

Rethinking Humanitarian Space in a Peaceful Setting: The Case of UNHCR in Malaysia

ATIKA SHAFINAZ NAZRI^{1*}, NORENA ABDUL KARIM² & KARTINI ABOO TALIB@KHALID³

^{1,3}*Institute of Ethnic Studies,*

Universiti Kebangsaan Malaysia, 43600 UKM Bangi, Malaysia

²*Institute of The Malay World and Civilization,*

Universiti Kebangsaan Malaysia, 43600 Bangi Selangor, Malaysia

Corresponding author: atikashafinaz@ukm.edu.my

Received: 21 June 2025 Accepted: 14 November 2025

Abstract

Humanitarian space allows humanitarian workers to assess needs, monitor and distribute aid, and engage in community dialogue. However, the discourse involving UNHCR is more concentrated in conflict-ridden environments than in countries marked by enduring political and social equilibrium with refugees, including Malaysia. We employ a qualitative approach to investigate the availability of humanitarian space for UNHCR to aid refugees in Malaysia between 2020 and 2022. It incorporates a case study analysis, in-depth interviews with key UNHCR personnel, government officials, and representatives from the refugee community. Overall, the investigation affirms that while debates continue regarding humanitarian space in conflict situations, the concept remains relevant for deliberation and implementation within peaceful geopolitical situations, exemplified by the case of Malaysia, ensuring the successful implementation of humanitarian assistance provided by UNHCR and prompting a reformulation of the humanitarian space concept into a new dimension applicable to peaceful contexts.

Keywords: Humanitarian Space; Malaysia; Peace Region; Refugees; UNHCR

Introduction

The global refugee topic is increasingly garnering attention from governments at the international level and international relations scholars due to its more complex nature than other global issues.¹ Fundamentally, refugees pose individual problems but, conversely, highlight issues that emerge in various parts of societies, governments, and the international sphere. Refugees encompass humanitarian and moral concerns, security, and development issues.² For instance, there are significant concerns regarding security vulnerabilities in the occupied countries, Turkey, Syria, and Kenya. The human rights record in these three countries is somewhat unfavourable - refugees face detention, persecution, and expulsion from these nations as authorities arbitrarily harass, detain, and apprehend them.³ Incidents, as described, also occur among refugees who reside in Malaysia, whether it serves as a transit destination before being placed in a host country, or they stay until their own country is genuinely secure. Transit countries are the first glimmer of hope for refugees.

However, we perceive living in a transit country like Malaysia is not as anticipated, as their fates and stories often go unheard. Assistance from the United Nations High Commissioner for Refugees (UNHCR) and other non-governmental organizations (NGOs) has significantly contributed to refugees rebuilding their lives. Transit countries play a crucial role in safeguarding refugees, stemming from adherence to international legal frameworks, prevailing global societal principles,

and fundamental humanitarian imperatives. Despite enduring a life fraught with challenges, many refugees still consider Malaysia a transit haven. The pull factors for refugees coming to Malaysia, particularly the Rohingya, stem from the availability of job opportunities and the progressive image of Malaysia as an Islamic country compared to others, such as Thailand and Indonesia.⁴ On the other hand, the Rohingya are facing a severe threat of genocide, ethnic cleansing, and crimes against humanity, while the government of Myanmar has failed to protect them.⁵

Nonetheless, we contend that Malaysia as a transit country warrants reassessment, given that most refugees residing in Malaysia have established multi-generational settlements without transitioning to host countries. A significant portion of them has designated Malaysia as a destination where they give birth, pursue education, marry, and eventually pass away. Consequently, we opine that utilising and applying the “transit country” concept within the Malaysian context is no longer germane.

As of the end of March 2025, there are some 192,800 refugees and asylum-seekers registered with UNHCR in Malaysia. Some 174,410 are from Myanmar, comprising some 114,190 Rohingyas, 28,850 Chins, and 31,370 other ethnic groups from conflict-affected areas or fleeing persecution in Myanmar. The remaining individuals are some 21,270 refugees and asylum-seekers from 50 countries fleeing war and persecution, including some 5,680 Pakistanis, 3,040 Yemenis, 2,790 Somalis, 2,780 Afghans, 2,550 Syrians, 1,040 Sri Lankans, 510 Palestinians, 450 Iraqis, and others (see details in Figure 1). Some 64% of refugees and asylum-seekers are men, while 36% are women. There are some 56,520 children below the age of 18.

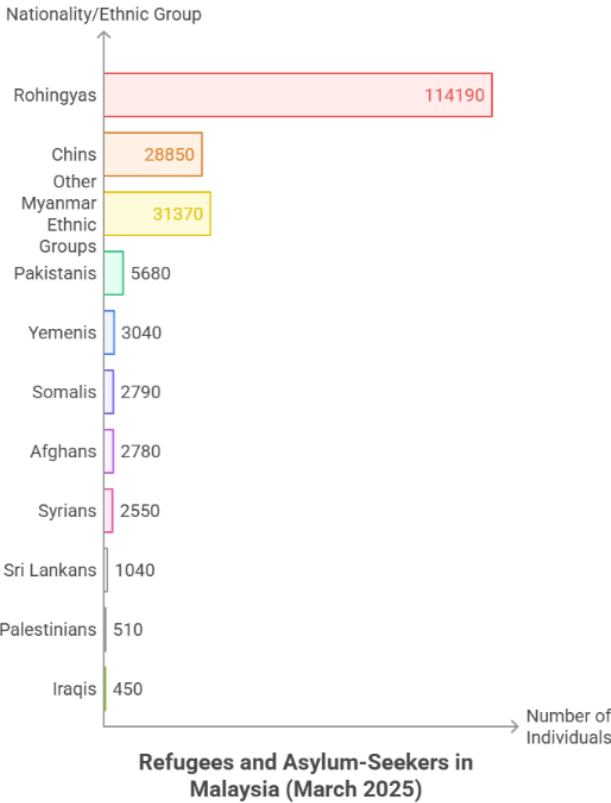


Figure 1: Number of refugees registered with the UNHCR Malaysia.⁶
Source: UNHCR Malaysia.

Although Malaysia remains a destination of choice for refugees as a hub for protection, until 2020, the country has refrained from making any decisions to become a signatory to the 1951 Refugee Convention and the 1967 Protocol. The factors underpinning this decision are that the refugee policy is contingent upon the Malaysian leadership's assessments of refugee cases, the types, and the volume of refugees entering the country.⁷ Malaysia is also concerned that such recognition might be a pull factor for a more significant influx of international refugees.⁸ UNHCR predominantly manages the escalating influx of refugees in Malaysia because it is one of the organizations endowed with the rights and authority to oversee their affairs.

In Malaysia, almost all refugees rely on UNHCR and find it more expedient to engage with the UNHCR than with other organizations, including NGOs. Refugees harbor confidence in the UNHCR's status as an official international entity universally recognized as the guardian of refugees, contrasting it with governmental or humanitarian bodies that cannot ensure their security. A case in point is evident in Syrian refugees registered under the Syrian Migrants' Temporary Relocation Programme in Malaysia. These migrants were issued IMM13 cards, certifying their presence and entitling them to privileges such as work permits, a 50% discount at government hospitals, access to formal education, and authorised repatriation with a clear purpose, followed by a return to Malaysia.⁹ According to regulations, IMM13 holder cards are prohibited from retaining UNHCR cards and must surrender them. However, a significant proportion of refugees choose not to relinquish their UNHCR cards. When seeking treatment at government hospitals, they tend to present their UNHCR cards instead of the IMM13 cards. This context offers a comprehensive overview of refugees' dependency on UNHCR and how the organization is pivotal in addressing refugee issues in Malaysia.¹⁰

The evident involvement of UNHCR underscores the existence of humanitarian space. Thus, we raise the question: What precisely does "humanitarian space" mean? Humanitarian space encompasses the realm within which operational humanitarian activities can take place.¹¹ Back to Rony Brauman, former President of Médecins Sans Frontières (MSF), the humanitarian space is a freedom for humanitarian workers to assess needs, monitor and distribute aid, and engage in community dialogue.¹² Within this humanitarian space, fundamental humanitarian principles exist that NGOs must adhere to. We can trace the principles governing humanitarian assistance back to the Treaty of Versailles following World War I. Four core principles regulate humanitarian aid: 1) humanity, 2) impartiality, 3) neutrality, and 4) independence. Initially, the United Nations General Assembly in 1991 established only three principles: humanity, impartiality, and neutrality. However, in 2004, the UN included an additional principle: independence.¹³ Therefore, we can summarise the understanding of humanitarian space as an operational environment that enables humanitarian actors to assist.

Nevertheless, the emphasis and discourse on humanitarian space, particularly involving UNHCR, are more concentrated in conflict-ridden environments, such as in Syria, Palestine, Afghanistan, Yemen, and Somalia, as opposed to relative countries marked by enduring political and social equilibrium with refugees, including Turkey, Germany, Colombia, Pakistan, and even Malaysia. The circumstances within war-torn nations pose various risks to humanitarian workers, ranging from security threats to logistical obstacles. Firstly, security threats can materialize in regions of aid missions due to the presence of militants like the Taliban in Afghanistan and anti-government factions like the Shia Houthi in Yemen. Secondly, the delivery of aid is susceptible to failure when governments and armed forces in conflict zones impede missions, as exemplified by the Bashar Assad regime's restrictions on humanitarian organization access to Ghouta, Syria. Thirdly, military impediments arise in two scenarios: within domestically tumultuous armed forces, such as in Myanmar, and externally imposed by invading forces, as seen in Israel's occupation of Palestine (as illustrated in Figure 2).

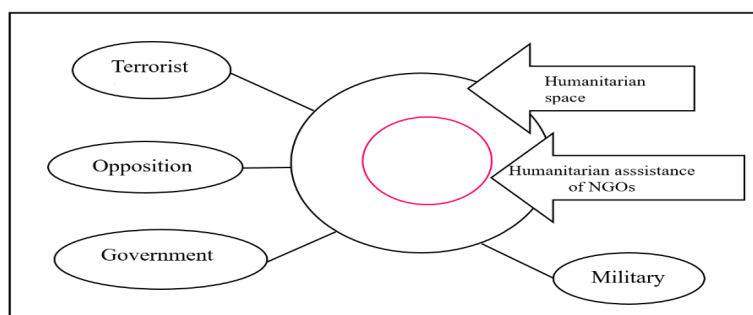


Figure 2: The humanitarian space in the context of conflict.¹⁴

Source: See details in Nazri (2025).

However, the humanitarian space has undergone significant developmental transitions in the continuous endeavor to redefine sovereignty, intervention practices, peace, and state development.¹⁵ Hence, the humanitarian space can be seen as fluid because its definitions are subject to change, contingent on the location of aid activities, the engagement of humanitarian actors, and the emergence of other actors obstructing humanitarian missions. For instance, when considering the humanitarian space within a stable country like Malaysia, UNHCR enjoys protection and freedom to conduct its aid activities due to the absence of interference from militants, opposition groups, or the military. Nonetheless, conflict zones also demonstrate hindrances from governments, as each nation naturally has its governance.

When scrutinizing the discourse on UNHCR's role in the refugee issue in Malaysia, substantial pressure from the government and the populace exists to advocate for the agency's closure, citing perceived failure in addressing the refugee problem. The relationship between UNHCR and the government remains strained, particularly regarding refugee policies such as those of the Malaysian National Security Council (NSC) and the Ministry of Home Affairs (MOHA). Therefore, a hypothesis can be formulated for secure zones, suggesting that governments might tend to impede UNHCR's work - is there a likelihood of other parties emerging to challenge the humanitarian space? As we noticed, scholars often overlook that examining humanitarian space should also consider the peaceful setting, a non-conflict country. Hence, we are eager to shed light on whether UNHCR possesses the humanitarian space to aid refugees in Malaysia, drawing on data collected from 2020 to 2022.

To guide this investigation, the study sets out to examine the extent to which UNHCR possesses humanitarian space to operate within Malaysia's non-conflict setting. It also aims to explore the challenges faced by UNHCR in delivering humanitarian assistance in a policy environment shaped by securitisation and the absence of legal recognition for refugees. Furthermore, we seek to analyse how interactions among UNHCR, state institutions such as the NSC, and civil society organisations influence the operational dynamics of humanitarian space in Malaysia. In addressing these objectives, the study is driven by the following central questions: How is the concept of humanitarian space defined and applied in a peaceful yet legally ambiguous context like Malaysia? What barriers (political, legal, or institutional) does UNHCR face in executing its mandate? And how do the relationships between UNHCR, the government, and NGOs shape the scope and limitations of humanitarian engagement with refugee communities? We digest this study, which contributes a novel theoretical value to the discourse in the humanitarian space, focusing on UNHCR, thereby adding value to past research by examining the humanitarian setting in safe areas. Interestingly, we highlight Malaysia as a safe region, yet with refugees, it is a vibrant country for humanitarian actors to carry out humanitarian assistance.

UNHCR and the Refugee Governance in Malaysia – A Brief Overview

UNHCR operates in Malaysia under a humanitarian mandate, focusing on the protection and assistance of refugees and asylum seekers. Since Malaysia is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, there is no formal legal status afforded to refugees under domestic law. This has created a protection gap which UNHCR seeks to fill through refugee status determination (RSD), provision of basic services, and community-based protection strategies that emphasize empowerment and self-reliance.¹⁶ Our study contributes to the literature review on UNHCR's humanitarian space in peaceful, non-conflict settings—it opens up a discussion on the extent to which UNHCR truly has the space to assist refugees in Malaysia, and whether this space can be contested. Back to Nazri et al.,¹⁷ the continued assistance provided by UNHCR is identified as one of the key factors encouraging Rohingya refugees to remain in Malaysia, which is perceived as a space of protection. This assistance includes livelihood support, food packages, healthcare services, education, counseling, and skills development programs.

However, UNHCR's humanitarian framework operates within a hostile security environment shaped by Malaysian state institutions, notably the NSC and MOHA. These agencies view refugee presence primarily through a national security and immigration control lens, often conflating refugees with undocumented migrants and illegal immigrants.¹⁸ NSC, established in 1971 and empowered by the National Security Council Act 2016 (Act 776), coordinates internal security operations and strategic responses to perceived threats. The Act grants the NSC sweeping authority, including the power to declare security areas and provide security forces with exceptional powers such as warrantless arrests and searches within designated zones.¹⁹ These provisions have raised significant concerns about unchecked executive authority and the erosion of civil liberties.

MOHA, which oversees immigration enforcement and internal policing, reinforces a securitized approach to migration governance. Refugees and asylum seekers—regardless of UNHCR status—are often treated as illegal immigrants due to the lack of a formal legal framework, resulting in frequent arrests, detentions, and deportations.²⁰ Reports indicate that more than 12,000 individuals, including over 1,400 children, are held in immigration detention centres under conditions that pose serious health and safety risks.²¹ The Global Detention Project further documents the criminalization of undocumented migration in Malaysia, emphasizing the punitive nature of immigration control and the limited legal safeguards for vulnerable populations.²²

The securitization of refugee presence in Malaysia is well-documented. Scholars argue that state discourse and media representations construct refugees, particularly Rohingya and other Muslim groups, as demographic and security threats, thus legitimizing restrictive policies.²³ This securitized narrative allows authorities to justify raids and enforcement operations even against UNHCR cardholders, undermining humanitarian protections and contributing to a climate of fear and precarity for refugee populations.²⁴

While UNHCR advocates for protection and limited integration, Malaysian authorities maintain a position of non-recognition where refugees are not legally differentiated from other undocumented migrants. This leads to a fragmented governance regime where policy ambiguity prevails and enforcement often contradicts humanitarian goals.²⁵ The absence of a national legal framework for asylum further complicates refugee management, as protections depend heavily on the discretionary practices of enforcement agencies and ongoing negotiations with the state.

A recent development is the NSC Directive No. 23, issued in 2023, which reportedly outlines provisions for limited refugee work rights. However, the directive remains classified and has drawn criticism from rights organizations such as SUHAKAM for its lack of transparency and actionable outcomes.²⁶ This underscores the tension between national security priorities and humanitarian

obligations, and the limited space for policy reform within Malaysia's current political and legal infrastructure. To navigate this environment, UNHCR engages in informal diplomacy, stakeholder dialogues, and partnerships with civil society organizations. However, its operational capacity is constrained by state sovereignty concerns and political sensitivities, particularly when refugee issues intersect with broader ethnic and religious.²⁷ As a result, humanitarian actors operate in a legal grey zone, balancing protection mandates with the practical need to avoid antagonizing state authorities.

To summarise, the divergence between UNHCR's humanitarian approach and Malaysia's security-first policy framework reflects a deep structural tension in refugee governance. Addressing this divide requires not only policy innovation but also a reframing of refugees as rights-bearing individuals rather than security liabilities. Scholarly analyses emphasize the need for a refugee governance model that accommodates both protection imperatives and legitimate state concerns.²⁸

Delving into Humanitarian Spaces and related to UNHCR

The humanitarian narrative emphasizes safeguarding human life and dignity as inherently valuable, irrespective of gender, ethnicity, or politics.²⁹ Humanitarianism encompasses various conceptual branches, including response, intervention, or aid. Humanitarian response entails a sequence of procedures directed toward shifting the state of crisis zones from one characterized by devastation and ruin to a state of alleviation and recuperation. This intricate endeavour involves restoring a sense of normalcy and alleviating the distress of affected individuals. Activities such as providing medical care to patients, conducting rescues, and preserving lives exemplify the essence of humanitarian response.³⁰ Humanitarian action involves the proactive delivery of humanitarian assistance, encompassing aid intended to protect lives, mitigate distress, and reinstate and foster human dignity in the aftermath of calamities and amidst extensive crises.³¹ Humanitarian assistance entails unrestricted aid - extended to individuals in need without temporal confines, encompassing diverse forms, as long as the aid contributes to the betterment of the recipient's life and sustenance.³²

Consequently, our intention in articulating this point is to emphasize that the entirety of humanitarianism converges on the concept of space- without this spatial dimension, implementing any humanitarian initiative becomes unfeasible. Humanitarian space refers to the operational environment where humanitarian work can occur.³³ This space faces constraints due to security limitations, challenges in accessing affected populations, and perhaps fundamentally due to shifting perceptions towards humanitarian efforts. Managing the concept of space becomes more intricate. Space can refer to the immediate environment where refugees exist and humanitarian organizations operate. The question that arises is, who controls this space? Is it the government? Or rebel groups? Do refugees have the capacity to relocate to places deemed safe, whether within or outside their country?.³⁴

On the one hand, specific humanitarian missions have evolved from providing life-saving assistance, which was impartial to the suffering of individuals, to addressing broader social change initiatives. In the Western context, there is an increasing perception that certain actors utilize humanitarian efforts to support specific political, economic, or religious agendas rather than adhere to universal humanitarian principles. Many humanitarian practitioners discern an ongoing concern regarding governmental endeavors, which extend beyond merely channeling humanitarian aid through NGOs, encompassing the utilization of NGOs and the UN to advance their political agendas. The fact that military and civilian relief workers operate interchangeably has blurred the lines between military and humanitarian operations. In 1999, in Macedonia, the North Atlantic Treaty Organization (NATO) carried out air strikes against Serbia during the night, while NATO member state troops were engaged in constructing a refugee camp in Kosovo during the day- tended to associate civilian humanitarian workers with the same military effort.³⁵

Upon delving into several past scholarly works, the history of the humanitarian space concept presents a somewhat intricate conflict when determining its originator. According to Esteves,³⁶ the humanitarian space concept finds its roots in the Geneva Conventions of 1949 and 1977. These Conventions established designated zones for humanitarian actions: “Certain areas shall be given special protection even amid ongoing conflicts.” Warring parties can agree to form secure zones to safeguard injured victims through this approach. The Conventions stipulate that the principles guiding humanitarian actions are a precondition of prior agreement among the involved parties in specific conflicts.

However, Rony Brauman observed that the definition of the humanitarian space concept shifted in the mid-1990s. He defined it as a space of humanitarian action where individuals can assess needs, monitor the distribution and use of aid items, and engage in dialogue with communities.³⁷ According to Dechaine,³⁸ MSF vigorously endeavored to mobilize the humanitarian space as a symbol infused with global values. On another front, some scholars argue that the ICRC community conceptualized this humanitarian space:

“Is it an unrealistic dream? I do not think so, of course! But in any case, the whole Red Cross idea is a dream of a man who, 141 years ago, thought that a humanitarian space was not only necessary but feasible. In those early days, not many shared his beliefs. Facts, however, have proved that his ideas were reasonable and realistic. Conflicts have changed greatly since Henry Dunant’s experience in Solferino. At that time, and until after the First World War, only soldiers were involved in and victims of war: they fought, won or lost, were wounded, killed, or taken prisoner. They needed assistance and protection, and the Red Cross was to provide both”.³⁹

Collinson and Elhawary⁴⁰ assert that the concept of the humanitarian space is an indispensable notion for grasping the intricacies of humanitarian aid’s context, and its nature is inherently subjective owing to divergent priorities, interests, comprehension, and viewpoints among humanitarian actors rooted in their experiential knowledge. As a consequence, Collinson and Elhawary ascertain that the understanding of the humanitarian space concept varies among individuals, prompting them to classify this concept into four distinct typologies systematically:

- a) Humanitarian space as agency space
Refers to humanitarian organizations’ capacity to possess a space in which they can operate freely and address humanitarian needs in alignment with humanitarian action principles.
- b) Humanitarian space as the space of affected communities
Impacted communities can assert their rights to access aid and protection. Within this definition, humanitarian organizations remain essential, yet this space acknowledges the roles played by other actors, including the engaged communities, in fulfilling humanitarian needs.
- c) Humanitarian space as international humanitarian law space
Focusing on the actions of warring parties regarding their responsibilities in upholding the law- encompasses their obligation to address humanitarian needs or allow impartial humanitarian organizations to provide aid and protection to civilians.
- d) Humanitarian space as a complex arena of politics, military, and law
This definition highlights the context in which humanitarian actions occur. Situations underscore humanitarian actors’ political involvement from dynamic interactions with

political, military, and legal institutions. In light of the aforementioned conceptual discussion, we have formulated a hypothesis to examine the concept of humanitarian space as follows:

Hypothesis: As long as humanitarian assistance activities exist, regardless of the presence of war, it has demonstrated the environment as a humanitarian space.

UNHCR and the challenges

Humanitarian assistance must be able to protect all individuals by striving to reach those more vulnerable, namely children, the elderly, persons with disabilities, the impoverished, and women⁴¹ Unfortunately, in recent years, Schneiker⁴² has dismantled the notion that humanitarian agencies providing aid in intricate emergencies are encountering many violent episodes. These incidents not only endanger the lives of the aid workers but also imperil the distribution of crucial life-saving assistance. As a result, the most susceptible segments of the already needy populations suffer negative impacts – the humanitarian space undoubtedly interconnects with this. In a virtual sense, humanitarianism employs the humanitarian space to guide and shape decisions, ensuring they remain steadfast in alignment with ethical values.⁴³ Within the framework of the UN, the humanitarian space encompasses a social, political, and security environment that enables access to protection, including assistance for populations concerned with the UNHCR. It facilitates the implementation of UNHCR's protection and non-political humanitarian mandates and the prospect of achieving solutions to displacement issues.⁴⁴

UNHCR's challenges concerning the humanitarian space stem from the agency's mission and the nature of its operational endeavors. Operating as an entity endowed with a globally recognized protective role, particularly within intricate emergency scenarios, UNHCR frequently encounters distinct complexities within its operational landscape. The specific context and population can also shape these intricacies with which the agency collaborates, whether refugees crossing international borders and falling under UNHCR's direct protective jurisdiction or internally displaced individuals, where primary responsibility rests with national authorities. Experience from specific operations has revealed that protection-oriented endeavors, particularly those concerning internally displaced individuals (IDPs), often encounter more excellent resistance from governments compared to programs primarily centered on assisting. Protection initiatives can also intersect with the interests of non-state armed groups, such as in cases where these groups aim to prevent forced displacement or recruitment of minors, as observed in Colombia. Historically, UNHCR has not significantly or systematically engaged in natural disaster response. In instances where it has done so, experience indicates that securing humanitarian access has been relatively less challenging than in complex emergencies or regions marked by political turmoil or human rights violations, although exceptions exist.⁴⁵

Here, we attempt to illuminate several incidents that showcase the challenges and threats UNHCR encountered during convoy operations and while conducting humanitarian assistance activities to the beneficiaries. First, UNHCR expressed strong condemnation on 8 December 2021 concerning an assault on a convoy situated within the Democratic Republic of the Congo (DRC), resulting in damage to one of its vehicles and the injury of three staff members. Unidentified perpetrators initiated gunfire toward the convoy, which was accompanied by the UN Stabilization Mission in the DRC (MONUSCO) 'blue helmets.' This incident occurred in the Mambassa region, in the Lubero territory of the North Kivu province - Tarea is ongoing instability and hosts numerous armed factions operating with impunity.⁴⁶ The Humanitarian Coordinator in Cameroon, Matthias Z. Naab - unequivocally denounces the assault executed by a non-state armed faction on the 26th of March 2021, targeting a UN convoy situated in Ikata village within the South-West region of Cameroon. The UN convoy, comprised of two vehicles

and staffed by seven individuals, was actively engaged in a monitoring assignment directed towards Munyenge village within the South-West region; shortly upon its entry into Ikata village, a faction of armed individuals initiated gunfire upon the convoy utilizing automatic weaponry. This incident did not result in fatalities or injuries among the mission participants; however, the two vehicles sustained substantial damage. It is noteworthy that this incident marks the inaugural occurrence of such an attack targeting a UN convoy since the commencement of the North-West and South-West crises.

Nonetheless, it is imperative to recognize that numerous instances of threats, abductions, injuries, and fatalities among humanitarian personnel have been reported within these two regions up to the present time. On the 19th of September 2016, an incident occurred in an area under rebel control in northern Syria, involving the assault on a warehouse belonging to the Syrian Arab Red Crescent (SARC) and a humanitarian convoy operated by the UN. Tragically, this event resulted in the loss of a minimum of 18 civilian lives, including one aid worker. The assemblage encompassed 31 trucks (Figure 3), each laden with essential non-food commodities, garments, and specialized nutritional provisions for children. This initiative received backing from prominent humanitarian entities, namely the World Food Programme, UNHCR, the United Nations Children's Fund (UNICEF), and the International Organization for Migration (IOM).⁴⁷



Figure 3: The attack on the convoy.

Source: Reuters, <https://www.bbc.com/news/world-middle-east-37430824>.

Indeed, there have been numerous instances of covert attacks targeting the UNHCR. However, we carefully consider and exemplify three incidents to illustrate how the humanitarian space within the challenging context of conflict is defined. Nevertheless, the impetus behind this research lies in an alternative aim – to scrutinize whether the humanitarian space of the UNHCR within a tranquil milieu encounters external impediments and to evaluate the continued relevance of this concept for discourse or implementation in such a peaceful context.

Research Design and Ethics

This research utilizes a case study method that positions UNHCR as the primary sample case in investigating the humanitarian space it possesses to operate in assisting refugees in Malaysia. We allocated a period of three years, starting from 2020 to 2022, to conduct this study. Based on a qualitative approach, including the primary and secondary data, the study successfully interviewed three individuals: a UNHCR officer, an NGO representative from the Global Peace Mission Malaysia (GPM), and a representative from the NSC. We conducted face-to-face interviews with the NGO and NSC representatives; due to time constraints faced by UNHCR personnel, we gathered the information

through e-mail (Table 1). We selected the informants based on their direct involvement and expertise in refugee issues in Malaysia. We included GPM as an NGO representative for the interview based on its active engagement in refugee assistance within Malaysia and its established favorable relationship with UNHCR.

Table 1: The details of the informants

Informant's code	Position	Organization	Date	Place
Informant 1	Assistant Director of External Relations	UNHCR	28 August 2020	E-mail
Informant 2	Chief Executive Officer	GPM	18 February 2020	Wangsa Maju, Kuala Lumpur
Informant 3	Director	National Intelligence and Crisis Management Division, National Security Council	3 January 2020	Putrajaya

Source: : Authors' Work.

Global Peace Mission Malaysia

GPM is a non-profit organization registered under the Malaysian Trust Act and headquartered in Wangsa Maju, Kuala Lumpur. The establishment of GPM traces back to 26 September 2001 as an immediate response to the suffering of the Afghan people due to the actions of the United States military. Embracing a cross-border humanitarian mission, GPM has its mission, which revolves around the preservation and enhancement of the organization's efficiency and effectiveness in addressing international humanitarian issues. Meanwhile, the primary vision underlying its establishment remains dedicated to achieving universal peace through programs involving advocacy activities and cross-border humanitarian assistance.

Semi-structured Interview

In a semi-structured interview, we prepare a list of specific questions or topics to discuss, often called an interview guide, while allowing informants flexibility in their responses. Answers may not adhere precisely to the questions posed. During the interview, we can present additional questions not included in the guide based on what the informant discusses. Moreover, we should emphasise how informants frame issues and what they perceive as crucial in comprehending events, patterns, and behavioural types.⁴⁸ Semi-structured interviews allow informants to respond to open-ended questions, using as much time as needed.⁴⁹ Questions are pre-framed before conducting the interview activities with the informants. The research problem and objectives guide the formulation of these questions.

Participant Observation

We adeptly employed participant observation in this study to better understand the humanitarian landscape and how the Malaysian government respond. This involved actively engaging as a volunteer and participant in the programs of the GPM. Additionally, we visited the refugee school and the operational sites of the involved NGOs. The chosen observation sites encompassed the Kuala Lumpur and Selangor due to their higher refugee population than other areas. The proximity of the UNHCR office to this location was also considered, given the multitude of programs conducted there.

Ethical Considerations

In this study, we did not conduct interviews among refugees as the focus was on UNHCR. However, refugees were present during the engagement with the UNHCR and other programs.

We emphasised the ethics embedded within the research, noting that in the university (UKM) where we conducted it, the ethical process for international relations research is not as stringent as in fields like social work, sociology, and anthropology. The UKM Research Ethics Committee granted this study full ethical approval through the letter (600-4/6/38(P92313)).

Prior to commencing field research, we sought consent from involved informants by sending introductory letters outlining our identities and objectives. Additionally, we sought permission to utilise all interview data for research purposes. We prearranged all interview questions. We adhered to a non-coercive approach in soliciting responses, allowing informants to share knowledge and experiences voluntarily. During participant observation in programs, we sought permission from organisers to conduct research. Similarly, when interacting with refugees within programs, we introduced ourselves and requested consent to use any photographs taken for the study. We ensured that all data acquisition processes adhered to ethical considerations.

Technique Analysis Data

We employed a thematic analysis technique to construct a study; the goal of thematic analysis is to identify significant or exciting patterns within the data and use these themes to address research questions or articulate particular issues. A well-conducted thematic analysis can interpret and understand these themes effectively. Four sequential phases are involved in data analysis, namely, 1) familiar with the data, 2) Generating initial codes, 3) Identifying and naming themes, and 4) Producing a report.

To ensure the accuracy of data authenticity, we employed triangulation, cross-checking data findings from one informant with those of others. The actual names of the informants are not disclosed but substituted with Informant 1, Informant 2, and the next, intending to respect informant privacy. Meanwhile, we embed the method of reporting observations within the text. We include several photographic images as robust evidence for the study, annexing them within the discussion analysis. These images have received consent from the UNHCR and the refugees for their inclusion in the study. Therefore, we adhere to the ethical practices of conducting research appropriately.

Results and Discussion

UNHCR and Spaces in Malaysia

“Although not a signatory to the Refugee Convention, Malaysia does continue to cooperate with UNHCR in addressing refugee issues on humanitarian grounds. UNHCR works within national political, economic, and social structures that directly affect the lives of refugees and other people of concern to bring policies, practices, and laws into compliance with international standards. This entails building partnerships with the Government, Non-Governmental Organizations, the private sector, civil society groups, and concerned individuals to broaden the protection environment for refugees. This is particularly so in key areas such as preventing the arrest, detention, and deportation of refugees, enabling NGOs and refugee communities to support refugees through welfare assistance programs freely, and advocating for opportunities for self-reliance including through legal work”.⁵⁰

The UNHCR is a UN agency responsible for comprehensively addressing refugee conflicts worldwide, including in Malaysia. Operating within the national political, economic, and social framework, the UNHCR directly influences refugees’ lives. This international organization plays a vital role in shaping policies, practices, and legislation to conform with international standards. Such an endeavor necessitates forging partnerships with governments, NGOs, the private sector, civil society groups, and relevant individuals to expand the protective environment for refugees. This necessity becomes particularly evident in key areas such as preventing arrests, detentions, and deportations of refugees. NGOs support refugees through welfare assistance programs and initiatives for self-reliance, including employment opportunities.

We also had the opportunity to participate in the program conducted by UNHCR with refugees in Malaysia. The program encompassed various engaging activities that indirectly contributed to raising awareness about refugee life in Malaysia. Refugees were allowed to set up stalls to sell their products, particularly food and handicrafts. The study found that UNHCR faces no hindrance in carrying out any activities in Malaysia if the requisite permissions are obtained from local authorities beforehand.

According to the perspective of UNHCR, as part of its humanitarian support programs for refugees, the organization collaborates with a diverse range of partners, including government agencies, NGOs, and volunteers, to assist refugees across various domains such as healthcare, education, livelihood, and supporting durable solutions for refugees, including resettlement to host countries or voluntary repatriation when conditions are deemed safe. UNHCR also strives to enhance the capacity of NGOs through training and skill development, playing a role in coordinating and establishing networks among various NGOs operating within the same field.⁵¹ This matter aligns with informant 2, which states that the UNHCR frequently engages NGOs as synergistic partners in bolstering humanitarian aid and deliberating on emergent challenges confronted by refugees in Malaysia. Nonetheless, the UNHCR remains vigilant regarding the services NGOs provide to refugees, ensuring that such provisions maintain a humanitarian standard.⁵²

However, UNHCR’s involvement leans more towards recording refugees’ data than conducting humanitarian assistance activities due to its limited capacity to operate concurrently across all domains. Therefore, UNHCR welcomes the emergence of NGOs to aid refugees in Malaysia, particularly needy individuals. This stance also aligns with the National Security Council (NSC) interview, where NGOs can assist UNHCR, given that this international organization fundamentally

relies on non-governmental actors.⁵³

Based on the observations, we also found that the government grants UNHCR full authority to assist any refugees whom law enforcement agencies apprehend. Most NGO-UNHCR collaborative networks tend to center around issues about the apprehension and detention of refugees. NGOs are inclined to report instances of refugee apprehension to UNHCR, as evidenced by the following shared excerpt:

“...when we receive cases of refugees being arrested and so on. In those situations, we will communicate with UNHCR for UNHCR to assist from a legal perspective to help release the refugees from detention centers. We will then provide feedback, informing UNHCR that we have information about these individuals using UNHCR cards or appointment cards. Can UNHCR help with that?”.⁵⁴

Unlike NGOs, UNHCR has the authority to release refugees holding UNHCR cards because the global security agency is mandated to oversee refugee management. Hence, in the event of any information regarding refugee detentions, NGOs endeavor to assist, but with a mechanism that directly channels such information to UNHCR.

Furthermore, we can observe that NGOs and UNHCR collectively assisted refugees during the Movement Control Order (MCO) period. Since the onset of the COVID-19 pandemic, UNHCR has closely coordinated with the Ministry of Health Malaysia to ensure that all refugees and asylum seekers adhere to measures preventing local infection transmission. UNHCR, in collaboration with partner NGOs such as IMARET, Muslim Relief Agency, MERCY Malaysia, and others, has worked alongside district health officers to reach refugee communities across Malaysia. The joint teams disseminate information about COVID-19 to refugees and asylum seekers, arrange for their testing if symptomatic, and advise them to follow government-issued MCO guidelines. Moreover, during the MCO period, UNHCR collaborated closely with NGOs throughout Malaysia to provide food, hygiene items, and cash assistance to many vulnerable individuals to mitigate these challenging circumstances. Since the pandemic, UNHCR has channeled aid to refugees and asylum seekers through implementing partners such as Yayasan Tzu-Chi, the Islamic Medical Association, IMARET, the Muslim Relief Agency, and MERCY Malaysia. The types of assistance encompass financial aid, food distribution, and hygiene packages.⁵⁵

UNHCR also maintains the Partner Referral Network to enable NGOs to actively engage with refugee communities to identify individuals needing immediate intervention and protection assistance. UNHCR's engagements with NGOs and other partners are part of an overarching strategy to empower resilient refugee communities within this country.⁵⁶

The data collected from the three key informants, specifically UNHCR, GPM, and the NSC, offer critical insights into the humanitarian space in Malaysia. To reinforce the credibility of these perspectives, their views are triangulated with literature in their respective domains. From the UNHCR perspective, Informant 1⁵⁷ emphasized operational constraints and the agency's strategy of relying on NGO partnerships to sustain humanitarian activities. This is consistent with Ogawa⁵⁸, who asserts that UNHCR in Southeast Asia often functions within diplomatically delicate environments, relying on informal governance structures to maintain protection frameworks. Similarly, Prabandari and Adiputera⁵⁹ found that in non-signatory countries like Malaysia, UNHCR must carefully balance advocacy with political non-interference to safeguard humanitarian space and maintain its operational legitimacy.

From the civil society perspective, GPM's account (Informant 2)⁶⁰ reflects the growing involvement of NGOs in refugee service delivery and policy engagement. This aligns with the findings of Haron et al.,⁶¹ who underscore that Malaysian CSOs often act as intermediaries between refugees and international bodies, compensating for the state's limited formal infrastructure. The crucial role of GPM and similar NGOs during the COVID-19 pandemic also affirms SUHAKAM's⁶² observation that civil society actors have been pivotal in ensuring aid access and policy advocacy amidst rising state securitization.

From the security apparatus perspective, the NSC representative (Informant 3)⁶³ framed refugee management primarily through the lens of national security, with refugees conflated with undocumented migrants. This securitized view is supported by Zayzda et al.,⁶⁴ who argue that Malaysia's refugee policy is heavily shaped by state-centric discourses of sovereignty and risk. Furthermore, Human Rights Watch⁶⁵ documents the institutionalization of detention policies that reflect the enforcement logic articulated by Informant 3.⁶⁶

Based on the preceding discussion, our study found that the humanitarian space of UNHCR is more concentrated in the vicinity of Kuala Lumpur and Selangor. Similarly, the collaboration between UNHCR and NGOs in aiding refugees in this region is more concentrated. Most humanitarian-based NGOs concentrate in urban cities rather than rural areas. UNHCR records attribute this concentration to a higher refugee population in this area compared to other states such as Perak, Penang, Kedah, and Perlis. While facilities and infrastructure play a role, it is essential to recognize that refugees' preferences for Kuala Lumpur and Selangor are multifaceted and influenced by economic, social, and practical factors.

Based on participant observation, we unpack the justification: first, economic opportunities: urban areas typically offer more job opportunities than rural areas. Refugees often seek employment to support themselves and their families, and cities provide a more comprehensive range of industries and services where they can find work. Second - access to services: urban areas generally have better access to essential services such as healthcare, education, and public transportation- which can be crucial for refugees, who often need medical care and may have children who need schooling. Third - community and support networks: cities tend to have more diverse populations, creating opportunities for refugees to connect with others from similar backgrounds or communities. These social networks can provide emotional support, assistance navigating the host country's systems, and access to informal job opportunities. Fourth - security and legal protection: urban areas may offer better security and legal protection for refugees.

Law enforcement and international organizations often have a more substantial presence in cities, which can help ensure the safety and rights of refugees. Fifth - proximity to administrative offices: many administrative offices, including those of UNHCR and government agencies responsible for refugee affairs, are in urban areas. Close to these offices can facilitate access to legal protection, documentation, and resettlement services. Six - access to information: urban areas typically have better access to information, including news, updates, and resources related to resettlement and asylum procedures. Refugees in rural areas may be more isolated and less informed about their options. Last - cultural and religious considerations: some refugees prefer urban areas because they can find communities that share their cultural or spiritual backgrounds, which can help preserve their identity and provide a sense of belonging.

UNHCR-Government Collaboration on Refugee Processing

Over several years, UNHCR and the Malaysian Government have continuously engaged in discussions to explore avenues for addressing the refugee predicament (as illustrated in Figure 4).

They are presently implementing a capacity-sharing initiative aligned with a long-term perspective of establishing a governmental asylum system. In this context, UNHCR is orienting government officials to the principles of refugee safeguarding and legal frameworks, alongside familiarisation with UNHCR's Registration and Refugee Status Determination (RSD) processes. As an integral facet of this endeavor, UNHCR has extended invitations to government representatives, inviting them to the UNHCR office to observe the protocols for interviewing individuals of concern. This practice of in-person observation constitutes an integral aspect of the training.⁶⁷

UNHCR is preparing to facilitate the in-person observation of several Registration and RSD interviews scheduled between March 7th and 11th, 2022. This preparation involves identifying and selecting persons of concern from various nationalities who have willingly consented to a government official to witness their Registration and RSD interviews. These individuals received counseling, where we elucidated the rationale behind this initiative, affording them the choice to grant or withhold permission for a government representative to observe their interviews. Crucially, the government officials will not conduct the Registration and RSD interviews themselves nor directly engage the individuals of concern in questioning.

Moreover, they will not be involved in RSD decision-making. As customary, all parties engaged in the interviews must uphold absolute confidentiality across all process stages. These undertakings constitute a pivotal dimension of the trajectory intended to equip the government with a nuanced comprehension of UNHCR's procedures and, eventually, render support to the government in addressing the refugee conundrum and safeguarding refugees within the Malaysian context. This initiative further allows government counterparts to cultivate an enriched understanding of the refugees' circumstances, the reasons prompting their departure from their home countries, and the protective requisites pertinent to refugees in Malaysia and globally.⁶⁸

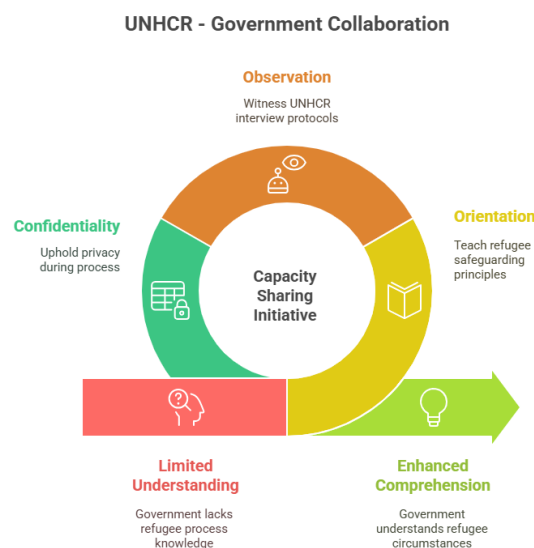


Figure 4: Mapping the UNHCR – Government Collaboration.
Source: Authors' Work.

Shutting down UNHCR in Malaysia: Does it challenge humanitarian space?

Recently, there has been an increasing xenophobia among the local community towards refugees, mainly Rohingya⁶⁹, to the extent that there is a growing demand for the closure of the UNHCR office

in Malaysia. Furthermore, the government has expressed its intention to discontinue the operational presence of UNHCR, which is responsible for the administration of refugees and asylum seekers within the nation. According to Latiff Ahmad, the Minister in the Prime Minister's Department (Special Functions), the presence of the UNHCR office has been regarded as a pull factor, incentivizing refugees to seek UNHCR registration and remain within the country. Nonetheless, transitioning requires meticulous preparation to ensure that governmental entities are equipped to assume the responsibilities currently held by the UNHCR.⁷⁰

However, the proposal to terminate the UNHCR's presence in Malaysia has advantages and drawbacks. Let us commence by considering the opposing perspective. To begin with, the infeasibility of ceasing operations is evident, given the current count of registered refugees and asylum-seekers, which, until August 2022, stands at a substantial 185,960 under the purview of UNHCR Malaysia. Ponder the implications if Malaysia were to persist with the cessation of UNHCR operations – the responsibility of managing this demographic would then exclusively rest upon the government's shoulders. Furthermore, registering refugees with UNHCR serves as a vital safeguarding measure. This registration not only acts as a formal record for resettling refugees to third-party nations but also ensures that refugees are not repatriated involuntarily to countries where they could encounter persecution. If stakeholders sever the resettlement process from UNHCR's purview, it jeopardizes the seamless transition to third countries; consequently, refugees would continue stranded in Malaysia, vulnerable to increased risks in countries that should not be dispatched. Thirdly, the process by which refugees enter Malaysia entails initially obtaining a tourist visa; subsequently, they apply at the UNHCR office to secure a UNHCR card. To address this, the government must restrict external entry via air routes from conflict-affected nations like Syria, Yemen, and Palestine, as well as those who arrive by sea, such as the Rohingya.

Fourthly, the majority of refugees in Malaysia rely heavily on the UNHCR. Refugees find engaging with the UNHCR more convenient than other entities, even NGOs. This preference stems from their confidence in the UNHCR as an official international entity known globally as a guardian of refugees, in contrast to governmental or humanitarian organizations whose capacity to ensure their security is less specific. A case in point is that of Syrian refugees registered under the Syrian Migrants' Temporary Relocation Programme in Malaysia. Despite being granted an IMM13 card, which signifies their presence and confers privileges like work permits, reduced fees at government hospitals, access to formal education, and conditional return to their country of origin, most still retain their UNHCR cards. When seeking medical attention, they tend to present their UNHCR cards rather than the IMM13 cards as evidence of identification.

Fifthly, refugees often endure constant harassment by enforcement authorities, with many subjected to indefinite and unlawful detention in immigration facilities – actions that have, regrettably, garnered tacit approval from the ministry and government. The deplorable conditions within these facilities have led to distressing reports of child fatalities. An underlying concern is how the government could effectively manage refugees when some government officials themselves have targeted this vulnerable group. In the event of UNHCR's closure, finding an entity capable of defending refugees or providing legal representation in court could prove challenging, especially in cases involving refugees engaged in employment, wherein the UNHCR typically offers legal support. Lastly, Malaysia lacks a comprehensive framework or asylum system for regulating refugee status and rights, relying heavily on humanitarian organizations.

Acknowledging the affirmative stance, we must recognize that the UNHCR exerts consistent pressure on the Malaysian government across multiple fronts, particularly in securing work authorization for refugees and ensuring formal education for children. The latter is a central concern prompting the Malaysian government's proposal to shut down the UNHCR office. It is essential to

recognize that Malaysia is a non-signatory to the 1951 Refugee Convention, limiting its capacity to fulfill such requests. Secondly, there are shortcomings in the UNHCR's role: 1) discrepancies in issuing UNHCR identification cards, which are sometimes issued to individuals who should not hold them, including Indonesian nationals; 2) the risk of human trafficking and smuggling; 3) incidents of sexual harassment; 4) involvement in drug trafficking; 5) cases of refugee children engaging in begging; 6) issues with documentation for newborns; 7) unregulated births; 8) compliance with Malaysian laws; and 9) assimilation with Malaysian culture.

Therefore, the recommendation to close the UNHCR office in Malaysia necessitates a thorough reassessment and a well-structured transition process supported by a comprehensive framework and active collaboration among various stakeholders. Indeed, the escalation of xenophobia among the local community towards refugees has implications for the humanitarian space of UNHCR, as the assistance activities carried out for refugees must proceed with heightened caution, especially in public areas. The shifting dynamics of UNHCR's role in addressing the refugee issue further constrains the humanitarian space, exacerbated by the concurrent backing from Malaysian government agencies. The current state of the relationship between the Malaysian Government and UNHCR appears to be wavering, indirectly presenting a substantial challenge to the humanitarian space of UNHCR in safeguarding refugees from the impact of this conflict.

Conclusion

We argue that despite Malaysia's non-membership in the 1951 Refugee Convention and the 1967 Protocol, there is an auspicious realm wherein UNHCR has the latitude to operate and diligently engage in activities to provide succor to the refugee population. Indirectly, this research has shown the role of UNHCR in Malaysia, operating within the national context to address refugee concerns through collaboration with various stakeholders. UNHCR's engagement includes building partnerships with the government, NGOs, civil society, and others to enhance refugee protection. The agency plays a crucial part in legal aid in arrests and detentions, supporting refugees' survival (financial, food, shelter), and advocating for their rights. The UNHCR cooperates with government officials to familiarise them with refugee protection principles and processes. The program involves observing interviews with individuals of concern, fostering a deeper understanding of UNHCR's operations. This initiative highlights the commitment to capacity sharing and aligning national practices with international standards. The potential shutting down of the UNHCR office in Malaysia prompts considerations from multiple perspectives. While stakeholders raise concerns about the agency's influence on refugee inflow and its effectiveness, discontinuing UNHCR operations poses significant challenges: the extensive refugee population and the absence of an alternative protection mechanism present complex dilemmas. Moreover, refugees' dependence on UNHCR services and the potential loss of legal support underscores the intricate nature of this transition.

Xenophobia within the local community further complicates matters, challenging the humanitarian space and affecting UNHCR's activities. The strained relationship between the government and UNHCR creates additional hurdles, potentially jeopardizing refugee protection efforts. In evaluating these dynamics, it becomes apparent that a well-structured, gradual transition process is necessary if the UNHCR office were to be closed. This transition should involve comprehensive frameworks, collaboration among diverse stakeholders, and thorough preparation to ensure the continuity of services and safeguard the rights and well-being of refugees. Any decision regarding the UNHCR's presence in Malaysia should prioritize humanitarian considerations and protect vulnerable populations.

Overall, our investigation affirms that while debates continue regarding humanitarian space amid conflict situations, the concept remains relevant for deliberation and implementation within peaceful geopolitical situations, exemplified by the case of Malaysia by ensuring the successful implementation of humanitarian assistance provided by UNHCR. Therefore, we slightly reformulate or revolutionize the interpretation of the humanitarian space concept into a new dimension applicable in peaceful environments.

Limitations and Future Research Directions

While this study provides valuable insights into the dynamics of humanitarian space in Malaysia, several limitations must be acknowledged. First, the sample size was limited to three key informants with one each from UNHCR, GPM, and the National Security Council, which restricting the generalisability of findings. Although each informant holds a strategic role within their respective institutions, a broader respondent base would have enabled a more comprehensive understanding, especially through the inclusion of additional NGOs, policy actors, and enforcement agencies.

Second, the methods of data collection varied: while interviews with the NSC and GPM were conducted face-to-face, the UNHCR representative responded via email. This discrepancy may have influenced the richness and spontaneity of the data. Additionally, no direct interviews with refugee beneficiaries were conducted, limiting the study's capacity to reflect the lived experiences and perspectives of those most affected by humanitarian policies.

Finally, field observations were primarily concentrated in Kuala Lumpur and Selangor, areas with high refugee populations. Although this geographic focus is justifiable, it may not capture regional variations in refugee experiences or humanitarian access across Malaysia. Future research should expand the scope of respondents to include a wider array of institutional actors and incorporate refugee voices to better understand how humanitarian space is negotiated, contested, and experienced across diverse social and geographic contexts.

Acknowledgment

The authors would like to thank Universiti Kebangsaan Malaysia through the Geran Galakan Penyelidik Muda (GGPM-2023-036) for supporting this research project and funding this publication.

Notes

¹ Hitman, Gadi, *Gulf States' Policy Towards Syrian Refugees: Charity Before Hospitality*, 2019.

² Hakovirta, Harto, *The Global Refugee Problem: A Model and its Application*, 1993.

³ Loescher, Gil, *Blaming the Victim: Refugees and Global Security*, 2002.

⁴ Nordin, R., Sahak, S. & Ishak, M.K. *The Plight of Refugees in Malaysia: Malaysia as a Transit Country in Protecting Refugees' Rights*, 2020.

⁵ Zahed, I.U.Md, *Responsibility to Protect? The International Community's Failure to Protect the Rohingya*, 2021.

⁶ UNHCR Malaysia, *What We Do: Figures at a Glance in Malaysia*, 2025.

⁷ Idris, A., *Malaysia and Forced Migration*, 2012.

⁸ Hoffstaedter, G., *Refugees, Islam, and the State: The Role of Religion in Providing Sanctuary in Malaysia*, 2017.

⁹ Haron, A.S., Saidin, M.I.S. & Othman, Z., *The Human (In) Security of Syrian Refugees in Malaysia*, 2023.

- ¹⁰ Nazri, A.S., *Penglibatan NGO dalam Bantuan Kemanusiaan Terhadap Pelarian di Semenanjung Malaysia 2011-2020*, 2021.
- ¹¹ Rueede, D., and Kreutzer, K, *Legitimation Work Within a Cross-Sector Social Partnership*, 2015.
- ¹² Wagner, G. J, *An IHL/ICRC Perspective on 'Humanitarian Space'*, 2005.
- ¹³ Smith, R. H, *History and Principles of Humanitarian Action*, 2015.
- ¹⁴ Nazri, A.S., op. cit. p. 17.
- ¹⁵ Nogueira, J. P, *From Failed States to Fragile Cities: Redefining Spaces of Humanitarian Practice*, 2017.
- ¹⁶ Nazri, A.S., Othman, Z., Khalid, K.A.T. & Zainuddin, E., "Is there peace?": *Discrimination and the refugee experience in Malaysia*, 2025; Ogawa, A. *Routledge Handbook of Civil Society in Asia*, 2018; Munir-Asen, K. (Re)negotiating *Refugee Protection in Malaysia: Implications for Future Policy in Refugee Management*, 2018.
- ¹⁷ Nazri, A.S., Andal, A.G. & Wahab, A.A., *Life in Limbo: Why Do Rohingya Refugees Remains Reside in Malaysia?*, 2024.
- ¹⁸ Zayzda, N. A., Ash-Shafikh, M. H., & Kusuma, A. S. *Securitization and Desecuritization of Migration in Indonesia: Its Implication to Refugee Rights in the Southeast Asian Region*, 2019.
- ¹⁹ National Security Council. *National Security Council Act 2016 (Act 776)*, 2016; Human Rights Watch. *Malaysia: New Law Gives Government Sweeping Powers*, 2016.
- ²⁰ Human Rights Watch. "We Can't See the Sun": *Malaysia's Arbitrary Detention of Migrants and Refugees*, 2024; *Global Detention Project. Malaysia Immigration Detention Profile*, 2023.
- ²¹ Human Rights Watch, Ibid.
- ²² Global Detention Project, Op.Cit.
- ²³ Rana, M. S., & Riaz, A. *Securitization of the Rohingya refugees in Bangladesh*, 2023; Letchamanan, H. *Myanmar's Rohingya refugees in Malaysia: Education and the way forward*, 2013.
- ²⁴ Prabandari, A., & Adiputera, Y. *Alternative paths to refugee and asylum seeker protection in Malaysia and Indonesia*, 2019.
- ²⁵ Ogawa, Op.Cit.
- ²⁶ SUHAKAM. Media Statement No. 12-2025: SUHAKAM Calls for Urgent Implementation of the National Security Council (NSC) Directive No. 23, 2025; Haron, A. S., Saidin, M. I. S., & Othman, Z. *The human (in) security of Syrian refugees in Malaysia*, 2023.
- ²⁷ Supaat, D. *The UNHCR in Malaysia: The Mandate and Challenges*, 2021.
- ²⁸ Betts, A., Loescher, G., & Milner, J. *The United Nations High Commissioner for Refugees (UNHCR): The politics and practice of refugee protection*, 2013.
- ²⁹ Macrae, J, *The Death of Humanitarianism? An Anatomy of the Attack*, 1998.
- ³⁰ Shamoug, A., Craneheld, S., and Dick, G, SEmHuS: *A Semantically Embedded Humanitarian Space*, 2023.
- ³¹ Pringle, J., and Matthew Hunt, M, *Humanitarian Action*, 2015.
- ³² Nazri, A.S., *Turkish NGOs' Assistance to Refugees: What Can Malaysia Learn*, 2023.
- ³³ Rueede, Dominik, and Karin Kreutzer, *Legitimation Work Within a Cross-sector Social Partnership*, 2015.
- ³⁴ Mills, K, *Constructing Humanitarian Space in Darfur*, 2013.
- ³⁵ Ferris, Elizabeth G, *The Politics of Protection: The Limits of Humanitarian Action*, 2011.
- ³⁶ Esteves, P, *Peace Operations and the Government of Humanitarian Spaces*, 2010.
- ³⁷ Wagner, J. I, *An IHL/ICRC Perspective on "Humanitarian Space"*, 2005.
- ³⁸ DeChaine, D. Robert, *Humanitarian Space and the Social Imaginary: Médecins Sans Frontières/Doctors Without Borders and the Rhetoric of Global Community*, 2002.
- ³⁹ Roggo, Béatrice Mégevand, *After the Kosovo Conflict, A Genuine Humanitarian Space: A Utopian Concept or an Essential Requirement?*, 2000.
- ⁴⁰ Collinson, S. & Elhawary, S., *Humanitarian Space: A Review of Trends and Issues*, 2012.
- ⁴¹ Ebersole, Jon M, *Mohonk Criteria for Humanitarian Assistance in Complex Emergencies*, 1995.

- ⁴² Schneiker, Andrea, *Risk-Aware or Risk-Averse? Challenges in Implementing Security Risk Management Within Humanitarian NGOs*, 2018.
- ⁴³ Van Wassenhove, Luk N, *Humanitarian Aid Logistics: Supply Chain Management in High Year*, 2006.
- ⁴⁴ Tennant, Vicky, Bernie Doyle, and Raouf Mazou, *Safeguarding Humanitarian Space: A Review of Key Challenges for UNHCR*, 2010.
- ⁴⁵ Ibid.
- ⁴⁶ UN, *UNHCR Staff Members Wounded in DR Congo, UN Chief Calls for Full Investigation*, 2021.
- ⁴⁷ BBC, *Syria Aid Convoy Attack: What We Know*, 2016.
- ⁴⁸ Bryman, Alan, *Social Research Methods*, 2016.
- ⁴⁹ McIntosh, Michele J., and Janice M. Morse, *Situating and Constructing Diversity in Semi-structured Interviews*, 2015.
- ⁵⁰ Interview Informant 1.
- ⁵¹ Interview Informant 1.
- ⁵² Interview Informant 2.
- ⁵³ Interview Informant 3.
- ⁵⁴ Interview Informant 2.
- ⁵⁵ Interview Informant 1.
- ⁵⁶ Interview Informant 1.
- ⁵⁷ Interview Informant 1.
- ⁵⁸ Ogawa, Akihiro. (Ed.) *Routledge Handbook of Civil Society in Asia*, 2018.
- ⁵⁹ Prabandari, A., & Adiputera, Y. *Op.Cit.*
- ⁶⁰ Interview Informant 2.
- ⁶¹ Haron, A. S., Saidin, M. I. S., & Othman. *Op.Cit.*
- ⁶² SUHAKAM, *Op.Cit.*
- ⁶³ Interview Informant 3.
- ⁶⁴ Zayzda, N. A., Ash-Shafikh, M. H., & Kusuma, *Op.Cit.*
- ⁶⁵ Human Rights Watch, *Op.Cit.*
- ⁶⁶ Interview Informant 3.
- ⁶⁷ UNHCR Malaysia, *UNHCR-Government Collaboration on Refugee Processing*, 2022.
- ⁶⁸ UNHCR Malaysia, *UNHCR-Government Collaboration on Refugee Processing*, 2022.
- ⁶⁹ Haque, Md Mahbulul, Zarina Othman, and Bakri Bin Mat, *Rohingya refugees and their right to work in Malaysia*, 2023.
- ⁷⁰ Povera, A. and Yunus, A, *UNHCR Office Here to be Shut Down, Role to be Taken Over by Government*, 2022.

References

- Azhar Shahrulnizam. 2022. "Sejarah Malaysia perlu Kajian Anak Tempatan," *Berita Harian*, Jun 27.
<https://www.bharian.com.my/rencana/sastera/2022/06/970528/sejarah-malaysia-perlu-kajian-anak-tempatan>
- BBC. 2016. "Syria Aid Convoy Attack: What We Know," *BBC News*, October 5.
<https://www.bbc.com/news/world-middle-east-37430824>
- Betts, Alexander, Gil Loescher & James Milner. 2013. *The United Nations High Commissioner for Refugees (UNHCR): The Politics and Practice of Refugee Protection*. London: Routledge.
- Bryman, Alan. 2016. *Social Research Methods*. Oxford University Press.
- Collinson, Sarah, and Samir Elhawary. 2012. *Humanitarian Space: A Review of Trends and Issues*. London: Humanitarian Policy Group, Overseas Development Institute.

- DeChaine, D. Robert. 2002. "Humanitarian Space and the Social Imaginary: Médecins Sans Frontières/Doctors Without Borders and the Rhetoric of Global Community," *Journal of Communication Inquiry* 26, no. 4: 354–369.
- Ebersole, Jon M. 1995. "Mohonk Criteria for Humanitarian Assistance in Complex Emergencies," *Disaster Prevention and Management: An International Journal* 4, no. 3: 14–24.
- Esteves, Paulo. 2010. "Peace Operations and the Government of Humanitarian Spaces," *International Peacekeeping* 17, no. 5: 613–628.
- Ferris, Elizabeth G. 2011. *The Politics of Protection: The Limits of Humanitarian Action*. Brookings Institution Press.
- Global Detention Project. 2023. *Malaysia Immigration Detention Profile*.
<https://www.globaldetentionproject.org/countries/asia-pacific/malaysia>
- Hakovirta, Harto. 1993. "The Global Refugee Problem: A Model and its Application," *International Political Science Review* 14, no. 1: 35–57.
- Haque, Md Mahbubul, Zarina Othman & Bakri Bin Mat. 2023. "Rohingya Refugees and Their Right to Work in Malaysia," *Asian Affairs: An American Review* 50, no. 2: 95–119.
- Haron, Ahmad Sharif, Mohd Irwan Syazli Saidin & Zarina Othman. 2023. "The Human (In)Security of Syrian Refugees in Malaysia," *Social Sciences* 12, no. 6: 317.
- Hitman, Gadi. 2019. "Gulf States' Policy Towards Syrian Refugees: Charity Before Hospitality," *Asian Affairs* 50, no. 1: 80–101.
- Hoffstaedter, Gerhard. 2017. "Refugees, Islam, and the State: The Role of Religion in Providing Sanctuary in Malaysia," *Journal of Immigrant & Refugee Studies* 15, no. 3: 287–304.
- Human Rights Watch. 2016. "Malaysia: New Law Gives Government Sweeping Powers."
<https://www.hrw.org/news/2016/08/02/malaysia-new-law-gives-government-sweeping-powers>
- Human Rights Watch. 2024. "We Can't See the Sun: Malaysia's Arbitrary Detention of Migrants and Refugees."
<https://www.hrw.org/report/2024/03/05/we-cant-see-sun/malaysias-arbitrary-detention-migrants-and-refugees>
- Idris, Arzura. 2012. "Malaysia and Forced Migration," *Intellectual Discourse* 20, no. 1: 31–54.
- Letchamanan, Haroon. 2013. "Myanmar's Rohingya Refugees in Malaysia: Education and the Way Forward," *Journal of International and Comparative Education (JICE)*: 86–97.
- Loescher, Gil. 2002. "Blaming the Victim: Refugees and Global Security," *Bulletin of the Atomic Scientists* 58, no. 6: 46–53.
- Macrae, Joanna. 1998. "The Death of Humanitarianism? An Anatomy of the Attack," *Disasters* 22, no. 4: 309–317.
- Malaysian Bar. 2025. "Refugee Interceptions and Detentions: A Call for Action and Reform." Malaysian Bar, March 10.
<https://www.malaysianbar.org.my/article/about-us/president-s-corner/pressstatements/press-release-refugee-interceptions-and-detentions-a-call-for-action-and-reform>
- McIntosh, Michele J., and Janice M. Morse. 2015. "Situating and Constructing Diversity in Semi-structured Interviews," *Global Qualitative Nursing Research* 2: 2333393615597674.
- Mills, Kurt. 2013. "Constructing Humanitarian Space in Darfur," *The International Journal of Human Rights* 17, no. 5–6: 605–618.
- Munir-Asen, K. 2018. "(Re)negotiating Refugee Protection in Malaysia: Implications for Future Policy in Refugee Management." German Institute of Development and Sustainability.
<https://www.idos-research.de/en/discussion-paper/article/renegotiating-refugee-protection-in-malaysia-implications-for-future-policy-in-refugee-management/>

- National Security Council. 2016. National Security Council Act 2016 (Act 776).
<https://asset.mkn.gov.my/web/wp-content/uploads/sites/3/2019/08/Akta-MKN-2016-BI.pdf>
- Nazri, AS. 2021. "Penglibatan NGO dalam Bantuan Kemanusiaan Terhadap Pelarian di Semenanjung Malaysia 2011–2020." PhD Thesis. Bangi: UKM.
- Nazri, AS. 2023. "Turkish NGOs' Assistance to Refugees: What Can Malaysia Learn," *Journal of Ethnic and Diversity Studies* 1, no. 1.
- Nazri, AS., Andal, AG. & Wahab, Aab. 2024. "Life in Limbo: Why Do Rohingya Refugees Remains Reside in Malaysia?" *Akademika* 94, no. 3: 239-258.
- Nogueira, João Pontes. 2017. "From Failed States to Fragile Cities: Redefining Spaces of Humanitarian Practice," *Third World Quarterly* 38, no. 7: 1437–1453.
- Nordin, Rohaida, Suzarika Sahak & Ma Kalthum Ishak. 2020. "The Plight of Refugees in Malaysia: Malaysia as a Transit Country in Protecting Refugees' Rights," *Journal of Nusantara Studies* 5, no. 1: 378–394.
- Ogawa, Akihiro. (Ed.). 2018. *Routledge Handbook of Civil Society in Asia*. Abingdon: Routledge.
- Povera, Adib & Yunus, Arfa. 2022. "UNHCR Office Here to Be Shut Down, Role to Be Taken Over by Gov," New Straits Times, October 7.
https://www.nst.com.my/news/nation/2022/10/838165/unhcr-office-here-be-shut-down-role-be-taken-over-govt#google_vignette
- Prabandari, Atikah & Yanuar Adiputera. 2019. "Alternative Paths to Refugee and Asylum Seeker Protection in Malaysia and Indonesia," *Asian and Pacific Migration Journal* 28, no. 2: 132–154.
- Pringle, J., and Matthew Hunt. 2015. "Humanitarian Action," *Encyclopedia of Global Bioethics*.
- Rana, Md. Shahiduzzaman & Ali Riaz. 2023. "Securitization of the Rohingya Refugees in Bangladesh," *Journal of Asian and African Studies* 58, no. 7: 1274–1290.
- Roggo, Béatrice Mégevand. 2000. "After the Kosovo Conflict, A Genuine Humanitarian Space: A Utopian Concept or an Essential Requirement?," *International Review of the Red Cross* 82, 837: 31–47.
- Rueede, Dominik & Kreutzer, Karin. 2015. "Legitimation Work Within a Cross-Sector Social Partnership," *Journal of Business Ethics* 128, no. 1: 39–58.
- Schneiker, Andrea. 2018. "Risk-Aware or Risk-Averse? Challenges in Implementing Security Risk Management Within Humanitarian NGOs," *Risk, Hazards & Crisis in Public Policy* 9, no. 2: 107–131.
- Shamoug, Abdulrahman, Susan Craneheld & Geoffrey Dick. 2023. "SEmHuS: A Semantically Embedded Humanitarian Space," *Journal of International Humanitarian Action* 8, no. 3: 1-23.
- Smith, R. H. 2015. "History and Principles of Humanitarian Action," *Turkish Journal of Emergency Medicine* 5, no. 1: 5–7.
- SUHAKAM. 2025. "Media Statement No. 12-2025: SUHAKAM Calls for Urgent Implementation of the National Security Council (NSC) Directive No. 23," SUHAKAM, February 18.
https://suhakam.org.my/2025/02/media-statement-no-12-2025_suhakam-calls-for-urgent-implementation-of-the-national-security-council-nsc-directive-no-23/
- Supaat, Dina Imam. 2021. "The UNHCR in Malaysia: The Mandate and Challenges."
https://www.academia.edu/73185780/The_UNHCR_in_Malaysia_The_Mandate_and_Challenges
- Tennant, Vicky, Bernie Doyle & Raouf Mazou. 2010. "Safeguarding Humanitarian Space: A Review of Key Challenges for UNHCR," United Nations High Commissioner for Refugees, Policy Development and Evaluation Service, Geneva.

- UN. 2021. "UNHCR Staff Members Wounded in DR Congo, UN Chief Calls for Full Investigation," United Nations, December 8.
<https://news.un.org/en/story/2021/12/1107512>
- UNHCR Malaysia. 2022. "UNHCR-Government Collaboration on Refugee Processing," March 4.
<https://refugeemalaysia.org/unhcr-government-collaboration-on-refugee-processing/>
- UNHCR Malaysia. 2025. "Community-Based Protection in Malaysia."
<https://www.unhcr.org/my/community-based-protection-malaysia>
- Van Wassenhove, Luk N. 2006. "Humanitarian Aid Logistics: Supply Chain Management in High Gear," *Journal of the Operational Research Society* 57, no. 5: 475–489.
- Wagner, G. J. 2005. "An IHL/ICRC Perspective on 'Humanitarian Space'," Humanitarian Practice Network, no. 32.
<https://odihpn.org/wp-content/uploads/2006/01/humanitarianexchange032.pdf>
- Zahed, Iqthyer Uddin Md. 2021. "Responsibility to Protect? The International Community's Failure to Protect the Rohingya," *Asian Affairs* 52, no. 4: 934–957.
- Zayzda, Nurulhuda A., M. Hafiz Ash-Shafikh & Achmad Syahid Kusuma. 2019. "Securitization and Desecuritization of Migration in Indonesia: Its Implication to Refugee Rights in the Southeast Asian Region," *JSEADR* 3: 81.