

CHAPTER I

INTRODUCTION

A. Background

Thailand has played an important role in the South-East Asian region as a place of refuge for those fleeing violence and persecution from neighbor countries such as Cambodia, Laos and Vietnam post-1975 or those fleeing conflict and political persecution in Myanmar since the 1980s. Migration flows to the country are complex. Many migrants arrive in Thailand for a variety of reasons including economic concerns, persecution and experiences of human rights abuse. Policies which distinguish between camp-based refugees.¹

The Thai government has never formally recognized the refugee status of any persons from Myanmar except those who fled the country after the 1988. Consequently, Thai policy does not use the term “refugee”, but “displaced person” and it does not use the term “camp”, but “temporary shelter”. The terms used by the Thai authorities reflect the intended temporary nature of the refugee protection framework in Thailand. The writer uses the terms refugee and camp to reflect the reality on the ground and international standards, rather than the official Thai terminology. Thailand has been faced with challenging and delicate task of controlling its porous borders while also offering protection to victims of persecution. The law and policy framework in Thailand and the entire regions appear to focus more on border control and less on protection. Consequently, refugees are not always identified they, do not always receive protection and remain vulnerable to human rights abuse. Many Rohingya suffer as a result of these protection gaps.

However, Thailand’s refugee policy is fragmented, unpredictable, inadequate and ad hoc, leaving refugees unnecessarily vulnerable to arbitrary and abusive treatment. Thailand is not a party to the 1951 Convention Relating to the Status of Refugees (1951 Refugee Convention) or its 1967 Protocol. It has no refugee law or formalized asylum procedures. The lack of a legal framework leaves refugees and

¹ UNHCR 2015, UNHCR country operations profile – Thailand. Geneva: UNHCR.

asylum seekers in a precarious state, making their staying in Thailand is uncertain and their status is unclear. Therefore, Thailand considered the Rohingya refugees as illegal migrants.

The Rohingya is a Muslim group residing in Arakan State in Burma. They are people with a distinct culture and civilization of their own. They trace their ancestors to Arabs, Moors, Pathans, Moghuls, Bengalis and some Indo-Mongoloid people. Early Muslim settled in Arakan dated back to 7th century AD. Burma is a home of numerous ethnic groups, about 60% of the areas are inhabited by nearly 140 ethnic races and Rohingya is one of them. Burma has a population of about 50 millions in which nearly 8 millions are Muslims. The Muslim population, about 3.5 million (both at home and at the places of refugees) are Rohingyas of Rakhine. The Rohingya are the major community in Rakhine. Due to the large scale of persecution through ethnic cleansing and genocidal action against them, about 1.5 million Rohingyas have been forced to leave their place and home since Burmese independence in 1948. This unfortunate uprooted people are mostly found in Bangladesh, Pakistan and Saudi Arabia; also in UAE, Malaysia and Thailand.²

The UNHCR has operated in Thailand for four decades since 1975 when it faced with an influx of hundreds of thousands refugees from Cambodia, Laos and Vietnam the Thai government invited the agency to work in the country. However, despite a sustained presence in the country for such a lengthy period, UNHCR has faced many challenges in protecting refugees and asylum seekers in Thailand, including meeting the specific protection needs of stateless refugees and stateless persons.³

However, UNHCR operations in Thailand priorities refugee children and women, including through a focus on preventing and responding to vulnerabilities, child protection concerns and domestic and other forms such as sexual and gender-based violence (SGBV).

In Southeast Asia the largest number refugees of Rohingya people. In 1991, the Rohingya refugees started to flee to Thailand. It's in the range of the monsoon waves settle down between October and February each year, which is a moment of the

² Vittayakorn. (2007, June). Talking with human right activist for Rohingya people. *Salwin Newsletter*, p. 52.

³ UNHCR, 2014 UNHCR country operations profile – Thailand, available at: <http://www.unhcr.org/pages/49e489646.html>. Retrieved 15 January 2016

Rohingya travel to Thailand.⁴ In January 1999, the news of Rohingya refugees from foreign media and the group of human rights organization disclosed to the world that Thailand naval abuse of pushing Rohingya refugees by leaving them float in the sea. In 2006, The Navy of the Andaman Sea detected immigration escaping and arrested many of Rohingya people. The number of Rohingya living in Thailand is increasingly attributed to most of Rohingya that lived in Thailand is all the Islamic men. The security forces of Thailand noted that, Rohingya Muslims might be connected to the issues of unrest in the three southern border provinces of Thailand. In 2007, The Navy with agencies in the area arrested 1,158 of Rohingya people with 21 vessels policy implementation of arresting and pushing illegal immigrants out of territorial waters. It is a policy which has become a system since 2007, especially in Ranong, Phang Naga and Phuket.

In December 2008, the Navy was notified by park officials of Surin archipelago that they have found 205 Rohingya people. In January 2009, the 3rd Navy detected 78 illegal immigrant of Rohingya at the estuary of Ranong. The total number of illegal Rohingya people detained at the Ranong immigration to waiting for the repatriated policy are 86 people. In February, the Rohingya detained at the Ranong immigration. The representative of Myanmar Embassy in Thailand examined their background and their family history, fingerprint and record about the boat travel. The Rohingya said that Thailand officials' military attacked them when they were seriously injured. In March, the Embassy of Bangladesh came to prove citizenship and check the individual status. Of it was found that the citizenship of Rohingya in Bangladesh 29 people, which were successfully returned to Bangladesh, the remaining was a group of Rohingya in Ranong immigration Rohingya are 57 people. Between November to April each year, the group of Rohingya found on the ship is mostly males rather than women or children. The Rohingyas planned to travel to the third country, using Thailand as passageway to Malaysia or Indonesia to find a job. A group of people who claimed to be Bangladeshi, 29 people were sent to detent at an immigration office in Bangkok Thailand. The remaining 49 people had to wait the implementation of Thailand government, which is under negotiation with the Burmese government. In June, the Rohingya in Bangkok was

⁴ Kessarín Tieawsatu13 February 2013l, The road of Rohingya to Thailand, prachatai, from: www.prachatai.com/journal/2013/02/45266. Retrieved October 20, 2015

informed that Mr. Abdul Salam, aged about 20 year-old, died in Ranong immigration. In September, Ranong immigration found Rohingya in ship approximately 30 feet by the 3rd navy. Subcommittee on Civil and Political Rights received complaints and investigated the facts concerning Mr. Abdul Salam, 20 years old, and Mr. Hama Dola 15 year who died in the detention of Ranong immigration. It was found that the number of deaths increased by 1 after transported from Ranong immigration to Suanphlu. From UNHCR inspection, it was found that 78 Rohingya people in Suanphlu immigration that were detained for two years cannot return their own country.⁵

The influx of Rohingya to happened Thailand during 2011-2012, more than 2,000 people changed from a large group and spilled in a small group. In 2012, Immigrant refugees escaping during the period of 2011-2012 while found has already implemented a total of 28 times. An agency took control and pushed out a total 2,177 people outside the Kingdom of Thailand. In January 25, 2013, there are 1,390 persons detained which consisted of men - women – children as it is shown in Table of immigration officer attached. By the detained Rohingya in detained of the Office of Immigration Sadao, Padangbezar, and Ranong.

The Rohingya are a Muslim minority group who live in the North Arakan State of Burma, the adjacent to Bangladesh. There are presently over 2 million Rohingyas in the world, and most of them work as casual laborers, farmers and fishermen. The Burmese Junta has always viewed the Rohingya people as illegal immigrants from Bangladesh, even though they have settled in Burma for centuries. The Rohingyas' vulnerability and marginalized status worsened when the 1982 Burma Citizenship Law was enacted rendering them stateless. The Rohingya people are not included in the 135 racial groups listed by the General Ne Win government.⁶

In this current world, since the middle of 20th century (post-colonialism), the world begins to be divided into certain state. Every country has its own economic system, political system and different social welfare. Hence, if there were some conflicts in those countries then it automatically influence neighboring countries. The reason of conflict is almost from minorities on majorities' societies, different culture,

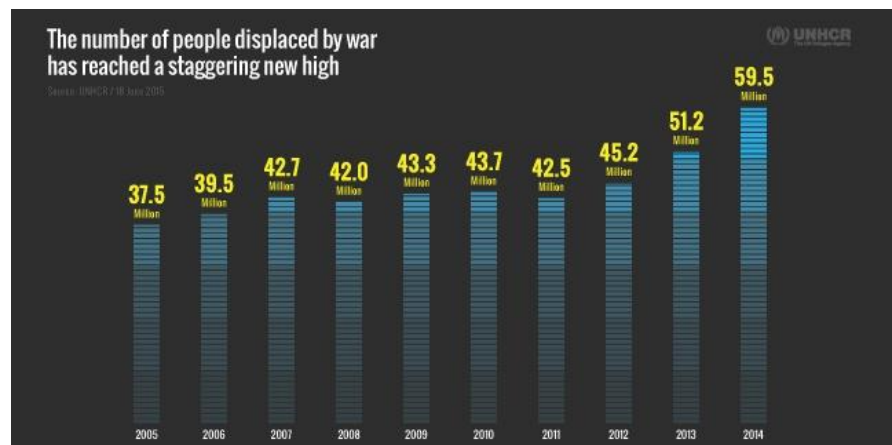
⁵ Ibid

⁶ Ibid

religion, race, sect, natural disaster. The conflict in each country affected the neighboring countries as a result of refugees in order to survive on their own. Such as:

In 2014, there were 19.5 million refugees around the world, including 5.1 million Palestinian refugees. According to the UN Refugee Agency, the leading countries of origin for refugees in 2014 were. Syria is the world's biggest producer of both internally displaced people 3.88 million followed by Afghanistan: 2.59 million and Somalia 1.1 million.

Figure 1.1 the increased number of refugees worldwide



Resource: UNHCR Global Trend 2014

From figure 1.1 it can be seen that half of all refugees are children The Global Trends report detailed that in 2014 alone 13.9 million people became newly displaced four times from the number in the previous year. Worldwide there were 19.5 million refugees (up from 16.7 million in 2013), 38.2 million were displaced inside their own countries (up from 33.3 million in 2013), and 1.8 million people were awaiting the outcome of claims for asylum (against 1.2 million in 2013). Most of refugees 86 percent are in regional and countries that are considered economically less developed. In the EU the biggest volume of asylum, are Sub-Sahara Africa, Asia and Americas respectively.

⁷ UNHCR Global Trend 2014

B. Research question

Based on the background and the understanding of the background problem's above, the research question is formulated as follows,

How is the policy of Thai government towards Rohingya refugees?

C. Objective of Research

The purposes of this research are follows:

C.1 As a requirement to fulfill one of subjects in international relations studies.

C.2 To explain Thai government policy toward refugees Rohingya

C.3 To describe Rohingya refugees in the border Thailand

C.4 To implement the migration system theory that is relevant to the problem

C.5 To describe and explain the phenomena and the situation of Rohingya in Burma and Thailand

D. Research Contribution

The Research contributions of this study are as follows:

D.1 In the academic i results this study are expected to add information or insight about knowledge of refugees in Thailand for students, common people and researcher. This research is also expected to contribute to the development of international relations, especially in assessing of refugees in Thailand from government policies.

D.2 practically, it is expected for the Thai government and NGOs consider solving the problem of influx of refugees in Thailand.

E. Literature review

In order to analysis this topic about the transit point of Rohingya people in Thailand the writer has gained many resources of books to understanding this issue.

According to Jason Szep and Stuart Grudgings(July 17, 2014), the books title is "Authorities implicated in Rohingya smuggling networks" the main discussion of this book is about Muslim Rohingya who are exploited in a human trafficking ring in which like as (a) Rohingya buy boat passage from a local broker in Myanmar's Rakhine State, usually for around\$205. (b) The money goes to boat owner, with commission to local broker who may need to bribe to border control socials to let the boat pass. (c) The roker in Myanmar sends passenger list to people smuggler in Thailand.(d) Smuggler notifies Thai naval security forces when the boat is due to arrive.(e) Thai naval forces spot the

boat; notify the smuggler and marine police its location. Then the smuggler's boat and marine police bring it to shore. Naval forces are paid about \$65 per Rohingya person police get around \$160. (f) Smugglers in Thailand put the Rohingya in rented homes, calls their family and demands money. Rohingya pays smuggler around \$950 per person up and another \$950 upon arrival in Malaysia. (g) Those who have paid are sent by small boat or concealed in the back of pickup trucks and taken to the Malaysian border. Smuggler pays border police around \$32 per person to allow them to pass the Malaysia border. (h) Rohingya men pay usually are sold to fishing companies or plantations for between \$320 and \$640 per person. Rohingya women fetch \$1,600 and occasionally are sold as brides to Rohingya men in Malaysia.

According to Jason Szep and Andrew R.C. Marshall (5 December 2013) the book title is "Thailand's clandestine Rohingya policy uncovered" the discussion of this book discuss try to say 2 point (a) escape religious persecution in Myanmar, thousands of Rohingya have fled the country, seeking refuge in Thailand. However, a Reuter's investigation found that Thai authorities are removing Rohingya refugees from its immigration detention centers and delivering them to human trafficking. The Rohingya are transported across southern Thailand and held hostage in a series of camps hidden near the border with Malaysia until relatives pay the ransom for their release. (b) the Rohingya exodus are Muslims from Myanmar and Bangladesh, where they are usually stateless and despised as illegal immigrants. In 2012, two eruptions of violence between Rohingyas and majority Buddhists in Rakhine State in western Myanmar killed at least 192 people and made 140,000 homeless. Most of were Rohingya, who live in wretched camps or under apartheid-like segregation with little access to healthcare, schools or jobs.

According to Colonel Ying Jesda Mibunle, Lieutenant Dr. Piyanus Pibuea(February 1999) the title is "Rohinya issue and Solution" this journal talks about the history of Islam into the Myanmar since the of Persian traders in 7 century until become a big community. British invaded Myanmar independent in 1948 so after that arise injustice to the minority government as genocide. Appear Rohingya problem is a problem related to history after the British invaded Myanmar independent in 1948 so after that arise injustice to the minority ethnic between society and government as

genocide. Therefore, are three solutions strategy: Immediate Response strategy, Redesigned Actions and Restructure

According to Susan Kneebone (2009) the topic of book is “Refugees, asylum seekers and the rule of law” this book explain about examine how the legislative, executive and administrative arms of government have responded to issues concerning the rights and status of refugees and asylum seekers in five common law jurisdictions: the UK, Australia, Canada, the USA and New Zealand. Who and what determine the legislative agenda in this context, whether Is the legislative agenda is driven by the legislators, or are the responses of the jurisdictions driven by the international context and evaluate the responses from a human rights perspective and assess the integrity and coherency of legal responses as shown by their impact on the rule of law.

According to Dr.Jaturong Boon Yaratsunthor, (April 2012), Title is “Policy protection human right border Thailand - Myanmar: case study immigrant war victim” this research discusses about as Thailand government continues in try to strike the right balance between protecting vulnerable migrants and effectively controlling its porous borders. This report provides an insight into the human rights situation of both the long-staying and recently arrived Rohingya population in the country, and makes an argument for their strengthened human rights protection, both within Thailand and regionally. Though there are not as many Rohingya in Thailand as there are in other countries in the region, the country has assumed an important geopolitical position in the regional picture of Rohingya displacement and insecurity. Thailand has a relatively strong human rights treaty ratification record compared to the other countries with significant Rohingya populations. Furthermore, many of its domestic law and policy initiatives have the potential to strengthen protection for the Rohingya, if implemented effectively, consistently in and non-discriminatory manner.

However, the differences all of 5 resources above there are different focuses, the first journal from Jason Szep and Stuart Grudgings focuses on *mobility of Rohingya refugee* in South East Asia from origin country to neighbor countries. The methodology of this research is by interviewing the head of Rohingya people. The second journal by is Jason Szep and Andrew R.C. Marshall entitled about “*Thailand’s clandestine Rohingya policy uncovered*” uses secondary data taken from the documents whether from the government of Myanmar and the Thailand government. The third is journal

from Colonel Ying Jesda Mibunle and Lieutenant Dr. Piyanush Pibuea about “*Rohinya issue and Solution*” they analyzed about Rohingya is problem a problem related to history after the British was colonize in Myanmar after that Myanmar got independent in 1948 so after that arise injustice to the minority government as genocide. There are three solutions strategy Immediate Response strategy, Redesigned Actions and Restructure. The methodology of this research is Research based focuses on group forums. The fourth resource literature review is from Dr.Jaturong Boon Yaratsunthor entitled “policy protection human right border Thailand - Myanmar: case study immigrant war victim” the methodology of this was policy research for all of departments to involve with refugees contributes policy makers and appropriate measures to treatment asylum seekers according to human right principles, observation, focus group discussion. All of five resources are different with this research, it more complete with above resource this research focuses on the role of Thai’s government to manage refugees or asylum seekers the writer used research based on focus group forums, literature review, the state policy, legislation and field studies. the secondary data were taken from the documents both from the government of Myanmar and the Thai government, Qualitative methods, using a purpose aside by interviewing the Rohingya migrants who are already in Thailand in order to know the management Thai’s policy to Rohingya refugees in Thailand.

Table 1.2 Literature review

No.	Name/Date	Topic	Result
1	Jason Szep and Stuart Grudgings(July 17 2014)	Authorities implicated in Rohingya smuggling networks (Journal)	Rohingyas are exploited in a human trafficking ring
2	Jason Szep and Andrew R.C. Marshall 5 December 2013	Thailand’s clandestine Rohingya policy	The unwanted Rohingya Muslim refugees at an immigration detention center in

		uncovered (Journal)	southern Thailand. They have no citizenship in Myanmar where they are fleeing conflict
3	Colonel ying jesda mibunle and Lieutenant Dr. Piyanush Pibuea February 1999	Rohinya issue and Solution (Journal)	Rohingya problem is a problem related to history after the British invaded by British Myanmar independent in 1948 so after that arise injustice to the minority government as genocide. For there are three solutions strategy Immediate Response strategy, Redesigned Actions and Restruture
4	Susan Kneebone(2009)	Refugees, Asylum Seekers and the Rule of Law (Books)	The contributors to this volume examine how the legislative, executive and administrative of government have responded to issues concerning the rights and status of refugees and asylum seekers in five common law jurisdictions: the UK, Australia, Canada, the USA and New Zealand
5	Dr.Jaturong Boon Yaratsunthor, April 2012	Policy protection human right border Thailand - Myanmar: case study imigrant war victim (Thesis)	Create a collective with government agencies, civil society and academic matter institution to determine policy and protection human right for refugees from Myanmar be in line with the protection of human rights internationally

Resources: Compiled from various sources

F. Theoretical Framework

In order to analyses this study, it's certainly important to the theory to help explaining the phenomena that exist to solve problems So the theory used in this research is migration theory related with topic about the transit point of Rohingya people in Thailand the writer used 1 theory of refugees management.

F.1 Refugee management

International organization for migration (IOM) work closely with government, the United Nations High Commissioner for Refugees (UNHCR), Non-government organization and other partner. has role in refugee resettlement around the world, Founded in 1951 to assist in the resettlement of Europeans displaced in the a aftermath of World War II, IOM has provide essential services in support of refugee resettlement operation for over six decades. In the last decade alone, IOM has organized resettlement movements of 892,243 refugees from 186 locations around the world. IOM is well suited to meet the challenge, and assist governments to help refugees integrate successfully into receiving communities. Successful resettlement is migration management at its best, it's an investment in human capital and an empowerment of people. There are 4 point of IOM provides the following resettlement services and the request of government:⁸

1. Case processing: (a) help refugee applicants in lodging correct and complete application for refugee status (b) assist governments by providing selection authorities with accurate, detailed and objective information in standard format in order to streamline the interview and selection process.

2. Predeparture orientation/ integration: provides predeparture cultural orientation training courses for refugees accepted for resettlement

3. Health assessments and travel health assistance: Health assessments in the context of refugee are particularly vulnerable population, with health profiles that vary according to the displacement experience, preexisting health conditions and epidemiological profiles, among other factor.

4. Movement / Travel operations: Migration implies movement. Arranging the safe and orderly movements of refugees and other vulnerable persons is the cornerstone

⁸ IOM Thailand Refugees resettlement programme2014, From: <http://www.iom.int>, Retrieved 15 December 2015, Bangkok 10120 Thailand

of IOM's Constitutional mandate to "concern itself with the organized transfer of refugees, displaced persons and other individuals in need of international migration services for whom arrangements may be made between the Organization and the States concerned, including those States undertaking to receive them."

Mrs. Chacon elaborate on the works of IOM in various field such as counter-trafficking, raising awareness, training, health, migrants rights and obligations, resettlement, etc. She praised Thailand on excellent track record in collaborating and active participating with IOM in elevating the widespread migration related problems in the region. She also took this opportunity to inform Foreign Minister Kasit on the structural reform that IOM is going through including the organisations intention to upgrade its regional office in Thailand to oversee all the IOM offices in Asia and Australia.⁹

Foreign Minister Kasit emphasised Thailand's consistency in upholding the spirit of transparency when dealing with migration-related issues. He also reiterated Thailand's readiness in being a centre for international organisation in the region and providing financial support to IOM as well as enhancing capacity of its related agencies in dealing with the multifaceted migration challenges and problems. Both sides agreed that educating local authorities to familiarize them with the rights and obligations is one way to achieve the goals. Thailand became a member of the IOM in 1986. The IOM office in Bangkok was upgraded to regional office covering the Mekong sub-region in 2001.

Many country in world often hold practice on the refugee problem in accordance with the a signatory to the 1951 Refugee Convention or its 1967 Protocol, currently 144 member countries be Refugee Convention some countries did not join that but most hold practice on international law also especially principles of "non-refoulement" Which appears in Section 33 of pact Stating that "associate counties are not pushing or remand of refugees to areas which are a threat to life and liberty of refugees in the race, Religion, citizenship, membership of a social group or political commentators". however some countries in South east Asia such as Thailand besides is not a party to the 1951 Convention Relating to the Status of Refugees (1951 Refugee Convention) then There are actions that are contrary to the principle prohibition pushed back on several

⁹ Ministry of foreign affairs of the kingdom of Thailand(20 Jan 2010), International Organization for Migration (IOM) to expand the roles of its office in Thailand, from: [www.mfa.go.th/main/th/media-center/28/483-องค์การระหว่างประเทศเพื่อการโยกย้ายถิ่นฐาน-\(IOM\)-พ.html](http://www.mfa.go.th/main/th/media-center/28/483-องค์การระหว่างประเทศเพื่อการโยกย้ายถิ่นฐาน-(IOM)-พ.html), accessed 16 November 2015

occasions such as Those looking to push the Rohingya refugees outside the territorial waters This led to criticism of Law as highly by the international community. For sustainable solutions of refugees (durable solutions) consists of three main approaches with the following guidelines; (Hansen et al., 2008)

1. Local Integration: There are several levels depend on the cooperation of host government, the local community and the refugees themselves. To be eligible And Services as a citizen most important a health service, education eligible to work and the protection asset personally. In the long term there may be the way to get permanent resident status. The achievement of local integration conditions are required for proper preparations the important configuration are recognize of states, societies and supported by foreign countries. The process that led to the Settlements in the political dimensions, economic and social. Under the following thus;

- 1.1 The similarity of language, culture, race, religion between refugees and societies of states recipient

- 1.2 The refugees are resources the state labor requirements or supply and demands of labor are appropriate

- 1.3 Local integration one part of other solution especially sending refugees back to origin state by voluntarily.

2. Resettlement in third countries

Generally UNHCR and resettlement in third countries will select those who need protection before, especially the family face with threat. Have priority selection by educate to adaptation in society that country

3. The voluntary repatriation.

The solution that many countries announced a policy since those who have chosen to resettlement in the third countries there are fewer of refugees and cannot solve the problem seriously.

G. Hypothesis

According from the theoretical perspective to answer the research question of the policy of Thai government towards Rohingya refugees, the hypothesis is as follows: Since Thailand is not a party to the 1951 Convention Relating to the Status of Refugees, Therefore Thailand has 2 processing to provide the status of Rohingya refugees:

G.1 Thai's government faltering immigration system provides selection authorities in accurate, detailed and objective standard format to streamline the interview and selection process in classify Rohingya refugees in three categories such as Illegal Immigrant, Migrant worker and human trafficking

G.2 Resettlement in the third countries: Generally UNHCR and resettlement in third countries will select those who need protection before especially the family facing threat. The priority selection based on the education so that they can adapt in the society of that country.

H. Research Methodology

H.1 Methodology of Research

Qualitative approach is employed in this study in order to solve the problem of influx of Rohingya refugees from Myanmar to find asylum place in Thailand.

H.2 Location

The location of this research was in the border between Myanmar and Thailand and Andaman Ocean.

H.3 Method of collecting data

The data of this research would be collected by doing library research; it means that the researcher collects data from the available sources to support the research. The researcher then conducted the following actions:

H.3.1 Document

Collecting data are from books, journal, newspapers and available website to have correlation with the research title.

H.3.2 Interview

The research interview seeks to describe and find the meanings of central themes in the world of the subjects. The main task in interviewing is to understand the meaning

of what the interviewees say. Interviewing is considered as a method for collecting data, it is a technique used to understand the experiences of the Rohingya Refugees in Thailand. By data collection techniques used in this research to interview techniques are prioritized by face interview, social media and e mail interview.

H.3.3 Observation

The observations were conducted by direct observation the Route place of Rohingya refugees border Myanmar and Thailand by Land or Sea such as provinces of Satun and Songkhla.

H.4 Method of analysis data

This research was analyzed using qualitative analysis technique; it means that the data and fact obtained and based on theory will be systematically analyzed so that it can display the correlation among facts. This research is focused on Thailand Policy toward Rohingya Refugees.

I. System of writing

Chapter 1: chapter comprises background, research question, theoretical framework, literature review, hypothesis, purpose of research, research method, a range of research and system of writing.

Chapter 2: The dynamic of Thailand and immigration in Thailand

Chapter 3: The massive immigration from Rohingya to Thailand

Chapter 4: Thai's government management to Rohingya refugees

Chapter 5: Conclusion for all Chapters and also give suggestions.