

WHO SHOULD PLAY THE ROLE TOWARDS EDUCATION PROVISION FOR ROHINGYA CHILDREN IN TRANSIT COUNTRIES? CASE OF MALAYSIA

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Abstract: *Although Malaysia is not party to the 1951 Refugee Convention nor its 1967 Protocol and does not have an asylum system to regulate the status and rights of refugees, however, Malaysia is still a preferred destination for Muslim Rohingyas fleeing from the hardship and violence in Myanmar. In the last two decades, statistics from the United Nations High Commissioner for Refugees (UNHCR) reported that refugees from Myanmar have arrived in droves and the figure has increased from merely 5,151 (2001) to 177,800 in April 2020 where 54 percent are Rohingyas. Their marked presence in Malaysia has multi-dimensional impacts, especially the enquiry pertaining to Rohingya children's right to education given that Malaysia has ratified the Convention on the Rights of the Child in 1995 but the broader Malaysian education framework does not recognize refugee children in the system. Based against this backdrop, this paper raises the question of who should play the role towards education provision for Rohingya children in transit countries by using Malaysia as case study. Based on purely secondary data and through thematic analysis, this paper argues that the social responsibility and humanitarian efforts to host and accommodate the needs of Rohingyas is disproportionately distributed between Malaysia and other countries especially with developed nations. While the rights of Rohingya refugees and their children should be acknowledged and advocated, this paper proposes that the capacity and readiness of host-cum-transit countries (i.e. Malaysia) should be considered too where the benefits and privileges of the local populace should not be compromised due to the huge presence of Rohingya refugees in Malaysia. Additionally, this paper also recommends that the social and humanitarian responsibilities of accommodating Rohingya refugees should be equitably distributed between and amongst developed and developing nations within ASEAN and further afield.*

Keywords: *The Rights Of The Child, Education And Human Development, Refugees, Developing World, Rohingya*

Introduction

Refugees are regarded as one of the forced migration categories and their presence in transit countries can be a sticky and tricky issue to address. Refugees together with asylum seekers and migrant workers are undocumented migrants who are not only forced to leave their own state but they are vulnerable to the whims of their host state, because they are considered to be secondary to citizens and national interests in the host state (Petcharamesree, 2015). At the same time, the issue of forced migration has been a difficult challenge for ASEAN countries to address. Emigration is regarded as a right, but immigration is seen as a matter of national sovereignty and security.

Globally, there are approximately 68 percent of refugees that predominantly originate from five countries, namely, Syria, Venezuela, Afghanistan, South Sudan and Myanmar (UNHCR 2020). The number of people fleeing from violence, persecution and war at the origin countries has led to large concentration of these groups in the host¹ or transit countries where majority of these countries are developing countries. For instance, Turkey, Pakistan, Lebanon, Islamic Republic of Iran and Ethiopia were the countries listed as top host countries for refugees in the world. According to Dryden-Peterson (2016), 86 percent of refugees around the world live in low- income countries, while only one percent of refugees access resettlement, usually permanent settlement in developed countries. This suggests an imbalance where low-income countries are purportedly bearing the brunt of accommodating refugees as compared to their wealthier and more developed counterparts. To exacerbate the matter, at the same time, developing countries are also struggling to provide for their own citizenry in their quest towards better socioeconomic development in line with sustainable development goals. Looking at the discussion from an ASEAN lens, there are only three countries (i.e. Cambodia, East Timor and Philippines) out of 13 South East Asia countries that have signed the 1951 Refugee Convention or its 1967 Protocol (Taylor, 2020). To date, Malaysia is not party to the 1951 Refugee Convention nor its Protocol and does not have an asylum system that regulates the status and rights of refugees. However, Malaysia is still a favored destination for Muslim Rohingya refugees fleeing from the hardship and violence in Myanmar. Recently, issues on undocumented migrants, especially refugees, have sparked controversial debates among the communities of host countries and those who work closely with these groups (i.e. non-governmental organizations) when refugees fleeing from Myanmar tried to enter Malaysia during the current Covid-19 pandemic. This has put Malaysia in a dilemma tussling between humanitarian grounds on one hand, and, on the other hand, to tighten border controls in a time when the Malaysian government is struggling to keep the Covid-19 pandemic at bay. Arguably, refugees would stay in Malaysia with the assumption that it is merely a temporary stay, waiting for resettlement to a third country (Koo, 2019), but in reality, they outlive their stay in the transit country.

According to data from the United Nations High Commissioner for Refugees (UNHCR), the number of refugees from Myanmar in year 2001 was 5,151, and this number rose to 92,287 in 2013. Within 12 years, refugees from Myanmar increased 18 times higher than its number (94 percent) in year 2013. By the end of April 2015, the recorded refugees from Myanmar were

¹ Host countries assist refugees in different ways, including – most immediately – through the delivery of life-saving assistance and critical services, in emergencies and beyond the initial phase. Distributing relief items, building or improving infrastructure and bearing the administrative, staff and other costs of managing settlements, camps or other types of accommodation are part of these efforts. Even before UNHCR and other relief organizations are on the scene, host communities are the first provider of support to refugees and asylum-seekers.

141,920 with 32 percent of them were from the Rohingya ethnic. The latest data from UNHCR claimed that in April 2020 there were 177,800 refugees and asylum-seekers registered with UNHCR in Malaysia where 57 percent of them are Rohingyas. The influx of Rohingya migrants into Malaysia has become a major concern to the public and Malaysian government. Despite a long history of Rohingya migration flows to Malaysia and the large presence of Rohingya migrants in Malaysia, the debates on the implication of refugees to transit countries are problematic and paradoxical when it touches and juggles between the right to humanitarian survival, diaspora employment and health issues of Rohingya against the strain and drain of resources that their presence will impose on host or transit countries like Malaysia. Although there are a myriad of debates pertaining to education rights of Rohingyas in Malaysia, however, the discussion pertinent to sustainable development goal number four (Quality Education) and the constraints faced by host-cum-transit country like Malaysia (which is a developing countries) is not adequately investigated. Thus, this article will attempt to fill this gap by raising the following research question: Who should play the role towards education provision for Rohingyas in transit countries? The discussion in this paper will be angled from a purely development perspective with focus on the dialectics between development, migration and education as a human right (for Rohingya children) vis-a-vis overall development and well-being of host-cum-transit country like Malaysia. Given that issues related to the influx of Rohingya refugees have raised public attention recently, this paper will specifically dissect and debate the role of education provision between developed and developing countries. At the outset, it is stated that this paper is conceptual in nature and the discussions are based on thematic analysis of recent secondary resources. This paper is significant and timely because it will contribute towards shaping policies related to realizing the sustainable development goals for marginalized communities like Rohingya refugees yet consider the position and development of the host-cum-transit country like Malaysia which is merely a developing nation and their ability (or inability) to shoulder the ‘burden’ of hosting Rohingya refugees. This article is a conceptual paper and based on purely secondary data and through thematic analysis.

In an overview, this paper is divided into four sections. The introduction sets up the backdrop and research enquiry for this paper. Section two will review literature related to Rohingya refugees within the development discourse as well as discuss determinants of migration. Subsequently, the way their presence implicates Malaysia in terms of education provision will be discussed. The discussion will be specific to the situation of Malaysia. Finally, the paper will conclude by suggesting some recommendations to address this issue so that a middle path and win-win scenario will be achieved for both Rohingya refugees, their children as well as Malaysia which is merely a host-cum-transit country.

Literature Review

Background of Rohingya

The Rohingya people are an ethnic group originally from Myanmar (formerly called Burma). Rohingya people were born as citizens of Myanmar or they had lived for centuries in the Buddhist majority Myanmar, mostly living in Rakhine State on Myanmar's western coast (Kader and Choudhury, 2019). They are often described as the world's most persecuted minority who are stripped off citizenship and made stateless by their own government. For the past several decades, Myanmar's Rohingya people have fallen victim to severe discrimination, oppression and human right abuses. In 2017, United Nations viewed the deadly attacks by Myanmar army on Rohingya Muslims as “textbook example of ethnic cleansing” (BBC News, 2020). Extreme abuses have been experienced by Rohingya males and females. They were shot

randomly, and military entered their houses randomly and beat the man. Besides that, Rohingya women and girls were also raped and sexually abused. Rohingya women and girls aged nine to 50 years old were exposed to sexual and violence in Myanmar (Medicins Sans Frontiers, 2018).

Being denied citizenship made them 'stateless' and subsequently caused more than hundreds of thousands of Rohingyas to cross their national borders into neighboring countries such Malaysia, Bangladesh, Thailand and Indonesia (Utpala Rahman, 2010). The rights and citizenship of Rohingyas in Myanmar have been stripped by the 1982 Myanmar Citizenship Law. Thus, the Rohingyas have been treated as illegal immigrants and are being pushed away to Bangladesh and further afield (Kader and Choudry, 2019). The risk of being statelessness makes Rohingyas vulnerable to forced labor and deportation or denied the most basic of human rights. Additionally, statelessness will also expose refugees to smugglers, pirates and become victims of sexual attacks (Ahsan Ullah, 2016; Kader and Choudry, 2019).

The arrival and presence of Rohingyas in host countries have been a contentious and problematic issue. Malaysia is not exempted from this issue. In fact, Malaysia is amongst the biggest host country in Southeast Asia to house Rohingya refugees. With a Muslim-majority population, Malaysia has been a favored destination for Rohingyas looking for a better life following the aftermaths of the 2017 Myanmar military-led crackdown and refugee camps in Bangladesh (Al-Jazeera, 2020). This occurs even though Malaysia is not a signatory to the United Nations 1951 Refugee Convention and 1967 protocol where the country does not acknowledge refugees. As a result, refugees will depend on the UNHCR to acknowledge them and on the goodwill of the Malaysian government to tolerate them. The UNHCR in Malaysia is oftentimes seen as the 'protector and carer' of refugees, which from the Malaysian government's viewpoint discharges them from being responsible towards this marginalized group. Albeit assuming such a huge role, the UNHCR is underfunded and unable to provide adequate shelter or financial support to refugees. While a small handful depends on local implementing partners to assist them, the big majority of refugees in Malaysia support themselves by seeking illegal employment in the big Malaysian shadow economy (Hoffstaedter, 2017: 31-32).

In Malaysia, from the 177,940 refugees and asylum-seekers registered with United Nation High Commission for Refugees (UNHCR) as of June 2020, a high percentage of 86 percent (153,190) are from Myanmar. Majority of them are Rohingyas (101,320, 66 percent) followed by Chins (22,510, 15 percent) and 29,340 (19 percent) others from Myanmar.² However, rights groups claim that the number of Rohingya refugees in Malaysia is higher than reported by UNHCR. Though the debate about Rohingya refugees in Malaysia is not new, but renewed interest emerged during the Covid-19 pandemic when an exodus of Rohingya refugees again made their way to Malaysia. The following sections will unpack determinants that shape their migration before discussing how their presence have resulted in more questions than answers, especially on affairs pertaining to educational provision to Rohingya children.

² Figures at a Glance in Malaysia. UNHCR. The UN Refugee Agency, Malaysia. <https://www.unhcr.org/en-my/figures-at-a-glance-in-malaysia.html> (Retrieved on 21 July 2020).

Refugees Migration Determinants

Why Migrate?

According to Lee's (1966) theory of migration, the discussion of migration determinants could be viewed from the situation that happened at origin and destination. By using the analogy known as pull and push factors of migration, Lee proposed four factors that determined decision to migrate which are:

- 1- factors associated with the area of origin
- 2- factors associated with the area of destination
- 3- intervening obstacles
- 4- personal factors

(Lee, 1966)

Lee argues that the situation that occurs at the origin and destination will influence the behaviors and decisions of individuals whether to migrate or not. The pull factors consist reasons that attract people outside the boundary areas to migrate into the destination place such as better income opportunities and opportunity for education. On the other hand, the push factors are associated with the place of origin of potential migrants and will influence their decision to leave the place of origin. By using the push-pull framework to analyze the determinants of refugees, it shows that factors associated with place of origin are strong factors that influence refugees to emigrate to other places. As explained earlier, refugees are considered as one of the forced migration types, who have been forced to flee his or her country because of war, violence or persecution. Besides, refugees have a fear of persecution which makes them most unlikely to return home or afraid to do so. Another significant aspect of refugees' migration determinant in relation with Lee's (1966) discussion is how desperate migrants (in this case refugees) are responding to the decision to migrate even though the intervening obstacles serve to weed out some of the incapable. Thus, these people are so desperate to migrate, taking risk at the intervening level and destination countries to save their lives. By contrast, the economic migrants might have no necessity to move, but they do so because they see a potential and can weigh the good and bad at origin and destination before locking into decision. Unlike refugees, they do not have so much positive vibes or options to stay in order to be safe. Therefore, usually refugees also tend to become permanent migrants, not coming back to their origin until it is safe for them. In short, the pull-push factors of refugees' migration scenario are visualized below (Figure 1) by adapting Lee's (1966) theory of migration framework. A simple analogy to explain the relationship between Lee's (1966) framework of migration decision and refugees is depicted where the refugee is a person who has no choice to stay in origin but has been forced to emigrate regardless of the risk they will face during the migration process and the obstacles to survive in the destination.

Based on Lee's (1966) framework, it is evident that strong push factors at the origin will influence people to become refugees regardless whether the destination has laws to protect them. This succinctly illustrates the dynamics between Rohingya refugees and the Malaysian government. However, till today, Malaysia has not ratified the 1951 Refugee Convention nor its 1967 Protocol, and yet, a sizeable majority of Rohingya refugees have opted to emigrate to Malaysia despite knowing the hurdles and hardships they will go through as undocumented migrants in a foreign destination. This is simply because the bitter experiences and series of violence, abuse and attacks at the place of origin (i.e. Myanmar) have become a strong reason and push factor for Rohingya people to move out and seek for a safer place in other countries.

A visualization of pull-push factors of migration based on Lee's (1966) framework is shown in Figure 1 below:

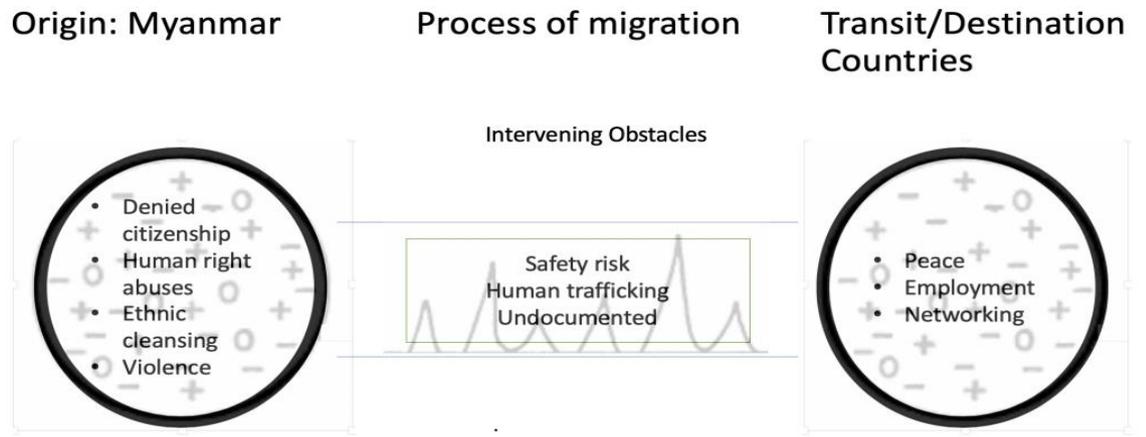


Figure 1: Origin and Destination Factors And Intervening Obstacles In Forced Migration

Source: Authors' Illustration Based On Lee's (1966) Framework

Analyzing migration factors of refugees have provided clear evidence that the outflows of Rohingyas fleeing to other countries could be controlled by improving the rights for development of Rohingya people at the origin. Yet, it would be a pressing and unfair situation for the destination or host-cum-transit country, in this case Malaysia, to take full responsibility of providing access to their development needs and to acknowledge their human rights because most of the host countries are also carrying the status of 'developing nation' or even 'under developing nation' which in turn require aid and assistance from the developed world. Basically, for host countries to assume full responsibility of refugees' needs and welfare will cause extra or even excessive burden to host countries because they (host countries) need to provide and ensure holistic development, better quality of life and enhanced wellbeing for their own people too. Arguably, for developing countries to take full or even the bulk of the responsibility for refugees's welfare will inadvertently delay their own aspirations to achieve sustainable development.

Refugees in transit countries

To further comprehend the presence of refugees in transit countries, the next section will decipher the situation by evaluating the multiple connotations affiliated with refugees in transit countries, namely, their intention to be merely guest or stay for long-term.

Guest or staying?

Debates on whether refugees will stay or not are controversial. When Rohingya refugees fled from their countries of origin, their destination countries are divided into two, namely, i) a transit country; and ii) a destination country. A transit country is a country that refugees pass in order to enter a country of destination (Kilibarda, 2017). According to International Organization for Migration (IOM) (2019), there is a notion of "temporariness" when defining the concept of transit countries and the question arises on how long the time is taken for a transit country to be considered as a destination. On the other hand, country of destination is defined as destination for a person regardless whether they are documented or undocumented migrants (IOM, 2019). Since Malaysia has not ratified the 1951 Refugee Convention nor its Protocol and does not have an asylum system that regulates the status and rights of refugees, then, Malaysia

is not a destination country, but merely a transit country. However, for the majority of Rohingya refugees, Malaysia is a country of their final destination (The Equal Right Trust, 2014). For instance, there are huge groups of undocumented Rohingyas who have resided in Malaysia for two or three generations (The Equal Right Trust, 2014). Long-staying Rohingya refugees (whether registered or unregistered with UNHCR) have put Malaysia under a dilemma because Malaysia does not have a comprehensive legal framework through of which refugees can access and claim their rights, and the Malaysian law makes almost no distinction between refugees and undocumented migrants. As a result, this may cause refugees to be subjected to arrest for immigration offences, detention, prosecution, whipping and deportation.

At this juncture, it is difficult to determine or debate whether refugees prefer to stay in transit countries or will opt to migrate again. One of the approaches to comprehend this dialectic situation would be to view the issue through the pull and push factors framework. As discussed in Lee's (1966) migration model, refugees' decision to stay in transit countries will depend on factors associated with the area of destination, intervening obstacles and personal factors. Evidence shows that refugees in a transit country also have the tendency to migrate again although the new destination of migration also serves as a transit country. For example, Missbach (2017) argued that Aceh is not the long-term option to stay for Rohingyas, not because Aceh's hospitality towards them expired, but most of Rohingyas have targeted Aceh as temporary transit for them to enter Malaysia although Malaysia also does not have comprehensive refugee policies. In addition, there are many attempts by Rohingya refugees from camps in Cox's Bazar, Bangladesh to flee to Malaysia as well. The latest evidence in June 2020 reported that Malaysia has detained 269 Rohingya refugees who fled camps in Cox's Bazar, Bangladesh (Bernama, 2020). Not only that, it was also reported that Rohingya refugees from detention camps in Sadao district were also keen to flee to Malaysia (Malay Mail, 2019).

Thus, to answer the question of whether Rohingyas will stay or leave, it will depend on the situation in host countries. In this case, although Rohingyas have been provided security at refugee camps in several countries, but Malaysia is still their favored destination country to flee to although Malaysia is not a member of the 1951 Refugees Convention. This is because the economic (Missbach, 2017; The Equal Right Trust, 2014) and religion factors (Hoffstaedter, 2017; Wake and Cheung 2016) are strong pull factors that attract Rohingyas to Malaysia. Hence, it is likely that Malaysia will become the destination country instead of transit country for Rohingyas. Their increasing and marked presence in Malaysia will impact local dynamics in Malaysia, particularly education provision for Rohingya children.

Although education is not a major factor that drives Rohingyas to Malaysia, but the large numbers of Rohingyas in Malaysia will certainly implicate the discourse of Rohingya education pertaining their rights and entitlements. The subsequent sections will frame and discuss the narrative within the lenses of development, inclusion, right to education for Rohingya children and the ramifications to Malaysia as a host-cum-transit country.

Framing Rohingya Discourse Within The Lenses Of Development And Inclusion

The discourse of migrants and migration of Rohingyas as espoused in this paper cannot be detached from the broader meaning of development which in turn will tease out the notions of 'what development?' and 'whose development?' Arguably, the concept of development itself is widely contested given the way it has evolved and morphed over the decades (Peet & Hartwick, 2009: 1). Traditionally, development used to focus mainly on quantifiable growth with emphasis on a nation's economic growth which are measurable through indicators like GDP, GNI and such (Todaro & Smith, 2011: 14). At that juncture, development was perceived

to be a solely “economic matter” with a utopian and unrealistic assumption that high GDP growth and surpluses would flow downwards to the masses and provide equal opportunities for all. During then, development barely discussed on matters pertaining to social justice, inequality, human rights, discrimination and marginalization. But when material growth failed to improve lives during the ‘50s’ and ‘60s’, and the wider society began to disclose issues of poverty, inequality, disparity and unemployment in all its forms, it then sparked the need to revisit and rethink the meaning of development.

Gradually, there is due recognition accorded to the multi-dimensionality of the development concept which would now encompass non-economic dimensions. As such, concepts like inclusion, holistic, balanced and inclusive development became pivotal and increasingly important. To this end, a society from the perspective of social sciences is purportedly diverse in all its dimensions (i.e. social, political, cultural), multi-layered and it has a social structure that is complex. Apart from being home to the local populace, a society at the same instance is also a gateway and ‘asylum’ to house and host foreign refugees like Rohingyas which is the crux of discussion in this paper. However, the dialectics and dilemmas that arise here pertain to the extent upon which a host society like Malaysia can accommodate and tolerate Rohingya refugees in sharing the wealth of the Malaysian nation. While contemporary development paradigm advocates a clarion call towards inclusion in all its form and respect for cultural diversity, like in this case, inclusion and acceptance of Rohingya refugees; but, equal emphasis has to be given to how host-cum-transit countries (which are predominantly in the middle and low-income brackets) are coping with the mass exodus of refugees and the extent upon which the rights and privileges of citizens in these low- and mid-income host countries are being safeguarded or threatened with the marked presence of refugees. As the old adage goes, ‘charity starts at home’ where developing nations must also bear the interest of their own citizens as priority before extending a helping hand to stateless Rohingya refugees. This leads to the bigger concern of what is the role of high-income nations in addressing this issue given that a vast majority of refugees are found in the developing world and not developed nations (Overseas Development Institute (ODI), 1983; UNHCR, 1997; Lücke and Schneiderheinze, 2017). Hence, how have developed nations equitably distributed this ‘obligation’ with their lesser income counterparts amidst global tenets to ensure social development and human well-being for all. The social complexities and their underlying structural causes are duly recognized during the inaugural Copenhagen Declaration on Social Development where the United Nations invited heads of State and Government to acknowledge ‘the significance of social development and human well-being for all and to give to these goals the highest priority both now and into the twenty-first century.’ (United Nations, 1996: 2). This overarching principle together with other related declarations and treaties will further shape the narrative of this paper where key concepts like social inclusion and the right to education will be embedded in the discourse of Rohingya refugees in Malaysia as ways to inform and shape policy-making for this marginalized group yet with due considerations for the host-cum-transit country, Malaysia.

Social Inclusion: Are Rohingyas Included Or Excluded?

According to the World Bank’s report entitled ‘Inclusion Matters’, social inclusion can be defined in two ways. First, it can be widely understood as “the process of improving the terms of individuals and groups to take part in society” while the second more refined definition espouses the concept as “the process of improving the ability, opportunity, and dignity of people, disadvantaged on the basis of their identity, to take part in society” (World Bank, 2013: 50). Broadly, the notion of social inclusion is also intertwined, understood and used interchangeably with the United Nations concept ‘social integration’ which means ‘the capacity

of people to live together with full respect for the dignity of each individual, the common good, pluralism and diversity, non-violence and solidarity, as well as their ability to participate in social, cultural, economic and political life, encompasses all aspects of social development and all policies.’ (1996: 26) (see also Thomas, 2016: 194). Hence, in the context of this paper, the concept of ‘social inclusion’ refers to whether the Rohingya community is being accepted or not in Malaysian society which would include their right and access to education. More succinctly, given Malaysia’s role as a non-signatory of the 1951 Refugee Convention where the country has no obligation to accept refugees or fulfil their basic needs (including education), it teases the question of ‘Who should play the role towards education provision for Rohingyas in transit countries?’

The Right To Education As Part Of Sustainable Development

As argued by human capital theorists, better accessibility and higher educational attainment will enable higher opportunities to secure better jobs (Becker, 1994; Harbison & Myers, 1964) and can purportedly eradicate poverty (van der Berg, 2008). Correspondingly, the positive relationship between educational attainment and its impact on individual advancement and societal growth have placed education at the forefront of policy agenda in the developing and developed worlds (Brown, 2001). As discussed above, the need for social development and wellbeing for all have emphasized ‘inclusive education’ and ‘education for all’, in this case, Rohingya refugees.

In refugee literature, the link and importance of having access to education as means to transform and ascertain a better life for young refugees is widely acknowledged in the last decade (Thomas, 2016) given that education is both ‘enabler and social moderator’ that are fundamental towards societies’ upward mobility (Pang, Ling & Tibok, 2019). However, the process, access and right to formal education for refugee, stateless and undocumented children are arduous, challenging and difficult as reported in recent Malaysian studies (Pang, Ling & Tibok, 2019), especially when Malaysia has not ratified the Geneva Convention on Refugees 1951 and the New York Protocol of 1967 (Khairi, 2010: 5). This situation is further compounded due to the provisions in Malaysia’s education acts and policies. According to the Malaysian Education Act 1996 (Act 550), there is a core thrust to advocate the development of world-class quality education as well as to nurture and groom the full potential of all Malaysian children to actively participate in national development agenda. Following suit, Malaysia’s National Education Policy acknowledges that the wellbeing of the family, society and nation resides in everyone obtaining equal access and quality education. However, these aspirations and privileges are the sole exclusivity of Malaysian children because there are no such stated provisions for refugee, undocumented and stateless children (UNICEF, 2015b) (cited in Pang, Ling & Tibok, 2019). Such a scenario inadvertently scrutinizes the Malaysian refugee policy framework as providing ‘double standards’ treatment to children of refugees, in this case, Rohingya children; while Malaysian law has no provision for this obligation since Malaysia is not a signatory of the 1951 United Nations Refugee Convention.

Further to this, the United Nations High Commission for Refugees (UNHCR) views educational accessibility and opportunity for refugee children as a basic human right as enshrined in the 1986 Convention on the Rights of the Child. The situation again becomes complicated and paradoxical when Malaysia acceded to this convention in 1995 whilst not ratifying the 1951 Refugee Convention and 1967 Protocol. Such a scenario implies that the Malaysian government may refuse to acknowledge the rights, welfare and wellbeing of *adult* Rohingya refugees but the fact that Malaysia signed the 1986 Convention on Rights of the Child signals

that Malaysia must put more thoughts into ensuring the welfare and well-being of Rohingya *children*. The notions of ‘right to education’, ‘inclusive education’ and ‘quality education for all’ are part and parcel of the broader sustainable development narrative as illustrated in the United Nations Sustainable Development Goals (2015-2030) that has 17 goals and 169 targets. Sustainable Development Goal No. 4 is directly linked to education where key stakeholders (i.e. governments, private sector, civil societies) are encouraged to ensure inclusive education and equitable quality education for everyone besides advocating lifelong learning opportunities for all. Clearly, when contextualizing SDG No. 4 to Rohingya children in Malaysia, attempts need to be made towards re-visiting and re-formulating more inclusive educational policies for marginalized children of Rohingya refugees.

Rohingya Education And Its Impact In Malaysia: Burden Or Boon?

Angling the education discourse from a development perspective, it is understood that education is not a privilege but a human right where everyone has a right to education. However, discussion about the rights of education is always debatable. The dilemma is whether education rights for refugees is viewed as a burden or boon for transit countries, especially for developing countries like Malaysia. Refugees can bring assets such as knowledge transfer and skills to host countries, but due consideration has to be given to the particularly developing countries that possess limited resources (UNHCR, 1997). Nevertheless, UNHCR (1997) also stressed that in developing countries, both refugees and local heavy price that host countries have to pay in providing education to refugees’ children, people are engaging in economically productive activities to ensure a decent livelihood but accommodating too many unsettled refugees will eventually strain the administration budget of the host-cum-transit country.

Tuition fees and the indirect costs of education still form the single biggest barrier to equitable access to quality education. Being a public good and a basic right, education must be publicly financed, and the long-term goal should be sustainable education financing that is sourced primarily from domestic revenue. Although education is a human right and a public good, but in many developing countries the government encounters financial resources or lack the political will to meet their citizens’ educational needs (Hillman and Jenkner, 2004) what more those of refugees. It is because social protection, housing and education are listed among the largest spending categories for developed nations (OECD, 2017). Welcoming the presence of refugees in a society would mean investment from public funds are required to facilitate the aspect of human development for refugees. It is the investment that must be shared between locals and refugees without compromising the welfare and well-being of a nation’s native citizenry. As for Malaysia, it was estimated that education investment for refugees could be expected to be as high as RM150 million per year (Todd et al, 2019). Hence, Lücke and Schneiderheinze (2017) listed two main challenges showing how lack of funding in developing countries could jeopardize both refugees’ welfare as well as economic and political stability of the host countries. The quotations below succinctly illustrate the two challenges.

- 1. First, humanitarian assistance for refugees goes mostly through UNHCR and the World Food Program (WFP) that must raise most of their funds afresh for each new refugee crisis. Over time, donors often fail to adequately support programs that address protracted crises. When critical needs such as food, health, and education are underfunded, not only does this have detrimental consequences for refugees and local populations (such as in the cases of Syrian refugees in the Middle East in 2015 and refugees from Somalia and South Sudan in Kenya). It may also lead to secondary movements of refugees and security challenges for the wider region.*

2. *Second, humanitarian assistance makes insufficient provision for local populations whose access to public services, infrastructure, and natural resources may be affected. Most refugees remain in their host countries for many years; nearly half of those under UNHCR mandate are in protracted situations that last longer than a decade (UNHCR, 2016, Figure 7). Therefore, emergency assistance needs to be complemented by additional development finance to meet additional long-term needs for public services and provide opportunities for employment and entrepreneurship.*

(Lücke and Schneiderheinze, 2017, p. 2)

In reality, majority of the refugees are at risk of receiving low levels of education attainment. Despite the fact that Malaysia has achieved almost universal primary education for all fellow Malaysian citizens and is en route to attaining universal secondary education, but, the opportunity for refugees and other irregular migrant children to gain access to education in Malaysian schools is severely limited because they are not permitted to register in government-funded public schools (Equal Rights Trust, 2014: 69). As such, Rohingya refugees who have been living in Malaysia for more than a decade are mostly the generation without a formal education thus illiterate (Letchamanan 2013). Language becomes a barrier for education because majority of the Rohingya refugees could not understand Bahasa Malaysia or English and this situation will delay the learning process (Wei Qian 2019). This will cause education for refugees to be costlier than for non-migrants due to the high illiteracy rate amongst refugees. Insufficient school capacity both in terms of resources and staff trained to work with refugees and migrant children, language barriers, and limited catch-up classes are among the most common challenges faced by refugee children. These are also factors that heighten the cost and make it expensive to provide education for refugee children (Culbertson, et al. 2016; Raley, 2018). Furthermore, it was reported that parents of refugees face financial problems which make them unable to send their kids to proper schools. To compound the issue, refugees are found to have big families where 58% of refugees were reported to have 6-9 numbers of siblings (SUHAKAM, n.d.). Thus, when it comes to issues pertaining to education right, Malaysia is trapped in a dilemma where refugee population is increasing as education costs skyrocket. Concurrently, tensions between the Malaysian government, NGOs and Rohingya community increase when deliberating the question on who should take the lead in education provision for Rohingya children.

Unequal Access To Education

Although developing countries that become transit countries are struggling to fund their human development, but the responsibilities to provide access to education of refugees are carried by NGOs, community learning centers and UNHCR. Ironically, scholars also acknowledge that it is important to invest in education and skills training as one of refugee's livelihood strategies to survive (Koo, 2019).

As Malaysia does not allow children of refugees to access formal education, as an alternative the refugee children in Malaysia received education through informal schooling systems such as the 128 community-based learning centers scattered all over Malaysia (UNHCR, 2020). Statistics showed that 93% of Rohingya refugees in Malaysia recorded under school going ages, with only 30% of them are enrolled in community learning centers. Studies have shown that there are barriers experienced by children of illegal migrants to gain access to education as part of their educational right (Makhtar et al., 2015; Wahab, 2017; Wei Qian, 2019). The barriers are listed below:

- The fear of being arrested and risk of deportation if they try to register their children in public schools
- Access to education limited to community-based learning centers run by NGOs (closely supervised/operated by UNHCR with insufficient facilities and infrastructure, including trained teacher)
- The lack of opportunities to pursue higher education has a significant impact on the child's motivation to learn. Refugee parents' attitude which discourage their children to enroll in school, especially the girls.
- Insufficient income to maintain the schooling costs of children.

Based on the discussion above, education is important to bring up human development. However, it is not easy for developing countries alone to take up the responsibilities to provide access to education for refugees because developing countries are also struggling to comply and realize the sustainable development goals. In this case, Malaysia is not excepted. As for developed nation, the arrival and presence of refugees could bring a positive impact to halt the ageing process by providing labor supply for them. However, in the Malaysian context, studies have to be conducted and due consideration must be made before endorsement of refugees to public school is guaranteed. This is because 0.27% of children in Malaysia still have incidences of dropout from schools and they even live below poverty (Rahimah Abdullah, 2018). In this case, the benefits, privileges and welfare of the local people should be prioritized and must come first. As for refugees, international development and aid bodies from developed nations should intervene more and play a supporting role to developing nations in managing the presence of refugees in developing countries.

Conclusion And The Way Forward

The paper has attempted to investigate the Rohingya discourse from an angle less visited which is the fate of host-cum-transit countries as they host refugees either voluntarily, out of goodwill or forcibly. No doubt, when a developing nation like Malaysia opens its doors to Rohingya refugees, it will entail a spectrum of issues and challenges as discussed above. The situation becomes doubly challenging when an act based on humanitarian and compassionate grounds is not deemed inadequate when viewed from a human rights perspective that champions the rights and equal accessibility to basic needs (i.e. food, shelter) and even education rights for refugee children. But when pondering this issue and viewing it based on resources and power relations between developed and developing countries, the purportedly social responsibility and humanitarian endeavor to deal with refugees arrival and their presence in a society should not fall squarely on the shoulders of developing countries just because their social structure and political environment is more appealing and welcoming like how Rohingya refugees regard Malaysia as their ideal and preferred destination.

In conclusion, the arguments in this paper have succinctly illustrated that the polemic of education provision for Rohingya children should consider both human development aspect and capabilities of the transit country as well to undertake the sustainable development goals responsibly without straining or draining them in any way. Analyzing these issues from Lee's (1966) pull and push factors framework has shown that not only the host or transit country should carry the responsibilities of providing education access to the refugees, but, more importantly, Myanmar, as the origin country, has to take responsibility to solve this issue

together with all its ASEAN counterparts. This is because Rohingyas are pushed out from Myanmar (the origin) to become refugees due to severe discrimination and vulnerability that happened in Myanmar. Migration of Rohingya refugees is not by their choice or willingness, but they have no other options and are forced to migrate. Therefore, the enquiry pertaining to who should provide access to education for Rohingya children should also investigate the context of what happened in the origin country. Perhaps the time has come for international bodies and strained host-cum-transit ASEAN countries to put more pressure on Myanmar to assume their responsibilities towards Rohingya refugees.

Additionally, the discussions from this paper will have policy and theoretical implications. In terms of policy implication, Malaysian leaders, NGOs and civil society groups should also view the issue from the perspective of host-cum-transit nations. Policies to address the imbalance of Rohingya presence and arrival in Malaysia should be formulated with the best interests of native citizenry at heart too as well as to question the role of developed nations and their social responsibility towards refugees. Dialogues at the national, regional and international levels should be expedited to generate clear policies on refugee management by developing and developed countries so that the load of hosting refugees is equitably distributed. This aspect which is relatively new in the literature will inform academic discourse by re-theorizing Rohingya literature. While this paper is novel and serves as a platform to spark the question pertaining to whose should play the role for education provision of Rohingyas in transit nations, the limitation of this paper is duly addressed. The narratives in this paper could be further enhanced by undertaking additional primary data collection to complement and supplement the discussion. Primary data collection was hindered during the writing of this paper due to the Covid-19 pandemic and the Movement Control Order that restricted movements of Malaysia thus negating efforts to undertake fieldwork during this period.

Moving forward, Rohingya refugees and their children will face an even more gloom and bleak future in Malaysia amid the current global Covid-19 pandemic. The unpredicted and unprecedented Covid-19 pandemic has put the Malaysian government in a quandary when economies and livelihoods of Malaysians have been adversely impacted in one way or another when the partial lockdown was implemented during the Movement Control Order in March 2020. During a teleconference with ASEAN leaders in June 2020, Malaysian Prime Minister Muhyiddin related this plight by highlighting that Malaysia can no longer accept Rohingya refugees given that existing resources and capacities are already severely depleted, stretched and further exacerbated by the Covid-19 pandemic (Bangkok Post, 2020). Albeit Malaysia being situated in the regional tussle of stateless and displaced Rohingya, the nation should not solely shoulder or bear the brunt of the mass exodus of Rohingya refugees to Malaysian shores. While the rights of Rohingya refugees should be recognized to ensure inclusive development, this paper argues that the capacity and readiness of host-cum-transit countries (i.e. Malaysia), which belong to the developing country cohort, should be duly considered where the benefits and privileges of host citizenry are not compromised amidst the huge presence of Rohingya refugees in Malaysia. Just as wealth should be equitably distributed to ensure holistic and balanced development, then in this case, the social and humanitarian responsibilities of accommodating Rohingya refugees should also be equitably distributed between and amongst developed and developing nations within ASEAN and further afield.

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