

CHAPTER III

THE INTERNATIONAL FACTORS WHICH INFLUENCED THE GOVERNMENT POLICY TOWARDS ROHINGYA REFUGEES

This chapter is focus on how the international factors forced Yingluck government to change the policy towards Rohingya refugees. This chapter contains the international press media that keep reporting on the problem of Rohingya refugees which become the international hot issue because it's also a part of countries which may concern. Furthermore, this chapter also explains how international organizations play role and force Thai government in order to change its policy.

A. The international press media :

The international media has been reporting on Rohingya refugees for years. However it doesn't become a hot issue until the Yingluck era. The case of the foreign news media disclosed to the world that Thai naval abused Muslims Rohingya refugees before forcing hundreds of them on the boat and released them to the sea with the lack of water and food.

A.1 BBC

The British Broadcasting Corporation (BBC) is the world's largest broadcasting organization. BBC has revealed that Thai officials have been selling boat people from Burma to human traffickers. Thousands of Muslim Rohingya have fled

to sea in recent months after deadly communal violence in Rakhine State, heading east across the Andaman Sea to Thailand. The BBC found that boats were being intercepted by the Thai navy and police, they made deals and sold the people on to traffickers who transport them south towards Malaysia.¹

However, there was additional information that some navy sent them back to Burma. In February 2011, the refugees were deported to Burma near Ranong province. Thai foreign ministry spokesman said that the refugees had been set adrift with little food and water in an engine-less boat and he had no idea how they travelled further.

A.2 Reuters

Reuters is an international news agency. Reuter reports that based on interviews with people smugglers and more than two dozen survivors of boat voyages reveals how some Thai naval security forces work systematically with smugglers to profit from the surge in fleeing Rohingya. The lucrative smuggling network transports the Rohingya mainly into neighboring countries.²

¹ Fisher, J. (2013, January 21). Thai officials sells boat Rohingya to human traffickers. *BBC News*, p. 15.

² Szep Jason, S. G. (2013, July 7). *Myanmar exodus*. Retrieved 10 2, 2014, from <http://www.reuters.com/article/2013/07/17/us-myanmar-exodus-specialreport>

Thailand is seen as a source, transit, and destination country for human trafficking. It is a destination-side hub of exploitation in the Greater Mekong Sub-region, for both sex and labor exploitation. The Migrants, ethnic minorities, and stateless people in Thailand are at a greater risk of being trafficked than Thai nationals, and experience withholding of travel documents, migrant registration cards, and work permits by employers.

Related to the news which reported by foreign media, the General Secretary of the National Security Council said it damaged the image of Thailand. Therefore, Thai government at that time had to feature on the country's image. The United States has made a report on the situation of human trafficking in Canada. It is classified Thailand in the top two country look which affects the export of Thailand to the United States and Europe.

On 4 June 2013, Mr. Manasvi Srisodapol, Director-General of the Department of Information and Spokesperson of the Ministry of Foreign Affairs, spoke to the press on the Rohingyas' living conditions in Thailand, gist as follows:³

Thai authorities are aware of the crowdedness issue at the immigration facilities where Rohingyas are held. Alternative arrangements are being identified as a matter of priority. In January, the various groups of Rohingyas were

³ Ministry of Foreign Affairs, Thailand. (2013, June 6). *Rohingya*. Retrieved October 1, 2013, from <http://www.mfa.go.th/main/en/media-center/14/35854-Ministry-of-Foreign-Affairs>.

placed under the care of various immigration detention centers and government shelters across Thailand, with the majority being in the Southern provinces. These arrangements would help address the crowdedness issue and allow detainees to be united with their family members where possible. Meanwhile, an extra budget has been approved by the Thai Cabinet to provide temporary assistance on basic needs. The Thai Government is also working with humanitarian agencies such as the UNHCR, IOM, UNICEF and ICRC in this regard. (Srisodapol, 2013)

The situation at the Phang Nga detention centre is not necessarily representative of all the centers where applicable, regular exercises, including outdoors, are encouraged. Activities, including basic skills training, Quran teaching and facilitation of religious observances, are arranged in the government shelters and detention centers. The Thai authorities provide regular medical check-ups for all the groups equally despite the limited resources. The Thai authorities also work with the IOM's medical team to provide basic healthcare and medical supplies, including mosquito nets and polio drops for children.

A team of UNHCR Rohingya interpreters continues to make regular visits to all the detention centers and government shelters. The Thai Government will continue to advocate for more assistance in this regard. The Thai authorities are doing their utmost to assist those in need, but there is only so much that one country can do in addressing this complex regional issue. It is hoped that others will continue to do their part in this regard. A durable solution would be the development of the Rohingyas' areas of origin so that they may enjoy opportunities for prosperity without having to

risk their lives on a treacherous sea voyage in hopes of making a better life abroad.

B. The international organizations, NGOs, INGOs ;

B.1 UNHCR

The Office of the United Nations High Commissioner for Refugees (UNHCR) is a United Nations agency mandated to protect and support refugees at the request of a government or the UN itself and assists in their voluntary repatriation, local integration or resettlement to a third country. Its headquarters are in Geneva, Switzerland and is a member of the United Nations Development Group.⁴

In the general principle of international law, treaties in force are binding upon the parties to it and must be performed in good faith. Countries that have ratified the Refugee Convention are obliged to protect refugees that are on their territory, in accordance with its terms. There are a number of provisions that States who are parties of the Refugee Convention and 1967 Protocol must adhere to. Among them are:⁵

⁴ *UNHCR. (2013). Refugee protection: A Guide to International Refugee Law.*

⁵ *Ibid*

a) Cooperation with the UNHCR: Under Article 35 of the Refugee Convention and Article II of the 1967 Protocol, states agree to cooperate with United Nations High Commissioner for Refugees (UNHCR) in the exercise of its functions and to help UNHCR supervise the implementation of the provisions in the Convention.

b) Information on National Legislation: parties to the Convention agree to inform the United Nations Secretary-General about the laws and regulations they may adopt to ensure the application of the Convention.

c) Exemption from Reciprocity: The notion of reciprocity- where, according to a country's law, the granting of a right to an alien is subject to the granting of similar treatment by the alien's country of nationality- does not apply to refugees. This notion does not apply to refugees because refugees do not enjoy the protection of their home state.

Furthermore, On 26 June, a joint civil society statement endorsed by 76 organizations worldwide reiterated that concern, calling on governments of refugee-recipient countries to protect all refugee and asylum seekers from Myanmar, and to take into account the acute and specific protection needs of stateless Rohingya. Governments should desist from arbitrarily detaining Rohingya

refugees and asylum seekers and from attempting to return them to Myanmar in violation of the principle of non-refoulement, the statement said.⁶

B.2 Human Right Watch

Human Rights Watch (HRW) is an international non-governmental organization that conducts research and advocacy on human rights and dedicated to protect the human rights of people around the world. It stands with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhumane conduct in wartime, and to bring offenders to justice. They investigate and expose human rights violations and hold abusers accountable and also challenge governments and those who hold power to end abusive practices and respect international human rights law. Moreover it enlists the public and the international community to support the cause of human rights for all.

On January 2013, HRW reported that near Bon Island in Phuket province Thai authorities intercepted a boatload of 73 Rohingya migrants – including 20 children; some are as young as 3 years old –

⁶ IRIN. (2013, February 12). *Humanitarian news and analysis*. Retrieved October 1, 2014, from <http://www.irinnews.org/report/98301/rohingya-detainees-in-thailand-face-dire-conditions>.

that contained likely asylum seekers. After providing food, water, and other supplies to the passengers and refueling the boat, Thai authorities initially planned to push the boat back to sea en route to Malaysia's Langkawi Island. When they found that the rickety, overcrowded boat had cracks and that many passengers were too weak to endure a stormy sea voyage, the authorities brought the group ashore to the Phuket Immigration Office. By 4 p.m. on January 2, two trucks with all 73 Rohingya were heading to Ranong province for deportation to Burma. Brad Adams, Asia director at Human Rights Watch says;⁷

“The Thai government should scrap its inhumane policy of summarily deporting Rohingya, who have been brutally persecuted in Burma, and honor their right to seek asylum, UNHCR should be permitted to screen all Rohingya arriving in Thailand to identify and assist those seeking refugee status..... The Thai government's so-called “help on” policy fails to provide Rohingya asylum seekers with protection required under international law, and in some cases increases their risk. Under this policy, the Thai navy is under orders to intercept Rohingya boats that come too close to the Thai coast. Upon intercepting a boat, officials provide the boat with fuel, food, water, and other supplies on condition that the boats sail onward to Malaysia or Indonesia. All passengers must remain on their own boats during the re-supply..... Should a boat land on Thai soil or be found to be unsafe, Thai immigration officials will step in to enforce deportation by land. This “soft deportation” process has resulted in Rohingya being sent across the Thai-Burma

⁷ Adams, B. (2013, January 2). Thailand don't deport rohingya boat people. Retrieved October 1, 2014, from <http://www.hrw.org/news>.

border at Ranong province, where people smugglers await deported Rohingya to exact exorbitant fees to transport them to Malaysia. Those unable to pay the smuggling fees are forced into labor to pay off the fees, condemning them to situations amounting to human trafficking. Thailand has repeatedly stated its commitment to combat human trafficking, yet by deporting Rohingya into the hands of people smugglers, they are making them vulnerable to trafficking”(Adam, 2013)

Related to the cases on interviewing and researches of the refugees in Thailand, Human Right watch recommended to the Royal Thai Government are following ;⁸

- Enact a law that establishes criteria and procedures for recognizing refugee status and providing asylum that meets international legal standards.
- Sign and ratify the 1951 Refugee Convention and its 1967 Protocol.
- Do not summarily deport foreigners at land and sea borders without due process and the opportunity to lodge claims for protection; strictly adhere to Thailand’s obligations as a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment not to return anyone to a place where they would be at risk of torture.

⁸ *Human Rights Watch. (2012). Ad Hoc and Inadequate, Thailand’s Treatment of Refugees and Asylum Seekers. The United States of America.*

- Make refugee status open to all nationalities according to the same criteria, consistent with the international refugee definition, including complementary forms of protection for people fleeing conflict.
- Until a refugee law is enacted, provide authorization for refugees to stay in Thailand under article 17 of the Immigration Act, which grants the minister of foreign affairs the power, subject to Cabinet approval, to allow individuals or groups of individuals who have irregularly entered Thailand under certain conditions.
- Ensure that police and immigration officials respect UNHCR certificates and discipline any officials who confiscate or destroy UNHCR documents.

B.3 Amnesty

Amnesty International is a global movement of over 7 million people committed to defending those who are denied justice or freedom. According to the report which is released by Amnesty, Amnesty International is concerned by the Thai government's refoulement of groups of Rohingya⁹ who have

⁹ The situation of the Rohingya minority community in Rakhine state, Myanmar, has significantly deteriorated since the eruption of violence between members of the Buddhist and Muslim communities in June 2012. The violence resulted in considerable death and injury on both sides.

fled violence and displacement. Authorities have returned Rohingya to Myanmar, including individuals who were held in poor conditions for months in detention in Thailand, and have also pushed back Rohingya people arriving in waters off the Thailand coast, preventing them from landing or remaining in Thailand.¹⁰

The apparent policy to push-back boats to sea violates the principle of non-refoulement and puts migrants and asylum seekers at risk. Reports also suggest that the policy may have directly or indirectly cost lives. In at least one incident, some 97 individuals believed to be Rohingya reportedly died at sea after their boat was intercepted and pushed out to sea by Thai authorities in late January 2013.¹¹

There are also concerning reports of smugglers subjecting Rohingya held in smugglers camps on the Thai-Malaysia border to a series of abuses including alleged killings, and the use of torture and other ill-treatment to extort funds. Amnesty International is also concerned by reports of official awareness or involvement in the transfer of individuals to traffickers.

¹⁰ Amnesty International: Thailand/India/Indonesia: Rohingyas at risk need protection, 17 February 2011 .Retrieved from www.amnesty.org/en/library/info/ASA01/004/2011/en

¹¹ Amnesty International: Thailand: Open Letter on The Treatment OF Rohingya Asylum-Seekers And Migrants, 10 June 2013.

A Rohingya woman who left a government shelter in May 2013 to join two men, one of whom was a police officer who had promised to take her to Malaysia to reunite her with her husband, was beaten and threatened by the police officer in order to extort payment from her husband for her journey to Malaysia.

