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# Displaced Rohingya and Concern for Non-traditional Security Risks in Thailand

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## ABSTRACT

Using a Human Security approach, this study examines Rohingya refugees in Thailand. The Myanmar government's refusal to offer the Rohingya citizenship has rendered them effectively stateless, denied basic rights and protections. Myanmar's 1982 Citizenship Law was created in the name of indigenous ethnicity to deny nationality to the Rohingya. Myanmar's military has repressed and massacred Rohingya on several occasions, most notably in 2012 and 2017. Consequently, more than a million Rohingya have fled abroad, with a relatively small number going to Thailand. The purpose of this study is to examine how the Thai government treats the displaced Rohingya and to what extent that the Rohingya pose a security risk for Southern Thailand. After intensive field work and meeting with different stakeholders, this paper argues that Thailand is not a popular destination for Rohingyas but they have generally been brought to or through Thailand by human traffickers. Due to a lack of documents, Thai authorities have often sent Rohingya to detention centers or deported them. This study did not find any link between displaced Rohingya and Malay Muslim insurgents. However, there is no consistent policy from the Thai government to deal with the displaced Rohingya.

## KEYWORDS

Rohingya; Thailand; non-traditional security; Myanmar; human security

## Introduction

The Myanmar government has long been alleged to be part of the institutionalized discriminatory structure keeping the Rohingyas segregated,

excluded and marginalized. At the time and early years of Myanmar's independence, Rohingyas' separate identity was recognized by Premier U Nu who led the Anti-Fascist People's Freedom League (AFPFL) government (1948–1956; 1957–1958; 1960–1962). The Rohingya exclusion policy started after General Ne Win seized power in a military staged coup d'état in 1962 and became head of state as Chairman of the Union Revolutionary Council and also Prime Minister. Most critically, "the Rohingyas have been denied Myanmar nationality by the 1982 Citizenship Law. That law was created in the name of indigenous ethnicity to deny nationality to the Rohingyas."<sup>1</sup>

As a result of statelessness in Myanmar, many Rohingyas have fled to neighboring countries. Displaced Rohingya often experienced their own problems. They face extra difficulties in Thailand because they are categorized incorrectly. The director of Amnesty International, Audrey Gaughran, stated that historically, Thailand has carried the burden of human rights crisis in Myanmar. Since the mid-1980s, refugee camps along Thailand's western border have sheltered villagers fleeing Myanmar's brutal counter-insurgency operations against ethnic armed groups.<sup>2</sup> Thailand is not a party to the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 Protocol. Partly because of this, Thailand does not have specific legislation or administrative mechanisms governing asylum and refugee affairs. Policies that impact upon refugees are formulated by different executive bodies concerned with national security such as the National Security Council (NSC), the Ministry of the Interior (MOI) and the military. These policies tend to be adopted in an ad hoc manner in response to specific circumstances.<sup>3</sup>

In the absence of domestic law, the Immigration Act of 1979 regulates all the foreigners including refugees.<sup>4</sup> According to the provisions of Thailand's Immigration Act, persons entering into the country without proper authorization are in breach of the law and therefore subject to arrest, detention and deportation. It should be mentioned that refugees, like all other irregular migrants are considered "illegal" and are subject to arrest, detention and deportation. Earlier it was mentioned that Thailand has been hosting large number of displaced from Myanmar and staying at Thai-Myanmar border areas. Apart from being displaced, other refugees like the Rohingyas are treated as illegal migrants and subject to arrest under the above mentioned Immigration Act.

Despite legal barriers, according to data published by the United Nations High Commissioner for Refugees (UNHCR) in December 2018, sixty-eight percent of refugees are from the Myanmar's Kayah State, seventeen percent from Kayah State, five percent from both the Bago and Tanintharyi Regions, and four percent from Mon State. Most are ethnic Karen followed by Karenni.<sup>5</sup> There is also a sizeable number of Shan

(from Shan State) living in Thailand. Most refugees belong to different ethnic minorities who fled the country because of armed conflict between Myanmar's Armed Forces (*Tatmadaw*)<sup>6</sup> and various insurgent groups. Myanmar is one of the world's ethnically diverse countries. Most ethnic minority peoples are living under the poverty level and in war-torn areas. The fighting has taken place mostly in Myanmar's borderlands, where ethnic minorities are most concentrated. At the time of critical political transition in Myanmar, the National League for Democracy (NLD) government failed to address the root causes of armed conflict and create a truly inclusive political process for peace, democracy, and development.

The ethnic and religious Muslim minority Rohingya case is bit complicated in Myanmar's political history. There are various human rights reports<sup>7</sup> which have mentioned atrocities—fundamental human rights violations—against Rohingya since the 1990s. The situation changed dramatically after the 2012 Buddhist-Muslim riots and massacre of Rohingyas in Rakhine state. Moreover, the post-2015 Daw Aung San Suu Kyi-led quasi-civilian government failed to improve the situation especially in Rakhine State. In late August 2017, the Myanmar government launched a major military operation resulting in a massacre against Rohingya civilians using the pretext of hunting down militants who had attacked government buildings, including police stations, killing 12 officers, on Aug. 25, 2017. Consequently, more than a million Rohingyas have fled the country because of well-founded fears of persecution. The UNHCR believes that the situation is not yet conducive for the return of Rohingya refugees.<sup>8</sup> It should be mentioned that displaced Rohingyas' numbers are relatively low in Thailand. At the same time, there is no accurate data about the displaced Rohingyas in Thailand. Rohingya community leaders have claimed that there are not more than four to five thousand Rohingya who reside in and are engaged in various professions in Bangkok and few other places in Thailand.<sup>9</sup>

Despite its image as a land of smiles, Thailand's southernmost region has underscored the lack of progress in resolving the insurgent conflict after five years of military ruled the country. The southern Thailand insurgency and the Rohingya crisis are added pressures that both Myanmar and Thailand face as founding members of ASEAN. The allegation of nexus between Rohingya Muslims and southern Thai Muslim separatist militants tightened law enforcement agencies' close observations of Rohingyas. Furthermore, the International Crisis Group worries that political repression could inspire *Jihadism* in southern Thailand.<sup>10</sup> In addition, some people have alleged through social media and elsewhere that displaced Rohingya might be connected to Southern Thailand-based Malay Muslims insurgents.<sup>11</sup> This study seeks to scrutinize the treatment

of displaced Rohingya in Thailand and how they became seen as a security threat for Thailand.

## Methodology

This paper is based on primary data and documentary analysis. Having regard to the nature of this research objective and question, the case study method is an appropriate way to analyze the displaced Rohingya situation and how they are treated in Thailand. Through this method, it is relatively easy to understand how the displaced Rohingya face difficulties and make vulnerabilities for the host community. Case studies have helped reveal more information how Thailand deals with this matter.

In the first phase, extensive and relevant literature was reviewed to understand the theoretical framework of security. This phase also reviewed the literature, mainly comprising evidences of Rohingyas atrocity in Myanmar, unregulated Rohingya migration in Thailand, NGO reports, academic journals, digital materials on websites and community organizations' reports. This literature helped the researcher gain an adequate knowledge of the Rohingyas desperate journey toward Thailand and response from the state and non-state actors.

In the second phase, the study also conducted intensive field work in Thailand. Primary data was collected from the field. Before any interview, the researcher communicated with the potential interviewees and asked them to consent to being interviewed for this research. Field research was broadly divided into three categories: community leaders' ethnographic interviews, academics, rights activist and INGOs open-ended interview, civil society members from southernmost provinces contributed as key informants. After obtaining verbal consent, researchers fixed any appointments upon their convenient places in Thailand. Through the ethnographic interviews, the researcher collected detailed information about the displaced Rohingya situation in Thailand. It should be mentioned that some Rohingya political groups have established relationship in Thailand since the early 1980s. All of them originally came from Arakan (Rakhine State) and now reside in various places, especially in Mae Sot-Tak province and Bangkok. Exiled Rohingya leaders have had different professional and socio-economic backgrounds in Thailand.

In addition, the study acquired data and information from qualified and experienced experts including university lecturers, human rights activists, and INGO's officials through the open-ended and unstructured interviews, talking with experts from different backgrounds, who provided more information on displaced Rohingya movement and their situations in Thailand. In this stage, the study sought information about the situation of Rohingya in Thailand: is there any threat from Rohingya

especially southern insurgency context; what measures had taken from the government for displaced Rohingya. These are the basic sources of information in this study.

The study tried to gain an understanding of the displaced Rohingya and discover linkages with Thailand's southern insurgency from interviews with the key informants. Key informant interviews are helpful for qualitative research especially with people who have a deep knowledge of what is going inside the community. The researchers talked with different stakeholders in border provinces. It was not easy to conduct interview related with security matters in Southern Thailand. Altogether eight civil society organizations (CSO) members were interviewed, six males and two females. It was not possible to maintain a gender balance. They were asked how the Rohingya atrocity reacted by the local people; is there any link between displaced Rohingya and insurgents. Researchers obtained information during the informal discussion with local Malay Muslims especially after prayer in different mosques. Apart from Muslims community, Thai Buddhist organizations provided their valuable opinions about atrocities against Rohingya and the displaced Rohingya movement in Southern Thailand. This study is also based upon observations of the socio-political and security conditions of displaced Rohingya in Thailand. The researchers visited Rohingya residing in the areas of Mae Sot, Satun, Nonthaburui, Bangkok and three southernmost border provinces in Thailand.

### ***Limitations of this study***

This study was conducted to understand the situation of displaced Rohingya and how they became a security concern for Thailand. During the field study, the researchers could not talk directly with Thai policy makers including MPs from the government and parliamentary opposition as well as members of security forces in southern Thailand. Without their direct conversation, it was difficult to draw complete conclusions about the Thai policy regarding displaced Rohingya in Thailand. It should be mentioned that many in the Rohingya community in Thailand were afraid of talking about their matters because of their legal status in Thailand. Indeed, it was not possible to interview any members of a Rohingya female group.

### ***Theoretical understanding of non-traditional security and displaced Rohingya***

The major purpose of this research is to analyze the displaced Rohingya treatment in Thailand and their presence created any risk for security or

not. The Rohingya crisis has a sustained impact on the threat landscape of Myanmar along with her neighboring countries. Myanmar specialist Bertil Lintner stated that the gradually developing crisis of the Rohingya in the last seven decades has the potential to become a greater security threat to South Asia and beyond.<sup>12</sup> Indeed “the western Myanmar region is also known to be a golden passage for drug traffickers.”<sup>13</sup> The present situation of the Rohingya community might influence them more to take part in these kinds of crimes, which might create a new avenue for transnational mafias.

It is likely that displaced and marginalized peoples are at high risk of being radicalized by extremist groups. Scholars and practitioners have rightly warned against such generalizations, underscoring the need to learn which situations may make uprooted people vulnerable to radicalization. According to the research respondents, major Rohingya political groups both inside Myanmar and exiles including Arakan Rohingya Salvation Army (ARSA) have strongly denied connections with any global or regional terrorist groups.<sup>14</sup> There are many debates about the roles of displaced people in host countries. In fact, many countries have varied opinion on refugees’ long presence. Veronika Fajth and other scholars have investigated how social dimensions of life in local communities are affected by the long-term presence of Congolese refugees in Rwanda, paying particular attention to feelings of safety, social networks and trust.<sup>15</sup> Jacobsen argues that refugee influx potentially threatens the host countries’ national security in three dimensions: firstly, the state’s military capability to protect itself from external intervention; secondly, the regime’s capacity to protect itself from internal conflicts and disorder; and thirdly, the state’s ability to maintain balance between its population and resource disbursement (basic needs).<sup>16</sup> This study aims to find out how the displaced Rohingya came to be seen as a potential threat due to their residing in Thailand.

International communities warned the Myanmar government to ensure the fundamental rights of the Rohingya people in Rakhine State. Rohingyas have no formal and institutional education about the contemporary world. Those who are supposed to be educated have only knowledge of Quran and Hadith.<sup>17</sup> The Rohingya are not included in Myanmar’s development; rather, they receive no state protection because they are excluded from citizenship in the country. Thus, the exclusion of the Rohingya from citizenship within Myanmar is a violation of their human rights and renders them fundamentally insecure. This study has observed that with regard to displaced Rohingya people living in Thailand, they are not endangering their host but rather are themselves unable to obtain in Thailand fundamental rights of protection from the state and non-state actors.

Security has always played a vital role in determining a country's foreign policy. Therefore, it is necessary to clearly understand about the terminology of security. Generically, the concept of security is understood as warfare techniques and how to increase national strength and capability to eliminate threats from the outside. It should be mentioned that the concept of security has been changed especially in the aftermath of the Cold War. Niklas Swanström argues that

“Since the end of the Cold War, there has been growing awareness on the need to widen the concept of security and distinguish between ‘hard/traditional’ and ‘soft/non-traditional’ security threats. Non-traditional (which tends to be transnational) threats to security have risen to prominence, primarily in developing and post-communist areas and then particularly in Greater Central Asia.”<sup>18</sup>

In the post-Cold War era, the security concept concentrates upon its non-traditional dimension. Non-traditional security revolves around the human face of security where socioeconomic survival and sustenance are central. Non-traditional security is also defined as human security. It is important question how human security is sufficiently relevant to address the needs of displaced Rohingya living in Thailand. After the collapse of the Soviet Union and end of Cold War, the focus of the debate on international security underwent major changes. Most scholars agreed that weapons of mass destruction and internal armed strife remained as traditional security threats. However, environmental pollution, hunger, poverty, violent social and political conflict, economic imbalances, drugs, organized crime, and discrimination on grounds of gender, religion, and race were threats to human security.

Human security stands as an extension of the traditional security discourse. Thus, human security is a part of the greater security discourse. The strategies of the human security approach differ fundamentally from the realist military centered approach to security. The human security approach prescribes a cooperative global approach toward conflict resolution with inbuilt guarantees for freedom of expression, representation and action for all as the preferred approach to security. The military centered approach to conflict resolution itself is identified as a threat to human security.

This study has focused on the displaced Rohingya issue in Thailand from nontraditional security points of view. “Rohingya-residing countries perceived that this group of people is now a threat for their society. On the other hand, various organizations have pointed out that overall living conditions of the Rohingya have declined and these have become a threat to their human security.”<sup>19</sup> Protracted displaced situations must be considered at the center of a broadening security discourse that embraces a range of actors and challenges, including social, economic and human



rights issues. Rohingya-hosting countries claim that, their long-term presence creates catastrophic situations for local communities. “At the same time, displaced Rohingya are living in sub-human conditions and growing up without any identity in various countries.”<sup>20</sup>

This situation paved the way to the emergence of an alternative stream in the security sub-discipline. This expansion can be looked at from two angles, the “broadening” and “deepening” of security.<sup>21</sup> The concept of “broadening” includes nonmilitary issues; such as the environment, refugees and migration, drugs, crime, and piracy as (state) “security” issues. This approach is synonymous to the Copenhagen School represented by eminent scholars, such as Barry Buzan, Ole Waever, and Jaap de Wilde.<sup>22</sup>

The emergence of such issues proves that the human security concept introduced by UNDP’s 1994 Human Development Report is increasingly relevant. In this context, the human security concept represents a fundamentally new way of thinking about a range of contemporary challenges, from hunger and poverty to forced migration. The first major statement concerning human security appeared in the UN Human Development Report in 1994. “The concept of security,” the report argues, has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy or as global security from the threat of nuclear holocaust.... Forgotten were the legitimate concerns of ordinary people who sought security in their daily lives.... Human security can be said to have two main aspects. It means, first, safety from such chronic threats as hunger, disease and repression. And second, it means protection from sudden and hurtful disruptions in the patterns of daily life—whether in homes, in jobs or in communities.<sup>23</sup>

Human security can identify seven special elements. These are

1. economic security (i.e. freedom from poverty);
2. food security (i.e. access to food);
3. health security (i.e. access to health care and protection from diseases);
4. environmental security (i.e. protection from such dangers as environmental pollution and depletion);
5. personal security (i.e. physical safety from such things as torture, war, criminal attacks, domestic violence, drug use, suicide, and even traffic accidents);
6. community security (i.e. survival of traditional cultures and ethnic groups as well as the physical security of these groups); and
7. political security (i.e. enjoyment of civil and political rights, and freedom from political oppression).

According to this definition and scopes, the ideas of human security relatively bigger and also cover the concept of state centric traditional security. The UNDP defined human security as ‘firstly; safety from such chronic threats as hunger, disease and repression. Secondly, it means protection from sudden and hurtful disruptions in the patterns of daily life -whether in homes, in jobs or in communities. Such threats can exist at all levels of national income and development.’<sup>24</sup> Still the human security concept lacks uniformity, though it has come to the forefront of the agenda for policy makers and concerned academics.

Several important features that distinguish and identify the human security concept need to be understood and compared to other existing concepts. First, the human security concept is universal by nature, multi-dimensional, and suitable for everyone regardless of place or time. In this case, there are many threats that are common to all people, such as unemployment, drugs, pollution, crime, etc. Their intensity may differ from one part of the world to another, but all these threats to human security are real and growing.<sup>25</sup> To a further extent, the human security concept is multidimensional as it offers an integrated approach and analysis across fields of knowledge as an alternative to the traditional sectorial approach, divided into specific sectors such as security, development, human rights, peace, and others. This multidimensional approach is essential because without an integrated view, it is difficult for researchers to obtain comprehensive answers and solutions to address various forms of threats related to one another. It may seem “ambitious,” but the fact is that this is the real strength of the human security concept.<sup>26</sup>

The human security concept has used multidimensional and holistic approaches to analyze various forms of security issues. It is a common phenomenon that forced migration has many social and cultural impacts. Over the years, the presence of displaced Rohingya has had a significant impact on the economic, social, cultural, environmental, and legal situations in Thailand. This study’s field data suggests that many Rohingyas have been living illegally in Thailand since the late 1970s. The displaced Rohingya people have tried to cope with living within mainstream Thai society. Some researchers argue that the situation for the Rohingya Muslim minority in Thailand is a bit different when compare with other Myanmar nationals. Kunnawut Boonreak argues that, after the 2012 communal riot in Myanmar, many Rohingyas fled to Mae Sot district in Tak province, which is one of Thailand’s largest and economically vibrant border hubs. These displaced Rohingya neither got support from the government nor international agencies. However, the local community network of Muslims facilitated their entry and stay in Mae Sot.<sup>27</sup> Boonreak also argues that within the borderland context, where the sovereign power of the Thai State is not absolutely dominant, local influences could

challenge the formal (nation-state) rules related to migration and work-permits. One recent example is that the Muslim community (especially businessmen) willingly helped and found jobs for the displaced Rohingya in Mae Sot. Some Rohingya respondents for this study strongly claimed that Thailand is not their final destination, rather it is a temporary shelter or transit place.<sup>28</sup>

## Rohingya situation in Thailand

Thailand has a long history to deal with forced migration due to violent conflicts in Cambodia and Myanmar since the 1970s. It has been noted that predominantly Buddhist Thailand has been battling an Islamist insurgency in its south for decades and has “no stomach” for bringing in more Muslims.<sup>29</sup> It was mentioned earlier that the stateless Rohingya are not only in Myanmar but are widely spread out in other South and Southeast Asian countries. The UNHCR field officials have indicated that thousands of Rohingyas have undertaken irregular maritime journeys in the Bay of Bengal toward Thailand and Malaysia, and several hundred have reportedly died in recent years during the journey.<sup>30</sup> “In Thailand, members of the Rohingya ethnic minority face extra difficulties because they are not recognized and categorized incorrectly.”<sup>31</sup> Due to a lack of legal documents, Rohingyas have been unable to obtain protection from the Thai government as well as international agencies. Despite this barrier, many Rohingyas are self-settled in Thailand. It is a common trend to get married with Thai women. Some of these Rohingyas have operated businesses for many years. This second generation of Rohingyas adopted Thai culture and studied at local academic institutions.<sup>32</sup> It is not the same situation for Rohingyas who recently arrived or are still trying to reach Thai territory to seek some sort of asylum, or are trying to transit Thailand.

In this section, this study has explored human trafficking and how it is related with Rohingyas in Thailand. In 2018, Thailand was upgraded to Tier 2 in the U.S. Department of State’s annual Trafficking in Persons (TIP) Report.<sup>33</sup> Still there remained a possibility that Thailand would be sanctioned if Thai authorities did not take sufficient steps to crack down on human trafficking networks. The mainstream media and various rights groups stated that a section of senior Thai officials was involved in trafficking. More than 60 people were sentenced to jail by a Bangkok court. “Among those convicted is former army general Manas Kongpan, who was sentenced to 27 years for trafficking and organized transnational crime.”<sup>34</sup>

Rohingyas have been treated as twenty-first century slaves in Southeast Asia. This minority group has the dubious distinction of being one of the

most heavily trafficked people in the world. Over the past decades, large boatloads of desperate Rohingya families were trafficked to Thailand where they were placed in jungle holding camps before being sold across the border to businesses in Malaysia. Many died while waiting in those camps, and were buried in large secret gravesites that were discovered in 2015. Anti-trafficking NGO Freeland and Thai police exposed a criminal supply chain of the thousands of trafficked Rohingya. The underground slave highway was protected by a corrupt Thai Army officer and politicians who were paid handsomely. Thai court sentenced Lt-General Manas Kongpaen to 27 years in prison as a principal culprit.<sup>35</sup>

Due to massive human rights violations, it is hard for the Rohingya community to live with dignity in Myanmar. As a result, the Rohingya, especially young people, are desperate to go outside of the country. Basically, the traffickers operating inside Myanmar's Rakhine State start to give promises to the Rohingya that they can be provided with an escape route, with ships that will bring them to safer destinations. Earlier, this study mentioned that Thailand is not the popular destination for Rohingya. They prefer to go to a Muslim dominated country, in particular Malaysia. Nevertheless, the whole journey from Myanmar to Malaysia takes a long time. Due to security reasons and rough seas, traffickers often dropped them in Thai-Malaysia border areas. Consequently, the trafficked Rohingya become detained in smugglers' "camps." The rights group MOAS report pointed out the following:

These camps are considered modern-day slavery surrounded by armed guards. The Rohingya are not allowed to leave the camps. They have not received sufficient food, no medical treatment whatsoever. Women and girls have been taken out, often to be raped by traffickers and security guards in the camp. The male Rohingya are often harassed and roughed up to extort their money.<sup>36</sup>

This study also found that the Thai government has no consistent policy to address the Rohingya trafficking issue. Due to international media attention and rights groups' pressure, the Thai authorities eventually were forced to take serious action. In early 2009, the Thai government was highly criticized by the international community for their inhumane treatment of Rohingya boat people. Then Prime Minister Abhisit Vejjajiva stated in a media interview: "it's not exactly clear whose work it is. All the authorities say it is not their policy, but I have reasons to believe some instances of this happened, but if I can have the evidence as to who exactly did this. I will certainly bring them to account."<sup>37</sup> Later, Thailand's first female Prime Minister Yingluck Shinawatra's regime also failed to stop the Rohingya trafficking through the kingdom. "The Thai officials were accused in several occasions of forcing Rohingya asylum seekers back to the sea and of involvement in trafficking Rohingyas to

jobs in Malaysia and elsewhere.”<sup>38</sup> After the incidents in the sea, Yingluck Shinawatra, replied to the media that “our government has a policy to take care of the Rohingya on humanitarian grounds, so they won’t be pushed back and we will investigate it.”<sup>39</sup> However, there were in fact no changes in policy. The situation did not improve during the 2014-2019 military regime in Thailand. “At least 300 migrants from the Bay of Bengal, many of whom are Rohingya Muslims from Myanmar, have been intercepted by the Thai police this month after authorities launched a crackdown on human smuggling networks in the south.”<sup>40</sup> Thailand-based Rohingya community organizations and other NGOs helped these trafficked people. However, Thai Prime Minister General Prayuth Chan-ocha stated that, “authorities are investigating [these same] Rohingya rights advocates in Thailand to determine whether they are linked to human trafficking operations.”<sup>41</sup> Meanwhile, Reuters investigated this issue and found uncovered clandestine policy to remove Rohingya refugees from Thailand’s immigration detention centers and deliver them to human traffickers waiting at the sea.<sup>42</sup> At the same time, some respondents for this study argue that though punishing traffickers can disrupt the human trafficking networks, it does not dismantle them.<sup>43</sup>

According to the *Bangkok Post*, Thailand and Myanmar launched a joint border patrol on the Moei River on Sunday (January, 2018) to counter smuggling and other crimes. The joint patrols were aimed to prevent and suppress human trafficking, as well as the smuggling of drugs and military-grade weapons across the border. The Moei, a tributary of the Thanlwin (Salween) river, forms the border for hundreds of kilometers in Kayin and Kayah states and Tak and Mae Hong Son provinces in Thailand. The joint patrol was launched with four long-tailed boats on a 14-kilometre stretch of the river upstream from the border towns of Myawaddy in Kayin State and Mae Sot in Thailand’s Tak Province.<sup>44</sup> Nevertheless this study found that human trafficking has not stopped yet. After three days of observation and meeting (March, 2019) with different Myanmar ethnic groups at the border town Mae Sot, cross border movements are arguably stress-free. For that reason, most of the Myanmar people favor the Mae Sot-Myawaddy border corridor. This crossing is located in central Myanmar, and is by far the most chaotic land crossing. The road traffic into Myanmar stretches for kilometers. However, anyone can take the Friendship Bridge without having to wait in traffic, and walk across the border. In addition, it is one of the rare towns in Thailand, where the number of migrants is greater than the number of local residents. Moreover, not far from the bridge much of the border is porous, unmarked and unmonitored.

Lokman Hossain (not his real name), a fifteen-year-old Rohingya boy, stated that he along with ten other Rohingya people had entered Mae Sot

three days before this interview. Lukman also claimed that “we paid a big amount of money to the Myanmar military as well as middlemen who brought us into Thailand.”<sup>45</sup> These eleven people originated from Sittwe, the capital of Rakhine state. Firstly, they reached Yangon by road under military guidance and after three days they started by road journey from Yangon to The Myawaddy/Mae Sot border. Rohingya leaders stated that because Thailand is not a lucrative place for their people they have used Thailand as transit place especially for entering into Malaysia. The Rohingya have no future inside of the Myanmar. So why not go abroad and try to settle anywhere?<sup>46</sup> Minority rights advocate Surapong Kongchantuk stated that “most of the Rohingyas were victims of trafficking and deserved better treatment by the Thai government. If authorities regarded them as the victims, they would have the right to work for their living.”<sup>47</sup>

It is well recognized that Thailand has significantly benefited from the migrant workers of neighboring Cambodia, Lao People’s Democratic Republic, Myanmar and Viet Nam. Based on data from a range of sources, a recent report estimates that “Thailand now hosts approximately 4.9 million non-Thai residents, a substantial increase from 3.7 million in 2014. It can be estimated that 3.9 million documented and undocumented migrant workers, 480,000 stateless persons, 110,000 skilled professionals, 100,000 refugees and asylum seekers are staying in kingdom.”<sup>48</sup> Currently, Thai authorities have allowed millions of migrants from neighboring countries to remain after national verification and registration. “At present, about 3.8 migrant million workers earn their living in Thailand, with about 1.8 million working legally, but Rohingyas are not eligible even if they are not in detention.”<sup>49</sup> It should be mentioned that under Thai law, foreigners may only be employed in accordance with regulations issued by the Ministry of Labour and they must possess a work permit.<sup>50</sup> To receive a work permit, an individual must either be a resident or be authorized to enter into Thailand, conditions which the Rohingya cannot fulfill. In this context, Amnesty International argues that “Thai authorities cannot continue to lurch from one refugee crisis to the next; and instead they must set up the systems required to offer these men, women and children who are at risk the safety and security they need.”<sup>51</sup>

In 2019, President of the Rohingya Peace Network in Thailand stated that, “we are in a critical situation because our nationality cannot be verified as citizens of Myanmar;” he also claimed that recently many Rohingyas entered into Thailand and had been arrested by Thai law enforcement officials.<sup>52</sup> This study witnessed that the number of Rohingyas number incarcerated in various detention centers in southern Thailand has gradually increased. It can be assumed that Rohingyas have been arrested in Thailand because of illegal entry and have failed to

obtain legal protection. Rohingya community leaders are trying to communicate with detainees but it has not been possible due to various reasons. According to Rohingya interviewees, during discussions with Thai law enforcement officials, Rohingyas tend to be “treated as suspicious people.” Interviewees also argued that police harassment, detention, and extortion are common experiences for Rohingya people in Thailand.<sup>53</sup> The displaced Rohingya failed to seek or obtain protection from workplace abuse because of their identity as Rohingya. Furthermore, police harassed them for being undocumented migrants. This placed the Rohingya in an extremely vulnerable position because they were forced to pay bribes to avoid going to jail or deportation. Siyeed Alam, Chairman of the Rohingya Association, stated that “I do not know how to legalize our status, but if they are left outlawed, how can authorities prevent them from doing illegal things and committing crime? Without legal status, Rohingya could not earn a living legally, without any papers to identify ourselves, we cannot rent places to live.”<sup>54</sup>

Thai authorities have not wanted to accept Rohingya asylum seekers for many years. The Thai government’s special security agency, the Internal Security Operations Command (ISOC), has taken various measures to stop Rohingya flowing into this kingdom. Under the ISOC action plan, the Thai navy can intercept Rohingya boats nearing the coast, and provide fuel, food, water, and other supplies if the boat’s occupants agree to travel onward to Malaysia or Indonesia. Any boat that lands on Thai shores is seized. Sunai Phasuk, senior researcher of Human Rights Watch in Thailand, has stated that “Thailand treats all Rohingya as illegal immigrants, subject to indefinite detention in squalid immigration and police lockups, and refuses to let the United Nations refugee agency conduct refugee status determinations for them.”<sup>55</sup> This study obtained these same findings from fieldwork on March and July 2019 in Thailand.<sup>56</sup> It should be mentioned that though the Thai state is not a party to the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 Protocol, under customary international law, Thailand should not reject asylum seekers at the border and send them back where their very survival would be in danger. Unfortunately, customary international law is non-binding or difficult to enforce.<sup>57</sup>

*Non-refoulement* is a fundamental principle of international law and one of the major elements of international refugee law. Essentially, the principle of *non-refoulement* means that no refugee should be returned to any country where his or her life may be at risk. Traditionally, the term *non-refoulement* refers to the obligation of countries under Article 33 of the 1951 Refugee Convention not to return a refugee to a country where his life or freedom is threatened. Following from the right to seek and to enjoy in other countries asylum from persecution, as set forth in Article

14 of the 1948 United Nations Universal Declaration of Human Rights, this principle reflects the commitment of the international community to ensure to all persons the enjoyment of human rights, including the rights to life, to freedom from torture or cruel, inhuman or degrading treatment or punishment, and to liberty and security of persons.<sup>58</sup> But because the Universal Declaration of Human Rights is non-binding while Thailand is still not a party to the 1951 Refugee Convention (which is anyway difficult to enforce), the Thai government has not felt obligated to respond positively in assisting Rohingya or any other asylum seekers. Thus, Thai officials have stated that the country will stick to its policy of pushing out to the sea any boat people intending to enter its territorial waters. Indeed Col. Peerawat Saengthong from the Internal Security Operations Command said that the navy would push back any boats seeking to reach Thai shores.<sup>59</sup> It should be mentioned that, the principle of *non-refoulement* is applicable to any refugee, asylum seeker or alien who needs some form of shelter from the state under whose control she or he is. In addition,

Although Thailand is not party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, some of its provisions are principles of customary international law, notably the principle of nonrefoulement which provides that “no Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened.”<sup>60</sup>

The Thai government has never clarified its policy on refugees or asylum seekers. It has often changed its position, sometimes being more sympathetic toward refugee/asylum seekers by ethnicity and sometimes being more antipathetic. Some examples help to demonstrate an often-hostile Thai policy regarding asylum seekers. For example, though thousands of Hmong fled Laos after its 1975 revolution and the Thai government permitted them to temporarily reside in Thailand for a time (e.g., at a refugee camp in Phetchabun province), in 2009 the Thai government handed all 5,000 of the refugees in this camp back to the Lao government. According to Refugees International, “This forced repatriation would place the refugees in serious danger of persecution at the hands of the Lao authorities.”<sup>61</sup>

Another example involves hundreds, possibly thousands, of Uighurs who have fled repression in China’s Xinjiang region, with some arriving in Thailand. In 2015 “Thailand sent around 100 Uighurs back to China. Human Rights Watch called on Thailand to halt the deportation of Uighur Muslim migrants to China... fearing they could face ill-treatment.”<sup>62</sup>

As for the Rohingya themselves, a 2014 report on Rohingya in Thailand concluded that the Thai state’s policy toward Rohingya asylum seekers was “ad hoc and inadequate” while Thailand’s “discriminatory



treatment” of the minority had impinged upon Rohingyas’ fundamental human rights.<sup>63</sup>

### **Rohingya and Thailand’s deep south insurgency**

Marginalized communities are often vulnerable to indoctrination by vested interested groups. It is not uncommon in the case of displaced Rohingya in Thailand. Therefore, this study tried to analyze the Rohingyas’ presence in Thailand in terms of whether they had become a security concern for Thailand’s southernmost provinces. Many Thais have assumed that though displaced Rohingya are in difficult situation, their unregulated migration has become a security threat for Thailand. There is also a strong perception in Thai society that some Rohingyas might be involved in assisting the Malay-Muslim insurgency against Bangkok’s rule in Thailand’s Deep South. For that reason, this study conducted interview with a cross section of people in Thailand’s southern border provinces.

The characteristics and root causes of Malay and Rohingya Muslims issues are completely different. Nakhon Ibrahim who heads up an Islamic school in Pattani province stated that Malay Muslims sympathize with oppressed Muslims all over the world and support giving humanitarian aid to them. The case of Rohingya Muslims in Myanmar is very painful. In the aftermath of near genocide against Rohingya, “we made *dowa* (prayed) in mosques and our people donated money including food stuffs for them. Our representatives sent it through the Bangladesh embassy in Thailand and UNHCR office in Bangkok.”<sup>64</sup> This study also found that Thailand’s Malay-Muslim insurgency had not supporting any militant movement outside of their territory in the name of *Jihad*. Deep South specialist Srisompob Jitpiromsri, stated in an interview that, “as far as I am concerned, the nature of the Malay Muslim movement in Thailand’s Deep South is mainly a nationalist struggle rather than religious warfare. Sometimes, it was wrongly interpreted by the different groups and media. The people of Malay Muslim in border provinces have been struggling to achieve recognition under the present nation state.”<sup>65</sup> The most radical Deep South insurgents seek the cessation of the three Thai provinces of Pattani, Narathiwat, Yala, and parts of Songkhla to become the Islamic nation state of Patani.

The Rohingya became stateless and faced cruel treatment from the Myanmar government. The case of Southern Thailand is a more ethno-nationalist issue but still Malay Muslims have access to the Thai government. They have representation in every sector and enjoy strong involvement in the mainstream political process. The Malay nationalist movement until now is not part of a global Islamic movement. Srisompob observed that in the aftermath of the 2017 Rohingya genocide,

the Muslims of southern Thailand were angry with the Myanmar regime but did not conceptualize that it was their duty to fight for the Rohingya. At the same time, "Since the insurgency in Southern Thailand intensified in 2004, there have been no outsiders involved [with the insurgents] as fellow comrades-in-arms."<sup>66</sup> Therefore, it can be stated that there has yet to be any trend or development toward recruiting foreigners into Thailand's insurgency.

Meanwhile, Burke et al. (2013) argue that the Rohingya crisis in Myanmar is different from the struggle of other ethnic minorities in Myanmar; though the rest of Myanmar's ethnic groups unofficially could reside in and conduct activities from Thailand until the *Tatmadaw* regime's end in 2011, they maintained close connections inside Thailand.<sup>67</sup> The authors contend that this was possible due to race-religious kinship with Thai people. However the Rohingya never had any kinship relations in Thailand.<sup>68</sup> Violent conflicts in Southern Thailand stem primarily from long-running tensions between the nation state and a minority population. "By most accounts, Malay Muslim grievances are based upon perceptions of systematic discrimination in local governance, political marginalization, forced assimilation to the national Thai identity, and abuses of the local population by security forces and state officials."<sup>69</sup>

Islamic scholar Roflee Weahama, shared his opinions regarding Rohingyas' involvement with militancy. He stated that Islamophobia is created by the western media and it negatively interprets the Islamic way of life and culture. As a result, Muslims around the world are facing various atrocities. The case of the Rohingya is one such example and it is clearly ethnic cleansing. Meanwhile the international community failed to take effective measures against the Myanmar oppressive regime. On the other hand, some groups have falsely tried to implicate the Rohingya in having linkages with global terrorism. Even the Southern Thailand conflict is not related with a pan-Islamic movement but is rather trying to establish ethnic equality under a nation-state framework.<sup>70</sup>

Peace studies scholar Eakpant Pindavanija has strongly denied that the Rohingya are a security risk for Southern Thailand. He believes that Thailand should ratify the 1951 Refugee Convention and its 1967 Protocol. It is reality that Thailand hosting large number of refugees since many years. The UNHCR has long presence in Thailand but working in limited scale. It is true that Thailand has no clear policy on refugee.<sup>71</sup> As a result, refugee and undocumented migrant workers are mixing and law enforcers treated them harshly "in the name of security." ALTSEAN-Burma head Debbie Stothard has stated that "in the Thailand context, the Rohingya refugees are seeking humanitarian support to save their life from persecution. It should be mentioned that armed struggle against the military (*Taymadaw*) is a very common issue in Myanmar political

discourse. All the ethnic minorities have armed groups and they were invited into the peace process. The Rohingya ethnic minorities have no formal armed group and consequently they were not involved in any ongoing peace dialog.”<sup>72</sup> This study suggested that Rohingya militants have link in southern insurgency is completely irrelevant issue.

Peacefully resolving the situation of Thailand’s Deep South insurgency as well as refugee issues depends upon who rules the country. If the democratic forces do not run the government, the scenario will worsen in the near future. Eakpant Pindavanija stated that from his experience in southern Thailand since 2006, “It can be stated that [in Thailand’s Deep South] the Rohingya Muslim minority and the Malay Muslim issue are not similar and do not have any impacts on the Southern insurgency. In fact, many Myanmar insurgents reside close to the Thai-Myanmar border but the Rohingya people are mostly living here [in Thailand] as either documented or undocumented migrant workers.”<sup>73</sup> This study found that sometimes Rohingyas were arrested in coastal areas on the way to Malaysia as trafficked persons. A few Rohingya married Thai Malay-Muslim women and lived in Thai southern border provinces as migrant workers.

Apparently the Rohingyas are not a security concern or in any way supporting the Southern insurgency. Thai Deep South Buddhist NGO leader Rukchart Suwan, strongly agreed that, “Rohingya couldn’t do any harm to Southern Thailand. They are facing various difficulties in Myanmar. Thailand should help them and not send them back to Myanmar. Rohingya people have nothing to do with insurgencies in the three southernmost provinces.”<sup>74</sup> The Thai military should discuss and consider the Rohingya issue as a global problem and deal with in terms of human insecurity. Another Buddhist civil society head Lamai Manakarn, agreed with Suwan. She firmly believes that the “Rohingya issue does not amount to any risk to the security of Thailand’s three southernmost provinces. [Deep South] people have sympathized with the Rohingya due to their suffering from state atrocities against them in Myanmar.”<sup>75</sup> Through the discussion with Buddhist civil society leaders, it can be stated that some Rohingyas are staying in border provinces as trafficked person and try to obtain a better place for their well-being in order to boost their human security. This study also found that Rohingya political parties have been trying to enhance their political network among the Rohingya community in Thailand. It is not unlikely that some of them might be supporters of the Arakan Rohingya Salvation Army (ARSA) as well as involved with human trafficking. However, Rohingya human traffickers (in Bangkok and Mae Sot) claim that they are positively helping community people rather than enhancing security tensions for others. The overall Rohingya situation has been dire inside Myanmar

since the early 1990s. Rohingya people firmly believe that there is no future inside of Myanmar. As a result, they continue seeking to move to or transit through other countries such as Thailand.<sup>76</sup>

## Conclusion

This study has addressed the displaced Rohingya situation in the Thailand context. To fulfill this objective, it was appropriate to know how the displaced Rohingya are treated in Thailand. From this study's field work at various places in Thailand, it can be assumed that approximately three to four thousand Rohingyas have been living since the mid-1970s. Few of them are influential and maintain close relations with local Thai community. Earlier it was discussed that Thailand is both a destination and transit country that intercepts Rohingya on their way to the third countries

This study, involving two rounds field work in Thailand and various data, suggests that many Rohingya Muslims have boarded boats in recent months to try to reach Malaysia, part of what authorities fear most could be a new wave of people smuggling by sea after a 2015 crackdown on trafficking. Thai authorities have always classified Rohingya as undocumented migrant workers and trafficked persons. Debbie Stothard strongly argued that the "Rohingya situation cannot be compared with other illegal migrants' groups in Thailand."<sup>77</sup> According to immigration law, a valid passport or document used in lieu of a passport is required for lawful admission into the kingdom and any foreigner who enters or stays in Thailand without lawful admission is subject to deportation. Nevertheless, Thailand has for decades accommodated many displaced from Myanmar in temporary camps along the Thai-Myanmar border. But as irregular migrants in a country that does not recognize the rights of refugees, Rohingya in Thailand experience on-going threats to their liberty and security when entering, living, and working in and traveling through the country. Consequently, in 2020 the threat of discriminatory detention and deportation of Rohingya continues to be a common experience in Thailand. This study found that corrupt practices including extortion, harassment and collusion with traffickers and smugglers were prevalent among law enforcements officials (e.g., the case of Gen. Manas Kongpaen). In addition, this study found that displaced Rohingya in Thailand failed to seek or if they did seek, failed to receive, asylum protection under Thai law. In fact, many Rohingya are now in Thai detention centers because of illegal entry into the kingdom and/or because they cannot obtain assistance from national or international agencies.

Despite the strong perception in Thai society that many Rohingya might be involved in Thailand's Deep South insurgency, the fieldwork from this study suggests that a few Rohingyas are living in border

provinces with some married to local Thai Malay-Muslim women and mostly working as street vendors. According to interviewees in this study, there is no evidence that Thailand's Malay-Muslim insurgency in the Deep South has any link with global terrorism or recruiting members from among the Rohingya or other Muslims. At the beginning of this study, the importance of human security (non-traditional security) was examined as the touchstone of security for all individuals. However, the Rohingyas' struggle for basic human rights and human security in Thailand continues unanswered and unabated.

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