation. Deprived of legal recognition, they struggle to access basic services such as education, healthcare, and employment, often surviving on the fringes of society under precarious conditions. Women and children are highly vulnerable to abuse and gender-based violence. Despite these hardships, Rohingya refugees continue to persevere in search of safety, dignity, and a future free from oppression.

Amidst the chaos and peril, the international community must not only recognize the root causes of the Rohingya refugee crisis, which include decades of institutionalized discrimination in Myanmar, but also acknowledge the profound suffering endured throughout their displacement. Comprehensive and coordinated efforts are urgently needed to ensure that Rohingya refugees receive protection and humanitarian assistance at every stage of their journey. This includes access to legal status, safe shelter, psychosocial support, and long-term solutions that restore their rights and dignity. Only through sustained global solidarity and meaningful political will can we begin to alleviate their suffering and pave the way for a just and secure future.

## **Risks and Challenges**

The sea route journey undertaken by Rohingya refugees from Myanmar and Bangladesh to Malaysia is fraught with perilous risks and daunting challenges, emblematic of their desperate quest for safety and security. Departing from coastal areas near Cox's Bazar in Bangladesh such as Teknaf, Rohingya refugees embark on small boats or fishing vessels to traverse the Bay of Bengal, a treacherous voyage marked by uncertainty and danger.<sup>9</sup> Entrusting their fate to human smugglers, Rohingya refugees navigate the choppy waters of the Bay of Bengal, enduring overcrowded and squalid conditions aboard vessels ill-equipped for the arduous journey. The exploitative nature of these smuggling networks adds to another layer of vulnerability, as refugees are forced to pay exorbitant fees for passage, further exacerbating their precarious situation.

Crossing the vast expanse of the Bay of Bengal exposes Rohingya refugees to a myriad of hazards, from turbulent seas and inclement weather to the constant threat of accidents such as capsizing or sinking. With scant provisions and inadequate sanitation facilities onboard, the journey becomes a harrowing ordeal, testing the resilience and fortitude of those seeking refuge. The sea route to Malaysia often entails transiting through other countries including India, Thailand, and Indonesia as refugees navigate complex maritime routes dictated by a myriad of factors.<sup>10</sup> Throughout the journey, Rohingya refugees remain at the mercy of clandestine smuggling networks, which operate with impunity and subject them to exploitation, abuse, and extortion.

Upon reaching Malaysian shores Rohingya refugees face the daunting task of evading detection by authorities who have intensified efforts to combat irregular arrivals. Despite their perilous journey, Rohingya refugees are greeted with uncertainty and insecurity upon arrival in Malaysia where they are classified as undocumented migrants due to the lack of a formal legal framework for refugee recognition. Consequently, they are vulnerable to arrest, detention, and deportation by Malaysian authorities perpetuating a cycle of fear and insecurity.<sup>11</sup> Their living conditions in Malaysia are often dire characterized by limited access to essential services such as healthcare, education, and formal

employment opportunities, further compounding their plight. The sea route journey undertaken by Rohingya refugees underscores the urgent need for comprehensive solutions to address the root causes of the Rohingya crisis and ensure the protection and well-being of displaced populations.

### **The Government Agency Response to the Refugee Crisis**

The response to the refugee crisis represents a significant challenge for government agencies worldwide, as they must navigate a delicate balance between upholding human rights principles and addressing national security concerns. This balancing act is particularly complex due to the diverse range of factors at play including geopolitical dynamics, domestic politics, and international legal obligations.<sup>12</sup> At the core of this challenge is the moral imperative to protect the rights and dignity of displaced individuals fleeing persecution, conflict, and humanitarian crises. Governments have a duty under international law to provide asylum to those in need, ensure access to fair and efficient asylum procedures, and prevent refoulement. The forced return of refugees to situations where they face serious threats to their lives or freedom. Upholding these human rights considerations is crucial in demonstrating a commitment to humanitarian values and respecting the inherent dignity of all individuals, regardless of their nationality or status.

However, alongside these humanitarian obligations, governments also face the imperative to safeguard the security and well-being of their citizens and communities. The influx of refugees and asylum seekers can raise legitimate concerns about border security, public safety, and the potential for criminal or terrorist exploitation. Governments must therefore implement measures to identify and mitigate security risks associated with refugee movements including screening and vetting procedures, border controls, and intelligence-sharing arrangements with international partners. Balancing these competing priorities requires a nuanced and context-specific approach that considers the unique circumstances of each refugee crisis and the broader geopolitical landscape.<sup>13</sup> Government agencies must carefully weigh the potential security risks posed by refugee populations against their humanitarian needs, seeking to strike an appropriate balance that protects both refugees and host communities.

Government responses to the refugee crisis are often influenced by domestic political considerations including public opinion, electoral dynamics, and pressure from interest groups.<sup>14</sup> Politicians and policymakers must navigate these complex political realities while upholding their ethical and legal responsibilities to protect the rights of refugees and promote international cooperation and solidarity. Government agencies tasked with managing the refugee crisis face a myriad of challenges, ranging from ensuring border security and internal stability to upholding international legal obligations and humanitarian principles. These agencies must navigate a challenging terrain where competing priorities and interests converge, necessitating careful deliberation and strategic decision-making.

At the heart of this challenge lies the need to reconcile the imperative to protect vulnerable refugees with concerns about potential security risks and the capacity of host countries to absorb and integrate displaced populations. Human rights considerations underscore the fundamental rights of refugees to seek asylum and protection from persecution, as enshrined in international legal instruments such as the 1951 Refugee Convention. Upholding these rights requires governments to provide access to fair and efficient asylum procedures, refrain from arbitrary detention or deportation, and ensure the provision of necessities such as shelter, healthcare, and education.<sup>15</sup>

Conversely, national security imperatives compel governments to implement measures aimed at preventing the infiltration of criminal or terrorist elements among refugee populations, safeguarding borders, and maintaining public order. These concerns are particularly salient in regions prone to



conflict or instability, where the arrival of large numbers of refugees may exacerbate existing security challenges. Government agencies must navigate this delicate balance by adopting a comprehensive and integrated approach that addresses both security and humanitarian concerns.<sup>16</sup> This may involve implementing robust screening and vetting procedures to identify potential security threats while expediting asylum procedures to provide timely protection to vulnerable individuals. Collaboration with international organizations, neighboring countries, and civil society actors is essential in developing holistic solutions that address the root causes of displacement and promote regional stability.

Furthermore, government agencies must prioritize the protection of human rights and dignity throughout all stages of the refugee journey, from initial reception and registration to long-term integration and resettlement. This requires fostering a culture of respect for diversity and inclusion, combating discrimination and xenophobia, and ensuring access to essential services and opportunities for refugees to rebuild their lives. Navigating the challenging terrain of balancing human rights considerations with national security imperatives in response to the refugee crisis requires government agencies to adopt a holistic approach.<sup>17</sup> By upholding international legal obligations, promoting cooperation and collaboration, and prioritizing the protection of human rights and dignity, government agencies can effectively address the challenges posed by the refugee crisis while advancing peace, stability, and respect for fundamental rights.

### **MMEA and Its Roles**

The Malaysian Maritime Enforcement Agency (MMEA) plays a crucial role in safeguarding Malaysia's maritime interests and ensuring the security and safety of its waters. Established in 2006 under the Malaysian Maritime Enforcement Agency Act (MMEA) 2004, the agency has been tasked with a wide range of functions and authorities aimed at enforcing maritime law, preventing crime, and protecting the marine environment.<sup>18</sup> One of the primary functions of the MMEA is to enforce law and order under federal law within the Malaysian Maritime Zone. This includes patrolling Malaysian waters to deter and respond to criminal activities such as smuggling, illegal fishing, and maritime terrorism. The agency works closely with other law enforcement agencies, such as the Royal Malaysian Navy and the Royal Malaysian Police, to maintain security and uphold the rule of law at sea.

In addition to law enforcement duties, the MMEA is responsible for performing maritime search and rescue tasks within both the Malaysian Maritime Zone and the high seas. This involves coordinating and conducting search and rescue operations to assist vessels and individuals in distress, including commercial ships, fishing boats, and migrant vessels. The agency's prompt response to maritime emergencies is essential in saving lives and ensuring the safety of seafarers and passengers. The MMEA also plays a vital role in preventing and restricting the commission of offenses within the Malaysian Maritime Zone. This includes combating piracy, maritime terrorism, and the illegal trafficking of drugs and weapons.<sup>19</sup> The agency conducts aerial and coastal surveillance to monitor maritime activities and identify potential threats, collaborating with international partners to enhance maritime security in the region.

Furthermore, the MMEA assists in criminal matters at the request of foreign states by the Mutual Assistance Act. This may involve sharing intelligence, conducting joint operations, or providing logistical support to enhance regional cooperation in combating transnational crime and piracy.<sup>20</sup> Additionally, the agency is responsible for controlling and preventing maritime pollution, ensuring compliance with international environmental regulations, and protecting marine ecosystems from degradation. The MMEA also plays a role in managing maritime institutions for the training of its officers, ensuring that they are equipped with the necessary skills and knowledge to carry out

their duties effectively. MMEA plays a crucial role in safeguarding Malaysia's maritime interests and promoting security and stability in the region. Through its multifaceted approach to maritime law enforcement, search and rescue operations, and environmental protection, the MMEA contributes to ensuring the safety and well-being of maritime communities and the sustainable development of Malaysia's marine resources.

### **Navigating Security and Human Rights: Response to the Rohingya Refugee Crisis**

MMEA plays a crucial role in maintaining maritime security and enforcing laws within Malaysian waters. Established with the primary objective of safeguarding maritime interests and combating maritime crimes, the MMEA's responsibilities typically include tasks such as patrolling territorial waters, preventing illegal activities like piracy and smuggling, and ensuring compliance with maritime regulations. However, despite its core mandate revolving around maritime security, the MMEA's involvement in addressing the Rohingya refugee crisis demonstrates the agency's adaptability to complex and evolving challenges.<sup>21</sup> While refugee management may not fall within its primary jurisdiction, the MMEA's role becomes significant when Rohingya refugees embark on perilous boat journeys across the Andaman Sea, seeking safety and refuge.

The hazardous nature of these sea voyages often leads Rohingya refugees into Malaysian waters, placing them in distressing and life-threatening situations. In response, the MMEA is called upon to conduct search and rescue operations, reflecting the agency's commitment to humanitarian principles and the preservation of human life at sea. Despite its focus on maritime security, the MMEA recognizes the urgent need to intervene in such situations to prevent loss of life and ensure the safety and well-being of those in need.<sup>22</sup> This involvement underscores the agency's ability to navigate the nuanced terrain of balancing security imperatives with humanitarian considerations. While maritime security remains a core focus, the MMEA acknowledges the broader humanitarian crisis at hand and the imperative to aid and protect vulnerable individuals, including Rohingya refugees, who find themselves in distress on the open seas.

The MMEA's role in addressing the Rohingya refugee crisis highlights its versatility and commitment to upholding humanitarian principles, even in contexts that may fall beyond its traditional scope of operations. By engaging in search and rescue efforts and responding to the immediate needs of refugees at sea, the MMEA demonstrates its readiness to adapt and respond to evolving challenges, thereby contributing to efforts aimed at mitigating human suffering and ensuring the safety and security of all individuals within Malaysian waters. The years from 2012 to 2015 witnessed a notable surge in Rohingya refugees entering Malaysian waters, posing a formidable challenge for the MMEA in navigating maritime security amid unfolding humanitarian crises.<sup>23</sup> This period of heightened arrivals was underscored by a significant escalation in 2015, triggered by escalating sectarian violence erupting in Myanmar's Rakhine State. The violence perpetrated against the Rohingya minority community resulted in widespread displacement and forced migration, compelling Rohingya individuals and families to flee their homes in search of safety and refuge.

Driven by the dire circumstances in their homeland, Rohingya refugees embarked on perilous journeys, with Malaysia emerging as a primary destination for those seeking asylum and protection. The influx of Rohingya refugees placed immense pressure on Malaysia's maritime security apparatus, prompting the MMEA to respond to the increasing humanitarian needs unfolding within Malaysian waters. During this period, the MMEA was confronted with the dual challenge of upholding maritime security while also addressing the urgent humanitarian needs of Rohingya refugees in distress at sea.<sup>24</sup> Search and rescue operations became a pivotal aspect of the MMEA's response, as the agency worked tirelessly to locate and assist overcrowded and unseaworthy vessels carrying Rohingya refugees.

These efforts underscored the agency's commitment to preserving human life and ensuring the safety and well-being of vulnerable individuals caught in perilous maritime conditions.

Despite the concerted efforts of the MMEA and other relevant stakeholders, the challenges posed by the Rohingya refugee crisis persisted, with sporadic surges in arrivals continuing to test Malaysia's capacity to manage maritime security amidst humanitarian emergencies. This situation was notably echoed in 2020, when a renewed influx of Rohingya refugees occurred, once again placing strains on Malaysia's maritime resources and capabilities. The recurrence of Rohingya refugee arrivals in 2020 served as a stark reminder of the ongoing plight faced by Rohingya communities and the persistent challenges confronting Malaysia's maritime security apparatus. In response, the MMEA remained steadfast in its commitment to upholding maritime security while concurrently addressing the humanitarian needs of Rohingya refugees seeking sanctuary within Malaysian waters.

The period from 2011 to 2015, as well as the subsequent resurgence of Rohingya refugee arrivals in 2020, underscored the complexity of managing maritime security in the face of humanitarian crises.<sup>25</sup> The MMEA's role in responding to these challenges highlights the agency's adaptability, resilience, and unwavering dedication to safeguarding human life and promoting maritime safety and security within Malaysian waters. The maritime routes traversed by Rohingya refugees frequently converge towards the northern region of Peninsular Malaysia, with the Malacca Strait emerging as a pivotal corridor for their journey. Serving as Malaysia's international maritime border with Thailand, the Malacca Strait presents a strategic passage for maritime traffic, including vessels carrying Rohingya refugees seeking asylum.

Among the various entry points into Malaysian waters, Langkawi Island holds particular significance as a prominent gateway for Rohingya refugees embarking on perilous sea voyages. Renowned for its picturesque landscapes and vibrant tourism industry, Langkawi Island attracts visitors from around the world. However, amidst its idyllic surroundings, Langkawi has also emerged as a key entry point for Rohingya refugees seeking safety and refuge. For many Rohingya refugees, their journey toward Langkawi is guided by the distant glow of lights emanating from atop Gunung Mat Cincang, a towering mountain that dominates the island's skyline.<sup>26</sup> Unfamiliar with the geographical boundaries and unaware of the legal implications, refugees navigate toward Langkawi under the guise of darkness, propelled by a desperate quest for safety and sanctuary. The revelation that some Rohingya refugees inadvertently entered Malaysian waters underscores the complexities and challenges inherent in managing irregular maritime migration. While Langkawi Island symbolizes hope and potential salvation for those fleeing persecution and violence, it also serves as a poignant reminder of the perilous nature of their journey and the uncertainties that lie ahead.

### **Pull-In versus Push-Back: A Dilemma Between Security and Human Rights**

The MMEA is tasked with maintaining maritime security and enforcing laws within Malaysian waters. However, its role extends beyond routine patrols and law enforcement operations, especially when dealing with humanitarian crises such as the influx of Rohingya refugees. In response to the security challenges posed by Rohingya refugees entering Malaysian waters on boats, the MMEA operates under government directives issued through the National Security Council (NSC).<sup>27</sup> Typically, the MMEA follows a push-back policy that involves preventing Rohingya refugees from illegally entering Malaysian waters and compelling their return to international waters. This policy is grounded in the classification of Rohingya refugees as illegal immigrants by the Malaysian government. From the government's perspective, the presence of Rohingya refugees in Malaysian waters without official authorization is perceived as a violation of national sovereignty and immigration laws.



Under the push-back policy, MMEA personnel are instructed to intercept and detain boats carrying Rohingya refugees found within Malaysian waters.<sup>28</sup> Once the refugees are detained, the MMEA provides humanitarian assistance such as medical aid and food supplies before escorting the vessels back into international waters. This process aims to deter future attempts by Rohingya refugees to enter Malaysian territory illegally and underscores the government's commitment to border security and immigration control. However, it's essential to recognize that the MMEA's response to Rohingya refugees is not static and may vary depending on the circumstances. In situations where the safety and well-being of refugees are at risk, the MMEA may prioritize humanitarian considerations over strict enforcement of immigration laws. For example, if a refugee boat is in distress or at risk of sinking, the MMEA may opt to tow the vessel to safety and help its occupants, irrespective of their legal status.

The MMEA's approach to addressing the security challenges posed by Rohingya refugees reflects the delicate balance between enforcing immigration laws and upholding humanitarian principles. While the push-back policy aims to maintain border security and sovereignty, the agency also recognizes the need to protect vulnerable populations and mitigate risks to human life at sea.<sup>29</sup> The operational protocol of the push-back policy was elucidated by an MMEA Commander tasked with managing the influx of Rohingya refugees. Upon receiving reports of an unidentified boat encroaching into national waters, MMEA personnel are dispatched to investigate the situation. Upon locating the vessel, often teeming with Rohingya refugees, MMEA communicates with NSC to obtain further instructions. Subsequently, NSC mandates the implementation of the push-back policy, wherein MMEA provides humanitarian assistance, such as medical aid and food supplies, before towing the vessel back into international waters. The ultimate destination and fate of the refugees remain at their discretion.

The decision-making process within the MMEA regarding the treatment of Rohingya refugee vessels at sea underscores the critical approach required to navigate the complex interplay between security imperatives and humanitarian considerations. While the agency typically operates under a push-back policy sanctioned by the government, this approach may be reconsidered in situations where the safety and well-being of refugees are at stake. Thus, humanitarian considerations play a pivotal role in shaping the MMEA's response to refugee vessels, particularly when the condition of the boat and its occupants presents imminent risks. An MMEA Commander tasked with accounting for a scenario where a Rohingya refugee boat was deteriorating highlights the agency's commitment to prioritizing human life above strict enforcement of immigration laws.<sup>30</sup> In such instances, the MMEA exercises discretion to switch to a humanitarian aid policy, thereby demonstrating flexibility in its approach.

By towing the vessel to the mainland to prevent a potential maritime disaster, the MMEA not only averted loss of life but also mitigated negative repercussions on Malaysia's international standing. This decision reflects a recognition of Malaysia's obligations under international humanitarian law to aid individuals in distress at sea, irrespective of their legal status. Critically, the MMEA's ability to adapt its response based on the specific circumstances of each situation underscores the agency's commitment to upholding both security imperatives and humanitarian principles. However, it also raises questions about the consistency and coherence of Malaysia's overall approach to refugee management, particularly considering the push-back policy that prioritizes border security over humanitarian concerns.

### **From National Security to Human Rights: Collaborative Partnerships in Action**

When the Rohingya refugee boat is towed to land, the MMEA typically chooses to dock at piers supervised by the Malaysian Fisheries Department. These locations are selected for their suitable

landing areas and basic facilities, including water and toilets, which are essential for disembarking Rohingya refugees safely. This coordinated approach ensures that the refugees can be efficiently processed and provided with necessary assistance upon arrival on land. The MMEA observes that the trend of Rohingya refugees attempting to enter Malaysia via the sea route varies from year to year. For instance, in 2012, the observations indicated that the occupants of the boats were predominantly men. However, in subsequent years, such as 2015 and beyond, there has been a notable shift with each boat encountered by the MMEA containing women and children, including infants.<sup>31</sup>

This shift in demographics underscores the evolving nature of the Rohingya refugee crisis and highlights the vulnerability of women and children who undertake perilous journeys in search of safety. The presence of women and children on these boats accentuates the urgency of providing humanitarian assistance and protection to vulnerable populations, necessitating a comprehensive response that addresses the diverse needs of refugees. Moreover, the fluctuating trends observed by the MMEA underscore the dynamic nature of refugee movements and the need for adaptable and responsive policies to effectively manage and address the challenges posed by irregular migration. By closely monitoring these trends and collaborating with relevant government agencies and humanitarian organizations, the MMEA can enhance its capacity to respond effectively to emerging challenges and safeguard the rights and well-being of refugees fleeing persecution and violence.

After docking at the jetties, the MMEA orchestrates a systematic approach to provide immediate assistance to the Rohingya refugees. Upon disembarkation, refugees are instructed to proceed to the jetty platform area and sit in an orderly manner, facilitating the distribution of food and beverages by MMEA personnel. Additionally, the MMEA promptly coordinates with the nearest government clinic or hospital to dispatch medical personnel to the jetty, ensuring that refugees requiring medical attention receive prompt care for any injuries or wounds sustained during their journey. Subsequently, the MMEA liaises with immigration authorities to facilitate further processing of the Rohingya refugees. Once immigration officials assume responsibility for managing the refugees, the MMEA's direct involvement in the situation concludes. However, the agency remains vigilant to monitor the evolving dynamics of refugee movements in Malaysian waters.

The MMEA acknowledges that its ability to manage the situation effectively is contingent upon the scale of the refugee influx. While the agency can handle rescue operations and provide essential assistance when dealing with a moderate number of refugees, challenges arise when confronted with a large-scale influx. In instances where the number of Rohingya refugees exceeds a certain threshold, logistical constraints emerge, particularly concerning the provision of food, shelter, and transportation. This challenge was exemplified in 2015 when the MMEA grappled with the arrival of over 1,000 Rohingya refugees in the waters off Langkawi Island, straining resources and necessitating a coordinated response to address the humanitarian needs of the refugees.<sup>32</sup> The experience underscores the importance of proactive coordination among government agencies, humanitarian organizations, and other stakeholders to effectively manage crises involving large numbers of refugees. By enhancing preparedness and bolstering collaboration, the MMEA can optimize its response capabilities and mitigate the impact of refugee crises on both the refugees and host communities.

The MMEA has forged collaborative partnerships with various stakeholders to manage different aspects of the situation. In terms of accommodation, the MMEA collaborates closely with the Langkawi Municipal Council to identify suitable lodging areas for the Rohingya refugees. Following discussions, a temporary accommodation site was established at the Langkawi International Shooting Range Malaysia (LISRAM), providing shelter for over 1,000 Rohingya refugees.<sup>33</sup> In addressing the critical need for food and beverages, the MMEA leverages partnerships with local non-governmental organizations (NGOs) to facilitate the procurement, preparation, and distribution of essential supplies

to the refugees housed at LISRAM. Through coordinated efforts with NGOs like the Consultative Council of Islamic Organizations of Malaysia (MAPIM), the MMEA ensures a steady supply of food to meet the refugees' nutritional requirements. Additionally, the support extends beyond basic sustenance, with local businesses and villagers contributing clothing and blankets to alleviate the refugees' immediate needs.

The collaborative initiatives among government agencies, NGOs, and community members highlight a concerted effort to address the needs of Rohingya refugees in distress on Langkawi Island. These partnerships serve as a testament to the collective commitment to aiding and supporting vulnerable populations facing humanitarian crises. Government agencies, NGOs, and community members come together to pool their resources, expertise, and goodwill, creating a more robust and comprehensive response to the challenges faced by Rohingya refugees. By leveraging their respective strengths and networks, these stakeholders can effectively address the complex needs of refugees, ranging from immediate humanitarian aid to long-term solutions for sustainable livelihoods. The spirit of solidarity and compassion exhibited by individuals and organizations involved in these collaborative efforts is indicative of a shared determination to extend aid to those in need. It reflects a recognition of the inherent dignity and rights of all individuals, regardless of their nationality or legal status. Moreover, it underscores a commitment to upholding the principles of humanity, compassion, and solidarity in the face of adversity. Through these collaborative initiatives, government agencies, NGOs, and community members demonstrate their willingness to work together towards a common goal, which is alleviating the suffering of Rohingya refugees and ensuring their well-being and safety. This collective effort not only provides essential assistance and support to those in need but also fosters a sense of community and belonging for refugees who have been displaced from their homes.

## Conclusion

The MMEA plays a crucial role in managing the influx of Rohingya refugees into Malaysian waters, particularly around Langkawi Island in the Straits of Malacca. Collaborating with other maritime security agencies like the Royal Malaysian Navy and the Marine Police Force, the MMEA ensures the safe transfer of Rohingya refugees from the island to the mainland in Kedah. This coordinated effort exemplifies the interagency cooperation necessary to address complex humanitarian challenges while upholding national security interests. Upon arrival on the mainland, the MMEA hands over the Rohingya refugees to the Malaysian Immigration Department (MMD) for further processing, including the investigation of their identities and circumstances. This investigative process is essential for distinguishing between Rohingya and Bangladeshi migrants among the rescued boat occupants. By discerning the composition of the refugee population, the MMD can tailor its response and apply relevant policies and laws established by the Malaysian government. This ensures that appropriate measures are taken to address the specific needs and legal status of each group, contributing to the effective management of the refugee crisis.

The MMEA remains vigilant in conducting maritime patrols and readiness preparations. This proactive stance reflects the agency's commitment to safeguarding national waters and responding promptly to emerging challenges, including potential resurgences in refugee movements. By maintaining a state of readiness and adaptability, the MMEA demonstrates its dedication to addressing maritime security threats and humanitarian crises with diligence and effectiveness. The efforts of the MMEA, in collaboration with other government agencies and stakeholders, underscore Malaysia's commitment to upholding maritime security while fulfilling its humanitarian obligations towards refugees. Through continued cooperation and preparedness, Malaysia strives to navigate the complexities of balancing security imperatives with humanitarian considerations in managing

the Rohingya refugee crisis within its maritime domain. The securitization of migration and the perception of refugees as potential security threats significantly influence the decision-making process of the MMEA. The portrayal of refugees as security risks often lead to heightened border controls, stricter immigration policies, and increased surveillance measures, all which impact how the MMEA responds to Rohingya refugee arrivals in Malaysian waters. This securitized approach can complicate the agency's efforts to balance humanitarian values with security imperatives.

Despite these challenges, the MMEA strives to adopt a comprehensive and multidimensional approach to address the Rohingya refugee crisis. This approach involves not only ensuring maritime security but also upholding human rights principles and aiding those in need. By considering both security concerns and humanitarian obligations, the MMEA aims to navigate the complexities of refugee management in a manner that respects the rights and dignity of Rohingya refugees while also safeguarding national interests. Enhanced regional cooperation is essential in effectively managing the Rohingya refugee crisis. By collaborating with neighboring countries and international organizations, Malaysia can share resources, intelligence, and best practices to address common challenges and develop sustainable solutions. Regional cooperation can also facilitate the safe and orderly movement of refugees, reducing the risks associated with irregular migration and human trafficking.

Policy coherence is another critical aspect highlighted in addressing the Rohingya refugee crisis. It is essential for government agencies, including the MMEA, to align their policies and actions with international human rights standards and obligations. This coherence ensures that refugees are treated with dignity and provided with adequate protection, regardless of their legal status. Additionally, coherent policies help mitigate the risk of human rights violations and promote a more humane and compassionate approach to refugee management. Ultimately, the protection of Rohingya refugees must remain a priority, even as legitimate security concerns are addressed. By framing the discussion within the broader contexts of security and human rights, the MMEA can contribute to a more balanced and nuanced approach to refugee management. This approach not only ensures the safety and well-being of refugees but also promotes regional stability and cooperation in addressing one of the most pressing humanitarian challenges of our time.

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## Notes

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<sup>23</sup> MMEA Officer. Fieldwork Interview. December 13, 2023. Personal communication.

<sup>24</sup> MMEA Officer. Fieldwork Interview. December 13, 2023. Personal communication.

<sup>25</sup> MMEA Officer. Fieldwork Interview. December 13, 2023. Personal communication.

<sup>26</sup> During an investigation into Rohingya refugees who arrived in Malaysian waters by boat, it was discovered that some of them were unaware that the island or land they had reached was part of Malaysia. They mentioned that their journey took place at night and they navigated by following the light coming from the peak of Gunung Mat Cincang in Langkawi, Kedah. This location is well-known as a tourist destination particularly for its cable car (SkyCab) service which attracts many visitors.

<sup>27</sup> MMEA Officer. Fieldwork Interview. December 13, 2023. Personal communication.

<sup>28</sup> The pushback policy was directed by the government through the National Security Council to the MMEA to prevent Rohingya refugees from entering Malaysian waters and to push them back into international waters. This action is taken because the Rohingya refugees are classified as undocumented migrants (PATI) by the Malaysian government and are deemed to have entered the country's waters without authorization from the authorities.

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<sup>33</sup> The LISRAM was temporarily used as a holding center for Rohingya refugees who arrived by boat. It served as a site for housing, screening, and processing refugees intercepted by Malaysian authorities. This reflects Malaysia's effort to manage the influx of Rohingya, balancing immigration control policies with handling humanitarian challenges.

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