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# **A Stateless Minority in Southeast Asia: Human Rights Violation and the Migration of the Rohingya to Thailand**

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International Development Studies

## **Credit Page**

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## **Declaration**

I, Kulnataporn Theeraratstit, declare that this thesis is a result of my research investigations and findings. Sources of information other than my own have been acknowledged and a reference list has been appended. This work has not been previously submitted to any other university for award of any type of academic degree.

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## **Abstract**

Migration is not the new thing in the world today. The first wave of the migration happened as the aftermath of the World War I and the World War II. The existents of the Rohingya in Myanmar is considered as one of the results from British colonial rule. The Rohingyas are Muslims in Rakhine State in Myanmar who claimed that they have been living in the area for generations. Literally, the history of Muslims in Arakan could date back to the 15<sup>th</sup> century; however, the Muslims were called Chiitagonian or Bengali until the term “Rohingya” came into use for the first time in 1951 by a Muslim intellectual from Mayu Frontier Administration (MFA) in Rakhine State. The Muslim and Buddhist Arakanese have never been in a good relation since the ancient time. A remarkable crack of the relationship could be seen from the fight during the WWII. At that time, Muslims served the British as Volunteer force while Buddhist Arakanese supported the Japanese. They had no choice but fought each other which led to the later violence even after the war ended.

The beginning of the establishment of new states, Myanmar, Bangladesh, and Pakistan, allowed Rohingya to choose where they belong. However, they chose nothing. They expected to have their own territory from the British during the establishment process. Although the British did not give them land, the Rohingya successfully lobbied U Nu, the first Prime Minister of Myanmar, that they only wanted the MFA which covers Maungdaw, Buthidaung, and the western part of Rathedaung. The MFA was still a part of the Union of Myanmar. Everything would fall into place if U Nu was not revolted by the General Ne Win in 1962. He revoked all compromising policies toward ethnic groups, the minority in Myanmar. Moreover, the Citizenship Law was enforced in 1982 to screen out aliens according to the consideration of the Burmese government.

The relationship between Muslim and Buddhist Arakanese in Rakhine was completely broken in 2012 when a Buddhist woman was raped and murdered by three Muslims. The incident had become viral which led to the revenge by Buddhist Arakanese resulting in the death of 10 Muslims. Since then, the rights of the Rohingya have been violated and the discrimination in Rakhine State has become more and more severe which led to the migration of the Rohingya to Thailand

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# 1. Introduction

**Map 1: Map of Southeast Asia Region**

(Source: [http://www.nationsonline.org/oneworld/map\\_of\\_southeast\\_asia.htm](http://www.nationsonline.org/oneworld/map_of_southeast_asia.htm))



Southeast Asia (SEA) is one of the most diverse regions in the world, consisting of Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Viet Nam. Even though the SEA has a long-standing of its history, complex culture, various beliefs, religions, languages, and races. The Association of Southeast Asian Nations, or ASEAN was established since 1967, aiming to promote the collaboration in every aspects of development and strengthen the economic growth of the region. ASEAN dreams about creating “one vision, one identity, one community” within the region by the end of 2015 (ASEAN Secretariat, 2014); however, there is a new regional challenge regarding the migration of the Rohingya, indigenous people believed to have their origin in Myanmar, weakening the stability and increasing the conflict throughout the land, especially, Thailand, Malaysia, and Indonesia.

Burma or Myanmar is a neighboring country of Thailand, located along the west part of the country. Burma has renamed to Myanmar in 1989; however, both names share “the same historical meaning” according to Htun in 2012. Myanmar is a Buddhist Nationalism where only 4% of the population is Muslim. After the independence from British colonial rule in 1948, U Nu became the first Prime Minister of Burma and led the country by compromising with all ethnic groups, including Muslim Rohingya. He established the Mayu Frontier Administrative (MFA) comprising Maungdaw, Buthidaung and most part of the Rathedaung Township in Rakhine State (or Arakan) and allowed Muslims to peacefully live as equals and as citizens of Burma (Wantanasombat, 2015). However, the situation turned around when General Ne Win rose to power in 1962. Since then, the nationalist identity process, which is based on dominant ethnicity (Burmese) and religion (Buddhism), has been enforced, resulting in human rights violations of Rohingya until the present.

### **1.1 Motivation of the study**

Everything that has been happening in my life somehow has connections even though it does not seem to be in order. I have been jumping around to find out what are my interests and where I belong. Studying development studies is as well a surprising opportunity. It has opened the way I see the world. I have learnt that development is blended in every aspects of human’s life. There are many things and many places that I could research on; however, the execution and human rights violation of the Rohingya is the first and the only one topic that popped up in my head when it was the time I had to make a decision.

Myanmar and Thailand are neighboring countries. We were friends. We were enemies. We share the history. I was born in 1988. The migrant workers from Myanmar have been travelling to Thailand as far as I can remember. My cousins grew up with Burmese babysitters. A Burmese maid has been working and staying at my uncle’s home so long that she becomes a part of his family. Burmese labor is not a new thing in Thai society. However, I first knew the word “Rohingya” from the news in 2014. At that time, I only knew that they were Muslim minorities in Rakhine State who fled the hardship in their hometown by boats to Thailand and Malaysia. Their image in the media was ruthless but forbidding to the security of the county at the same time. It is true that Thailand is a plural society but our diversity does not pave us to welcome every outsider.

We only accept the internal variety. The new comers from the west rim of the SEA are, anyway, the strangers in Thai people's perception.

However, I had understood that the attitude of Thai and Burmese people was alike. At least when we talk about the religion, the national religion of the two countries are Buddhism. The Buddhism from my understanding is one of the most openhearted religions in the world. In Thailand, the morality of the society is based on Buddhism but we are taught in schools to accept people who have different beliefs. This makes us friends. This makes us live peacefully together. The religious discrimination is never a problem from the community I grew up in. I thought this harmony would be the same in Myanmar but it turned out to be completely different. Buddhism in Myanmar has become a nationalistic tool for the military government to get rid of Muslims who, they think, are "a threat of the nation" (Akins, 2013). Unfortunately, a side of Buddhism in Myanmar is not a peaceful doctrine as I conceive.

Therefore, there were three main reasons that made me decided to work on this topic. Firstly, the SEA is my home region. I am more familiar with its historical background than the other continents in the world. I think it would be better if you understand the nature of the locals when you do the research. Secondly, I was wondering who the Rohingya are. I am sure that the story of Rakhine State was mentioned somewhere in my study book but why have I never heard about the Rohingya before? Lastly, their migration matters Thailand and the stability of the SEA; however, I have not seen the solid solutions from the Southeast Asian leaders to solve and prevent the problem in a long term. It is pitiful that only violence and dead could get public attention. Apart from that, the news has come and gone with the wind.

## **1.2 Research objectives and research questions**

### **Objectives of the research**

The main objective of the thesis is to investigate the human rights violations of the Rohingya in Rakhine State and their current status both in Myanmar and Thailand. The study will be mostly based on the literature and the current reports from the media. The following are the objectives that I will focus on.

- 1) To describe the history and the identity of Rohingya

- 2) To examine the causes of the conflicts between the Buddhist Burmese and the Rohingya in Rakhine State, how, and in what ways selected human rights of the Rohingyas are being violated
- 3) To understand the perceptions between the locals and the Rohingya who settled down in Thailand, especially at Mae Sot district and in Songkhla province
- 4) To determine the effects on the Rohingya from their migration to Thailand
- 5) To propose policies that might promote the greater livelihood security and equality in the study area

### **Research Questions**

- 1) Who are the Rohingya? How are they constructed in the literature and by themselves? What are the debates in the literature about their origins and identity?
- 2) What human rights violations of the Rohingya are being carried out by the Government of Myanmar? Who else is involved? What makes them flee from their homeland? How does Thailand become one of the Rohingya's destination?
- 3) How does living in Thailand promote Rohingya the greater livelihood security and equality than living in Myanmar?
- 4) How can the Rohingya travel to Thailand? What are the consequences of their migration?
- 5) What are the policies of the Government of Thailand toward them? What are the solutions within ASEAN?

The hypotheses statement of this research is therefore:

“The human rights of the Rohingya in Rakhine State are being violated by the Government of Myanmar and this is the main reason that makes them flee to Thailand while the human trafficking is a consequence of this event.”

### **1.3 Limitation of the research**

The field work was done individually and the following are the limitations of this research. First of all, I have a limited access to the information both from the Government of Thailand and the

Rohingya. I went back to Thailand to do the field work in late 2015. At that time, the situation has become very sensitive that the state sectors would not allow anyone to interview easily. If I wish to talk to the authorities, I have to provide them the permission letter from their commander. I know that every governmental process in Thailand takes time, especially if you are nobody. However, I have tried to ask the study coordinator in Norway to provide me a confirmation letter from the university but we fell to stay in touch. I did not receive any reply so I decided to walk in to some government sectors in Songkhla province instead of wasting time. For sure, the authorities I talked were very random and I did not perform formal interviews. Conversely, the benefit of this limitation is that I got the information from their true feelings. I believe that if they knew in advance that I was going to interview, they would have time to prepare the answers. They would speak according to what the central government wants them to speak.

Regarding the Rohingya, I got to know all of them person by person. Normally, when I finished the interview with a Rohingya, I had to ask if he could recommend to someone else. If I call them and they agree to give me the interview, I have to travel to their home because it is not proper to talk in the public. It is true that they somehow could live in Thailand but their status is still not a hundred percent legal. They prefer to be low-profile.

Another limitation when I asked the Rohingya for further contacts, they never introduced me to the Rohingya women. All of the Rohingya that I interviewed are men. I have tried to ask for female contacts but they normally avoided to answer and suddenly changed the topic. I assume that the Rohingya's culture is still patriarchal. I think that the research would be more perspective if the data is from both men and women's point of view.

Moreover, I think that the language is also a limitation. Even though they can speak Thai and the interviews were performed in Thai language, I sometimes doubted if they could understand my questions and communicate their thought correctly. This limitation usually happens when the interviewer and the interviewee do not have the same mother tongue. However, I was still lucky that I did not have to use the interpreter. At least, the data that I got from them was not modified by the third person.

The last limitation of my research is a location in the south part of Thailand. Songkhla is a neighboring province of Yala, Pattani, and Narathiwat, the three southern border provinces where the violence by the terrorist has been continuously happening for more than a decade. Sometimes

the violence even occurs in Hat Yai, the district that I based in. I am not the local so I do not know the area. Even though I did not feel that the location was that dangerous, one of the Rohingya even warned me to not go to some places because it was too risky. Accordingly, there were a lot of concerns from my family and it would be relieved for them if I could shorten my stay for the location in the south.

#### **1.4 Structure of the thesis**

This thesis consists of seven chapters. You are now at chapter 1, the introduction. Chapter 2 gives a contextual background regarding the history of Rakhine State and the existence of the Rohingya, the Rohingya Language, the citizenship law in Myanmar, the relevant Acts and the Identification Card in Thailand, and the Refugee Convention, 1951. Chapter 3 discusses on theoretical frameworks which are human rights based approach and anti-discrimination approach. Chapter 4 talks about research methodology used in this study. Chapter 5 purely presents the findings from responsively to the objectives of the research. The last chapter concludes what the research is all about and discusses if the hypotheses indicated in this chapter is correct.

## 2. Contextual Background

### 2.1 The history of Rakhine State the existence of the Rohingya

**Map 2: Map of Rakhine State in Myanmar**

(Source: Google Map)



**Map 3: Map of Arakan Yoma**

(Source: <http://defence.pk/threads/why-must-every-pakistani-minister-make-a-threat-of-nuclear-strike.401239/page-5>)



### Map 4: Map of Rakhine State

(Source: <http://www.edenhilltravels.com/general-info/maps/>)



These three maps show you an overview information regarding the locations of Rakhine State including major and relevant cities in this study. Buthidaung, Maungdaw, and Rathedaung are the



townships in the MFA area. Mrauk U is the origin of self-governing history of Rakhine State. Sittwe is the capital of Rakhine State formerly called Akyab during the British colonial rule. Ramree or Rambree is an island where Kaman, the descendants of Muslim mercenaries (Chan, 2005), has inhabit since the time when Arakan was a kingdom. They served kings of Arakan (Preecharash, 2015) and they are now one of 135 ethnic nationalities of Myanmar; however, those rights did not protect them from racist state-sponsored violence that destroyed homes and livelihoods (Green, 2013).

Rakhine State, formerly known as Arakan, is located in the south western part of Myanmar. The region is separated from the rest area of the country by a terrific mountain range, the Arakan Yoma. As you can see from the map 3 that the mountain covers most of the land in Rakhine State, the county has been isolated from the central Government of Myanmar and their history of autonomy dates back to the 15<sup>th</sup> century. However, the Human Rights Watch stated that the existence of the local dynasty, Wesali (located close to the contemporary Mrauk-U), had attracted Muslim traders into the district since the 8<sup>th</sup> century (HRW, 2000).

Literally, there were 3 main players at the beginning of autonomous history of Arakan, Mrauk U dynasty, the central Burma to the east, and the Mogul empire covering Bengal area to the west. King Naramekhla (Min Saw Mon), a King of Arakan, had escaped to Bengal for 24 years because of the invasion of the central Burma. Until 1430, the King was supported by the Sultan of Bengal to expel the invaders and established the Mrauk U Dynasty. The King Naramekhla was a Buddhist but he was so influenced by Islam that he “began to use Muslim court titles along with traditional ones” (HRW, 2000). The wave of Muslim migration had begun in the early 16<sup>th</sup> century when many of Bengalis were raided of and captured by the Portuguese pirates and Arakanese for trafficking and workforce slavery. The practice had become a tradition that led to the noticeable growth of Muslim community in the mid of 17<sup>th</sup> century. Interestingly, not only were Muslims slaves or laborers, but some noble Muslims also served the kings as Bengali, Persian, and Arabic scribe at the court and assisted the kings with the Islamic conventions (Chan, 2005).

The dynasty remained its power for almost 4 centuries but eventually came to the end when the King Bodawpaya of Ava kingdom in central Burma conquered the Arakan in 1784. The Burmese regime was a ruthless oppression, resulting in the fleeing of almost 40,000 Arakanese to Chittagong district (today Cox’s Bazar) in British India according to a record of British East India

Company in 1799 (Chan, 2005). The first Anglo-Burmese War broke out in 1824. The war had been prolonged for 2 years before the British could occupy the Arakan in 1826. Arakan was an ample land. There were a lot of cultivatable fields with few populations so the British encouraged those who lived in Bengal to come and work as laborers.

During 1830 to 1852, the arable land expanded to 4.5 times because of the flow of Chittagonian labors and Akyab (one of the Arakan divisions divided by the British India) became one of the major rice exporting cities of the world. The wave of Chittagonian migration became remarkable again in 1869 after the opening of Suez Canal. The British Colonialists needed more labors to produce rice so the flight of Chittagonian had continued and the descendants of the immigrants started to settle in Kyauktaw and Myohaung (Mrak-U) including Maungdaw and Buthiduang. Since 1879.

The entire Burma was completely annexed by the British in 1885 and had been ruled until 1948. The British governed Burma as a province of the India so the Human Rights Watch suggested that the migration of people during that time was considered as the “internal movement.” Nevertheless, the Burmese government do not agree with this administration. They, on the other hand, recognize the movement as “illegal”, thus “it is on this basis that they refuse citizenship to the majority of the Rohingya” (HRW, 2000). Interestingly, Muslims who live in the northern part of Rakhine State call themselves Rohingya but the term Rohingya “cannot be found in any historical source in any language” until it was first pronounced by the Mr Abdul Gaffar, a member of parliament from Buthidaung, in his article “The Sudeten Muslims,” published in the Guardian Daily on 20 August 1951. (Chan, 2005).

In a work of Leider in 2014, he studied many terms and definitions of “Rohingya” from writings and reports during 1948 to 2003. Bertil Lintner defined in his book in 1948 that the Muslims of Rakhine are “another hybrid race which much later was to become known as the Rohingyas.” In 1970s, Saudi Arabian and Pakistani journalists called Muslims who fled from Rakhine state “Burmese Muslims.” Klaus Fleischmann’s work in 1977 to 1978 stated that even the modern father of Rohingya ideology “never used himself the term Rohingya” but the UNHCR report in 1978 to 1979 by Alan C. Lindquist conversely mentioned refugees in Bangladesh as Bengalis Muslim called Rohingya. A remarkable conversion of the use of the term Rohingya took place in 1990s. An Amnesty International report of 1992 stated that the term Rohingya is used by people who

claim themselves as “the descendants of Arab and Persian traders who have lived in the area for centuries.” A Human Rights Watch report of 1993 valued the term Rohingya as equal as Burmese refugees from Arakan while the modern paper of Andrew Selth in 2003 described Rohingya as a conventional term to refer to the largest Muslim community in Burma today. Nonetheless, the Burmese authorities and the Buddhists in Rakhine State never accept any term used by the outsiders. They, instead, stick to the long established name “Bengali” (Leider, 2014).

The Second World War broke out in 1939. Burma, especially Arakan had become a battle field between the British and Japanese because Arakan was a buffer state where the Japanese wanted to get through the land to British India. The Japanese eventually took over Burma in 1942. When the war exploded, locals in Rakhine State divided into two supporting parties, Muslim to the British and Buddhist to the Japanese. They attacked one another “causing a displacement of Buddhist villagers to the south and Muslims to the north” (HRW, 2000). Many Muslims had become the Volunteer or V Force (Chan, 2005) who served the British as spies behind Japanese lines for the Allied Powers (Szczepanski, 2012). However, Nathasiri, the secretary of Matubhum Party in Thailand, referred to the record of Anthony Irwin in 1946 that instead of fighting against the Japanese army, the Chittagonian V Force used this opportunity to destroy religious places such as Buddhist Pagoda and burnt down a lot of Arakanese villages (Nathasiri, 2015). Later the Japanese discovered the connection between the force and the British so it was a time again thousands of Muslims had to flee into Bengal (Szczepanski, 2012).

The World War 2 ended in 1945. As soon as the war ended, there was a Muslim movement demanding the British to create a “Muslim National Area” at the MFA. Burma became independent in 1948 and attempted to create the democracy. These events had overlapped so U Nu, the first Prime Minister of Burma, had to keep the promise by founding the MFA in 1961. The administration was separated from the central Government but still conducted directly by the military until 1964 (Danyawadi, 2012). During this time, a bright future still seemed to belong to the Rohingya. The University of Rangoon allowed Rohingya students to operate their activities under the name “Rohingya Student Association.” Brigadier U Aung Gyi stated in 1961 that “Rohingyas are an indigenous race in Burma as other ethnic groups.” Moreover, the Rohingya radio program was allowed to broadcast two times a week as per “indigenous’ program” of the Burma Broadcasting Service (BBS), presently Myanmar Radio and Television (MRTV)

(Danyawadi, 2012). Nevertheless, the coup d'état operated by General Ne Win in 1962 had turned everything upside down. He thought that the compromising policy may lead the country to the disintegration. Accordingly, the military authorities had “conducted what they called Operation Nagamin (Dragon King), a national effort to register citizens and screen out foreigners prior to a national census” (HWR, 200), followed by the enforcement of Burma Citizenship Law of 1982. These policies underlined the fact that the recognition of the Rohingya’s identity in Myanmar and their hope for the future completely came to a dead end.

Regarding the relationship between Buddhists and Muslims in Myanmar, the tensions, specifically in Rakhine State, have been increasing from time to time throughout the history. After the royal institution of Myanmar had been overthrown in 1885, Buddhism became only holy anchor among Burmese people. Their way of practice is very conservative but somehow extreme. Many Buddhists are afraid that one day Islam would replace the faith in Buddhism in Myanmar according to a scriptural prophecy (Pellet, 2015). Moreover, monks have been playing a major role in the political situations in Myanmar and participating in the violence since the British regime. The 969 movement in 1999 was an example of discrimination. A Buddhist spiritual leader U Wirathu carried out the Islamophobia propaganda and claimed that he was “not the terrorist but the protector of race, language and the religion.” The violence resulted in the vast destruction of Muslim neighborhood and 43 deaths in central Myanmar (Akins, 2013). However, the disunited bond of Buddhists and Muslims in Rakhine State became broken after a Buddhist women was raped and murdered by three Muslims in May 2012. Even though authorities could arrest the three criminal, the hatred expanded and ten innocent Muslims in a hundreds-kilometer-away town were killed as a consequence of the first incident (Wantanasombut, 2013).

## **2.2 The Rohingya Language**

According to Oxford Dictionaries, the definition of Rohingya as a language was categorized within the group of Indo-European languages including Sanskrit and the modern Indian languages which are its descendants (Oxford, 2016). The Ethnologue Languages of the World adds that Bengali-Assamese is also classified within the same group of these Indic languages (Ethnologue, 2016). The website rohingyalanguage.com claims that the history of Rohingya language could be tracked back since 1650. It was first written in *Arabic script* by Shah Alawal, the great poet of Arakan

Kingdom. Mr. Sultan, known as Master Sultan endeavored to revive the language in 1973. The Arabic script is naturally difficult to read and Hafini said that it could not fulfill the pronunciation to suit their tongue (Siddique, 2007). Accordingly, Molana Hafini himself has invented the *Hafini script* which could solve the reading problem. However, the orientation of the Arabic script and the Hafini script are right-to-left. They are not practical to use with today's computer. Eng. Mohammad Siddique sees this weakness would limit the learning and distributing of the language so he invented the *Roman script* version known as Rohingya language. The modern Rohingya language consists of only 28 Latin letter. Siddique claims that anyone could learn the writing system within 5 to 10 minutes and the advantages of the new system of the language are; 1) what you write is what you speak and vice versa, 2) Any Rohingya who knows English can also master in Rohingya, and 3) it is fit with today's technologies (Siddique, 2007).

The Rohingya or Rohingya was recognized by the International Standards Organization (ISO) on 18 July 2007 because it has been established conventionally in the media, UNHCR, and among people themselves. The ISO has assigned the identifier as *rhg* with the code set 639-3. The number 639 means that the language is distinct individual; however, it is categorized as a living language (SIL, 2015). The Ethnologue has correspondingly accepted on their online publication since their 16<sup>th</sup> edition in 2013 that Rohingya or Rohingya is one among more than 7,000 languages of the world (Language, 2016). It is said to be a language particularly used in the northern part of Rakhine State among 1,700,000 Rohingya users, both inside and outside Myanmar. Dialects vary from a river valley to another while the intelligibility status of the language is unclear (Ethnologue, 2016).

### **2.3 The citizenship law in Myanmar**

After the independence from the British rule in 1948, The Government of Burma had tried to compromisingly unite all the ethnic groups in the union. The Union Citizenship Act, 1948 was enforced to benefit any of indigenous races including Arakanese, according to the Section 3 (1) ("Union Citizenship Act, 1948," 1948). Unfortunately, the Act was repealed by the Burma Citizenship Law of 1982 during the military regime in Myanmar. The following will review on the Chapters and the Sections that impact on the Rohingya's citizenship status.

### **2.3.1 Burma Citizenship Law of 1982**

The Burma Citizenship Law of 1982 consists of 8 chapters but the parts that have the most impact on the status of the Rohingya were declared in the Chapter 2: Citizenship, the Chapter 3: Associate Citizenship, and the Chapter 4: Naturalized Citizenship. The owners of each kind of citizenship will hold the pink, blue, and green Citizenship Scrutiny Cards respectively (HRW, 2000).

The 3 chapters indicate the qualifications for a person to become a Burmese citizen. The *citizenship* will be granted for those who have settled in the state (the Socialist Republic of the Union of Burma) as their permanent residence before 1823. The nationals of the ethnic groups in Myanmar is mostly qualified for this; however, the Council of State has the power to decide “whether any ethnic group is national or not.” Just like another country, children who are born of a parent with Burmese nationality (including associated citizenship and naturalized citizenship) are, by birth, citizens of Myanmar. The *associate citizenship* is for persons who are not qualified by the new law but have applied for citizenship under the Union Citizenship Act, 1948 while the persons who have not applied but entered and resided in the country before 4<sup>th</sup> January, 1948 will fall into the *naturalized citizenship*. However, “to become a naturalized citizen, a person must be able to provide ‘conclusive evidence’ that he or his parents entered and resided in Burma prior to independence in 1948 (HRW, 2000). Moreover, the applicants for naturalized citizenship must be able to speak well one of the national languages according to the statement in Section 44.

(“Burma Citizenship Law of 1982,” 1982)

### **2.4 The relevant Acts and the Identification Card in Thailand**

There are two Acts of Thailand that matter the existence of the foreigners or aliens including the Rohingya, in Thailand. The first act is the Nationality Act, B.E. 2508 (A.D. 1965) and the second one is the Immigration Act, B.E. 2522 (A.D. 1979). The both Acts agree that alien “means any person who is not of Thai nationality under the nationality Act.” This sector will present only the chapters, the sections, and the paragraphs that are directly relevant to the further discussion.

#### **2.4.1 The Nationality Act, B.E. 2508**

There are 4 chapters in the Nationality Act of Thailand, B.E. 2508 but only the Chapter 1 is of importance to the aliens or the Rohingys in this research. The Chapter 1 of the Act is named the acquisition of Thai nationality, consisting of the Section 7 to the Section 10. Basically, a person born in Thailand is most likely to be able to acquire Thai nationality if a father or a mother holds a Thai citizenship. However, according to the Section 7 bis. (3), a person born within Thai Kingdom of aliens parents shall not be able to acquire Thai nationality if either a father or a mother or both “have entered and resided in the Thai Kingdom without permission under the law on immigration.”

The Section 10 of the Nationality Act, nevertheless, gives an opportunity for an alien who wish to apply for nationalization as a Thai if he/she possesses the qualifications as the following: 1) becoming sui juris in accordance with Thai law and the law under which he has nationality; 2) having good behavior; 3) having regular occupation; 4) having a domicile in the Thai Kingdom for a consecutive period of not less than five years till the day of filing the application for naturalization, and 5) having knowledge of Thai language as prescribed in the Regulations.

(“Nationality Act of the Kingdom of Thailand,” B.E. 2508)

#### **2.4.2 The Immigration Act, B.E. 2522**

The Immigration Act of Thailand, B.E. 2522 was made up of 8 chapters, plus the Transitory Provision but the most significances are the Chapter 2: Entering and Department the Kingdom, the Chapter 4: Temporary Stay in the Kingdom, and the Chapter 6: Deportation of the Aliens.

In the Chapter 2, Section 12, a foreigner is not allowed to enter into Thailand if he/she falls into any of the categories in the Act. Basically, an alien must hold a valid passport with valid visa (if needed), have enough money to stay, be healthy and vaccinated against smallpox, have a clean record and well behave, not be involved in crime, prostitution, human trafficking, and any types of smuggling which are contrary to the public morality, and not be deported by either the Government of Thailand that of or other foreign countries. However, the Section 13 (2) allows a citizen of a country with has its boundaries adjacent to Thailand to temporary travel across the

border without passport or document in lieu of passport under compliance with the agreement between the Government of Thailand and of that country.

In the Chapter 4, Section 34, there are many listed activities that encourage foreigners to come to Thailand such as diplomatic, touring, business, study, and etc. Unfortunately, an alien who flees from the hardship in their country is not categorized among the list.

In the Chapter 6, Section 54 and Section 55 talk about the permission to stay in Thailand. Any alien stays in the country without permission or when such permission expires or is revoked, the competent official will deport such alien out of the Kingdom. Aliens being deported under this Act shall be sent back by any conveyance or route as the competent official may consider appropriate. During the process of deportation, official may order the alien to stay at any prescribed place. The alien shall be in charge of the expense of detention, and also the transportation back to their country.

(“Immigration Act of the Kingdom of Thailand,” B.E. 2522)

### **2.4.3 The Identification Card in Thailand**

There are several kinds of Identification (ID) Card in Thailand. Every Thai will be issued the National Identification Number since the day his/her birth is officially certified. Totally, there are 13 numbers per person and each number has its own implication. Normally, a Thai national will apply for the Thai National ID Card when he/she becomes the age of 7. The Thai National ID Card is a blue smart card printed with personal information. The chip also contains the fingerprints information of the card holder. The card is used for many beneficial and secured purposes, for example, proving and identifying the holder's identity, receiving government services and other entitlements. Moreover, it could help to verify the identity of holder with private business transactions such as applying for a job or opening a bank account.

As well as Thai citizens, foreigners, who wish to stay in Thailand with the reason apart from the activities listed in the Immigration Act, B.E. 2522, Chapter 4, Section 34, must hold an Identification Card with the personal 13 numbers. There are 2 types of the card for aliens. The first one is the pink Identification Card for those who have permanent residence in Thailand, and for aliens who are granted the exception to stay in Thailand such as ethnic groups, migrant workers



who hold Burmese, Lao, or Cambodian nationality. The second one is the white Identification Card. This kind of card is for persons without registration status (OIPP, 2014). The persons without registration status mean that the Government of Thailand is not yet able to prove their citizenship status, or is able to prove that they are aliens but the government still cannot send them back to their origin country (Saisoonthorn, 2009). The personal numbers for both types of aliens begin with number 0. Aliens normally hold the rights almost the same as Thai citizens. They have the access to the education and will be verified upon their graduation. They have right to work as long as it is not 1 among 39 occupations and professions prohibited for foreign workers (see appendix 2). However, the most importance is that they must not participate in any political activities (Labor, 2009).

## **2.5 The Refugee Convention, 1951**

Millions of people fled their homelands in search of refuge in the aftermath of the World War I and the World War II. The international community has agreed that there should be “guidelines, laws and conventions to ensure the adequate treatment of refugees and protect their human rights”, the Refugee Convention was thus responsively created in 1951 (UNHCR, 2011). Later, it was amended by the 1967 Protocol to cover the new challenge regarding displacement which has been spreading around the world. The report of the United Nations High Commissioner for Refugees (UNHCR) regarding frequently asked questions on the 1951 Convention and its 1967 Protocol briefly defines a refugee as:

“... a person who is outside his or her country of nationality or habitual residence; has a well-founded fear of being persecuted because of his or her race, religion, nationality, membership of a particular social group or political opinion; and is unable or unwilling to avail him— or herself of the protection of that country, or to return there, for fear of persecution. People who fulfill this definition are entitled to the rights and bound by the duties contained in the 1951 Convention” (UNHCR, 2011).

Refugees, the most vulnerable people in the world, need the protection for the fundamental human rights from the international community as their state governments fail to provide it. However, the

refugee status is not automatically permanent. Normally, the status would become permanent if refugees integrate into the host country's society. On the other hand, it could be revoked if refugees volunteer to "repatriate to their home countries once the situation there permits such return." Importantly, the convention does not cover and will never be applicable for those who have committed a war crime, a serious crime, or a crime against peace and humanity (UNHCR, 2011).

Definitely, the UNHCR hopes to see the acceding from each country in the world because it would demonstrate that they commit to treat the refugees by means of international law and humanitarian standards. As of April 2015, there are 142 countries endorsing both the Convention and the Protocol (UNHCR, 2015). Unfortunately, *Myanmar* and *Thailand* are among none of them. The Philippines and Cambodia are only counties in ASEAN that have performed the ratification for both the Convention and the Protocol. Nevertheless, whether a country accedes the 1951 Convention or the 1967 Protocol or not, the UNHCR states that the agreement is "a rule of customary international law" binding an all States and that they cannot prevent the refugees from entering the countries since it is against a non-refoulement principle in the Article 33 of the 1951 Convention (UNHCR, 2011). This statement conforms to the reaction of the Government of Thailand toward the refugee situation. According to the World Report 2015 Events of 2014 by the Human Rights Watch, the Prime Minister Prayuth announced in July 2014 that "the 140,000 Burmese refugees living in camps in Thailand near the Burmese border would not be forced to return home against their will" (HRW, 2015). Although there are few Rohingyas living in the refugee camps, it is at least a good sign that the Thai government tends to have a positive policy to manage and take care of the refugee or migration dilemmas.

### **3. Theoretical Framework**

There are two fundamental approaches particularly relevant to the practice of human rights development, a human rights based approach and an anti-discrimination approach. This section will concisely talk about its background in order to pave the way to the discussions in the following chapters.

#### **3.1 Human rights based approach**

“To deny any person their human rights is to challenge their very humanity”

Nelson Mandela, Speech to Joint Meeting of Congress (USA), 26 June 1990.

Box 1 shows the discussions from many resources on the definitions and distinctions regarding a human right based approach; however, the United Nations Office of the High Commissioner for Human Rights (OHCHR) states that “a human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights” (OHCHR, 2006). Literally, the human rights based approach focuses on “human” as the center of dynamic and sustainable development. It helps “strengthen the capacity of right holders to make their claims and of duty-bearers to meet their obligations” (OHCHR, 2006).

There are many milestones indicating the progress of the human rights based approach. The Universal Declaration of Human Rights (UDHR), proclaimed by the United Nations General Assembly in Paris on 10 December 1948, however, can be considered as the first milestone. It is “a common standard of achievements for all peoples and all nations” (UN). The declaration states that every human regardless of gender, age, race, and religion is entitled to human rights as “the foundation of freedom, justice and peace” (UN, 2006). The Human Rights animation provided by the InsightShare in 2013 simply explains why the human right are important. The declaration and its fellow instruments such as UN Declaration on the Rights of Indigenous Peoples 2007 are acknowledged as international laws that all states must abide by. Anyone can either submit their case to the state officials or speak out in international forums if their rights are being violated. Through these method, their voices will be heard and hopefully their rights will be aided (InsightShare, 2013).

### Box 1 Talking rights: definitions and distinctions

A **rights-based approach** is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.

(Mary Robinson, UN High Commissioner for Human Rights 2001)

The **human rights approach** to development means empowering people to take their own decisions, rather than being the passive objects of choices made on their behalf.

(DFID 2000b: 7)

A **rights-based approach** to development describes situations not simply in terms of human needs, or developmental requirements, but in terms of society's obligations to respond to the inalienable rights of individuals, empowers people to demand justice as a right, not as a charity, and gives communities a moral basis from which to claim international assistance when needed.

(UN Secretary-General 1998)

The **human rights approach** brings to the development discourse . . . a conceptual framework from which to begin assessment and analysis, keeping in mind that the overall aim is the realization of all human rights for all people.

(Rios-Kohn 2001)

A democracy and **human-rights approach** translates poor people's needs into rights, and recognizes individuals as active subjects and stakeholders. It further identifies the obligations of states that are required to take steps – for example through legislation, policies and programs – whose purpose is to respect, promote and fulfil the human rights of all people within their jurisdiction.

(Sida 2002: 34)

A **rights-based approach** affirms that all citizens are entitled to the resources that satisfy their basic needs. Additionally, every citizen – rich and poor – has the right to information and participation in the development process.

(ActionAid Kenya 2002)

SCF supports a **rights-based approach** . . . because: rights imply obligations; . . . rights provide a move from dependency to empowerment; . . . rights can encourage responsibilities.

(SCF UK website ([www.scf.org.uk](http://www.scf.org.uk)) 2002)

A **rights-based approach** deliberately and explicitly focuses on people achieving the minimum conditions for living with dignity. It does so by exposing the root causes of vulnerability and marginalization and expanding the range of responses. It empowers people to claim and exercise their rights and fulfil their responsibilities. A rights-based approach recognizes poor people as having inherent rights essential to livelihood security – rights that are validated by international standards and laws.

(CARE 2000: 38)

In this 50th anniversary year of the signing of the Universal Declaration of Human Rights, it is important to remind ourselves of the value of a **rights-based approach**. Christian Aid affirms the equal rights of all people as 'made in the image of God'.

(McGee, Robinson and van Diesen 1998)

An ethical approach to globalization can mean nothing less than a **rights-based approach** to development. We must struggle not only against torture, arbitrary detention and unfair trials, but also against hunger, illiteracy and discrimination if human rights are to be meaningful in developing countries.

(Amnesty International 2002: 4)

### **3.2 Anti-discrimination approach**

The word “discrimination” is a two-edged sword. Even though it is an ability to recognize and understand the difference between one thing and another, it can be “an unjust or prejudicial treatment” when it is used to categorized people especially on the grounds of *race*, age, or sex (Oxford, 2016) Nationality and religion or belief are also ones among sensitive issues that are easily segregated. Discrimination is believed to be a cause of social exclusion. People who are being discriminated will be restricted “their ability to contribute to society and live their preferred life” (RCN, 2015). Accordingly, an anti-discrimination approach is apparently a practice which is against the negative edge of the sword and aim to prevent the unfavorable consequences.

Not only is discrimination offensive but it is also illegal in many countries such as the United Kingdoms (UK), Australia, and Norway. The Equality Act 2010 in the UK was enforced to protect their citizens from discrimination by employer, businesses or organizations that provide goods and services, health and care providers, tenants, academic providers, transport services, and public bodies like government departments and local authorities (Citizen Advice, 2016). It also protects characteristics like age, sex, race, religion or belief, and etc. In Australia, one of culturally diverse countries, the Commonwealth Government and the states and territory governments have been introducing the laws to protect people from discrimination and harassment. The oldest act dated back from 1977, the New South Wales Anti-Discrimination act. The operations at the federal level cover the areas of discrimination in age, employment, disability, race, and sex (AHRC, 2014). While in Norway, the Equality and anti-discrimination Ombud (known as Likestillings- og diskrimineringsombudet in Norwegian), was established to assist anyone who believes he/she is being exposed by any form of discrimination. Moreover, the ombudsman is responsible for “ensuring that Norwegian law corresponds with the UN’s Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on Racial Discrimination (CERD) and Convention on Rights of Persons with Disabilities (CRPD)” (LDO, 2016).

Referring to the work of Willis, Myanmar’s Constitution (Article 348) states that “The Union shall not discriminate any citizen of the Republic of the Union of Myanmar, based on race, birth, religion, official position, status, culture, sex, and wealth” (Willis, 2004). However, the term “citizen” as prescribed in the Citizenship Law 1982 covers the 135 ethnic nationalities, excluding the Rohingya. There have been attempts in Myanmar to call for the Rule of Law and Tranquility

Committee (RLTC), chaired by Daw Aung San Suu Kyi to consider the reform of the Citizenship Law so that the Constitution could be amended responsively. For example, one of the recommendations in 2013 declare that state should allow people to live and work “under protection of the law for security of their lives with peace of mind” (Willis, 2014).

Because of an increase of tensions regarding discrimination issues, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was enforced in 1969 to commits its members to eradicate the racial distinction and promote the universal respect among all races. It is considered as an instrument for human rights development. Accordingly, we might be able to say that the anti-discrimination approach is another branches of the human rights based approach which focuses on the specific topic. Even though we have created many acts and conventions hoping to defeat the bias among people, these frameworks cannot change individual attitudes regarding discrimination (Reference, 2016). Discrimination is somewhat a personal perspective. The laws might be able to remain the peace and security in a state but as long as people’s mindsets are not positively changed, the sustainable development will be a long way to go. To change is challenging but it does not mean impossible.

## **4. Methodology**

This chapter presents a brief summary of qualitative research strategy, including its available methods. After that, the selection and description of the field work's site and sampling are demonstrated as well as my approach choices, the design, and the detailed report of how I actually carried out my research while the last section talks about the documents as resources data.

### **4.1 Qualitative Research Strategy**

Qualitative research strategy is used as an approach in this research because I want to emphasize and present the words of the Rohingya and relevant persons. This is corresponding with the work of Bryman stating that the qualitative research strategy usually concerns words rather than quantification in the collection and analysis of data (Bryman, 2012). The Rohingya is a part of the world society. To study on their story means to study on the social science. Even though a set of number could tell the overview of what happens in the area of the study, it cannot explain dynamically why the social phenomena occur. Not only is the status of the Rohingya still unclear in Myanmar, their status in Thailand is also considered as illegal. Most of them are living secretly that make a survey as a method in quantitative research become almost impossible. Moreover, I have learnt from my personal experience that most of the aliens in Thailand can communicate in Thai but they usually cannot read and write. By using the interview as a method of data collection, I am sure that I could get more essential information than only working on the survey.

### **4.2 Selection and Description of the Field Work's Site and Sampling**

At the beginning of the research, I was hesitating if I should have a field work or only research on the secondary data because I did not have any connection regarding the problem of Rohingya in Thailand and it was almost impossible for me to go to Rakhine State in Myanmar. However, I was encouraged by my supervisor to go to the field as he saw the benefit that I would get. I therefore started to collect the data with only one contact person at Hat Yai, a commercial district in Songkhla province, located close to Thailand-Malaysia border in the south part of Thailand. I decided to go to Hat Yai even though I had only one sample at that time because I valued the

benefit that I could get from the following factors; there are several shelters for the Rohingya in Songkhla and I have heard that some Rohingyas even live outside the shelters.

However, after I finished the interview with the first contact person, I used a snowball sampling to expand my sample size. According to Bryman, snowball sampling is “a sampling technique in which the researcher samples initially a small group to people relevant to the research questions, and these sampled participants propose other participants who have had the experience or characteristics relevant to the research” (Bryman, 2012). As I mentioned earlier that the Rohingyas in Thailand try to keep a low profile, the snowball sampling has been used throughout my research to approach the Rohingya for the sake of their safety.

Regarding the Thai authorities and activists, I instead use the mix of snowball and purposive sampling. Some of the interviewees were introduced by the first contact person and my helpful friends; however, I considered and chose by myself whether they are relevant to the study. Although the samples in the purposive sampling are not chosen on a random basis (Bryman, 2012), I approached some respondents without notice because I had a limited time at each site.

### **4.3 The Available Methods and the Design**

Bryman states that the nature of qualitative research consists of five fundamental methods for collecting data. They are ethnography, interviewing, focus group, language, and documents as sources of data (Bryman, 2012). The *ethnography* is conducted to study cultures and groups through their history, routines and practices, discussion of their environment, languages etc. It can be conducted using a variety of methods such as participant observation. The *interviewing* or *interview* is the most common and widely used method in qualitative research (Bryman, 2012). It consists of two means of data collection which are semi-structured interview and unstructured interview. The semi-structured interview is normally prepared with a pre-determined set of open questions while the unstructured interview is a non-directive session in which questions are not prearranged. The *focus group* is “an interview with several people on a specific topic or issue” while the *language* can be separated into a conversation analysis (CA) and discourse analysis (DA). The CA is a study of what people say, how and why they say, including body language while the DA is more about finding the meaning behind the speech and how the meaning was



presented. Lastly, the *documents as sources of data* includes personal document, official documents and mass-media outputs (Bryman, 2012).

The data collection in this research mainly based on the interview, the focus group, the CA, the DA, and the documents as resources of data. The time limit of data collection was three months in Thailand, covering three areas which are Songkhla, Bangkok, and Mae Sot district.

#### **4.4 The Interview Process**

The semi-structured interview was conducted to examine the Rohingya, both individual and focus group. Before I started the interview, I have consulted with my supervisor regarding the questions that I should ask the Rohingya. The questions (Appendix 1) were first prepared in English so I had to translate into Thai and simplify them as much as I could. I used mp3 player and my mobile phone as the recorders so before I went out to the interview place, I usually made sure that either of their battery was in its full capacity. Although the Rohingyas were asked by the same set of questions, I did not limit the time per an interview because I realized that each respondent did not have the same range of story they had experienced. However, the interviews with the Rohingyas were approximately one hour per person. Regarding the interview guide, I did not prepare it in this study because the Rohingyas could not read either Thai or English. Instead, I explained them my personal background, my study interest, and what I expected from them. I understood that they were vulnerable so I always affirmed them before starting the conversation that their personal information would be kept confidentially.

On the other hand, those Thai authorities and activists were interviewed by using the unstructured approach. I have learnt when I was already in the field work that the Rohingya issue has become so sensitive that the government sectors would not allow me to process the interview without permission letter. I knew that the process would take a long time and I somehow could not reach the study coordinator in Norway. Consequently, I decided to walk in to the place where I expected to meet the purposive samples. Normally, the authorities are commanded to answers any question in accordance with the government's framework. I would rather guide them to talk freely within the scope of the thesis than receive the answers that were set and expectable.

#### **4.4.1 The Language and Its Challenge**

There are two main groups of respondents in this study, the Rohingya and Thai authorities and activists. Even though the Rohingyas are originally from Myanmar, all of them can speak Thai at communicational level. However, as a person speaks Thai as the first language, I could say that there were some confusions during the interviews and transcribing process. During the interviews, sometimes the Rohingyas could not understand the meaning of the questions so that I had to adapt a simple way of speaking to avoid the misunderstanding. Conversely, I was also confused from time to time by their answers. The Rohingyas who have been living in Thailand less than ten years usually have limited knowledge of word choice. I was not sure whether they chose the right word to express their opinions; however, I tried my best to keep the conversation as simple as possible. Furthermore, during the transcribing process, I found out that most of the Rohingyas repeated what they have said. It took some time to understand what they wanted to communicate. Nevertheless, I was grateful to their ability of speaking Thai. Otherwise, the data collection in Thailand would not be this worthwhile.

Interviewing the Thai authorities and activists, on the contrary, required the different level of speaking. Definitely, Thai language is *our* mother tongue. I had to concern more of formality and seniority. Most of the participants work for the Thai government and they were all older than me. The seniority rule still matters in Thai society. Accordingly, it was challenging for me to make the conversations go smoothly and to make them willing to cooperate as much as I could. Fortunately, everything went well. They collaborated even though the topic regarding the Rohingya has become very sensitive in Thailand.

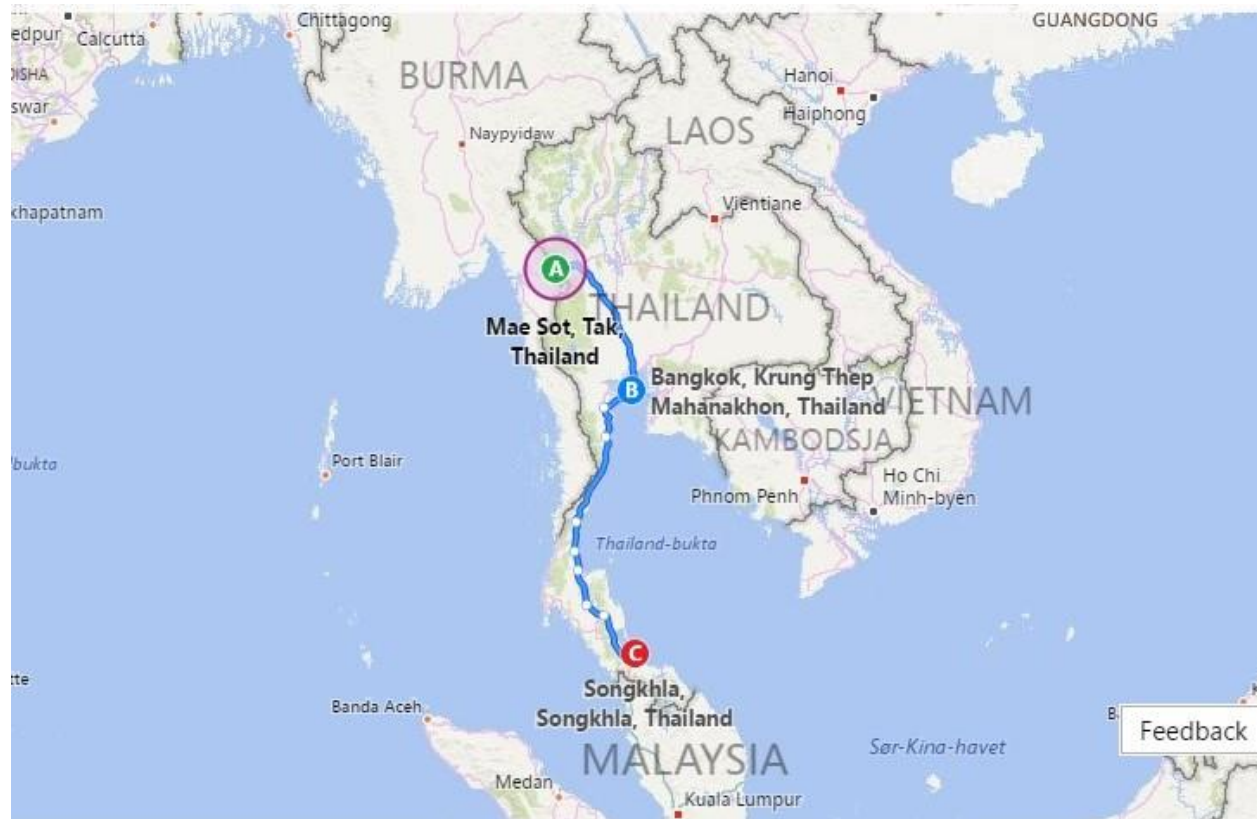
#### **4.4.2 The Interview Locations**

As the study focuses on the migration of the Rohingya to Thailand and I could not manage to visit Rakhine State in Myanmar, the locations where I could approach the snowball samples and purposive samples were all in Thailand. As you can see from the map that I have traveled from the deep south to the far north of the country. I first started my interview in Songkhla, the location C. There were four districts where I performed the interview, Mueang Songkhla district, Hat Yai district, Padang Besa district, and Sadao district. Mueang Songkhla was where I interviewed two

caretakers at Songkhla Children and Family Aid House and Songkhla Protection and Occupational Development Center for Men.

#### Map 4: Map showing the interview locations in Thailand

(Source: Bing Maps)



Hat Yai was my base when I was in the south. The township was where I could examine an activist who voluntary work with Council for Humanitarian Networking of Sheikhul Islam Office, an officer at the Immigration Division 6, and two Rohingyas. Padang Besa and Sadao are the bordering districts to Malaysia. I got an opportunity to interview three Rohingya, a soldier, and an authority at Immigration Detention Center. Bangkok, the location B is the capital of Thailand where I could interview two Rohingya, an activist who works as a coordinator at Migrant Working Group, and an authority at the Office of the National Security Council. Last but not least, Mae sot, the location A, was where I met an immigration police Officer and performed a group interview with at least 10 Rohingyas.

#### **4.5 The Documents as Sources of Data**

Using documents as sources of data is one of the nature of qualitative research (Bryman, 2012). The term 'documents' covers a very wide range of different kinds of source and the internet is one among this variety. We cannot deny how convenient to access the online resource is but we must consider the trustworthiness of the website. I used both printed documents and electronic documents in my study. The online papers were such as the reports provided by the UN and the international organizations, conventions, academic journals and articles, news, blogs, and webpage in which the writers were credited. The languages used in the documents as sources of data for my thesis are both English and Thai.

## **5. Findings**

This chapter is divided into two main sections in accordance with the roles of the interviewees; Rohingyas as direct victims, and Thai authorities and activists as active practitioners in Songkhla, Bangkok, and Mae Sot district. Not only will I perform a systematic presentation regarding the interview from the field work in Thailand, but I will also indicate commonalities and differences among the interviewees.

### **5.1 The Rohingyas as Victims**

There are approximately twenties Rohingyas who were interviewed in this study. Five of them live in Songkhla, a province in the south part of Thailand. Two of them live in Bangkok while the rest of them live in Mae Sot, a Thailand-Myanmar bordering district located in the west part of the country. The Rohingyas who participated in the group interview in Mae Sot were joining to-and-fro throughout the interview but I am confident there were at least ten participants. This is the reason why I cannot indicate the particular number of the Rohingyas and I will not digest the information into percentage because it is apparently not accurate.

However, among five Rohingya that I interviewed in Songkhla, there were two of them live in Padang Besa hospital. They were from a human trafficking camp. One of them was in a very bad condition that he cannot move his body and he is believed to have a mental deterioration. I was not allowed to perform the interview so their information was given by a Rohingya who from time to time serves the activists as a Thai-Rohingya interpreter. All of them were interviewed and asked by the same set of questions in appendix 1. The answers were also summarized in a table as a reference in the appendix.

#### **5.1.1 The Background Information**

All of the Rohingya respondents were born in Rakhine State; except the one who works as the interpreter, he was born in Rangoon. The range of their age varies from one another. The interviewees were born during 1957 to 1992. Most of the them who were born before 1980s claimed that they have held a Burmese nationality while two 24-year-old Rohingyas said that they were not granted any citizenship when they were born. Unfortunately, every Rohingyas failed to

present an official or valid Burmese identification documentation. Regarding their ancestors, every of them could recall that their families have been living in Rakhine State at least three generations. They insisted that their parents and grandparents were born and lived in Rakhine State without any citizenship dilemma. However, the family of the interpreter moved to Rangoon. He is the only one who holds a valid Burmese passport and has a work permit in Thailand. Even though he said that he is a Rohingya, he was registered at birth as a Kaman which is one of ethnic nationalities in Myanmar.

### **5.1.2 The Religion and the Language**

The Rohingyas are all Muslims. They normally have a big family because Islam prohibit them to perform the contraception. In Islam, it equals to killing their own children which is a deadly sin. They said that there are three languages used in Rakhine State – Rohingya, Arakanese, and Burmese. Rohingya is their first language as it is a script used in Al Quran. Some of them said that they are able to keep on a simple conversation in Arakanese or Burmese but they are not competent users. Interestingly, every interviewee insisted that Rohingya language and Bengali are not the same language. The Rohingyas from the group interview claimed that it is only one per cent similar. However, there were two Rohingyas who claimed that Rohingya language and Kaman language are the same. It is just that their ancestors lived in different districts so the language was named differently. An interviewee argued that this is not true. Even though Rohingya and Kaman's cultures are alike, Kaman speaks Burmese as they do not have their own language.

### **5.1.3 The Education and Work**

Only three out of twenty said that they had gone to school in Myanmar. The highest level of education that only one of them could achieve was 7<sup>th</sup> grade. The school above the 7<sup>th</sup> grade requires an identification documentation to guarantee your seat in the school or you pay. Some educated Rohingyas paid a lot of money to achieve their education but they would not get a job after they graduated anyway. This makes the younger generation demotivated. They do not see the value of education so they quit the school. Except studying, most of the respondents worked as farmers and general workers when they were in Myanmar.

#### **5.1.4 The Causes of the flee**

All of them agreed that they left Rakhine State and Rangoon because of the hardship in Myanmar. The one in Rangoon got paid only 2,000 Kyat (less than 2 USD according to the exchange rate in August 2016) a day so he wanted to seek for a better opportunity in Thailand. For those who lived in Rakhine State, their farm lands were grabbed by the government and they were forced to work day and night for the government without getting paid. They could not afford for their living so they crossed the Rubicon by leaving their homeland. One of them witnessed the soldiers' violence toward Rohingya and he tried to spread the news among villagers. The authorities wanted to arrest him and keep him quiet so he decided to leave Rakhine state for safety. However, those who were born in 1990s experienced different hardships. The hardships of the young Rohingya were regarding the conflict between Buddhists and Muslims, the limitation of their travel, and the threat to pay for the freedom of life in return. Therefore, there were three parties who pressured Rohingyas to flee from Rakhine State, the military, the local government in Rakhine State, and the Buddhist Arakanese.

#### **5.1.5 The arrival in Thailand and the Aftermath**

The arrival periods of the Rohingyas in Thailand from this interview can be roughly estimated into two eras. The first group arrived in 1980s while the second group arrived about twenty years later. Most of them traveled alone without family members. I was surprised that none of them intended to come to Thailand except the one from Rangoon. This guy knew Thailand. He traveled to Thailand by plane and he arrived at Suvarnabhumi international airport since he has the passport to verify himself. However, for those who arrived in 1980s, they all said that they would not mind where they were going to as long as they could settle and live peacefully. This group of Rohingyas usually traveled by walk. Some of them did not even know Thailand when they traveled but they kept walking until they were told that they have arrived in Mae Sot. The young Rohingyas, on the other hand, shared different ways of travel in 2000s. They paid to traveled by boat and arrived in Thailand at the coast of Ranong province.

Very few of them had lived in a detention center or the UNHCR refugee camps at Umpiem district. One of them claimed that there were not such centers in Thailand during 1980s. Nevertheless, the young Rohingyas who traveled by boat all have the experience of being captured. Since they were

travelling by boat, one of them was arrested by Thai authorities and was brought to Immigration Division while the other two at the hospital were captured and brought to the human trafficking camp in the forest. However, the one at the Immigration Division was later brought into the cycle of human trafficking so he had to work as a worker on a Thai fishing boat for two months before he could set himself free. Conversely, the two in the forest did not have to work but they were abused for ransom instead. Eventually, they were rescued by the Thai authorities after the camps had been suppressed.

### **5.1.6 The Status of the Rohingya and the Life in Thailand**

Regarding their status in Thailand, except the one who has the Burmese passport, most of them hold a pink or white identification card as described its qualifications in the chapter 2. Some of them have given a further information of how they got the card. One of the Rohingya in Bangkok said that about 35 years ago the Thai government allowed illegal aliens to register their status if they have documents that could certify their stay in Thailand. The one in Songkhla also gave the corresponding answer but his registration was operated in 2009. Interestingly, the Rohingyas from the group interview in Mae Sot mentioned that they were helped by the King of Thailand. They feel very grateful to the King for his kindness and mercy. They could get pink cards and peacefully live in Thailand because the King himself does not discriminate against people. Everyone is equal, no matter who they are or what religion they have. The King is like a father. If father is good, children or people will be as good as the role model.

As a Thai person, I was glad to hear that they were all happy living in Thailand. They said it is way better than the life in Myanmar. Thai people are kind and generous to them. Everyone in Thailand can become friends regardless of any form of discrimination such as race, religion, and financial status. Nevertheless, I want to point out a remarkable relationship between one Rohingya in Bangkok and the Thai authority. This Rohingya does not have any Thai identification documentation to stay in Thailand but he claimed that he could survive the Thai authorities because he is an informed source for Department of Special Investigation (DSI) in Thailand. The occupations of the Rohingyas in Thailand are very various. They earn their living from being roti seller, rubber plantation worker, jeweler, crepe seller, general worker, or even business owner.



### **5.1.7 Their Hope, Their Will, and Their Thought toward the 2015 Election in Myanmar**

There is a Rohingya who wants to go to the third country. He said that Thailand is not safe for him anymore as he voluntarily works as a spy to find human trafficking camps. It was a conflict of interest. Those who are involved want to get rid of him. However, the rest of the Rohingyas said that they never want to go to the third country like America, Canada, or England. They only hope for the day when the Rohingya is granted a citizenship in Myanmar. Some of them want to go home while some of them want to stay in Thailand for the rest of their life in Thailand even if they are granted the citizenship. The respondents said that the Rohingya never want to divide the country. They just want to have the same rights as Burmese citizens.

Regarding the latest election in Myanmar, most of the interviewees said that the situation of Rohingya in Myanmar will not be better even if the National League for Democracy won the election. It is true that Aung San Suu Kyi is a hope for the Rohingya but she never promises anything regarding the solution for the existence of the Rohingya in Myanmar, especially in Rakhine State where the local government does not support her. They all said we never know what is on her mind. Even if she supports the Rohingya, there must be people who oppose. It has been almost two decades of the petition for the Rohingya's identity in Myanmar. The world knows they exist but no one really helps them. Furthermore, the Constitution of Myanmar states that at least 25% of the seats in the parliament will be reserved for the military representatives. Accordingly, they believe that the military will not really let go of their power.

### **5.2 The Thai Authorities and Activists**

There are nine interviewees in this section. Seven of them are Thai authorities, the regulators, who work as; a caretaker at Songkhla Children and Family Aid House, a caretaker at Songkhla Protection and Occupational Development Center for Men, a police official at the Immigration Division 6 at Hat Yai in Songkhla, a soldier at Padang Besa, an authority at Immigration Detention Center at Sadao, an authority at the Office of the National Security Council (NSC) in Bangkok and, a police official at Immigration Division at Mae Sot district. Two of them are activists or humanitarian coordinators who work for; the Council for Humanitarian Networking of Sheikhul Islam Office, and the migrant working group. All of them were asked by the same conceptual questions aiming to discover the two objectives which are the origin of the Rohingya, and the

policy or framework to deal with the problems resulting from their migration from their point of view.

### **5.2.1 The Origin of the Rohingya and Their Characteristics**

Regarding the origin country of the Rohingya, all the interviewees agreed that the Rohingyas were from Myanmar; however, the activist from the Migrant Working Group and the authority at the NSC argued that they were also from Bangladesh. The authority commented that:

“When you talk about “the Rohingya”, it also includes those who live in Bangladesh. Rohingya is a race, not a nationality. They can call themselves Rohingya with other nationalities.”

An authority at the Office of the National Security Council

Interestingly, no one disagrees with the term “Rohingya” except the police official at Immigration Division at Mae Sot district. He said that Rohingya is the new word. “In Myanmar, they are called Bengali who have been living in Akyab in Bangladesh, located close to Rakhine State. Bengali is Bangladeshi.” I would like to argue that this statement is not true. Akyab is now Sittwe, the capital of Rakhine State. I have to mention it here because I want to point out the example of misleading information and will discuss further about the trustworthiness of the knowledge from the Thai authorities themselves.

Every respondent except the authority in Bangkok has experienced working directly with the Rohingya. Most of them said that the weak points of the Rohingya are;

- They are not united. According to the authorities and activists’ experience, some Rohingyas are the victims of human trafficking while some of them are conversely involved in the crime. The authorities also received the reports saying that they fought one another to seize the food in the detention center.
- They are a backward group of people. They are uneducated to they cannot see the world from various dimensions. They do not understand the modern due process. They have their own standard of surviving. They only think of how they can survive without concerning if it is illegal or not. They cannot adapt themselves to the modern society.

- They are lazy. Those who stay at the center or the house are blamed to not cooperate on the activities provided by staffs. They will not help with small chores unless they get something in return. Moreover, the police officer at Mae Sot claimed that the Rohingyas are normally unemployed. They are not hard-working persons.
- They are not sincere. Some authorities said that they cannot trust the Rohingya. They claimed that even though the living condition at the house, the center, or the camp is decent, the Rohingyas would harm the caretakers and escape if they see the opportunity to do so.

In Thailand, we normally divide Rohingyas into two groups, men and women with children. The above characteristics are the reflections from the authorities who have only dealt with the male Rohingyas. Unlike men, female Rohingyas who stayed at Songkhla Children and Family Aid House approximately two years ago were nice. A caretaker states that they obeyed the house regulations and listened to the staffs.

### **5.2.2 The Policy or Framework to Deal with the Problems resulting from Their Migration**

Nowadays, the Rohingyas are still considered as illegal migrant workers as Thailand does not sign the Refugee Convention 1951. We do not have responsive law to support the refugee problems. The authorities and the activists agreed that the solution to deal with Rohingya's problems is still unclear. Normally, when the Thai authorities catch illegal laborers, they will process to prove their nationality and send them back to their origin country as soon as possible. The Rohingyas are treated the same way but the problem is that Myanmar does not verify their citizenship status.

“Every country has their own policy to deal with the problems. Thailand is one of the active countries in ASEAN regarding human rights. UNHCR even established the regional headquarter in Bangkok. We cannot refuse to not help those people.”

An authority at the Office of the National Security Council

Normally, the Thai authorities use natural borders to push away aliens because there are roughly 4 million illegal migrants in Thailand. We cannot afford to bring everyone to the judicial administration and wait for the authorities from their origin countries to bring them back. Once the

authorities at the Immigration Division 6 tried to push away some Rohingya by using natural border. They provided the Rohingya a boat and delivered them to Myanmar border in the morning but the boat returned to Thailand in the evening. Then they captured and tried to beat off again. The boat came back to the Thai coast like a loop that wastes the budget. Accordingly, the Government of Thailand decided to keep them at immigration detention centers instead. However, this decision leads to another trouble. The detention centers are designed only for a temporary stay. They do not have enough facilities and money to take care the immigrants in a long term.

Nevertheless, the authorities and the activists all insists that the Government of Thailand works and takes care of the Rohingya in accordance with the UN's conventions. The authorities never abuse them. The violence in the news was from the human trafficking. They all agreed that the Rohingya's problems are not a country's responsibility but it is the dilemma that ASEAN and Bangladesh have to take part in. Thailand is only a trance or a destination. The countries in the region have to work together to create a sustainable solution.

## **6. Discussion**

The chapter is divided into five sections responsively to the five objectives in the first chapter. The discussion is based on the contextual background in chapter 2, the theoretical framework in the chapter 3, and the findings in the chapter 5. The results could be both conformable and arguable. I also use my personal knowledge to make the argumentation but I am trying not to make my opinion sway to none of the parties.

### **6.1 Who are the Rohingya?**

When talking about ‘who are the Rohingya?’, the answers from findings vary from the role of the respondents. I shall start with an undeniable fact from the Rohingyas themselves that they are Muslims in Myanmar who have been living in Rakhine State or Arakan, especially the MFA area, for at least three generations as far as they could remember. Two Rohingyas from the interview said that:

“My grandparents had been living in Myanmar since British and Japanese rules.”

A 52-year-old Rohingya who lives in Bangkok

“My father even worked like a sheriff when I was young. There were Rohingyas working as soldiers and policemen but after U Nu was overthrown, the Rohingyas were limited not to work for any government sections.”

A 59-year-old Rohingya who lives in Songkhla

The British and Japanese rules were during 1942 to 1948 while U Nu, the first Prime Minister of Burma, was taken the power by General Ne Win in 1962. Accordingly, we can assume from these statements that; 1) before 1960s, the central government of Burma did not take part in the local politics in Rakhine State and 2) the social context before the military regime in Myanmar, especially in Rakhine State, was more compromising to the existence and the status of the Rohingya.

The presence of Muslims communities, on the contrary, could date back from the 15<sup>th</sup> century. There was no such word 'Rohingya' to define the Muslims during that time. The Muslims were called Chittagonian (presently known as Cox's Bazar in Bangladesh) or Bengali according to their origin areas. The north western part of Rakhine State including Buthidaung, Maungdaw, Rathedaung, Mrauk U and Sittwe has been a buffer state between the kingdoms in the east Bengal and the kingdoms in the central Burma. The Muslims has been traveled out and in to the county from time to time depending on the political situation in each era. The last wave would be noticed during the World War II as Muslims served the British as the Volunteer force against the Japanese. These incidents all happened before the word "Rohingya" came into use in 1950s. Leider declared that from a linguistic point of view, the word "is derived from the Indianized form of Rakhine." It does not refer to, or mean anything else, but "Rakhine" in the local Muslim language" (Leider, 2014). If the present Rohingyas accept that they are the descendants of these Muslims in Rakhine State, I therefore agree with the Government of Myanmar that the term 'Bengali' could be used to identify the Muslim identity in Rakhine State.

However, this is because I support an opinion from an authority at the NSC that "Rohingya is a race, not nationality" as well as Bengali. The race normally means a group of people sharing the same culture, history, and language but it is not relevant to one's citizenship. It is true that 'Bengali' might be perceived as the outsider in Myanmar since Bengal area nowadays only covers India and Bangladesh but it does not mean that the present Rohingyas can deny themselves as Bengalis.

From my point of view, the causes of today's conflicts between Muslims and Buddhists, particularly in Rakhine State, originated from the disagreement in the past and the extreme Buddhist Nationalism concept. A lady who survived from the nuclear bomb in Hiroshima said that she does not hate the Americans because "during the war, humans are not humans." The most important thing in my opinion is that people have to keep in mind that past is past. We cannot change the past but we could learn from it. It is better to move on than discriminate anyone just because their ancestors were blamed as invaders.

I am a Chinese descendant born and grew up in Thailand, and hold the rightful citizenship of Thailand. I never deny the origin of my ancestors. I think it is about the personal attitude and how the government harmonizes the citizens in their country.

## **6.2 The current status of the Rohingya in Myanmar and in Thailand**

In Myanmar, the future of the Rohingya is still hopeless as their status remains unclear. A Thai activist who work for the Migrant Working group has been to Sittwe in November 2015 and found that:

“The Rohingya and Buddhist Arakanese live separately in Rakhine State. The state is so remote that I do not think the police could guarantee the security... I think the local government in Rakhine State, for sure, does not welcome Rohingya and I have seen Buddhist Arakanese already took over houses and lands that used to belong to Rohingyas. Nevertheless, Rohingyas might still be able to hope for the support from the central government.”

An activist who work for the Migrant Working Group

According to the Radio Free Asia (RFA), it seems like the Rohingyas in the camps in Rakhine State held the ‘white card’ as the reference for their identity. However, after the President Thein Sein declared in February 2015 that the card would expire by the end of March, green cards were instead issued. A local immigration official stated that the green cards could bring the Rohingya one step closer to applying for citizenship (Aung & Mar, 2015). However, the central government still has the rightful power to grant or to revoke the citizenship of the Rohingya depending on their consideration. Verbruggen reported in July 2016 that these various documents mean nothing since the paper were neglected by the current government (Verbruggen, 2016).

In Thailand, the status that the Rohingyas have for sure is the illegal immigrants without visa and passport. According to the definition given by the UN, the refugees means those who flee from the war or execution in their country. Even though the international organizations claim the Rohingyas as refugees, most of the Rohingyas in Thailand ran away from their homeland because of the hardship and poverty. It is difficult for the Government of Thailand to differentiate who the real refugees are so we cannot treat all of these people on the ground of the refugee framework. Moreover, Thailand does not sign the Refugee Convention 1951. The Government of Thailand can only work in accordance with the humanitarian aid.

However, most of the Rohingyas from the interview hold pink or white Identification Card while only one of them who lives in Bangkok was not granted any kind of the card because he registered

himself as Rohingya. Instead of holding legitimate card, he has ordered a fake visa and passport indicating that he is from Bangladesh from the local criminal. All of these incidents except those who told the white ID card make me doubtful about the Thai government's regulation and practice. First of all, how could the Rohingya get the pink Identification Card? The pink card is for those who have a permanent residence in Thailand and those who hold Burmese, Lao, or Cambodian *nationality*. The Rohingyas are none of these categories but still they got the card. Secondly, the one who holds the fake visa and passport has been living in Thailand since late 1980s. He even stated that he has applied for the pink card so it means that the authority acknowledges his existence but he is left untouched because he claimed that he served the Department of Special Investigation (DSI) as the source of information. It is a win-win relation which I believe he is not the first and the last Rohingya who survive by this kind of connection. In one way, it is beneficial to the Rohingya as the Thai government is compromisingly adjustable but it is an unfair selection and it is not a sustainable way of solving the problems.

### **6.3 Human trafficking as the consequence of the migration**

Human trafficking is a crime that has been existing in the world since the ancient time. It is the transnational crime that both the country of origin and destination have to cooperate to solve the problems. I agree with the police official at the Immigration Division 6 in Songkhla that the Rohingyas were all 'willing' to leave Rakhine State. He said that no one can force anyone to do anything if he/she does not want to. However, one of the weak points of the Rohingya that I mentioned in the chapter 5 is that they are uneducated. The Rohingya wanted to escaped the hardship in Rakhine State so they paid to get into the boat but I believe none of them expected that the boat would lead them to the even worst life at human trafficking camps. Unfortunately, where there is a demand, there is a supply. Contraband has been a common practice along the borders since the former time. Human traffickers just see Rohingya as their new product that they could make the benefit from.



### **6.3.1 The case of a Rohingya in Hat Yai, Songkhla**

A Rohingya in Hat Yai came to Thailand by boat in 2005. He knew neither Thailand nor Malaysia when he left home. The boat sailed more than a month before reaching the Thai border which caused people on the boat to starve. As soon as the boat arrived at Ranong's shore, they were captured by Thai authorities. After that they were given food and water, and asked for personal information. When the authorities finished the process of registration, they were brought back by a boat to Myanmar territorial waters. However, the boat was finally back to Thailand. After he arrived the shore for the second time, he lived with a Thai family for 4-5 days before he was sold as a laborer to a Thai fishing boat because he did not have anyone who could pay for his ransom. He worked with the boat for 2 months before the boat arrived Songkhla. He was allowed to go wherever he wanted. After that he worked in several farms until he got identification card in 2009. He said that the ransom in 2005 was about 4000-5000 baht but it has been increasing ten times in 2005.

### **6.3.2 The case of the two Rohingyas at Padang Besa hospital in Songkhla**

There were two human trafficking survivors at Padang Besa hospital. They will be called as the survival A and B.

#### **6.3.2.1 The survivor A**

When he was on the boat, every day he was given rice as much as a fist with a piece of long pepper. After arriving in Thailand, he was moved into a palm forest. It is located at Khao Keaw area in Padang Besar district (a border town to Malaysia). Some Rohingyas were willing and they paid to come but some were forced. Everybody had a kind of wristband in two different colors, yellow and black. This was to differentiate the ones who paid and the ones who did not. The ones who paid could leave the camp; however, for the rest, the middlemen would call their parents and threaten them to send some money or their children die. Some Rohingyas who did not have money to pay would get beaten. He was stuck in the forest more than a month. Later, the human traffickers left the camp because they heard that the policemen were coming for them. He stayed there for

approximately one more week and finally decided to find the way out of the forest. Then, he met a group of mountain climbers (probably patrol police) and he was rescued.

### **6.3.2.2 The survivor B**

He has been in the hospital for some time. His condition was quite critical when he arrived. He could not speak and move his body and he is believed to have dementia. However, he can now talk but we cannot trust what he said because he cannot even remember if he has eaten even though he just ate.

Interestingly, one of the activists said that the migrant boats of Rohingya could directly sail to Malaysia without stopping in Thailand before 2013. However, nowadays they dropped by because of human trafficking. He claimed that everybody including authorities knew what happened. He believes that Thai authorities have conspired for the sake of hidden benefits.

“If they did not know, how could Thai navy allow them to reach the shore?”

An activist at Council for Humanitarian Networking of Sheikhul Islam Office

According to the authority at the NSC, the news regarding human trafficking of the Rohingya in Thailand have been highlighted since 2010 but nothing was done until the country was taken over by the National Council for Peace and Order (NCPO) in 2014. Even though some do not like the military, we have to admit that this system decisively punished those authorities who were powerful wirepullers.

## **6.4 What can be done in the future from the Burmese and Thai governments and the Rohingya themselves?**

First of all, I think the Government of Thailand, the authorities, and the activists have to understand that the Rohingya did not want to go to either Thailand or Malaysia. All Rohingyas that I have interviewed argued that they did not even know these countries when they left home. They only wanted to find a better place to live. Moreover, when I asked them what the Rohingyas are hoping

for, even though some of them do want to stay in Thailand for the rest of their life because they have nothing left at Rakhine State, all of them want to see their people living as equal as citizens of Myanmar.

Even though the effectively solution cannot be done without multilateral cooperation, the ASEAN has to pressure the Government of Myanmar to initiate the practical and sustainable solution as the practice in Myanmar was the root of the problem. The Citizenship Act 1982 should be positively amended and used as a human rights based approach to generalize the equality. Buddhist Nationalism concept should also be broken down or at least marginalize the importance of its roles. As Myanmar is one of the world's most diverse country, the Burmese government should consider an anti-discrimination approach to create peace in the country.

In addition, the Burmese government should use the bottom-up approach to encourage the integration from the Rohingya. The government should allow the Rohingya to have their own representative in political arena. However, it is understandable that Myanmar has just opened the country to the world in 2013. We cannot expect everything to go fast. As soon as the new governor is in place, I believe the problems will be one by one solved. As soon as Myanmar is strong and stable, Thailand and the region will also be strong and stable accordingly. The activist from the Migrant Working Group claimed that most of human trafficking boat belong to Thai people. Accordingly, what can be done by the Government of Thailand is to make sure that Thai people and Thai authorities will never again get involved in the human trafficking. Some international organizations may think that Thailand should improve the condition at Immigration Detention Centers and expand its capacity to support a long stay of the Rohingya; however, I agree with the authority at the NSC that Thailand, on the contrary, should not do that. We still have the internal problem regarding politics, stability, and security. If we built the permanent shelters, it would be a pull factor which attracts more immigrants to non-stop coming to Thailand.

Regarding Rohingyas themselves, as I mentioned in the chapter 5 that they have several weaknesses, I think the education is the most important instrument that they should focus on. I am sure that there are some Rohingya scholars, both inside and outside Myanmar. Beside calling for the Rohingya's rights and identity, they should also encourage their people especially the young generation to learn more about the modern world and how they could integrate into the society.

## **7. Conclusion**

The hypotheses of this study as mentioned in the chapter 1 was that “the human rights of the Rohingya in Rakhine State are being violated by the Government of Myanmar and this is the main reason that makes them flee to Thailand while the human trafficking is a consequence of this event.” I hereby confirm that it is almost completely true.

The human rights of the Rohingya in Rakhine State are being violated by the Government of Myanmar from the policy level. The Rohingya is not one of ethnic nationalities regarding the Citizenship Law 1982 and they are not qualified to apply any kind of nationalities. Accordingly, the Rohingyas are almost invisible in the country. Without citizenship, they cannot go to school. They cannot access public service and health care. They are restricted the travel. They have to ask for the permission to get married. They are allowed to have only two children. They are forbidden to participate in political activity. However, the force from the government was not only main reason to make them flee from their homeland, the tension between Muslim and Buddhist Arakanese also contributed the migration.

We normally perceive and understand from the media that the Rohingya wanted to go to Malaysia through Thailand but it turns out that they did not even know Thailand and Malaysia. The majority of the Rohingya left Rakhine State only to seek a place where they could live peacefully. They paid to get on the boat at the beginning but they usually ended up at human trafficking camps both in Thailand and Malaysia. Nevertheless, it is true that human trafficking is a consequence of the migration. Human traffickers saw the Rohingya’s demand of travel as an opportunity to take advantages from them.

Many media state that the Rohingya is one of the world's most persecuted minority groups. The scope of the problem is too big for a country to take the whole responsibility. As long as the countries in the SEA and Bangladesh could not create a multilateral cooperation, the destination of the Rohingya is even darker than the light at the end of the tunnel.

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## **Appendixes**

### **Appendix 1**

#### **Questions**

1. Where and when were you born? Do you have citizenship in a Nation? Which one?
2. What is your first language or your language at home?
3. What is your religion?
4. Did you have a job in Myanmar? What kind of jobs have you held?
5. Were your parents born in Myanmar? (If not, where?) What about your grandparents? If not, where did they come from?
6. Why did you leave Myanmar? What are the reasons that made you left? Did you feel the pressure from the government? From Buddhist?
7. Did you travel by yourself or with your family?
8. Why Thailand? What made you think Thailand would be your destination?
9. How did you travel from Myanmar to Thailand? Where in Thailand did you arrive?
10. Were you in the detention camp before? If yes, how have you been captured? How was the life in the camp?
11. How can you live outside the camp? Do you have identity by now? If yes, how did you get it?
12. What do you do for living in Thailand?
13. Do you have any problems living in Thailand? How do you think Thai people perceive toward yourself?
14. What is your plan for the future? Do you want to continue staying in Thailand or you plan to go to the third country?
15. Do Rohingyas accept contraceptation?
16. Do you think the NLD's success from the latest election in Myanmar would make Rohingya's status better or recognized?
17. What do Rohingyas actually want from the society?

Name Questions			Rohingya 1	Rohingya 2	Rohingya 3		Rohingya 4	Rohingya 5	Group Interview	
					From Human Trafficking Camp					
					A	B				
1	Born	Where	Rakhine State	Rakhine State	Rangoon	Rakhine	Rakhine	Rakhine (Buthidaung district)	Rakhine	Rakhine
		When	1957	1992	1991	1992	1987	1967	1964	Ca. 1965-1975
	Citizenship		Yes	No	Yes	No	Unsure	Yes	Yes (birth certificate)	Yes, green card
	Which one?		Burmese (without documentation)	-	Burmese, Kaman (with passport)	-	-	Burmese	Burmese (with documentation but does not mention anything about race)	Unclear, the green cards were given by the government but not sure if it shows Burmese nationality.
2	1 <sup>st</sup> Language		Rohingya	Rohingya	Rohingya	Rohingya	Rohingya	Rohingya	Rohingya	Rohingya
	2 <sup>nd</sup> Lang.		Arakanese	Arakanese	-	-	-	-	Arakanese	Arakanese
	3 <sup>rd</sup> Lang.		Burmese	-	Burmese	-	-	Burmese	Burmese	Burmese

Name Questions		Rohingya 1	Rohingya 2	Rohingya 3			Rohingya 4	Rohingya 5	Group Interview
					From Human Trafficking Camp				
					A	B			
	4 <sup>th</sup> Lang.	Thai	Thai	Thai (competent)	-	-	Thai	Thai	Thai
3	Religion	Islam	Islam	Islam	Islam	Islam	Islam	Islam	Islam
4	Job	Farmer	Student. He studied until 4 <sup>th</sup> grade.	Student (until 4 <sup>th</sup> grade), construction worker, welder	Farm watcher	-	Student (until 7 <sup>th</sup> grade)	Farmer, worker	Farmer
5	Parents	Burmese, born and lived in Rakhine	Burmese, born and lived in Rakhine	Born in Rakhine but moved to Rangoon	Burmese, born and lived in Rakhine	-	Burmese, born and lived in Buthidaung	Burmese, born and lived in Rakhine	Burmese, born and lived in Rakhine
	Grandparents	Burmese, born and lived in Rakhine	Burmese, born and lived in Rakhine	Burmese, born and lived in Rakhine	-	-	Burmese, born and lived in Buthidaung	Burmese, born and lived in Rakhine	Burmese, born and lived in Rakhine
6	Why left?	When he was about 20, he, together with young men in the village,	No job and conflict between Rakhine people	Want to find a better job with better income in Thailand. He got paid	His house was burnt so he moved to UNHCR	-	No job. No access to education and health care.	The government grabbed his land and forcefully	Life was harsh. Men, aged 18 and above, were forced to

Name Questions	Rohingya 1	Rohingya 2	Rohingya 3		Rohingya 4	Rohingya 5	Group Interview
			From Human Trafficking Camp				
			A	B			
	were forced to guard the borders (India.	(Buddhist). Local government	only 2000 kyat in Myanmar	camp in Rakhine. He had		moved him to somewhere else. He had	work day and night without getting paid.
	and China) without training. Some were tortured. He witnessed the violence and told the villagers what happened when he came back. So, the soldiers were angry and wanted to capture him	takes side to Buddhist. Can't travel freely. Was threaten to pay.	which is not enough for living.	nothing to do and was persuaded to become a farm watcher. After that he was forcefully moved into a boat and the boat sailed to Thailand.		nothing left so he decided to leave.	Accordingly, they could not afford the living.

Name Questions	Rohingya 1	Rohingya 2	Rohingya 3		Rohingya 4	Rohingya 5	Group Interview	
			From Human Trafficking Camp					
			A	B				
When?	Came to Thailand in 1982	Come to Thailand in 2005	Come to Thailand in 2009	-	-	He left home approximately in 1981- 1982	He left home in 1987	Approximately during 1955-1985
Gov. force?	Yes, military	Yes, local government.	Yes, Muslims are not allowed to work as doctor, policeman, soldier, or any jobs related to the government.	Unsure	-	Yes, the government grab their lands and limit their work	Yes, government's abuse	Yes
Buddhist?	No	Yes, bully	No	Unsure	-	Yes, but because of the government	Yes, start from small fights, then developed to violence	They were friends but not anymore because they now live

Name Questions	Rohingya 1	Rohingya 2	Rohingya 3			Rohingya 4	Rohingya 5	Group Interview	
			From Human Trafficking Camp						
			A	B					
								separately in different areas	
7	Traveled alone or with family?	Traveled with 4 friends but not family members	Alone. Parents didn't have money to get out of the area.	Alone	With another Rohingyas but not family members	-	Alone	Alone	Some came alone. Some came with family.
8	Why Thailand?	Didn't mean to come to Thailand. He didn't even know Thailand.	Didn't know Thailand and Malaysia when he left home.	Better job opportunity, even better than Malaysia.	Actually he was told that the boat would sail to Malaysia	-	No specific reason, just come, it's like he wanted to see the world.	He didn't think of coming to Thailand, it just happened.	They didn't mean to come to Thailand. They were hoping for anywhere that they could live peacefully.
9	Traveled by?	He escaped into the mountain,	Traveled with 20-30 people by finish boat	Plane	Boat	-	He took a plane to Rangoon and	Boat from Rakhine to Rangoon, then	Some walked. Some traveled by boat.

Name Questions	Rohingya 1	Rohingya 2	Rohingya 3				Rohingya 4	Rohingya 5	Group Interview
			From Human Trafficking Camp						
			A	B					
	walked from west coast to the north. Kept walking until he was told this is already Thailand border.	until arriving at Ranong. They paid for food and fuel. He said he didn't know that the boat come to Thailand					walked (18 days) from Rangoon to Thailand	somehow to Mawlamyine, and lastly walked to Thailand	
Where did you arrive?	Mae Sot	Ranong's coast	Suvarnabhumi Airport. Then moved to Tung Lugn district in Songkhla because he has a cousin there.	Unsure but possibly at Ranong's shore	-	Mae Sot but now he has based in Bangkok for more than 10 years.	Mae Sot but moved to Bangkok after one year	Any possible borders but they settled down in Mae Sot	
10	Camp? (detention	No	Yes, detention center. He	No	Yes, human	Yes, human	No	No (he said there was not	One of them used to live in

Name Questions		Rohingya 1	Rohingya 2	Rohingya 3		Rohingya 4	Rohingya 5	Group Interview	
				From Human Trafficking Camp					
				A	B				
	center or human trafficking camp?)		was captured and sent to Immigration Division but living here was fine, just like home. He was provided food and water.		trafficking camp	trafficking camp		any kind of camp at that time)	UNHCR camp in Umpiem district but no one was in human trafficking camp before.
11	How you get out of the camp?	-	Immigration Division brought him and Rohingyas to Myanmar border by boat. They left them there and they were	-	The camp was left. He tried to get out of the forest. He was found and rescued by 3 mountain	-	-	-	-



Name Questions	Rohingya 1	Rohingya 2	Rohingya 3			Rohingya 4	Rohingya 5	Group Interview
			From Human Trafficking Camp					
			A	B				
		again brought back to Ranong's shore by Burmese and Thai middlemen.		climbers (not sure if they are patrols)				
Have ID now?	Yes, Thai pink card begin with number 0	Yes, Thai pink card begin with number 0	Yes, Burmese passport and Thai work permit	-	-	Yes, Thai white card begin with number 0	No, but he got a passport from Immigration Division of Myanmar	Yes, Thai pink card begin with number 0
How?	-	In 2009, the Thai government allowed aliens to register and get their identification	Apply for the work permit	-	-	Approximately 35 years ago, the Thai government allowed illegal aliens to register	He bribed Burmese authorities but the passport does not work anyway, especially	They only mentioned that they were helped by the King of Thailand

Questions	Name	Rohingya 1	Rohingya 2	Rohingya 3		Rohingya 4	Rohingya 5	Group Interview	
					From Human Trafficking Camp				
					A	B			
			card. The fee was approximately 3000 baht.				their status if they have documents that could certify their stay.	then Burmese authorities see the word “Arakan” in the passport.	
12	Work in Thailand	No, but he (sort of) volunteers to help Rohingya from human trafficking	Roti seller	Rubber plantation worker (he is also an interpreter from time to time)	-	-	Jeweler	Crape seller	There are almost 200 Rohingyas in the community. 90% are workers. 10% own businesses such as wood and minimart
13	Life in Thailand	Life in Thailand is different from	He does not have any problems	Way better than living in Myanmar	-	-	There is no problem living with	It’s all good. Everyone are friends. Even	Life in Thailand is very carefree.

Name Questions	Rohingya 1	Rohingya 2	Rohingya 3			Rohingya 4	Rohingya 5	Group Interview	
			From Human Trafficking Camp						
			A	B					
	life in Burma but Thai people treat him well. Thai people are kind and generous.	living in Thailand. It's just that he wants to travel but he can't because his identity in Myanmar is still unclear.				Thais. He admires that Thai people do not discriminate against people based on nationality, religion, and	though he does not have any personal documentation, he survives Thai authorities because he cooperates	Thai people are kind and even take a good care of them.	
		Thai people also treat him well, like friends, like family. No racism problems.				financial status. Everyone can be friends.	with the DSI (Department of Special Investigation)		
14	Future plan	He does not want to stay in Thailand because he has	He wants to go home if home provide him	He wants to stay in Thailand forever. Even	-	-	He wants to go back to his homeland. He never wants to	He wants to live in Thailand for the rest of his	They want to stay in Thailand. They feel

Name Questions	Rohingya 1	Rohingya 2	Rohingya 3		Rohingya 4	Rohingya 5	Group Interview		
			From Human Trafficking Camp						
			A	B					
	a conflict of interest regarding human trafficking. He is threatened to be killed.	citizenship. Otherwise, he prefers to continue staying in Thailand. He also does not want to go to Malaysia.	if one day, political situation in Myanmar is better, he insists to stay in Thailand.			go to the third country like America, Canada, or England.	life. He does not want to move to anywhere or even back to Rakhine State although he is granted the citizenship because there is nothing left there.	very grateful for living here. They do not want to move to the third country. Only one thing they feel sorry for is that they can't meet their families who live in Rakhine State	
15	Contraception	-	No, Islam can't do the contraception.	Yes	-	-	According to Islam, they can't do contraception because it's equal to	According to Islam, they can't do contraception because it's equal to	According to Islam, they can't do contraception because it's equal to

Name Questions	Rohingya 1	Rohingya 2	Rohingya 3		Rohingya 4	Rohingya 5	Group Interview		
			From Human Trafficking Camp						
			A	B					
						<p>killing their own children. It's a sin.</p>	<p>killing their own children. It's a sin.</p>	<p>killing their own children. It's a sin.</p>	
16	Election	<p>Nothing changes. Military will not really let go of power. Esp. Rakhine does not support Aung San Suu Kyi.</p>	<p>Might be better if Aung San Suu Kyi wins the election but he does not think the military will let this happen.</p>	<p>There were not discrimination problems during the time Major General Aung San was in charge of the country. So, yes, he thinks the situation</p>	-	-	<p>Nothing changes, or even worst. He thinks the politics in Myanmar is dirty. At least 25% of the chairs in parliament will come from the</p>	<p>Nothing changes. No one actually knows what's on Aung San Suu Kyi's mind. Even if she supports Rohingya, there must be people who oppose. It's</p>	<p>They hope that Aung San Suu Kyi could help them if she wins the election. However, on one knows what's actually on her mind.</p>
				<p>will be better if Aung San Suu Kyi wins the election.</p>			<p>military according to the constitution in 1982 anyway.</p>	<p>been 16 years of petition. The world knows they exist but no</p>	

Name Questions	Rohingya 1	Rohingya 2	Rohingya 3		Rohingya 4	Rohingya 5	Group Interview		
			From Human Trafficking Camp						
			A	B					
							one really helps them.		
17	Rohingya's will	Just want to be granted a citizenship in Myanmar.	Just want to have the right as same as a Burmese	Just want to have a normal and free life in Myanmar, a self-sufficient life	-	-	They want their homeland. They want to be accepted as one of ethnic nationalities of Myanmar. They never want to divide the country. They just want to have the same right	They just want to go home and are granted citizenship like another Burmese. They want Muslim in Myanmar to live as harmoniously as in Thailand.	They are hoping that one day they will be granted the citizenship in Myanmar even though it seems fond.
							as another Burmese.		

## **Appendix 2**

### **OCCUPATIONS AND PROFESSIONS PROHIBITED FOR FOREIGN WORKERS**

#### **THE LIST APPENDED TO THE ROYAL DECREE IN B.E.2522**

### **PRESCRIBING OCCUPATIONS AND PROFESSIONS PROHIBITED FOR FOREIGN WORKERS**

1. Labour work;
2. Agriculture, animal husbandry, forestry, or fishery, except work requiring expertise, specialized work, or farm supervision work;
3. Bricklaying, carpentry or other construction work;
4. Wood carving;
5. Driving motor vehicles, driving a non-mechanically propelled carrier or driving a mechanically propelled carrier, except for piloting international aircraft;
6. Shop/Outlet attendance;
7. Auction;
8. Supervising, auditing or providing services in accounting, except internal auditing on occasions;
9. Cutting or polishing diamond or precious stones;
10. Haircutting, hairdressing or beauty treatment;
11. Cloth weaving by hand;
12. Mat weaving or utensil making from reeds, rattan, hemp, straw or bamboo pellicle;
13. Mulberry paper making by hand;
14. Lacquerware making;
15. Making Thai musical instruments;

16. Nielloware making;
17. Gold ornaments, silverware or pink gold making;
18. Bronze ware making;
19. Thai doll making;
20. Mattress and quilt blanket making;
21. Alms bowl making;
22. Hand making of silk products;
23. Buddha image making;
24. Knife making;
25. Paper or cloth umbrella making;
26. Shoemaking;
27. Hat making;
28. Brokerage or agency work, except broker or agency work in international trade;
29. Civil engineering works concerning design and calculation, organization, research, project planning, testing, construction supervision or advising, excluding work requiring special expertise;
30. Architectural work concerning designing, drawing of plans, cost estimating, construction directing or advising;
31. Dressmaking;
32. Pottery or ceramic ware making;
33. Cigarette rolling by hand;
34. Tour guide or sightseeing tour operation;
35. Street vending;
36. Typesetting of Thai characters;



37. Silk reeling and twisting by hand;

38. Clerical and secretarial work;

39. Legal service or lawsuit work;

\*\*Note: As per the Cabinet's Resolutions, foreign workers from Myanmar, Laos and Cambodia have been given an indulgence to work in the Kingdom in 2 occupations, which are 1) Labor work and 2) Domestic work.