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Singapore | 4 Mar 2013

Rohingya boat arrivals in Thailand: From the frying pan into the fire?¹

By Su-Ann Oh

Between 9 January and 4 February, 1752 Rohingya were arrested in Thailand. Unusually, the Thai authorities have granted 1500 of them leave to stay for six months. At present, they are residing in shelters and detention centres in southern Thailand and have been provided with food and water. However, Thailand's generosity has its limits: it announced that it would prevent new arrivals from landing on its shores. On 31 January, Thailand stopped the entry of boats carrying 340 Rohingya and ordered them to continue to Malaysia after providing them with food and water.

Thailand's track record vis-a-vis boat arrivals leaves much to be desired. In previous years, Thai authorities have intercepted boats and pushed them back out to sea. At best, they provided them with food and water. At worst, they beat the passengers and deprived them of provisions before setting them adrift, as documented in 2009. Many who managed to land on Thai shores were deported back to Myanmar after being held in detention centres.

Things threaten to get worse. The upsurge in boat departures and the appearance of women and small children in the boats for the first time reflect the severity of situation faced by the Rohingya. After the eruption of inter-communal violence in Rakhine State in Myanmar in 2012, some 115,000 people have been displaced, thousands of homes and buildings burnt or destroyed and dozens of people killed. The Rohingya, once living in barely tolerable circumstances, are now in desperate straits.

BOAT PEOPLE

The Rohingya are the boat people of the twenty-first century. In fact, the 1,752 arrested are only a small portion of the estimated 13,000 who set out on boats since the start of the sailing season in October 2012. The less fortunate have perished along the way; already, it has been confirmed that 485 have drowned or been lost at sea since October. The total death toll is probably higher.

The story of the Rohingya in Myanmar is a bleak one, a people blighted by harsh forms of civil, political, economic and social discrimination. The government of Myanmar has always contended that the Rohingya are illegal migrants who crossed the border from Bangladesh into the western state of Rakhine after Myanmar's independence in 1948. Successive governments have repeatedly waged campaigns (in the 1960s, 1978 and 1991) to remove the Rohingya through expulsion and ethnic cleansing. Hundreds of thousands fled to Bangladesh during these episodes.

The campaign to eliminate them from the physical landscape has a normative dimension. The 1982 Citizenship Act excluded the Rohingya from citizenship, rendering them stateless and transforming them into non-entities in civil, political and economic terms. The Rohingya have been systematically subjected to restrictions on marriage, domestic travel and observation of religious ceremonies. They are denied education, employment, and the right to own property.

These restrictions, coupled with human rights abuses meted out by the military, have exacerbated their chronic poverty, compelling many to leave. Out of an estimated total of two million in 2009, approximately 800,000 remain in Myanmar. In Bangladesh, 30,000 linger in squalid and wretched refugee camps while the majority (170,000) live in grim conditions in the westernmost part of Bangladesh. An estimated half a million live in the Middle East as migrant workers, and about 30,000 have found their way to Malaysia. There are no accurate figures for Thailand, although the Thai National Human Rights Commission provided an estimate of 3,000 in 2008. The difficulty in obtaining precise figures is due largely to the fact that they enter Thailand clandestinely en route to Malaysia.

The current sectarian conflict in Rakhine State has brought on an even bigger wave of boat departures. The 13,000 Rohingya who have attempted the sea voyage since October 2012 represent the largest number recorded over the years. This is a 62% increase from 2011, when the corresponding figure of 8000 was already considered an unprecedented high. Hardly any boat journeys were attempted between 2009 and the start of the sailing season in 2011. However, according to the Arakan Project, the boat journeys restarted in September 2011 when Thailand stopped pushing them out to sea or detaining them. Instead, the Thai authorities allowed brokers to move the Rohingya on towards Malaysia through "smugglers' camps".

The composition of boat passengers has changed also. Before 2012, the boats mostly transported men between the ages of 20 and 35, and some boys, the youngest of whom were 11 years old. This sailing season has witnessed the unprecedented occurrence of women risking the perilous sea journey with babies and small children. Of the 1,752 Rohingya who were arrested and are now in detention centres or shelters, 310 are women and children, which make up 17% of the arrivals.

SMUGGLERS' CAMPS

The 1752 people arrested consist of two separate groups: about 1,000 of them were caught in raids on 'smugglers' camps' along the Thai-Malaysian border and the rest were taken from seven boats that were allowed to land in Phang Nga between 7 and 30 January.

A 'smuggler's camp' is a place, usually located in a jungle away from prying eyes, where migrants are held by brokers before they cross the border into Malaysia. In fact, this is only one of the many stops in their journey.

The journey begins in Bangladesh or Myanmar where many Rohingya men are recruited by a Rohingya agent, often with promises of well-paid employment in Malaysia. The boat trip, usually lasting two weeks, costs between US\$350-800 from Myanmar and between US\$255-350 from Bangladesh.

Thailand is used as a transit point – the boat lands on southern Thai shores so that the passengers may continue their journey to Malaysia overland. In previous years, when the boat landed, the passengers would destroy it and then scatter. Strangely enough, the process of arrest and deportation carried out by the Thai authorities is now part of the itinerary. The passengers surrender to the police so that they will be arrested and deported. During the deportation process, another set of brokers becomes involved in facilitating the transfer from Thailand to Malaysia.

The passengers are left at the border, sometimes handed over to the brokers, with or without the exchange of money. At this point, they have to pay another sum of money so that they can go on to their preferred destination. Those who can afford to do so will be taken to safe houses or "smuggler's camps" where additional payments determine how quickly they can be moved across the border. Often, if they are unable to pay the sums requested, they call upon relatives in Thailand or in Malaysia to do so. Those who are unable to obtain the required amount may pledge their labour; the amount owed is deducted from their monthly salaries.

The chain of brokers includes Rohingya, Bangladeshis and the officials of the countries that they land in; these individuals take a cut at every point in the journey.

Since the arrival of the Rohingya in Thailand, the public has been alerted to the possibility that they are trafficked. Thailand's Anti-Human Trafficking Center, part of the Department of Special Investigations, argued otherwise, but two Thai officials are being questioned for complicity in the smuggling of the Rohingya.

In previous years, Thai and Malaysian officials were documented to have received money from brokers for handing deported migrants over to them at the border between Thailand and Malaysia. These brokers demanded money from the migrants. Those who could not pay had their labour pledged and the total amount deducted from their monthly wage.

The journey undertaken by the Rohingya and the risks involved are often described using emotionally charged and conceptually ambiguous terms such as “human smuggling”, “trafficking” and “slavery”. While the hazards, perils and costs experienced by the travellers are undeniable, the confusing mix of understandings and perceptions relating to these terms draws attention away from the migrants’ motivations, experiences and viewpoints.

Why is it that despite the risks and costs involved, they are willing to undertake the journey? What are the cost-benefit analyses they grapple with and what are the choices they are faced with? The answers to these questions would also redress the tendency that the authorities, the media, the public and the brokers have of viewing the Rohingya as one undifferentiated mass.

DETENTION, RESETTLEMENT OR REPATRIATION?

Thailand's policy on the Rohingya has mostly been to send them back or to send them on. The unexpected six-month reprieve granted to the 1500 boat arrivals, although welcome, is a short-term solution. In the long term, the Thai authorities have announced that they will not set up permanent refugee camps, although there is a possibility that they will build more temporary detention centres.

Regardless, warehousing in detention centres is not a satisfactory solution, either for the short term or the long term. Of the 1752 arrested individuals, 1,442 men are being held in immigration detention centres and police stations in southern Thailand, although some are being transferred to other locations due to overcrowding. The women and children are being accommodated in various government shelters in southern Thailand. The Thai authorities have warned the Rohingya that they will be deported if they attempt to escape the detention centres. Detention resembles imprisonment more than sanctuary.

Thailand has bowed to international pressure to offer shelter. However, the temporary and limited nature of its compliance has been underlined, the intention of which is to discourage the Rohingya and other (forced) migrants from flocking to its shores and borders. The topmost concerns of the Thai authorities are national security and continued good relations with Naypyidaw, and they believe that wholeheartedly supporting refugees runs counter to these objectives.

The Thai National Security Council (NSC) is of the view that after the six-month period, the UNHCR should take care of the 1500 new arrivals. However, it has not outlined how. While a viable solution would be to allow the UNHCR to register the new arrivals as refugees, with the view to facilitating resettlement in a third country, this poses several challenges.

First, if the Thai authorities were to allow the UNHCR to register the newly arrived Rohingya, it will face heavy criticism from other refugee groups that have been languishing in camps and detention centres long before the arrival of the Rohingya in January. These groups, consisting of Karen, Karenni, Burman, Mon, and other minority ethnic peoples from Myanmar, have been denied UNHCR registration since 2005 when the Thai authorities ordered the UNHCR to stop its registration process. In fact, there is a backlog of refugees who were already in Thailand before 2005 but were not registered, and of those who arrived after the cut-off date. It seems unlikely that the Thai authorities would make an exception for one particular group.

Second, if the Thai authorities were to allow the UNHCR to register the new arrivals, the organisation will have to determine who out of the 1500 are bona fide refugees. Besides the complicated process of determining if someone qualifies as a refugee under the 1951 Refugee Convention, or is an economic migrant, the UNHCR has to distinguish between Bangladeshi nationals and Rohingya in the group of boat arrivals. The boats often depart from Bangladesh, and the passengers are a mix of Bangladeshi nationals, Rohingya who have lived in Bangladesh for some time and Rohingya coming directly from Myanmar who are picked up en route. Some Bangladeshi nationals, particularly those living close to the border to Myanmar are linguistically and physically indistinguishable from the Rohingya. In addition, it has been documented that Rohingya refugee documents have been bought and sold in Bangladesh after Rohingya families repatriated. Moreover, it is possible to obtain Myanmarese documents from Myanmarese business people who operate in Bangladesh.

BURDEN OR BOON?

Thailand is already host to an estimated 200,000 refugees from Myanmar who are either languishing in refugee camps and detention centres or have entered the kingdom as economic migrants. The kingdom has tended to view the refugees as a burden, a security threat and a thorn in its efforts to forge closer economic and political ties with Naypyidaw. Thus, it has labelled the refugees “displaced persons” and sought to keep them isolated in “temporary shelters”, providing them with minimal protection and aid. The outcome has been somewhat stable but unsettling for the refugees, who live in a state of permanent liminality.

Thailand’s concerns are valid and, to its credit, it has hosted more than its fair share of refugees from Laos, Vietnam, Cambodia and Myanmar since the late 1960s. While this may have resulted in “host fatigue”, it also means that it has had decades of experience in handling such inflows, in setting up structures to deal with refugee welfare and security and managing delicate relations with its neighbours. Thailand has a competent set of state institutions, multilateral organisations, and local and international NGOs that have fine-tuned their capacities and operations to deal with such circumstances. In this respect, Thailand has a unique and key role in developing durable and humane solutions.

In addition, a reframing of how it views refugees might provide a way forward. Thailand relies on more than 3 million migrants to work in construction, fishing, frozen food preparation, garment manufacturing and other industries. There are at least 70,000 adults in refugee camps, who at present, are prohibited from taking up employment. These refugees have skills and education and are willing to work. They have also educated their own children, with the help of international NGOs. In this sense, Thailand's investment into this labour force has been minimal, but the benefits they bring to the Thai economy are substantial. Dismantling the refugee camps and detention centres and allowing the refugees to live and work legally in Thailand would be advantageous to all concerned.

The political reforms in Myanmar make it a fortuitous time for Thailand to engage with the Myanmar government, directly and through ASEAN, about its policies and treatment of its various ethnic groups and ethnic political organisations. Forced migration is a regional concern that requires regional solutions. The Rohingya who have landed in Thailand are only a small proportion of the total number making their way to Malaysia. ASEAN has a role to play in engaging in constructive dialogue with and supporting Myanmar to resolve its long-standing struggle over ethnic groups and to overcome discrimination towards the Rohingya.

It is in Thailand's interest to promote peace, reconciliation and prosperity in Myanmar, particularly along its border areas, not only to stem the influx of refugees, but also to repatriate those who are already under its protection. Moreover, the economic benefits that derive from sustained peace and stability are immense, particularly given that Thailand is Myanmar's second largest trading partner. Furthermore, this is an excellent opportunity for Thailand to develop and export models of good practice for refugee protection and resolution throughout the Southeast Asian region.

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Su-Ann Oh is a Visiting Fellow at ISEAS.

ENDNOTES

1 I would like to thank Dr Chris Lewa of the Arakan Project for providing data on the Rohingya.

ISEAS Perspective is published electronically by the Institute of Southeast Asian Studies, Singapore.

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Comments are welcomed and may be sent to the author(s).

Editor: Ooi Kee Beng

Institute of Southeast Asian Studies
30, Heng Mui Keng Terrace
Pasir Panjang,
Singapore 119614
Main Tel: (65) 6778 0955
Main Fax: (65) 6778 1735

Homepage: www.iseas.edu.sg