

HUMANITARIAN  
AND DEVELOPMENT  
PROGRAMME

# DEPARTING FROM THE BAY OF BENGAL

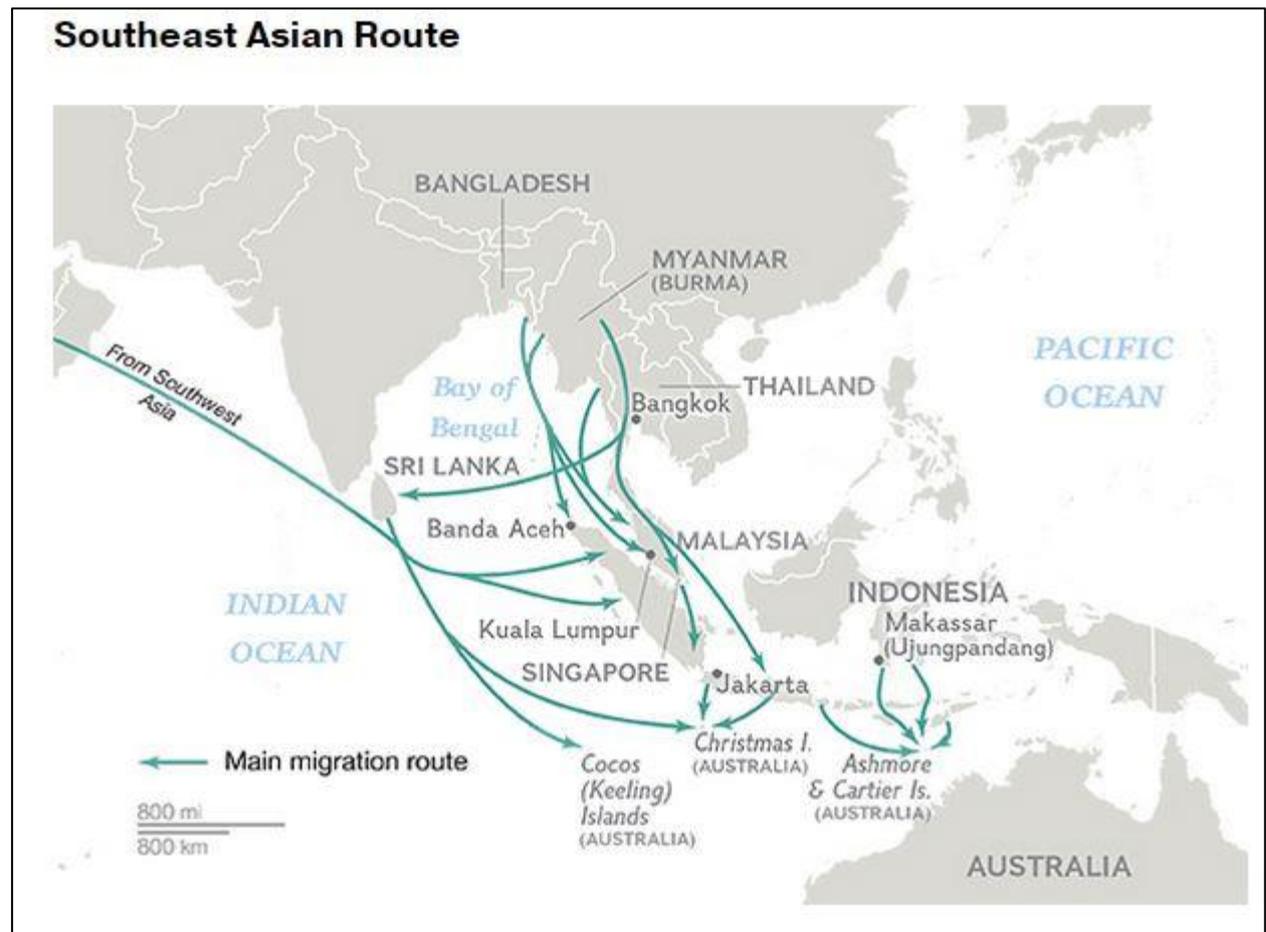
## Illegal Regional Migrations

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HUMANITARIAN FORESIGHT THINK TANK

## DEFINITION

Migration flows in Southeast Asia, a historical phenomenon in the region, are of diverse nature, motives, temporalities and patterns. This document focuses on illegal migrations, principally from a marginalized ethnic minority exiting Myanmar (and to a lesser extent Bangladesh), crossing the border to neighboring Thailand and moreover sailing across the Bay of Bengal to reach Malaysia, sometimes unintentionally disembarking in Indonesia or other countries.



Source: IOM - [The World's Congested Human Migration Routes in 5 Maps \(09/22/2015\)](#)

While the focus is given here to people migrations/trafficking dynamics, it should be noted that a comprehensive, regional and systemic understanding of the issue would require to consider the variety of well-structured smuggling activities (drugs, weapons, etc.) in the region and the strong synergies existing between them.

## OVERVIEW OF THE CURRENT SITUATION

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In 2015, several abandoned boats drifted away in the waters of Southeast Asia with on board some 5000 persons, men, women and children mainly of marginalized ethnic minorities fleeing Myanmar<sup>1</sup>. Though this tragedy attracted global attention, no significant progress has been made since then to ameliorate the situation of Asia's illegal migrants leaving the Bay of Bengal.

Illegal migrations in SE Asia have a seasonal pattern, and the sailing season usually peaks between October and March every year. So far, very little activity has been reported on the usual migration routes: seven boats carrying about 1,500 people in total have been tracked from 20 September to 31 December, which is far less than last year numbers. At this stage, factors of change can only be hypothetical, and the journey certainly remains one of the deadliest towards a better life.

A few elements can, however, be pinpointed as explanatory dimensions of what seems to be reduced flows of illegal migrations in the area. Growing control over the Thai land borders and increasingly dissuasive methods employed in Malaysia to make the country unappealing to migrants are likely to be two major deterrent factors. The media coverage of both trends and improved communication networks could play a determinant role, while the migrant population has been reported weighting the considerations of the risks of the trip against the chance of reaching higher standard of living. The political transition in the main source country, Myanmar, which is another potential factor, should be considered with the greatest prudence, together with the fact that less visible, countable migrations do not necessarily mean less migration.

## MONITORING INDICATORS

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### Description

- Number of boats carrying illegal migrants
- Number of departures in source countries
- Number of arrivals in transit and destination countries
- Number of illegal workers in transit and destination countries
- Migrants' profiles (nationality, gender, age, economic status, religion, motives, etc.)
- Trafficking networks and routes
- Borders controls and maritime surveillance
- Anti-trafficking national, regional and global regulations
- Migrant deaths during their trip and missing migrants figures
- Labor laws and exploitation practices in destination countries
- Cost of the trip (smuggler fees, ransoming practices, etc.)
- Number of detained illegal migrants + trials against migrants
- Number of returnees from failed attempts

### Main Sources

IOM, UNHCR, UNODC  
Migration Policy Institute, The Arakan Project, Fortify Rights

### Figures

Approximately 94,000 persons are estimated to have departed by sea from Rakhine State and the border areas of Bangladesh since 2014 -- With over 1,100 dying at sea and hundreds more found buried in unmarked mass graves in Thailand (UNHCR)

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<sup>1</sup> Most of the migrants belonged to a Muslim minority known as Rohingya, stateless in effect since 1982.

## PAST EVOLUTION (TRENDS)

### A continuously discriminated minority in a fragile transitional context

The Rohingya, a Muslim minority living in the bordering region (Arakan) between Myanmar and Bangladesh, identified by Amnesty International as the “most-persecuted refugees in the world”<sup>2</sup>, is denied an identity and the most basic human rights<sup>3</sup> since decades. They are considered as “illegal Bengali migrants” by the Myanmar authorities. Fuelled by long-lasting underdevelopment policies, renewed violences against this minority in north-western Rakhine State in 2012 left nearly 150,000 of them living in IDP camps, and events in 2014 proved the determination of local radical Buddhist factions to limit by all means the international support dedicated to their survival. Their exodus has fuelled for years the economy of neighbouring countries, making them a cheap and docile labour force in many economic sectors. Hundreds of thousands<sup>4</sup> are to be found in Bangladesh, where they are referred to as “undocumented Myanmar nationals”.

Besides, other ethnic groups in Myanmar are facing difficult situations, as pockets of armed conflict with underlining discrimination causes are still vivid (in particular in Kachin and Shan states). The vast majority of people leaving Myanmar and Bangladesh become undocumented migrant workers in Thailand, Malaysia and beyond. A much smaller population is registered as refugees with the UNHCR: around 130,000 people in camps in Thailand, around 150,000 in Malaysia and more than 10,000 in India (figures in 2015). These minorities constitute the main bulk of migrant candidates, so far a sustainable opportunity for human trafficking activities in SE Asia.

In this context, the national elections of November 2015 in Myanmar represented a turning point. Symbolically ending decades of military rule over the country, and along with it ending decades of international condemnation of the regime, the victory of the NLD (the National League for Democracy, led by international icon Aung San Suu Kyi) brings, however, no guaranty of substantial change for these minorities. Inheriting of a deeply anchored “Burmanization” trend in politics (i.e. the promotion of a single religion: Buddhism, language: Burmese, and culture: Burman), the inexperienced-in-ruling opposition will face many challenges in the coming months and years, which is likely to delay any governmental focus on the highly controversial topic of ethnic marginalized communities. Meanwhile, refugee funding programs are already shrinking, mirroring international hopes for a stabilisation in the source country, hypothetical returns options, and a global shift in attention towards the migrant crisis in Europe.

### Illegal migrants: Stay “Home”!

Myanmar’s refugees are viewed with a more critical eye than previously. In *Bangladesh*, plans of resettling them on an island formed by the delta sediments have been mentioned on several occasions. The message sounds as a warning that internal dynamics (notably the tensions between refugees and host communities) might take over the welcome so far granted to refugees on this side of the border. In *Thailand*, the government has made it plain that repatriation of refugees will be a priority if Myanmar’s elections in November were to see the NLD win. The controversial trial of two Burmese migrant workers who were found guilty of murder and sentenced to death on December 24, 2015 by the Koh Samui provincial court in southern Thailand, but who are most likely the unlucky scapegoats of a rough attempt to bring back a sense of safety on a touristic paradise, tends to spread in Myanmar the idea of ill-treatment and abuse of migrants workers in the country. And in *Malaysia*, which is the main destination for migrants

<sup>2</sup> *Rohingya people: the most persecuted refugees in the World*, Amnesty International, Oct. 7<sup>th</sup>, 2015

<sup>3</sup> “More than 800,000 individuals in Rakhine State lack citizenship”, UNHCR, [Myanmar overview](#)

“The situation is critical for over one million Muslims”, *Humanitarian Response Plan 2016* for Myanmar

<sup>4</sup> 200,000 in a refugee-like situation (UNHCR) and up to 500,000 living in the country according to the Government

as it is predominantly Muslim and short of unskilled labourers, pressure is similarly building with refugees repeatedly told by both national officials and international agency staff that Myanmar has transformed and they should return home. For many, there is still unfortunately no such thing as “home” yet.

### Two seemingly closed pathways: the Thai border and the human trafficking investigation

A determinant trigger of the boats crisis in 2015, Thailand began to crack down on smugglers who had traditionally taken migrants to camps in southern areas and held them when ransoming their relatives. As a result, the smugglers abandoned them at sea, while fishermen were forbidden by the authorities to help anyone, and a deadly push-back game was played in the Andaman Sea. **Indonesia – an unintentional destination at first** - has also made clear refugees were not welcome there either, turning away boatloads of migrants as well<sup>5</sup>. A few months later, beginning of 2016, the trend in Thailand is to strengthen the border surveillance<sup>6</sup>, as part of an increasingly restrictive policy following the military coup in 2014. Nevertheless, the fact that Thailand's most senior human trafficking investigator sought political asylum in Australia in December 2015<sup>7</sup>, at times when high-rank officials (including a senior military general) were under alleged accusations of being part of the widely organized trafficking network of Myanmar illegal immigrants, and that the investigation was disbanded following his resignation, are worrying evidence that the network might remain in place, even if keeping a low profile for now.

### A deterrent policy in Malaysia

Malaysia's location and socio-economic situation has made the country a very attractive hub for all kinds of illegal activities<sup>8</sup>, including human smuggling and trafficking for the purpose of forced labour and sexual exploitation. Minorities from Myanmar, especially Rohingya, have long been victims of regional trafficking networks operating on the Thai-Malaysian peninsula and, from there, further east (many forced laborers work on fishing boats for years, shipping as far as the poorly monitored waters of Papua New Guinea). Since the 2000's, initiatives such as the creation of the MAPO, the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants, have been undertaken by the Malaysian government in order to respond and concurrently overcome the phenomenon. However, to discourage the trafficking of persons also takes the form of deterrent policies towards the migrants themselves, though a recognised victim of traffickers in Malaysia Law. Illegal workers arrests and deportations are not uncommon since 2014.

## FORECAST BY MID-2016

### Smugglers and traffickers going more clandestine

In 2014, UNODC estimated that over 80% of irregular migrants rely on smugglers in the region. Despite increasing controls, the many porous borders in SE Asia allow well-established trafficking networks to find new routes through Thailand and towards Malaysia. The reduced number of tracked boats in the Bay of Bengal at the peak of the 2015-16 sailing season should not be interpreted too rapidly as a decrease in

<sup>5</sup> Under international pressure, both Malaysia and Indonesia reluctantly committed to offer shelter to 7,000 migrants and refugees in May 2015. Both countries moreover held Myanmar responsible for the situation. In September 2015, alleged rapes in a refugees camp in Indonesia where migrants are held since their “rescue” came as a crude reminder that the situation is still far from being solved ([Al Jazeera](#))

<sup>6</sup> Malaysia and Thailand have notably agreed to build a wall along their common border in 2016.

<sup>7</sup> Major General Paween Pongsirin said his investigations implicated senior figures in police and military and that he feared for his life. He resigned after being transferred against his will to the Thai southern region, where traffickers he was pursuing are highly influential. [The Guardian](#), Dec. 10<sup>th</sup>, 2015

<sup>8</sup> “There is an estimated 2 million documented and 2 million or more undocumented migrant workers who willingly embark on the journey to Malaysia from other countries in the region in search of better employment opportunities in the agricultural, fishing, construction, manufacturing and electronic sectors as well as to undertake domestic work.” The [UN Special Rapporteur on Trafficking in persons](#) (Feb. 2015)b

illegal migration numbers as a whole, but rather as a shift in the phenomenon's current morphology. Smaller boats (carrying 6 to 7 persons), less visible and most certainly relying on local fishermen's discreet involvement, continue to leave the Myanmar and Bangladesh coasts, and trucks crossing Thailand overland have been reported as their used mean of transportation by two recently arrested groups of migrants.

With greater logistic difficulties and temporarily less impunity – at least superficially – smugglers are likely to also shift the conditions to which they take migrants on board. Testimonies of new requests (such as the existence of a guarantor already settled in Malaysia) have been collected. Migrants profile could change as well. Increasing numbers of women and children were monitored in recent years<sup>9</sup> and until 2015. With higher smuggling requirements and more informed voluntary migrant candidates (seemingly considering with greater scepticism the risks of the journey), this might be reversed, and a secondary trend could be confirmed in the coming months, yet as hard to accurately assess: the abduction of young adults and teenagers, kidnapped among the most marginalized communities and who are said to have represented so far no less than 10% of the traffickers' victims.

### **No institutional solution in sight**

Urged by the international attention given to the boat crisis in 2015, countries in the region acknowledged that the problem of illegal migrations needed a common and sustainable approach. During a meeting organized in December 2015, the UNHCR, the IOM and the UN Office on Drugs and Crime (UNODC) shared a paper offering guidance to affected States on the immediate responses they could take when such movements resume<sup>10</sup>. However, when only two ASEAN countries are signatories to the UN Refugee Convention, the absence of regional frameworks, the guiding principle of non-interference in regional cooperation, and the deep interconnections between rooted trafficking networks and national politico-economic spheres make any significant institutional change in the coming months highly unlikely.

Considering the synergies between criminal activities and a growing terrorist threat worldwide, assuming potential overlapping in the use of trafficking networks by non-state actors, could move illegal migrations under the priority to be tackle seriously as a matter of State security. If so, data collection and information sharing, dramatically scarce at present, might become an area of potential cooperation at the regional and international levels. ■

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<sup>9</sup> UNHCR, Briefing Note, December 2014

<sup>10</sup> The paper outlines the need for coordinated and enhanced search and rescue efforts, predictable disembarkation as well as harmonized reception and stay. It also stresses the importance of effective screening procedures to identify people in need of international protection and vulnerable groups like women, children and victims of trafficking.

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