

Supply Chain and Human Trafficking of Rohingya Refugees in Malaysia

Aizat Khairi



Abstract: *This paper analyses the supply chain and human trafficking in Malaysia by focusing on the Rohingya refugees. In terms of research methodology, a qualitative approach has been chosen and about 20 respondents have been identified based on a purposive sampling technique. There are two types of respondents; they are Rohingya refugees who have been victimised by traffickers and the local enforcement personnel such as the immigration officers. All information from the respondents has been collected using focus group discussions and in-depth interviews. The locations for this study have been held in Kedah, Penang and Kuala Lumpur. Notably, there are two main factors where people become refugees, government persecution and ethnic discrimination. Furthermore, Dalal as human traffickers have taken this opportunity to do business by smuggling Rohingya refugees into Malaysia using an illegal route. The Dalals have also played a vital role in this supply chain of human trafficking and has exploited the Rohingya refugees for their own profit. Therefore, the Malaysian government need to put an effort to fight human trafficking activities in order to stop this crime and to preserve the sovereignty of the country.*

Keywords: *Rohingya Refugee; Supply Chain; Human Trafficking; Dalal; Malaysian Authority*

I. INTRODUCTION

Human trafficking is a growing human rights issue that is exacerbated by public and private supplies chain management as well as impact individuals at home and abroad. Basically, human trafficking is about the exploitation of human beings for economic purposes. The United Nations Human Rights (UNHR) provides the international definition of human trafficking as “Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices like slavery, servitude or the removal of organs.” (UNHR, 2014).

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* Correspondence Author

Aizat Khairi*, Senior Lecturer and Head of Section, Student Development Section, Universiti Kuala Lumpur, Malaysian Institute of Marine Engineering Technology (UniKL MIMET), Jalan Pantai Remis, 32200 Lumut, Perak. aizat@unikl.edu.my.

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In the context of Malaysian law, the government establishes the Anti Trafficking in Person and Anti-Smuggling of Migrants Act 2007 (ATIPSOM) to define human trafficking as “All actions involved in acquiring or maintaining the labour or services of a person through coercion, and includes the act of recruiting, conveying, transferring, harbouring, providing or receiving a person for the purpose of this Act” (Legal Research Board, 2012). Based on those definitions, human trafficking activity is a serious matter that can harm the people’s life, hence, the reason why the international organisation as well as the state government impose heavy punishments for those who are involved in this trans-national crime. Human trafficking is always associate with the issue of human rights violation. However, human trafficking is also related to a supply chain issue due to the demand and supply activity. The traffickers can exploit the potential vulnerable persons from anywhere to gain profit from this kind of business. In the context of trafficking, the refugee is one of the target groups together with other relevant groups such as migrants, internally displaced persons and persons with disabilities. Thus, this study focuses on the supply chain management and the human trafficking activity of the Rohingya refugees in Malaysia.

II. METHODOLOGY

This study is conducted using a qualitative approach. About 30 respondents have been chosen through the purposive sampling technique. There are two type of respondents, they are the Rohingya refugees who have been victimized by traffickers and local enforcement personnel such as immigration officers as well as the maritime enforcement agency. All information from the respondents have been collected through focus group discussions and in-depth interviews. The locations for this study have been held in Kedah, Penang and Kuala Lumpur.

III. RESULT AND DISCUSSION

Why Rohingyas Become Refugees?

The main reason Rohingyas become refugees is because of the junta (military government) policy that do not recognize the status of the Rohingyas. The denial of the Rohingya identity in Myanmar officially began when the military junta under the Revolutionary Council drafted a new constitution to transfer military-based governmental powers to a people-based system of government.



Ironically, even though the government of Myanmar was changed to the Burmese Socialist Republic system in 1974, its President was still held by General Ne Win who was a military backbone and allowed only one legislative body and one political party, Burma. The Socialist Party Program was created in Myanmar. Ibrahim (2016) explained that in 1974 the government of the Socialist Republic of Burma had introduced the Emergency Immigration Act to issue ethnic identity-based identity cards in Myanmar called National Registration Certificates (NRC). However, Rohingyas are not eligible for NRC because they are considered as foreigners and are only entitled to a Foreign Registration Card (FRC). This is because Article 145 of the Constitution of the Socialist Republic of Burma 1974 has defined citizenship as "All persons born of parents both of whom are nationals of the Socialist Republic of the Union of Burma are citizens of the Union".

The rights of the Rohingya people have been disputed because previous laws such as the Foreigners Act 1864 and the Myanmar Citizenship Act 1948 do not have a clear provision to declare that the Rohingyas are part of Myanmar citizens. Therefore, the continuation of the citizenship status issue of the Rohingyas under the Burmese Union of Socialist Republic of 1974 was also denied by the Myanmar government.

Government Persecution and Ethnic Conflict

The military rule keeps denying the rights of the Rohingya people in Myanmar because the ruler has persecuted them due to their heritage, stating that the Rohingyas are a Muslim community of South Asian descent, closely related to the Chittagonian Bengali of neighbouring Bangladesh (International Crisis Group, 2014). The climax of the oppression by the junta of Myanmar reached a high in May 1978 when the ruler had launched the operation called Naga-Min (Dragon-Min Operation) to abolish the illegal immigrants who were residing in Myanmar. The Rohingya people had also been included as victims of the operation since the junta could not recognise as well as failed to differentiate them among the illegal immigrants.

This was the first time the Rohingya people became refugees because more than 250,000 people were displaced, victimised by the Burmese Army personnel. A majority of them abandoned their houses and fled across the Naf River, an international border towards Teknaf and Cox's Bazar in Bangladesh. The second mass influx occurred in July 1992 for the Rohingyas when the junta had made a new policy so-called as 1982 Myanmar Citizenship Law, which totally denied the right for Rohingyas to become citizens in Myanmar. This was in line with the press statement made by the junta's representative: "In actual fact, although there are (135) national races living in Myanmar today, the so-called Rohingya people is not one of them. Historically, there has never been a 'Rohingya' race in Myanmar. The very name Rohingya is a creation of a group of insurgents in the Rakhine State. Since the First Anglo-Myanmar War in 1824, people of Muslim Faith from the adjacent country illegally entered Myanmar Ngain-Ngan, particularly Rakhine State. Being illegal immigrants, they do

not hold immigration papers like other nationals of the country." (Min, 1992).

The fate of the Rohingya people in Rakhine is vulnerable because not only the junta does not recognize their citizenship, but at the same time the local Rakhine's Buddhist also discriminate against them. Hence the reason why on 2012 the riots happened in Rakhine State due to sectarian misunderstanding between the Muslim Rohingya and the Rakhine's Buddhist. The clash had spread widely, and it made things worse because many houses were burned, and many people were killed. Therefore, a lot of Rohingya people became refugees because during the riots the Burmese army and police targeted the Rohingyas through mass arrests and arbitrary violence (Habibollahi, McLean, and Diker, 2013). According to the International Institute for Democracy and Electoral Assistance (International IDEA) some 265,000 Rohingya refugees crossed over the Rakhine State and most of them took refuge in Bangladesh (International IDEA, 2013).

Escape to Malaysia as Refugees

"The Rohingyas freedom of movement is severely restricted and most of them have effectively been denied Burmese citizenship. They are also subjected to various forms of extortion and arbitrary taxation; land confiscation; forced eviction and house destruction; and financial restrictions on marriage" (Head, 2015). Life under the rule of juntas and mistreatments from the locals have turned the Rohingya people into refugees. It is possible to relate this situation to the international definition of Rohingyas as refugees based on Article 1 in the 1951 Convention, "A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.." (McBeth, 2015).

Becoming refugees are not easy, yet the Rohingyas have taken the risk to have a better life in a new place. There are several countries of refuge which the Rohingya prefer other than Bangladesh such as Pakistan, Saudi Arabia, UAE and Malaysia. The incoming of Rohingyas in Malaysia could be described as the pull and push factors. The push factor that forces Rohingyas to be refugees is caused by violence, persecution, abuse and denied rights from the government as well as from the locals. The pull factors for Rohingyas is to go to Malaysia because this country has achieved the prosperity of economic growth and enjoys multicultural understanding in daily life. Basically, the Rohingya refugees have escaped to Malaysia through several ways (Na'eim, Kamarulzaman and Saadon, 2015). However, the process to enter Malaysia is influenced by the role of the human trafficker based on a supply chain activity.



Table. 1 Routes used by human trafficker to smuggle Rohingyas to reach Malaysia

No.	Routes	No. of Rohingya
1	Myanmar-Malaysia	5
2	Myanmar-Thailand-Malaysia	15
3	Myanmar-Bangladesh-Malaysia	4
4	Myanmar-Bangladesh-Thailand-Malaysia	3
5	Myanmar-India-Myanmar-Thailand-Malaysia	1
6	Myanmar-Bangladesh-India-Myanmar-Thai-Malaysia	2

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The situation in their place of origin have forced the Rohingyas to become refugees and to seek refuge in another country. Hamling’s (2014) statement has also described the situation of the Rohingya people to be the most persecuted refugees in the world, “Imagine you were denied an identity or a place to call home. Your rights to study, work, travel, marry and practice your religion didn’t exist – because you belong nowhere. You’re not given any way to prove who you are or where you’re from, which restricts your ability to gain full citizenship status. Wherever you try to find refuge you’re locked up in detention because of who you are. This is the life of a Rohingya refugee.”

The intention to leave Rakhine by the Rohingyas have also been influenced by the human traffickers. This is based on an interview with Mohd Rafique, who have used the service of traffickers to enter Malaysia “When I wanted to run away from Arakan (Rakhine) in 1995, I was told by a friend that there was an agent who could help me do that. For about RM500.00 they took me off the land and I entered Malaysia by crossing the Golok River in Kelantan. I'm afraid I want to do this too, but I have no other way to save myself" (Mohd Rafique, Personal Communication, August 5, 2017). Previously, many Rohingyas who have entered Malaysia in the nineties have been brought in by traffickers through a land route from Myanmar by crossing Thailand before entering Malaysia’s border in the northern part of the Malaysian peninsular as well as in Kelantan. However, lately, the current trend by the trafficker in bringing Rohingyas to Malaysia is by the sea route- based on an interview with Ahmed Sultan, “I arrived in Malaysia in 2013 by sea. I went on a boat with other Rohingya friends. I think there are about 180 people on this boat. We left Akyab (Sittwe). Our trip took about 2 weeks and we reached Kuala Muda Beach, Kedah. There was an agent waiting for us to take to Butterworth for a job” (Ahmed Sultan, Personal Communication, August 10, 2017). The changing strategy of the trafficker in bringing Rohingyas to Malaysia is based on robust demand and to save on travelling costs. Most of them use the services of agents from Myanmar, Thailand and Malaysia. Usually, the travel time they take is about two to three weeks depending on the circumstances and decisions of the agents who take them.

This is because these agents will ensure that their travels are safe and that they are not caught by the authorities, especially when crossing the border between countries. Prices in the 1990s were around RM500.00 to RM1,000.00 each. However, the prices charged by these agents vary from year to year. In 2010 onwards, most Rohingya refugees must pay around RM2,000.00 to RM6,000.00 each. As a result, there are Rohingyas who must foreclose their property in order to continue their efforts to leave Myanmar for Malaysia (Rahmad, Personal Communication, August 5, 2017). In addition, there are Rohingya refugees who borrow from acquaintances, relatives and family members to pay to agents who are responsible of taking them out of Myanmar. For those who cannot afford and who do not have enough money, there are agents who offer two types of payment schemes- the first obligates that they must work in Thailand when they leave Myanmar. Usually the Rohingya refugees will work for about 6 months to 1 year to pay for the instalments that have been imposed by the agents, before they are brought into Malaysia. The second scheme is that the agents will bring them directly into Malaysia and subsequently the Rohingya refugees will pay the agent's service cost in instalments every month for approximately three years when they get a job in the country.

Exploitation of Rohingyas Refugees by Human Traffickers

Due to the dependent factor of the Rohingya refugees on the human traffickers, they are easily exploited and persecuted. For example, there are agents who take advantage of the extra profits by threatening Rohingya family members and friends either in Malaysia or in Rakhine when they are in smuggling transit camps in the jungle between the Thailand-Malaysia border. If family members and friends of the Rohingya refugees do not pay the price the agents want, the Rohingya people will be tortured and beaten and locked in a cage made of forest rattan. As a result of the persecution by the agents, there were Rohingya refugees who had died in transit camps due to the injuries and illnesses they suffered. When there are Rohingya refugees who die, the agents will bury them in a huge pit.

Besides male Rohingyas who are always being victimise in smuggling camp, female Rohingyas have also shared the same fate. For example, female Rohingya refugees who have a rather charming appearance will be used as a place of

emancipation by smuggling agents. Although there are malicious smuggling agents, there are also agents who behave honestly and who take good care of the Rohingya refugees who use their services because they do not want to lose potential customers, especially among the Rohingyas in the future. When the Rohingya refugees want to enter Malaysia by road, they will do so from the north of Peninsular Malaysia bordering Thailand. There are three main destinations for the Rohingya refugees to enter Malaysia i.e. through the Black Hill (Kedah), Padang Besar (Perlis) and Sungai Golok (Kelantan). In addition to these three areas there are other areas that are gateways for the Rohingya refugees into Malaysia, they are via highways such as Wang Klian (Perlis) and Rantau Panjang (Kelantan). However, such routes are not a priority for smuggling agents due to their hilly terrain and the tight border control by the authorities (Focus Group Discussion, August 6, 2017).

Among these trafficking routes, the Bukit Kayu Hitam area is the main route as it is the choice of smuggling agents to bring Rohingya refugees into Malaysia. Normally, agents would smuggle Rohingya refugees across the Malaysian border at night so that they could not be detected by the authorities. The agents will cut the border fence between Thailand and Malaysia to serve as a secret lane (lorong tikus) to bring the refugees in. Next, there are Malaysian smugglers who will be waiting in areas around the Malaysian border such as Bukit Kayu Hitam and Changlun (Kedah) to bring the Rohingya refugees to major cities in Malaysia in order to facilitate their employment. However, there are some agents who just bring Rohingyas by crossing an official border gate between Thailand and Malaysia as mentioned by Tuan Narazaman, “There have been cases of smuggling agents who brought Rohingya refugees to Malaysia from Thailand without passing through a secret lane. They hide Rohingya refugees in certain places such as inside a car boot and transport them through immigration entrances. To help bring this about, the agency has provided bribery to the authorities in Thailand and Malaysia who are in duty at the country's borders. There are agents who have succeeded in overcoming the Malaysian immigration restrictions and some who have been arrested by the authorities” (Tuan Narazaman, Personal Communication, August 9, 2017).

Table. 2 Entry point used by human trafficker to smuggle Rohingyas to reach Malaysia

No.	Routes	No. of Rohingya
1	Bukit Kayu Hitam (Kedah State)	10
2	Padang Besar (Perlis State)	6
3	Langkawi Island (Kedah State)	5
4	Sungai Golok (Kelantan State)	4
5	Pantai Merdeka (Kedah State)	3
6	Balik Pulau (Penang State)	2

Dalal: Human Traffickers for Smuggling Rohingya Refugees into Malaysia

Among the Rohingya people, irrespective of their current state of residence, they refer to the smugglers in the local dialect as *Dalal*. This term, however, has various meanings

such as agents, brokers, distributors and human trafficker. *Dalal* holds negative connotations among the Rohingyas. It is usually associated with violence, exploitation and danger. Thus, some smugglers do not refer to themselves as *Dalal* but prefer to be called as travel coordinator. For example, according to the respondent named Hassanul, some smugglers do not like to use it or to be referred to as the agent because it can reflect negatively on their activity, and to recruit potential customers. For the *Dalal*, smuggling is a business and the negative connotations will ruin their income. The same opinion is given by the head of the Rohingya community, Muhammad, that smuggling is a profitable business but very dependent on the people want to emigrate to another country.

Some smugglers prefer to be called travel agents since their smuggling activities have been consolidated as travel and tourism related industries mainly in Yangon and Myanmar, including a cross section of various cities in Thailand and Malaysia. Smuggling of Rohingyas is often carried out by individual networks that operate more from one country but are not necessarily organised crime gangs. In some cases, this smuggling is allied with businessmen and merchants especially on the go and the tourism and import industries, and export-related business. There are levels of smugglers, some of whom are considered high-end smugglers with different profiles. The other is considered as subordinates, brokers and agents who usually work on land. High profile smugglers play a coordinating and giving role instructions over the phone, using existing technologies such as mobile applications like WhatsApp or WeChat to communicate with their subordinates. In other cases, high profile smugglers outsource some of their smuggling businesses to a small or large group of smugglers or individuals, locals who know the border better (between Thailand & Malaysia). Both are high profile smugglers and their subordinates are from a variety of backgrounds including from the Rohingya community itself (Aizat and Andika, 2018).

The *Dalal* may have different expertise and experience in terms of knowledge, logistics capabilities such as managing vehicles to transport smuggling Rohingyas and networks with the local enforcement agencies. The role of the *Dalal* covers all the smuggling activities from “marketing” for example, to seeking and asking for potential victims, negotiating terms of smuggling, escorting and accompany the victim, coordinating the journey including navigating boats and ships or driving any types of land vehicles such as buses, vans, and cars, track down attendance of enforcement members at land, and help in the liberation of the smuggled victims at the destination. The involvement of the Rohingya as an individual within the smuggling activities are the same as both the high-profile smugglers and subordinates acting in various capacities. Hence the reason why the Rohingyas are easily exploited because they are being manipulated by their own people.



IV. CONCLUSION

Although the Dalals have changed tactics to bring Rohingya refugees into Malaysia, they are still at risk of being detained by specialised authorities at the Malaysian border, as border authorities such as the military, Border Security Agency (AKSEM), police and immigration regularly patrol and conduct inspection. As such, there are Rohingya agents and refugees who have been arrested by the Malaysian authorities as they cross the country's border, based on a statement from Tuan Amir- "While there are agents (Dalal) who successfully bring Rohingya refugees to Malaysia, there are also those who have been detained by the authorities. For example, in 2015, the military tasked with patrolling the Malaysia-Thailand border have successfully detained Rohingya agents and refugees crossing the border into Malaysia. Later, the military surrendered them to the immigration and police for further action" (Tuan Amir, Personal Communication, August 9, 2017).

After 2016, no more Rohingya refugees have been identified to have fled to Malaysia in large numbers, and only a small number of Rohingya have been detected to have entered Malaysia. However, the case of human trafficking of Rohingya refugees into Malaysia still exists nowadays and the supply chain of this activity should be eradicated immediately. Recently, the Malaysian government under the Home Affairs together with an international body have organised the first National Conference on Anti-Trafficking in Persons 2019, officiated by Tan Sri Dato' Haji Muhyiddin bin Haji Mohd Yassin, Minister of Home Affairs. As a result of the conference, a report had been delivered to the government that aimed at the five main strategy such as policy, prosecution, protection, partnership and prevention, in order to fight against human trafficking. This conference can be seen as a comprehensive initiative by government agencies, NGO, academia and the industry to play a vital role in fighting human trafficking as well as to push the ranking of annual Trafficking in Persons (TIP) report by the US State Department for Malaysia effort in this event.

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AUTHORS PROFILE



Aizat Khairi is a Senior lecturer and Head of Section for Student Development at Universiti Kuala Lumpur Malaysian Institute of Marine Engineering Technology (UniKL MIMET). He possesses his Doctoral degree in Political Science (Peace and Conflict) from Research and Education for Peace, School of Social Sciences, Universiti Sains Malaysia (USM) in Penang. Dr. Aizat Khairi has published numerous article journals local and international. His research works relating to politics and security, peace and conflict, refugees, and civilizations. He can be contact by email aizat@unikl.edu.my / aizatkhairi@yahoo.com