

Smuggling of Rohingyas from Myanmar to Malaysia: A Threat to Human Security

Penyeludupan Etnik Rohingya dari Myanmar ke Malaysia: Satu Ancaman Keselamatan Insan

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ABSTRACT

Irregular migration of the Rohingyas from Myanmar to Malaysia has been made possible by the presence of smuggling networks, which activities are not well understood due to their clandestine and complex modus operandi. Although the smuggling of Rohingyas can help to ensure their safe migration to Malaysia, it is also associated with a variety of risks and threats against the Rohingya victims. This study seeks to describe the smuggling of Rohingyas from Myanmar to Malaysia and aims to explain how their smuggling becomes a threat to their human security. Deriving from a two-part field work engaging the Rohingya refugees, activists and community leaders between 2013 and 2016 in Klang Valley, Malaysia, this study found that the smuggling of Rohingyas consists of several typical activities such as recruitment of victims, negotiating the terms of their smuggling, embarkation from points of origin, and transiting in transit countries before their arrival in Malaysia. While some Rohingya victims managed to be smuggled without encountering any unfortunate incidents, other victims were exploited, deceived, coerced and physically assaulted and/or tortured throughout their smuggling journey. These extreme incidents depict that their smuggling can turn into another humanitarian crime, namely human trafficking, and most importantly, puts their lives at greater risk of human (in) security. This study further argues that the risks and threats facing by Rohingya victims are interlinked to one another. As such, any effort to eliminate the smuggling of Rohingyas should address the root causes including ensuring their full enjoyment of human rights and guaranteeing their safety and protection in Myanmar.

Keywords: Human security; Rohingya; smuggling of migrants; trafficking in persons; victims

ABSTRAK

Migrasi tanpa izin pelarian etnik Rohingya dari Myanmar ke Malaysia dipengaruhi oleh kewujudan rangkaian penyeludupan yang mana aktivitiinya masih tidak difahami kerana bersifat kompleks dan rahsia. Walaupun penyeludupan pelarian Rohingya boleh memastikan migrasi mereka secara selamat ke Malaysia, ia masih mempunyai pelbagai risiko dan ancaman terhadap mangsa penyeludupan Rohingya. Kajian ini dijalankan bagi memperihalkan penyeludupan pelarian Rohingya dari Myanmar ke Malaysia dan menjelaskan bagaimana penyeludupan mereka ke Malaysia merupakan satu ancaman terhadap keselamatan insan. Berdasarkan dua sesi kajian lapangan terhadap pelarian, aktivis dan pemimpin komuniti Rohingya di Lembah Klang, Malaysia pada tahun 2013 dan 2016, kajian ini mendapati terdapat beberapa aktiviti lazim penyeludupan pelarian Rohingya seperti merekrut mangsa, perbincangan mengenai terma penyeludupan, perjalanan dari wilayah asal dan perhentian di negara transit sebelum ketibaan mereka di Malaysia. Walaupun terdapat mangsa pelarian Rohingya yang berjaya diseludup ke Malaysia tanpa sebarang malapetaka menimpa mereka, terdapat mangsa pelarian Rohingya lain yang berhadapan dengan eksploitasi, pemerdayaan, pemaksaan dan kekerasan fizikal. Kes-kes seumpama ini menunjukkan bahawa penyeludupan mereka boleh bertukar menjadi satu lagi jenayah kemanusiaan iaitu pemerdagangan orang, dan lebih penting lagi, ia menyebabkan keselamatan insan mereka terancam. Kajian ini juga berhujah bahawa bahaya dan ancaman yang dihadapi mangsa pelarian Rohingya adalah saling bergantung antara satu sama lain. Oleh itu, sebarang usaha untuk menghapuskan penyeludupan pelarian Rohingya perlu mengambil kira faktor-faktor asas termasuk memastikan mereka menikmati hak asasi manusia di samping menjamin keselamatan dan perlindungan mereka di Myanmar.

Kata kunci: Keselamatan insan; Rohingya; penyeludupan migran; pemerdagangan orang; mangsa

INTRODUCTION

Forced migration has been inevitable due to a long history of systematic persecution and discrimination faced by the Rohingyas in the Northern Arakan, the province of Myanmar (Ullah 201; Azharudin & Azlinariah 2012; Equal Rights Trust 2014; Amnesty International 2017). As of 2017 alone, an estimated 605,000 Rohingyas were forced to migrate to Bangladesh, resulting from the violent crackdown that broke out in late August 2017 (United Nations High Commissioner for Refugees, 2017). Throughout the history of the Rohingyas' exodus, there have been several major migrations beginning in 1942, by involving huge number of the Rohingyas leaving the Arakan (also known as the Rakhine) state of Myanmar in order to search for political sanctuary in neighbouring countries. For instance, in the late 1970s, there were approximately 200,000 Rohingyas fled from Myanmar in order to seek for protection in Cox's Bazar, Bangladesh (Irish Human Rights Centre 2010). In the early 1990s, another huge wave of migration involving 250,000 to 270,000 Rohingya refugees reaching out to several townships in Bangladesh, bordering the Rakhine state of Myanmar (International Federation of Human Rights 2000). Apart from these major exoduses, the Rohingyas are also committed to a small-scale maritime migration almost every year during the Monsoon season between October and December (Azharudin & Azlinariah 2012; Wahab 2017).

In Malaysia, the historical presence of the Rohingyas can be traced as early as the 1970s (Kassim 2015). Other studies indicate that the first Rohingya arrival may be between the late 1970s and early 1980s (Suan 2006; Irish Centre for Human Rights 2010; Wake & Cheung 2016). The Rohingyas are only found in Peninsular Malaysia, mainly in urban states such as Kuala Lumpur, Selangor and Penang (Kassim 2015). As of July 2019, a total of 97,750 Rohingyas were registered as refugees in Malaysia by the United Nations High Commissioner for Refugees (UNHCR 2019). This did not include an unknown number of other Rohingyas who seek for asylum but not registered as refugees during this period.

The irregular migration of Rohingyas from Myanmar or other transit countries such as Thailand and Bangladesh to Malaysia has been made possible by the presence of smuggling networks that facilitate their border crossing (Equal Rights Trust 2014; Wahab 2018). However, less evidence

has been disclosed in relation to the conduct of their smuggling that having difficulties in observing, measuring, gathering and interpreting the available information. Existing disclosures rely heavily upon information from public documents and investigative media exposures.

Existing studies indicate the facts that the smuggling of Rohingyas involve various forms of exploitation that could endanger their lives and degrade their dignity (see Azharudin & Azlinariah 2012; Equal Rights Trust 2014). Deception, coercion and physical violence against the Rohingya victims are the common methods employed by the smugglers (Wahab, 2018). In other circumstances, Rohingya victims specifically boys and men are lured into forced labour, while girls and young women are coerced into forced marriage. The discovery of a mass grave containing 36 Rohingya bodies has proven the smuggling activities that happened in the Thailand-Malaysia border in 2015, thus implicating even worse consequences of such crime (Mitra 2016). The presence of brutal elements such as kidnappings and killings of the Rohingyas depict smuggling as capable to turn into trafficking crime.

This study seeks to describe and explain the smuggling of Rohingyas from Myanmar to Malaysia and discuss how the smuggling of Rohingyas become a threat to their human security. The concept of human security was first advocated by the United Nations Development Programme (UNDP) through its Human Development Report (HDR) in 1994. It is a concept that gives primacy to human beings, their complex socio-economic and political interactions. The main goal of the human security approach is to protect people from any risks and threats emanating from the state (e.g., through military intervention) and non-state actors, which include threats stemming from chronic poverty, spread of infectious diseases, forced migration, human and drug trafficking, and smuggling of migrants (just to mention a few). The concept has evolved since the 1990s until recent time, and that has advanced the academic discourse to include the elements of "extreme vulnerability" and "powerlessness of victims" as critical causal factors that lead to human insecurity (see Sukkre 1999).

The findings in this study are derived from a two-part field work, engaging the Rohingya refugees, activists and community leaders in Klang Valley, Malaysia, between 2013 and 2016. Klang Valley comprises of two states, namely Kuala Lumpur and Selangor, and it is the central region of Peninsular

Malaysia that is claimed to be the most populated area of the Rohingyas in the country (Kassim 2015). The findings in this study are expected to complement the existing literature on the smuggling of Rohingyas and human security in Malaysia as well as in the Southeast Asian region.

LINKING SMUGGLING OF MIGRANTS AND HUMAN SECURITY

Smuggling of migrants has been referred in various terms. These include illegal immigrant smuggling, illegal smuggling, smuggling of aliens and alien trafficking (Salt & Hogarth 2000). Despite the growing literatures, the process of smuggling is still not well understood by the public (Kyle & Koslowski 2001; Baird 2013). The United Nations' Protocol against the Smuggling of Migrants by Land, Sea and Air has defined smuggling of migrants from the perspective of inter-state institutions as below:

“... procurement, in order to obtain, directly or indirectly, a financial or other material benefits, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.”

(United Nations 2000)

Essentially, the smuggling of migrants is a crime that occurs between two or more countries. Victims are usually brought or transported by the smuggler from one country to another, with a certain amount of smuggling fee which agreed by both parties (the victim and the smuggler). The cross-border nature of the smuggling of migrants makes it closely linked to other transnational crimes such as trafficking in persons and smuggling of drugs and weapons. Other studies indicate that the smuggling of migrants is supporting or financing terrorism-related activities, and hence becomes an issue of national security (Narli 2003).

While the smugglers are normally posited in high profile, organised and associated with criminal gangs, they can also be a network of individuals with no formal bonding and affiliation. Recent empirical evidences in Europe have shown a great diversity pertaining to the conduct of smuggling of migrants, its root causes and potential consequences to the economy, social, security, and political spheres (Lazcko & Thompson 2000). For instance, Narli (2003), who studied irregular migrants in Turkey has found that the smuggling networks are rather loose

horizontal networks with no system of command (or unorganised). Another study undertaken by Icduygu and Toktasin 2002 has discovered that the smugglers in Turkey comprise of small-scale networks of individuals who are efficient at organising piecemeal and ad hoc activities, by bringing countless immigrants from the Middle East to several European countries. In China, a study undertaken by Zhang and Chin (2008) found that the Chinese smugglers are mostly among ordinary individuals who exploit their social or familial networks in order to smuggle Chinese victims to several European countries.

While the smuggling of migrants can help to ensure a safe border crossing, it is also associated with various forms of risks and threats (Wahab 2018). The International Organization for Migration (IOM) in 2016 for instance, claimed that the smuggling of Rohingya refugees and Bangladeshi citizens across the Andaman Sea, which intended to reach Malaysia often occur in overcrowded, unseaworthy and poorly crewed vessels. In other cases, their smuggling into Malaysia involves the elements of abuse and exploitation that may rise to the level of trafficking in person (International Organization for Migration 2016). These include cases where the smuggled Rohingya victims ended up as being sold into forced labour in Thailand. The case of 36 Rohingya victims who were found to be victims of trafficking in the Thai-Malaysian border in 2015 depicts that the smuggling of migrants and trafficking in persons are a clear indication of real security and personal threats to human beings, in particular against the most vulnerable segments of the population such as refugees and asylum seekers.

The link between the smuggling of migrants and individual security goes beyond physical security threats. As such, it is best explained from a broader security perspective. This study attempts to link the two from the perspective of human security. To begin with, there is no standard definition of human security as of today. Human security is broadly defined by the UNDP (1991) as “... *safety from chronic threats such as hunger, disease, repression as well as protection from the sudden and harmful disruption in the patterns of daily life – whether in homes, in jobs or communities*”. The UNDP (1994) synthesises the threats to human security into two broad aspects, namely “freedom from fear” and “freedom from want”, and further divided into seven components, namely economic, food, health, environmental, personal, community and political security.

Though the UNDP (1994) has separated the components of human security into seven dimensions, Tadjbakhsh and Chenoy (2007) argued that these threats are still interlinked and interconnected to one another in two forms. First, the threats are mutually linked in a domino effect, and second, the threats can spread within country and beyond. Tadjbakhsh and Chenoy (2007) further argue that the threats to human security include unstructured violence such as violence emanating from environmental scarcity, forced and economic migration, as well as violence inflicted by nature such as natural disasters.

Rashila et al. (2012) argue that physical violence, manipulation, torture, fraud, deception and coercion are the kinds of risks and threats that could endanger human security. They further argue that to protect human security, it means the state and non-state actors have to work together in order to protect the people who are vulnerable and highly exposed to these risks and threats. They further note that women, children, the elderly, migrants and the minority groups are the common segments of population most vulnerable to human security threats.

The protection of human security cannot be disassociated from the idea of upholding the rule of law and human rights, whether at home or in the transit or destination country. In this context, Hampson (2002) argues that to protect people means that the state has to ensure their (people) full enjoyment of social justice, fundamental freedoms and human dignity. Another scholar, Yousaf (2017) claims that the human security framework provides a more nuanced human rights-based approach to analyze the various forms of migration and transnational crimes including the smuggling of migrants, while at the same time, explaining the root causes and risks associated with it. Given its transnational nature (refer to smuggling of migrants), it requires concerted efforts by countries to fulfil their respective jurisdiction under international law. Tzevelekos (2017) argues that the idea of shared responsibility is an important global agenda to ensure the affected countries are able to react effectively against the smuggling of migrants and other transnational crimes. As such, Tzevelekos (2017) suggests that there must be a framework of cooperation and coordination between countries and international organizations to operate the idea of shared responsibility.

In brief, the human security concept does not merely explain the types of risk and threat to

human beings, but also recognises the potential victims, structural causes and effects of such threats. Besides, the concept has an intimate relationship with other common concepts in the field of social sciences such as human development, the rule of law and human rights, and shared responsibility. For policymakers, the concept can provide a clear and coherent structure of the security framework to effectively identify threats and prevent them from occurring and mitigate their effects when they do occur. As such, the discussion around the smuggling of Rohingyas does relate to the human security concept. The findings in this study would contribute significantly to the on-going academic and public policy discourse concerning on migrant smuggling, refugees' movement, and their security implications to transit and destination countries.

RESEARCH APPROACH AND METHOD

Leading scholars in the field of social sciences argue that knowledge and reality are socially constructed, and it is almost impossible for researchers to explain it objectively (Thanh & Thanh 2015). Some issues in society require an act of describing and explaining knowledge and reality in the right context, beyond a rigid analytical approach. This study is qualitative in nature, intending to describe the smuggling of Rohingyas to Malaysia and to explain how their smuggling becomes a threat to their human security. This study employs a human security concept as a broader conceptual framework to analyse and explain the risks and threats faced by the Rohingya victims. The use of this concept not only enables the researchers to understand the risks and threats, but to relate them to one another and frame it within the broader human security conceptual discourse.

This study used the ethnographic method, by combining two techniques of data collection, namely in-depth interview and focus group discussion. Data collection was done in two phases, conducted in 2013 and 2016, respectively. The first phase was conducted between 2nd January 2013 and 30th April 2013 in Klang Valley. A total of 26 respondents among Rohingya refugees and asylum-seekers were interviewed by using a semi-structured interview method. The study used the purposive sampling technique in order to identify the targeted Rohingya respondents through the help of Rohingya community leaders and activists. However, only selected scripts are used in this study. As some respondents were among the newly-

arrived Rohingya refugees or those who reached Malaysia between six and 12 months, their language proficiencies in English and Malaysian language, and self-confidence were among the key challenges faced during the conduct of data collection. To overcome these challenges, the researchers sought for assistance from the community leaders in order to help in facilitating the interview sessions, including interpreting and convincing the respondents to share their personal experiences without fear or favour.

The second phase of the fieldwork was undertaken between 7th June 2016 and 22nd August 2016. This phase consists of seven in-depth interview sessions and one focus group discussion with 12 key informants among the Rohingya community leaders and activists in Klang Valley. Rohingya community leaders and activists are typically representing their respective community group located around their neighborhood (in Klang Valley). However, some of the community leaders claimed that they represented other Rohingya refugees beyond their neighborhood. Unlike the first phase of the data collection, the interview sessions with the Rohingya community leaders and activists were done with minimal issues related to language barrier, self-confidence and representation. Representation here refers to issues being raised by the community leaders and activists as they represented a large group of Rohingya refugees compared to personal experiences shared by individual Rohingya respondents during the first phase of the data collection. Despite these advantageous, this study grappled to confirm the accuracy of issues and conflicted information raised by the community leaders and activists. To overcome this, the researchers engaged key informants more than one interview occasion, and triangulated the sources of information across different key informants. The conduct of the focus group discussion further assisted the study to raise and validate information and issues already raised by the key informants during the in-depth interview sessions.

This study does not only engage with a vulnerable segment of society (the refugees), but it also touches upon several sensitive topics such as trafficking in persons, coercion, bribery, exploitation and other forms of manipulation. Hence, ethical consideration is an essential element to conduct data collection on the ground, as well as to present the field findings in this study. The most relevant ethical consideration that applies in this study is associated to three basic tenets of social sciences ethical standards,

namely the respect for human dignity, justice and beneficence (Liempt & Bilger 2012). Scholars such as Christians (2005) also argued that in any study concerning the vulnerable populations such as migrant workers and refugees, the researchers must obtain informed consent, and guarantee non-deception, privacy, confidentiality and accuracy. Prior to any interview session during data collection, the researchers obtained informed consent from all respondents. Moreover, the researchers pledged to ensure that any sensitive information will not be revealed without their prior consent. Though some respondents and key informants agreed that their personal details can be revealed, the researchers have decided to keep it confidential. As such, the names of respondents and key informants shown in this study are not their real personal information.

RESULTS AND DISCUSSION

PROFILE OF SMUGGLERS

The smuggling of Rohingyas and the way in which the Rohingya victims are smuggled to Malaysia are not necessarily organised. This supports the earlier claims made by Lazcko and Thompson (2000), Icdygu and Toktas (2002) and Narli (2003), which stated that while the smugglers can be associated with criminal gangs, they can also be a network of individuals with no affiliation and no clear hierarchical system. This study also found that the smugglers have networks or allies in other countries such as Thailand and Bangladesh to facilitate the smuggling process. Despite its informality and unorganised nature of operations, the smuggling of Rohingyas is still a profit-oriented crime, with a relatively low risk of being criminalised for their illegal activities.

Ahmad, a Rohingya respondent, claimed that it is difficult to profile the background of the smugglers. Even the term “smuggler” is not always used or referred to in their daily conversation. The respondent further informed that there are several terms used to refer the smugglers such as “agent”, “travel coordinator”, “coordinator”, and “travel agency staff” or “*dalal*”. According to another Rohingya respondent, Shafee, the term “*dalal*” is also commonly used in order to refer the smuggler. The *dalal* can be a middle person between the head of a smuggling network and the victim. Besides, the *dalal* can be a group of Rohingyas but can also be an individual Rohingya who helps in facilitating the

smuggling process that happened in Myanmar, Bangladesh, Thailand or Malaysia.

Several key informants during a focus group discussion highlighted that some smuggling activities are done secretly behind a group of entrepreneurs, particularly those who have business related to the travelling and tourism industry, as well as import-export activities. Another Rohingya respondent named Sheikh informed that many smugglers do not involve in any other work except smuggling business, and they do it on a full-time basis. He emphasised that not all smugglers are cruel and inhumane since, smuggling is a business and they (the smugglers) heavily rely on their customers' (or victims') satisfaction.

According to Salman, who is a Rohingya activist based in Central Market (Kuala Lumpur), the roles of smugglers are varied based on their status in the networks' hierarchical system. The lower level they are, the more dangerous and riskier the roles they play. The focus group discussion with Rohingya key informants revealed that the roles executed by smugglers in the lower level include recruiting and soliciting potential victims, accompanying their migration journey and coordinating the travel including navigating a boat or driving any kind of land vehicles (bus/van/car). These roles are risky because they might face enforcement by personnel or involve in unexpected incidents such as a shipwreck. In contrast, the high-ranking smugglers in the hierarchy play the safest roles. They just need to give instructions through a phone call and receive the smuggling fees. The next sub-section will explain the activities involved in the smuggling of Rohingyas from Myanmar to Malaysia.

SMUGGLING ACTIVITIES: FROM MYANMAR TO MALAYSIA

While earlier studies explained the profiles of the smugglers in various contexts (see Lazcko & Thompson 2000; Icdygu & Toktas 2002; Narli 2003; Zhang & Chin 2008), the evidence gaps are remained with respect to the activities involved during the smuggling process. This study attempts to fulfil these empirical gaps. Specifically, this study found that the nature of migrant smuggling varies depending on the persons being smuggled (background of the victims) and the background of the smugglers. In other words, there is no identical model of migrant smuggling across different countries. The field findings, however, indicate that the smuggling of Rohingyas from Myanmar to

Malaysia involves several common activities. These include service matching between the smuggler and the victim, negotiating the terms of smuggling, making an agreement, embarkation from the place of origin, and arrival at a transit country (e.g., Thailand) before reaching Malaysia.

Before going further on the activities involved in the smuggling of Rohingyas, it is important to note that many possibilities might occur in each smuggling process. Among them are the possibility of being caught by the enforcement agency, experiencing an accident on the way to the destination country or running out of petrol (if their journey is by boat or ship), food or medical supplies. According to a Rohingya key informant named Sadik, at this stage, information regarding the smuggler and their past experiences of smuggling the Rohingyas are crucial. The Rohingya victims usually obtain this information through their relatives, friends, and Rohingya community-based organisations (CBOs). Second, upon getting in touch with the smuggler or their subordinate, both parties will negotiate the terms including the fees and mode of payment (transaction of smuggling fees) for the smuggling service to Malaysia.

However, another Rohingya key informant named Rahman highlighted that in some cases, negotiation is done without the consent of potential Rohingya victims. In these cases, the smuggling of Rohingya victims are often arranged by their relatives outside Myanmar or Bangladesh. According to another Rohingya key informant named Rafik, who is known as among the most influential Rohingya community leaders in Kuala Lumpur, not much is disclosed by the smuggler to Rohingya victims. Information such as the travelling routes and period of migration is not provided to the Rohingya victims. Thus, Rohingya's victims who have agreed to be smuggled are highly dependent on the smuggler and tend to solely obey to the smuggler's instructions throughout their journey to Malaysia.

Third, once an agreement between the smuggler and the Rohingya victims is sealed, regardless of whether such agreement has received consent from the smuggling victims or not, the Rohingya victims are usually asked to prepare for their smuggling journey into Malaysia. The Rohingya victims will usually be given a date for their smuggling. According to a Rohingya key informant named Akhbar, most smuggling journeys from Myanmar begin at Sittwe, the capital city of the Arakan state of Myanmar. Akhbar informed that Sittwe is a township that hosts many internally displaced persons (IDP),

and they live in tiny bamboo camps where disease and deprivation are rife. Many smugglers and their subordinates operate in Sittwe, and they often begin their smuggling route from this township.

While many smuggling journeys from Myanmar to Malaysia are straightforward, some other smugglers use several locations in Bangladesh and Thailand as their transit points. Several Rohingya key informants during the focus group discussion highlighted that there are many reasons for stopping at transit points in Bangladesh and Thailand rather than making a direct smuggling journey from Myanmar to Malaysia. These include to avoid from being identified and caught by the enforcement agency. Some smugglers prefer to have multiple modes and routes of smuggling in order to avoid from being stopped or intercepted by the enforcement agency. A Rohingya respondent named Satar shared his experience while being smuggled out of Myanmar, by transiting in Thailand before being further smuggled into Malaysia. Satar informed that his smugglers had their counterparts among the Thailand and Malaysian citizens in the Thailand-Malaysia border who knew better about the next available routes to Malaysia.

The fifth is the arrival of the Rohingya victims at the destination country, Malaysia. It is important to note that not all Rohingya victims are successfully smuggled into Malaysia. Some victims are camped in the Thailand-Malaysia border areas and forced to pay extra smuggling fees if they want to be further smuggled into Malaysia. One Rohingya respondent named Sultan informed that there are cases in which the smuggled Rohingyas have already arrived in Malaysia but locked-up in a secret place by the smugglers in the country. The Rohingya victims will only be released when an additional amount of ransom or balance from the total smuggling fees is paid by their relatives or friends.

SMUGGLING OF ROHINGYAS: FROM HARDSHIP TO HUMAN INSECURITY

The previous sub-sections have discussed the profile of smugglers and the activities involved during the smuggling of Rohingyas from Myanmar to Malaysia. The fact that the smuggling of Rohingyas is often undertaken in the context of irregular migration, their human security issues are critical to be discussed. To further relate how the smuggling of Rohingyas becomes a human security issue – we discuss the risks and threats facing the Rohingya victims throughout their smuggling journey. These

include the exploitative nature of their smuggling, and the use of deception, coercion and violence against the Rohingya victims. While this study focuses on the risks and threats facing the Rohingya victims throughout their smuggling journey, it is also important to understand the root causes that force the Rohingyas to flee from Myanmar in search of protection in neighboring countries such as Bangladesh, Thailand and Malaysia. This leads us to begin this sub-section by discussing the violations of human rights and fundamental freedoms facing the Rohingyas in Myanmar.

ABUSE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Initially, human rights and human security are two different concepts that interlinked to each other in a mutual reinforcing relationship. The promotion and protection of human rights and fundamental freedoms are the key for achieving human security. The reasons behind the Rohingyas' continuous irregular migration from Myanmar to many neighbouring countries are rooted and linked to the incessant abuse of human rights and fundamental freedoms of this minority ethnic group by the Burmese (Myanmar) Government (Ullah 2011). According to a Rohingya key informant named Ali, the Rohingyas in Myanmar are made stateless as the government does not recognise them as one of the Myanmar's ethnic minorities. Consequently, the Rohingyas in Myanmar are denied from enjoying their rights such as, (i) unable to attend formal education, (ii) incapable to access basic social and health facilities; and (iii) cannot move freely even within the Arakan state of Myanmar.

Muhamed, another Rohingya key informant, further added that the Rohingyas in Myanmar are also victims of torture, violence and killings by the Burmese army. According to Muhamed, when violence occurs, the Rohingyas are forced to walk for a few days and climb mountains to reach the neighbouring country, Bangladesh. Other innocent Rohingyas are forced to look out for smuggling assistance in order to enable them to seek protection in other countries such as Thailand, India, Pakistan and Malaysia. Hence, this study argues that the smuggling of Rohingyas from Myanmar to countries such as Bangladesh, Thailand and Malaysia is rooted from the political failure of the state especially by the Burmese Government in protecting human rights and fundamental freedoms of the Rohingyas in the country.

EXPLOITATION

It is generally understood that the migrants or asylum seekers who have agreed to be smuggled from one to another country have already given their consent (United Nations Office on Drugs and Crime 2011). This understanding is rooted in the caveat that the covenant to be smuggled is agreed based on mutual benefit and mutual interest between the smuggler and the migrant or asylum seeker. However, this understanding is contested in a number of actual smuggling incidents especially among the Rohingya victims from Myanmar to Malaysia. For instance, as discussed earlier, some Rohingya victims were not aware of their smuggling being arranged between their relatives and the smugglers. In these particular cases, consent from the Rohingya victims did not exist.

In other cases, the vulnerable Rohingya victims have no option but to listen to the terms of smuggling set by the smuggler. A Rohingya respondent named Mohd informed that the smugglers tend to be very secretive in their smuggling arrangement. The smugglers usually do not tell the Rohingya victims about the routes they choose, the kind of transportation they use, and the actual cost of the smuggling.

Mohd was quoted saying:

“The smugglers knew that the Rohingya victims were desperate to leave their village and willing to listen and pay whatever the cost of smuggling they offered us. The smugglers were very exploitative in their smuggling deals. They did not listen to us. They arranged everything, and the Rohingya victims were just need to pay the cost.”

DECEPTION

The use of deception by the smugglers is another threat facing many Rohingya victims. Anwar, a Rohingya respondent, informed that the use of deception often takes place during the recruitment stage.

Anwar further shared that:

“... as you know, the situation in Myanmar is currently strained due to communal violence between the Rohingyas and the Buddhist Rakhine. Many Rohingyas wanted to escape this violence by migrating out from Arakan (Myanmar) to Bangladesh or Malaysia. The agents or smugglers knew our situation. They knew we are desperate. That is why they used a lot of deception and giving us false promises. Some agents promised a three-day journey to Malaysia, but it took us like two to three weeks to reach Malaysia. Some agents even promised a

job opportunity in Malaysia. But when we arrived in Malaysia, the agents went missing.”

Another Rohingya respondent named Hayat shared his experience of being deceived by his smugglers. According to Hayat, many Rohingya victims in Myanmar are uneducated and can easily be deceived.

Hayat shared that:

“One smuggling agent came to my village and offered a very interesting smuggling offer. The smuggling agent informed that we (Rohingya victims) who want to take a boat and seek protection in Malaysia did not need to pay in lump-sum. They offered us a flexible payment scheme. The agent also promised that they will find a job for us and easy access to UNHCR office in Kuala Lumpur. But when I and a few other Rohingya victims reached Malaysia, we found that all the promises were false. Besides, we were threatened to pay additional costs of smuggling. After more than a year in Malaysia, we are still unemployed and not been able to access to UNHCR office in Kuala Lumpur.”

Another false promise often used by the smugglers to deceive the Rohingya victims is a promise to reunite them with their family or relatives once they have arrived in Malaysia. Safar, a Rohingya respondent, informed that the agent he relied onto bring him to Malaysia requested for a smuggling fee of RM5,000. The agent also promised to reunite Safar with his brother in Kuala Lumpur. However, the agent did not fulfil his promise. Instead, Safar and a few other Rohingya victims were smuggled into Thailand and sold to a fishing boat owner. Safar further shared his experience of being caught by the Thailand authorities and imprisoned for nine months before he was released. Only then he managed to continue his journey to Malaysia with the help of another group of smugglers based in the east part of the Thailand-Malaysia border.

COERCION AND VIOLENCE

The element of coercion may occur in many ways and at any points of smuggling journey. In general term, coercion is an act where the force (usually physical) is used upon an individual to compel him or her to do something against his or her will. Coercion may also relate to violence that can further cause physical injury and loss of life. A Rohingya respondent who arrived in Malaysia in early 2013 informed that he and a few other villagers were forced to leave their villages in Buthidaung (a township in Arakan, Myanmar) by a group of Buddhist Rakhine people

in Myanmar. The Rohingya respondent named Khalid stressed that it was not his intention to leave his village as he had a small business and parents to take care in Myanmar. However, the group of smugglers with the assistance from the Nasaka (the Burmese border army) forced them to accept their smuggling offer. Khalid reported that the smugglers forced them to get on a fishing boat in Sittwe and begin their sailing with insufficient foods and petrol supply.

The use of coercion may relate to physical violence, especially when the victims are reluctant to adhere to the smugglers' demand or instruction. The use of violence in the smuggling activity is common. Informants from the focus group discussion informed that violence usually occurs in the middle of the smuggling journey, especially when approaching or reaching a transit country such as Thailand. It may also happen when victims are already at the Thailand-Malaysia border, or when they have arrived in Malaysia. These informants emphasised that violence can also occur in many forms including beating, kicking and hitting the victims using rattan or a rubber host. In other cases, women and girls can be sexually harassed and abused.

Sayed, a Rohingya respondent, shared his experience of being smuggled from Myanmar to Malaysia by a group of armed smugglers. Sayed informed that his smugglers used guns and knives to threaten the victims. Sayed however reported that none of the Rohingya victims who were smuggled together with him was shot during the smuggling process. He further shared that the guns are an essential weapon for the smugglers not only to threaten the victims but also to protect themselves from other external threats. The smugglers may cross paths with local enforcement agency or other smugglers; hence, they need the weapon to protect themselves.

Other interview sessions with Rohingya respondents revealed that the use of violence may involve physical torture and killings of the Rohingya victims.

Harun, a Rohingya respondent, shared his experience by saying:

“They were about 250 Rohingya victims in an obsolete fishing boat and it was overcrowded. We were heading from Sittwe (Arakan, Myanmar) to Malaysia. They were at least five agents on the boat. After seven days of journey, we were still sailing and had a lack of foods and drinking water. Rohingya victims on the boat were panicking and some attempted to request foods from

the agents. In a chaotic circumstance, one of the agents released firing and three Rohingyas were shot (killed). Immediately after that the agents cut off the food supply and caused a few other Rohingyas died due to malnutrition. In the meantime, several Rohingya men were physically tortured because they fought with the agents. From about 250 Rohingyas on the boat, there were only approximately 200 of us rescued by the Malaysian navy [Malaysia's maritime enforcement agency] when our boat intercepted. The agents successfully escaped a day before we were intercepted.”

Another Rohingya respondent named Ismailly shared another example specifically on a sexual and physical harassment incident committed by the smugglers against a Rohingya woman during their smuggling journey from Myanmar to Malaysia.

Ismailly said:

“There was a female Rohingya in our group; I believe she was about the early 20s. Agents sexually harassed the young lady because her relatives did not pay the second payment for her smuggling to Malaysia. None of us had the courage to protect her and finally, she was left at Ranong instead of sending her to Malaysia. We do not know what happened to her after that, but she may be under the custody of the agents until her relatives pay the whole cost of smuggling. Otherwise, she could be traded. We are not sure.”

In brief, the risks and threats facing the Rohingya victims are a clear manifestation of their human insecurity. The failure of the state as a duty bearer, especially the Burmese government to guarantee the enjoyment of human rights among the Rohingyas means it fails to protect the human security of the Rohingyas in Myanmar. This subsequently leads to many Rohingya victims fleeing to several neighboring countries in search of international protection. The fact that many Rohingya victims are desperate to flee to neighboring countries, they are at risk of manipulation, exploitation and violence by other unscrupulous individuals who take advantage of the vulnerable and distressed situation among the Rohingya victims. This further supports the claim made by Tadjbakhsh and Chenoy (2007) that human security threats are often interlinked to one another and may escalate in a domino effect. The use of violence and physical exploitations committed against the Rohingya victims throughout their smuggling journey have also proven that the risks and threats they face have significant consequences towards their physical and personal security, hence fits broadly within one of the human security aspects, namely the “freedom from fear” (UNDP 1994).

The complex nature of the smuggling of the Rohingyas requires more than a merely border

control and security measure to address it. This is in line with the claim put forward by Yousaf (2017) that the current approach in addressing forced migration and transnational crimes such as smuggling of migrants has failed to reduce the scale and risks faced by vulnerable migrants. This brings us to argue that the human security framework may be able to provide a nuanced approach not only to analyze the various root causes but to provide a humane approach in addressing it.

CONCLUSION

To conclude, as human rights abuses, physical violence and various socio-economic deprivations facing the Rohingyas in the Arakan state of Myanmar persist, their out-migration becomes inevitable. To a certain extent, their passage, often in the form of irregular migration, becomes necessary in order to save their lives. While their irregular migration can be done without the assistance of smugglers, many Rohingyas rely heavily upon the smuggling service provided by the smugglers. In this study, we found that the smuggling of Rohingyas involves several common activities such as recruitment of the Rohingya victims, negotiating the terms of their smuggling, embarkation from points of origin and transiting in transit countries before their arrival in Malaysia. As discussed earlier, while some Rohingya victims managed to be smuggled without any unfortunate incidents occurring to them, some unfortunate Rohingya victims are exploited, deceived, coerced and physically assaulted and/or tortured. These incidents indicate that their smuggling can turn into another humanitarian crime, namely human trafficking. Most importantly, such incidents strengthen our central argument in this article that the smuggling of Rohingyas puts their lives in danger and hence it is a threat to their human security. We further argue that the threats facing the smuggled Rohingyas such as human rights abuses, exploitation, deception, coercion, violence and other security threats are interlinked to one another. As such, any efforts to eliminate the smuggling of Rohingyas should address the root causes, namely to restore the protection and full enjoyment of their human rights and guarantee their safety and protection in Myanmar. Failing to do so, the Rohingyas will continue to look for smuggling service to bring them out of Myanmar. This scenario subsequently provides an opportunity

for the smugglers to continue offering their illegal smuggling services.

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