

‘Maritime ping-pong’¹: The Rohingyas on boat

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“Here in this deep and boundless waste where shore is none to meet the eye/
Thy utmost strivings are in vain;-here in mid-ocean thou must die”²

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Deaths have been more rampant and normal than survival among migrants who have crossed raging high seas amidst dire uncertainties. These lines, written above, are from a fable based on the Bay, denoting how furious is the *kalapani*, i.e, the water of the Bay of Bengal. Most would not dare to cross it, but one who does cross it is bold enough, as goes the myth. The old Buddhist *jataka* stories tell us how in one of his previous births in the fourth century, Prince Polajanaka had attempted to cross the sea to reach ‘Suvarnabhumi- the land of gold’ in order to fight back the thrown of his father from his brother. The book sketching this story is beautifully written by Sunil S. Amrith. It captures the Bay of Bengal through many such stories- in both its tranquility and fury. In fact, not only on the Bay, deaths in the seas have been as consistent as the voyages itself. Exploring the interconnectivity of the South Asia and the Southeast Asia, the Bay was once “at the heart of global history”. With formation of nation states and rigid land boundaries, the strategic importance of the Bay lessened a bit in the 20th Century only to regain the lost glory in the 21st Century. It now remains as the epitome of the “largest movements of people in modern history”. Migration has remained consistent despite high risk. Although crossings had reduced in the mid 20th century, mobility of the sea marked by large scale migration continued, and reached its zenith in the twenty first century. In this age, once again the Bay has attained paramount importance in international politics. Politically, culturally and in trade and commerce the sea plays a crucial role in boosting interconnectivity and mobility in Asia, binding the South and Southeast Asia into an integrated whole. The entire region has grown economically, promoting the economy of States like Malaysia and Thailand, resulting into a massive flow of Labour and Capital. Illegal migration has also increased simultaneously in precarious conditions. This paper would attempt at exploring one such context when the sea holds promise of a sacrosanct destination just across it, almost similar to the “land of gold” that the prince in Amrith’s book is tempted to reach even if it means death³. Is then the illusion so extreme that migrants despite risks, often willingly, undertake these journeys? In other words the question, what is it in the sea that allures, why journey in boats is most dreaded yet acceptable, are some of the questions this piece is plagued with and try to inquire.

News report one: “Why do we have to do this death trip? Migrant crisis continues as boat capsizes off Libya” – reads one headline. The news is published on *New Statesman* on September 2015⁴. It says, to quote: “As rescuers search the Mediterranean for hundreds of migrants after a boat capsized off the Libyan, Syrian refugees in the most popular Greek arrival point tell us death is unavoidable without any safe routes”.

News report Two: “Migrant deaths in the Mediterranean continue as 40 bodies found in hull of smugglers’ boat”. The news, published on 7 September 2015 in *The Independent*, talks of deaths of 40 migrants in the Mediterranean due to suffocation on board. “The Italian navy announced the deaths this afternoon as the rescue operation continued for around 300 other passengers off the coast of Libya”⁵.

News report Three: *New Internationalist magazine: People, ideas and action for Global Justice* publishes news on how search and rescue operations (SAR) have led to causing more death in the high seas, especially the Mediterranean. In 2014, the report says, approximately 3000 migrants have died in the Mediterranean and in 2015, 1700 deaths have been reported. On 19 April 2015, 700 deaths have been reported after a boat capsized on the sea. Italy had initiated Operation 'Triton' in order to SAR the migrants in the boats.

All these three news reports briefly touched upon above are among hundreds of such reports daily coming out in the media on migrant deaths in the high seas, validating the introductory lines from the fable. The present paper would also discuss a particular context and migration across the Bay of Bengal, although in this case mobility has hardly led to forging a connection between the recipient countries and the community- The Rohingyas- seeking asylum.

The Prelude:

Borders borne out of the partition of 1947 in South Asia have witnessed continuous trans-border migration since inception. Geographically too, this region has been susceptible to an extensive trans-border migration. There is always some kind of a force either in form of ethnic violence, domestic tension or sheer economic compulsion that has precipitated a continuous movement of people in the region. India, Bangladesh and Myanmar were united historically and share the same past before the borders divided them into separate sovereign territories. The borders dividing these territories however have remained porous and the more governments have attempted in securitizing them, the more, we have witnessed, migration – legally or illegally- has followed.

This piece attempts to trace the migration of the Rohingyas of Myanmar in high seas, their diffused state, destiny and destination. Being a Muslim minority ethnic group hailing from the Arakan province of Myanmar, the Rohingyas have been in constant mobility devoid of a fixed space or a state to negotiate with. As per a law in Myanmar, they have been denied citizenship and since then have been widely referred to as the world's largest persecuted stateless community. Their identity, however, remains to be a puzzle and changes with time and context. An apt description- whether they are stateless or refugees or asylum seekers- is thus difficult to attain. Following massive persecution in Myanmar, they have been forced to flee to neighbouring countries like Bangladesh since the 1970s, separated from the Arakan by only the river Naf, in order to seek asylum. Since then, the Rohingyas have been living under protracted refugee-hood in mostly the Cox's Bazaar area of Bangladesh in two camps (these are confined areas and residents of camps are not allowed to interact with anyone outside the camp area), supported by the Government of Bangladesh and UNHCR along with a number of other organizations like the International Organisation of Migration (IOM), Programme for Helpness and Lagged Societies (PHALS) – an NGO based in Cox's Bazar - and so on. The government of Bangladesh had allowed them to stay there initially, but after the change of government in Bangladesh and following fresh violence in Myanmar in 2012, has adopted strict measures to stop the inflow.

My paper tries to trace their journey not from Myanmar but from Bangladesh to the Southeast Asian countries through the Bay of Bengal and Straits of Malacca. Why are the ‘Bangladeshi Rohingyas’ (If I may so refer them) fleeing from even Bangladesh either over land or sea to countries like India, Thailand and Malaysia? Do they still remain as asylum seekers, or transform into economic migrants? What is it that compels them to take to the sea in perilous journeys, mostly in fishing trawlers, to cross to Malaysia and why the role of Bangladesh is extremely crucial in this paradigm? What are the conditions that reduce a community to being ‘boat people’ entailing a high risk of life? Therefore, it is their evolution as ‘boat people’ that forms the main thrust of my paper. Mapping the ethnography of their maritime journey through various legal regimes, the paper thus argues the need to situate this as not a very distinct phenomenon but something that was historically inevitable.

My fieldwork in Bangladesh¹ claims that it is generally the 2nd or 3rd generations of Rohingyas between the age group 18-21 who are trying to leave Bangladesh for Southeast Asia. In this paper, I try to examine this reason too, for which understanding the history of the region, especially Bangladesh, is important. Already settled in either of the two refugee camps or in make shift settlements in Cox’s bazaar of Bangladesh, these young men and women, are taking to the sea to seek jobs in the Southeast Asia countries. Despite risks, the accessibility of sea in comparison to land has ushered them into migrating, or often into being trafficked to the Southeast, Middle East, and Australia and as the paper would discuss, in border detention camps, from where they are either found dead or as bonded labourers. The ‘pull’ factors, for which many of them are willingly stepping into the smuggling-trafficking nexus involving many regional and international actors, luring them to go through the adversities of crossing the sea, would also be analyzed in the paper.

This paper would thus be discussed from three vantage points: a) the evolution of Rohingyas as boat people- the phenomenon b) The legal regime of protection c) Their camp lives in Bangladesh and the probable reasons for which they want to leave Bangladesh.

Methodology:

There are two broad sections in the paper. One section deals with the overall history of the region, of crossing the sea, the coinage of the term ‘boat people’ and the subsequent mixed flow of the Rohingyas and Bangladeshis in high seas. The other section tries to throw light on the camp lives of the Rohingyas in Bangladesh and the fact that Bangladesh produces the biggest number of migrants in the world. The First section is based on secondary resources mainly; in particular newspaper reports accessed in the archives of Bangladesh and online media sources. The second is mostly based on primary documents and interviews from the camps in Teknaf in

¹ The fieldwork was done on behalf of the Calcutta Research Group (CRG) in July 2015, in Dhaka and the makeshift settlement areas of the Rohingyas in Cox’s Bazaar. I am grateful to CRG for providing this opportunity. I am also extremely indebted to the staff and Director of the Research Initiatives of Bangladesh (RIB), for their utmost cooperation and assistance towards the research.

Noyapara and Kutupalong in Ukhiya of Cox's Bazar and also of persons living in the makeshift settlements, i.e, where the unregistered Rohingyas (explained in the said section) have been living without any formal acknowledgment or permit from the government. Since we did not possess the formal permit to enter the camps, we mainly interviewed both the registered and unregistered Rohingyas in the makeshift camp areas, also known as *Leda*. These settlements are scattered just outside the formal camp area. We could talk to approximately 40 persons on their lives in Bangladesh and why members of their families or from the neighbourhood have been leaving for other destinations. Some of these narratives also vividly describe their sea voyages. This section would also have snippets of relevant information for the present purpose, from officials of various non-governmental and human rights organizations of Bangladesh.

Section – I

The Context:

Since May 2015, the International and local media of Bangladesh have been abuzz with news reports and video clippings of a boat full of migrants from Bangladesh and Myanmar. More boats with migrants on the Bay of Bengal were reported soon. States in the Southeast Asia were expected to take action, that is, help in Search and Rescue the migrants and provide asylum. Gradually what unveiled was a petrifying picture of deaths, smuggling-trafficking nexus and torture in high seas and border detention camps. It was after 32 shallow graves discovered on a remote and rugged mountain in the border district of Sadao in Songkhla, Thailand, in 2015 that the enormity of the problem first surfaced in public through media activism⁶. The nationality of these migrants was a mix of Rohingyas and Bangladeshis. Bangladesh was first in a state of denial over claim of the boats carrying Bangladeshi nationals, then shocked and finally came up with the claim that the Bangladesh nationals were kidnapped whereas the Rohingyas were willingly embarking upon these precarious journeys. *Dainik Janakantha*, a local Bengali daily of Bangladesh reports on 8 May 2015⁷, that many Bangladeshis have gone missing from the regions of Cox's Bazaar, Pekua, Maheshkhali, Ramu and Shatkania, Lohagara and Bandarban of Chittagong. Most of these men have been victims of trafficking. They were lured in the name of more prosperity in Malaysia, but before they could reach there, were kidnapped and imprisoned in border detention camps of Thailand. Investigation has revealed shocking facts, indicating 2 lakhs Bangladeshish along with Rohingyas have attempted to cross the sea in order to reach Malaysia. Most of them have been forced to do so. According to another report on 14 May 2015⁸, the same newspaper reports how not only in Europe, Africa, China, Japan, Korea and Phillipines, incidents of sea crossings and deaths in the seas are reported, Bangladesh, Myanmar, Thailand and Malaysia are also now part of the same fate. According to this report, UNHCR has claimed around 87,000 people have been trafficked across the Bay of Bengal from 2013-14. Several syndicates are operating in these four countries which are now targeting poor Bangladeshis for ransom. The Rohingyas are however migrating for different reasons. UNHCR has been issuing the Rohingyas refugee cards in Malaysia for which they can escape arrest on

reaching Malaysia. This, coupled with the image of Malaysia being a dream destination, has attracted the Rohingyas to migrate there increasingly.

A senior *Daily Star* reporter, S. Ashraf⁹ has personally visited the Thai Border and interviewed migrants there. He was also present in the recently concluded meeting of the concerned states in Bangkok on 29 May 2015 (check date). He also stressed on the fact that Bangladeshis have been found in these boats because they were kidnapped, so their reasons to be in the boats clearly are different from the Rohingyas found on board. There are two ways of illegally trafficking the Bangladeshis. Either they are kidnapped or children below 18 years are lured in the name of tourism in Malaysia and then imprisoned in the detention camps. He talked of a particular case, when a group of young boys who had never seen the sea before and hail from a very poor region of Bangladesh were tempted to cross the sea in a very less amount from Cox's Bazaar. However, once they boarded the ship, they were ill treated, half fed, and finally locked in a room in one of the transit points. So while Bangladeshis are forced into being trafficked, Rohingyas on the hand genuinely want to leave Bangladesh for better opportunities. They find work in the Rubber plantation in Malaysia. Women are hardly found on these boats and even if they are found they are unanimously Rohingyas. No woman from Bangladesh has been yet found to have taken to the sea, as claims Ashraf.

The *New York Times* reports that around 6000-20,000 people have been found in 'rickety flotillas' in the Andaman Sea and the Strait of Malacca¹⁰. After the graves were discovered in Thailand, the Thai government took strict measures to crack down on the traffickers¹¹. Initially after the Rohingyas along with Bangladeshis were abandoned in the sea by traffickers- a system that would be explained further in the following stanzas- Malaysia had turned away two boats with more than 800 persons on board and Thailand had also "kept at bay a third boat with hundreds more"¹² The Malaysian deputy minister had gone ahead to say that the Rohingyas would not be welcomed any more after they illegally enter the territory of Malaysia in boats. The Thai Prime Minister had also claimed that they lack resources to host these refugees. Another boat was also spotted on the sea border between Thailand and Malaysia¹³. On news of initial denial of assistance by Malaysia, Indonesia and Thailand, Zeid Ra'ad al-Hussein, the United Nations' human rights chief, issued a statement saying: "*I am appalled at reports that Thailand, Indonesia and Malaysia have been pushing boats full of vulnerable migrants back out to sea, which will inevitably lead to many avoidable deaths. The focus should be on saving lives, not further endangering them*"¹⁴.

A report of UNHCR on the maritime illegal migration between April and June 2015 says after being 6000 refugees have been abandoned by smugglers in the Bay of Bengal and Andaman Sea in May 2015. Since 2014, an approximate figure of 94,000 migrants has attempted to cross the sea. In the first three months of 2015 the figure was 25000, which has now increased to 31,000 with 370 deaths in 2015 alone. This UNHCR report gives a day to day account of what unfolded from May 1-12 July 2015 after the migrants were abandoned in the sea. The report by the

UNHCR is known as “South-East Asia: Mixed Maritime Movements¹⁵” This is in brief the backdrop of the present crisis.

History and the current scenario of the ‘boat people’ in Southeast Asia:

There is an uncanny resemblance of the Rohingya exodus vis a vis the Vietnam boat people crisis in the 70s. The people then also had sought refuge from Southeast Asian countries like Indonesia and Malaysia, before being accepted into Europe, North America and Australia¹⁶. The term ‘boat people’ was also coined during this time, to describe the escape of the Indochinese refugees from the communist rule, following the Vietnam War in 1975. The entire process in which the Rohingyas have crossed the sea from either Myanmar or Bangladesh and the reasons for such drives have led many to recall the history of the boat people in the region, specifically the Vietnamese exodus, the biggest in terms of a disaster in the history of ‘boat people’. The war victims in order to escape had fled in small boats, most often in wooden fishing boats, after the Chinese invasion of Vietnam in 1979. Before this, no other incidents on people fleeing in boats to seek asylum drew worldwide attention. More than one million people had fled Indochina after the war and many perished either by drowning or in the hands of the pirates. The survivors were accepted as refugees in countries like USA, Canada, and Southeast Asian countries in the late 70s, and 80s¹⁷. The enormity of the crisis then had drawn flak from many French intellectuals like Sartre, Aron and Foucault.

The ‘Boat for Vietnam’ Committee was formed on November 27, 1978, “when more than one hundred and sixty prominent personalities had signed an appeal to stop the exodus. The list included film-stars, artists, writers, musicians, journalists, trade unionists, and politicians from across the whole political spectrum—it read like a veritable *Who’s Who* of Parisian culture: Yves Montand, Brigitte Bardot, Simone Signoret, Simone de Beauvoir, Mstislav Rostropovich, Eugene Ionesco, Lionel Jospin, Michel Rocard, Jean Lacouture (Ho Chi Minh’s biographer), Michel Foucault, Claude Mauriac, Olivier Todd, Jean-François Revel, Bernard Kouchner...” and so on. The crisis was alarming as with each passing day, more and more boats were arriving on the shores of Malaysia, Philippines, Indonesia and Hongkong. The refugee camps were already having space crunch, when all of a sudden, the then Malaysian Vice President announced that they would not accept any more refugee and pushed back seventy six thousand boat people back to the sea¹⁸. In order to adopt a more binding measure of protection, an international convention was organized in Geneva after the first phase of the Vietnamese crisis from 1975 aiming to solve the crisis¹⁹ and ensuring more resettlement commitments worldwide, in particular from western countries like the US.

Under the DISERO programme (“Disembarkation Resettlement Offers”) that started from 1979, “some resettlement countries agreed to accept any Vietnamese refugee rescued at sea by a ship of a country that was not itself participating in the resettlement of these refugees”. In 1985, another programme started - called the Rescue at Sea Resettlement Offers (RASRO) - under which sixteen countries agreed to resettle a “certain number of the refugees rescued at sea”. It

was thought that the crisis for the time being has been solved. However, after the second phase of the Vietnamese exodus started from the eighties, a Comprehensive Plan of Action [CPA] was formulated, the primary goal of which was to resettle the Vietnamese refugees (Selm and Cooper: pgs. 19, 20)²⁰. Therefore, a lot of policies were formulated in the post Vietnamese boat people crisis.

There has been always a tendency to perceive ‘boat people’ as a threat and countless incidents of pushing back of ships back to the high seas testify this panic. For instance, Australia has time and again expressed intolerance towards ‘boat people’ arriving in its shore. It had also flouted maritime rules by ordering the *Tampa* to return amidst dangerous conditions in the sea²¹. The *Tampa* was also a landmark event in the history of the boat people migration that made Australia to review its policy regarding disembarkation of boats and providing asylum to the people on board (Cooper: pg 23). This policy was known as the ‘pacific strategy’ with countries like New Zealand, Nauru, Papua New Guinea and Indonesia being parties to it. On 26 August 2001, M.V.*Tampa*, a Norwegian container ship, rescued 433 asylum seekers from a boat [the *Palapa*] which was sinking between the Indonesia and Christmas Island within the Australian territory. The Master of *Tampa* was informed by the Australian Maritime Safety Authority about the *Palapa*. However, *Tampa* was not allowed to disembark in the Australian territory. Internal politics of Australia and an impending election resulted in turning the ship towards the island of Nauru. Over the next few months New Zealand accepted 150 people from the *Tampa*. Despite being a party to several maritime conventions, and under obligation to provide asylum to refugees as per the 1951 refugee convention, Australia had violated several rules in regard to the *Tampa* (Cooper: pg. 23, 24).

In the wake of the present crisis, we see a similar stance by the Australian government. An editorial of the *New York Times* reports, “Prime Minister Tony Abott has overseen a ruthlessly effective effort to stop boats packed with migrants, many of them refugees, from reaching Australia’s shores”. The reports reveals, Australia has forcefully turned back migrant boats carrying asylum seekers before even reaching the shores. The boats were intercepted by the Australian navy. A boat captain even claims he was paid \$30,000 to turn his boat back to the sea, violating International laws. Boats which have not been turned back have been detained in nearby islands like Nauru. The Nauru centre is notorious for sexual abuses and drug dealings²². The Indonesian Boat captain, Johanes Humiang, in an interview described his ordeal after the Australian authorities seized his boat carrying 65 Sri Lankan migrants. Their boat was intercepted [this concept would be discussed more in the following paragraph] by the Australian navy after sailing for 20 days²³. Refugees fleeing in boats are thus “resented burden” be it “Africans trying to cross the Mediterranean into Europe or the Syrians trying to cross from a refugee-saturated Turkey into Greece or Bulgaria”. Australian Prime Minister Tony Abbott went on record to say, allowing the refugees, in this case, the mixed group of Rohingyas and Bangladeshi would encourage more such illegal sea voyages²⁴.

However, not only Australia, even Europe and America have perceived migrants in boats as threats. (Pugh: 50-51). Although, the Vietnamese boat crisis is considered to be the first of its kind in Asia, leading to the coinage of the term, the concept or the notion could be traced back to way back in the early 20th Century when a ship full of economic migrants were barred from entering Canada. The *Komagataru*, a Japanese Ship in 1914 was thus not allowed to

disembark in Canada, owing to the then Canadian immigration policy to combat Asiatic immigration. The 376 passengers had to anchor for two months in the harbor of Vancouver. They were denied food, or any other basic facility, and were forced to sail out of the Vancouver Harbour after two months, by the immigration authorities²⁵. This incident has garnered much international attention mainly for political reasons among others, and has remained as a topic of interest and research in both Canada and India. However, this undoubtedly bears traces of what 'boat people' means and how states have perceived economic migrants as threat, much before the term actually came up in public domain. State management of this incident is a reflection on what followed a decade later.

Historically, maritime voyages have always been more vulnerable to migration on land. They are way more unsafe and the chance of being located is also much more than crossing over land. Ships were known to carry the most hapless- for instance, the slaves on board, yet, migrants or asylum seekers have resorted to seas repeatedly. Among others, there is also risk of being identified as pirates. Incidents of drowning and deaths in high seas each year is also high. Activists have even named the Mediterranean Sea as a 'maritime cemetery'. Following two deadly shipwrecks near the island of Lampedusa on 3rd and 11 October 2013, resulting into 636 deaths, the Mediterranean has become the centre of attention in terms of the deaths occurring there regularly. An exact figure is difficult to ascertain, yet human rights groups and migration agencies have tried to attempt a rough estimate. As per the International Organization for Migration (IOM), 3072 persons had died in the Mediterranean in 2014, whereas as per the estimate of UNHCR, the figure was 3419 in the same year²⁶.

Search to Rescue or to kill?

Sounds harsh, but reality is search and rescue operations have resulted into more deaths than anticipated. Often migrants have jumped into the sea in desperation failing to comprehend the reasons of interception. Question arises whether Interception of migrant boats in high seas are used to rescue ships or is it just a tool of national interest; to deepen securitization measures. Interception is defined as the process of preventing a boat's onward movement after locating it. The State can either take the passengers in one of its own vessels or force it to alter its course. This might occur in both territorial and international water (Cooper: pg.5). Interception could also be used by a State to oppose the arrival of a ship within its territory. (Cooper: pg: 6).

In January 2000, Australia had taken the initiative to fund UNHCR, the IMO and Indonesia to help in intercepting boats in transit countries like the Indonesia. The initiative however had failed. Governments have increasingly resorted to interceptions in order to stop ships from disembarking or to return them. The US had used this strategy against the Cubans and Haitians. In 1994, the US was faced with an 'outflow of Haitians', following a coup against the President - to the Guantánamo Bay Naval Base. After the ship was overflowing by a large number of intercepted people, they were disembarked in Guantánamo. Although they were provided with food and shelter, they had no choice but to either go back to their home country or wait for

another 'safe haven'. The same strategy later was used on the Cubans by US. While this policy of the US was criticized, some also considered this to be a good model of responding to a situation of crisis [Cooper: pg. 21]. As mentioned earlier in the essay, the Australian government has repeatedly intercepted boats for national security. Rescue although "is the practice of assisting seaborne persons in some form of trouble or distress", but even in the name of rescue, boats have been intercepted leading to more casualties. So question arises whether the mode of rescue operations are humanitarian and achieve the end it means to. In fact, the whole mechanism of rescue, its techniques begin with intercepting the boats causing panic among migrants. Many of them jump into the sea in order to escape detention and drown in the process. Italy had initiated an operation of search-and-rescue, 'Mare Nostrum', through the Italian navy and coastguard ships, after the boat wreck in Lampedusa. However, Daniele Esibini, captain of one of the coastguard ships revealed the danger of such rescue operations. The first problem is overloaded boats which "leads to them capsizing – frequently exactly at the point of rescue. He has never come across a boat that was not overloaded and therefore dangerous". He further states, "The most dangerous part of a search-and-rescue operation is the moment of rescue. As rescuers approach, the very human reaction is to stand up and wave to guide your rescuers. If the [passengers] stand up, the boat capsizes". The 'Mare Nostrum' operation was abandoned after criticism from the E.U and a surveillance operation 'Triton' was started by the E.U, administered by Frontex, the border control agency of E.U. The operation 'Triton' also failed as it was not sufficient to handle the entire migrant situation in the Mediterranean²⁷.

While rescue operations are important, there is also a need to examine the situation after a boat is rescued by humanitarian agencies²⁸. The humanitarian rights of the migrants' become crucial at this juncture and it is important to ensure that the rescued ships are disembarked at a safe location. If a ship wreck occurs within the territorial homeland of a State²⁹, or when the boat people manages to reach the shore, the responsibility of the recipient State should be to help in safe disembarkation. There remains a lot of ambiguity relating to the SAR mechanisms of states and disembarkation of the boat people 'to a place of safety' [Pugh: 60]. It should be borne in mind that in most cases, 'boat people' are actually asylum seekers who are in need of a safe place. Although a substantial number of them are also economic migrants, the line between volition and coercion; searching a safe place following threat to life and being compelled to move out for economic drives is very thin -an apt example of this is again the Rohingyas- explained in a following stanza of this paper. The question of 'disembarkation' follows only after 'rescue' is done. The process of rescuing also draws more international attention since it is more dramatic than the process of interception. The ambiguity of the laws has often worked against the boat people and has rendered them to a disadvantageous position.

It was way back in 1975, that the Executive Committee (EXCOM) of the United Nations High Commission for Refugees (UNHCR) identified the need to address problems when asylum seekers arrive in the territorial sea of a country. This led to a series of mechanisms adopted by the UNHCR over the years. The first concern of asylum seekers normally is to flee persecution

from the country of their origin to a safe destination even if it means escaping in overcrowded vessels which are often at risk of sinking and eventually many do sink. A State has twin responsibilities then as per International mandate- to render assistance and help in search and rescue facilities (SAR). The need for an effective SAR facility therefore is a prerequisite. The Article 98(1) of the UNCLOS lays down that “if any vessel is in trouble at sea, the crews of all other ships are under an obligation to rescue those in distress”. It says,

“Every state shall require the master of a ship flying its flag, in so far as he can do without serious danger to the ship, the crew or the passengers; (a) to render assistance to any person found at sea in danger of being lost; (b) to proceed with all possible speed to the rescue of persons in distress, if informed of their need for assistance, in so far as such action may reasonably be expected of him. This rescue is one form of humanitarianism.”

The Art 98(2) of the United Nations Convention on the Law of the Sea (UNCLOS) states that:

“Every coastal State shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and where circumstances so require, by way of mutual regional arrangements co-operate with neighbouring States for this purpose”³⁰. Concerned states thus have a lot of responsibility after a ship is located within its territory.

Migrants and refugees travelling by the sea, either to seek asylum or for economic compulsions, is not a new phenomenon and has been continuing for a decade now, despite rising numbers of casualties. The reasons vary from case to case. In case of the Rohingyas, it is often ignorance coupled with other factors. But there are some common plausible reasons also for which seas offer a better option than land to migrants. As imagery, boats floating on high seas crammed with migrants, half fed and helpless, offer a far more poignant sight than refugees or asylum seekers who cross land borders. In terms of media sensitization too, they have an edge over land migrants. This apart, refugees or migrants have colloquially often been described as ‘sea of refugees’, ‘flood’, ‘wave’ etc (Pugh: 53-54). Therefore, journey on seas probably ‘gains additional resonance’ when associated with actual waves and tides. They become synonymous also to the waves and tides that the homeless/stateless, asylum seekers like the Rohingyas endure in their daily lives.

Section - II

The Rohingyas – ‘Asia’s New Boat People’ - : camp lives in Bangladesh

The Rohingyas are now the world’s most persecuted minority without citizenship. Currently around 32,000³¹ Rohingyas are registered with the UNHCR in Bangladesh living in two camps in Cox’s bazaar - a tourist spot in Bangladesh with the World’s largest unbroken beach – in Teknaf and Kutupalong in Ukhiya, near Teknaf. Unofficially however, around 3-5 lakhs of unregistered refugees are living under abject poverty and malnutrition just outside the formal

camp areas. They do not have formal access to food, shelter or work permit there. In order to seek a better life, they are now being compelled to take to the sea in perilous journeys to Southeast Asian countries like Malaysia, with Bangladesh and Thailand as the main transits. Labeled as ‘Asia’s new boat people’ and compared to the Vietnamese exodus³², the fate of thousands of Rohingyas depends on countries willing to help and give them shelter or freedom to live. The phenomenon of receiving Rohingyas in both Malaysia and Thailand has been going on for a decade now, quietly, without any specific policy of the recipient country. In 2007, a trawler carrying Rohingyas was being smuggled to Malaysia, but it sank in the Bay of Bengal. Only eighty boarders survived. A week later, another boat sank causing another 150 migrants to die. In third March, 2008, 22 persons were saved by the Sri Lanka Navy, most of who were Rohingyas, from a boat that had drifted to the Indian Ocean with a broken engine. According to a survey conducted under the Arakan Project, more than 8000 boat people had departed from the coast of Bangladesh to Malaysia, through Thailand in the period between October 2006 and March 2008. So migration or trafficking of Rohingyas from Bangladesh through sea routes is not a new phenomenon³³. However, following the discovery of mass graves, and with international organizations like the UNO, International Organization of Migration and so on having urged Myanmar to take responsibility and appealing to the Southeast Asian countries to act on humanitarian grounds, that these countries have denied more influx, simultaneously denying both protection and asylum, in the initial spade of the crisis.

It is also a relatively new phenomenon that Rohingyas taking to the sea in Bay of Bengal are being accompanied by hundreds of nationals from Bangladesh. The reasons for this again are many, some of which would be discussed later in this paper. Fact is, asylum seekers cannot be termed as “illegal” but the whole issue has become so complex due to the boats carrying not only Rohingyas but many Bangladeshis as well – who are neither ‘stateless’ not ‘asylum seekers’. Here also comes the question of identity that I was invoking in the introduction of the paper. The Rohingyas are known in Myanmar and to the world as ‘Bengalis’ because of their linguistic similarity. Their dialect also matches with that of the Chittagongnians. Particularly, Rohingyas who have been living in Bangladesh in Cox’s Bazaar for years and especially who have been born and brought up there easily mix up with the locals. Their language and habits also become similar to that of the Bangladeshis. So, it is very difficult to distinguish between these two groups. Although, legally the Rohingyas residing within the camps are not allowed to interact with the locals, this continues unabated and they are also found to take part in the informal labour sector, for instance, pulling rickshaws. Therefore, the whole issue of rendering aid to this mixed group of migrants from Bangladesh and Myanmar becomes a problematic. Often to seek refuge, Bangladeshis claim themselves as Rohingyas or at times it’s just the other way round. Bangladesh’s role in this entire paradigm is thus extremely crucial.

As A.Munir³⁴, the protection officer of IOM in Cox’s Bazar, who is also in charge of working with the unregistered refugees in the makeshift camps in Teknaf says that, “the process of inducting Bangladeshi nationals along with the Rohingyas in boats have been going on since the

last ten to twelve years. There were police reports of young boys missing in the adjoining areas of Cox's Bazar, but the reasons were unknown till now. It is only due to the media reports in May and June 2015 that we could fathom the exact figures and amount of boat migration that has been carrying out. Historically, labour migration from Bangladesh to Malaysia was allowed by both the governments in 2010 and even long before it, Rohingyas have been going to Malaysia primarily because it is a Muslim country and there is an active labour market with demand for cheap labour. After the legal sanction on labour migration from Bangladesh to Malaysia was allowed, a boom in the trafficking racket also followed. The traffickers are well aware of the areas they can target to lure Bangladeshi nationals along with the Rohingyas in boat to the high seas, and they are targeted because they are likely to pay more ransoms than what the Rohingyas could afford³⁵. The IOM is in charge of providing health, wash, capacity building and sanitation to the unregistered Rohingyas since 2009-2010 and full fledged from 2013. In collaboration with the government of Bangladesh, they also organize medical camps near the camps.

The Bangladesh government in the last year has decided to resettle the 32,000 registered Rohingyas to a different region since Cox bazaar is primarily a tourist place and the smuggling-trafficking nexus in the region has led to a lot of anti-social activities, including smuggling of drugs. The location where the registered camps might shift is a barren island in the Bay of Bengal called Thengar Char. "It is prime minister Sheikh Hasina's desire that we rehabilitate the Rohingya people," says the local police chief of Hatiya, Mohammad Nazrul Huda, to the nearest inhabited spot to Thengar Char³⁶. The government however remains silent regarding the fate of the lakhs of unregistered refugees. Hence, despite being recognized as Stateless and Refugees by the UNHCR, the Rohingyas have been living under extreme adversities, devoid of minimum livelihood facilities and denied of a proper shelter in States they have sought refuge from. A selective of them has been also received refugee cards from the UNHCR for a certain span of time, yet then they have been subjected to the violation of basic human rights. While the registered Rohingyas in Bangladesh are still comparatively better off in terms of receiving food and shelter from the UNHCR, sanctioned by the Government, they also live under appalling conditions so far as other basic livelihood facilities are concerned. Their freedom of movement or access to sufficient food, water and sanitation was also denied to them till recently. The Government now has taken an initiative to distribute food cards to each family of the registered refugees, from which they can buy the quantity a particular family needs, depending on the number of members in a family. This has been a positive development since previously only a fixed amount of food was distributed by the authorities per family. Although, the camp refugees we interacted with were happy with this step of the Government, yet, even this is not enough since there is a limitation on the quantity a family can buy even from the food cards.

According to a report by the Refugee and Migratory Movements Research Unit [RMMRU] in 2014, 17% children below 5 years were found to be suffering from malnutrition. Neither the registered Rohingya children nor the unregistered have access to formal education. Children of

the registered camps can study till class seven within the official camps under the Burmese curriculum³⁷.

After the Awami League was voted in power, the influx of the Rohingyas in Bangladesh was strictly combated with harsh measures. Sources in Bangladesh, not willing to reveal identity tell us how one of the agendas of Awami League before the national elections was adopting strict measures to combat illegal migration from Myanmar. Keeping its promise, vigilance was increased in the shores of the Naf. Following fresh exodus of the Rohingyas in Myanmar in 2012, it is alleged that the Border Guard Bangladesh [BGB] had pushed back several Rohingya loaded boats to Myanmar, as a result of which they were forced to turn to countries like Thailand and Malaysia. In fact, later this piece shows how there has been a sharp rise of sea voyages from Bangladesh in 2012.

It was obvious that none of them wanted to return to Myanmar. Some of them were arrested by the BGB on grounds of illegal entry. In India too, indiscriminately, they have been incarcerated in various prisons all over the country for illegal infiltration. Although neither India nor Bangladesh is parties to the 1951 Refugee Convention, they have agreed to a number of International legal instruments, including the Universal Declaration of Human Rights (UDHR). Article 14 of the UDHR states that, *'Everyone has the right to seek asylum and to enjoy in other countries' asylum from persecution'*. Paragraph one of Art. 3, of the Convention against Torture, of which Bangladesh is a signatory, also claims that, *'No State Party shall expel, return ["refouler"] or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.'* Hence, Bangladesh and India on humanitarian grounds cannot violate the principle of non-refoulement, despite not being signatories of the 1951 or '67 Additional Protocol, and can't also term the Rohingyas as "infiltrators" or "illegal migrants" since they are asylum seekers. The strategy of refoulement has followed when they have embarked upon sea as well, either from their homeland, Myanmar, where they are living under continuous persecution, or from other States like Bangladesh, where they are living in a limbo.

It has also been clearly stated by the UNHCR that the two International conventions on Refugees would be applicable to sea migrants as well if they are found to be refugees or asylum seekers. Here again comes the paradox – Bangladeshis are not asylum seekers. Hence, these laws are not applicable on them.

According to the 'rescue at sea' guidelines jointly prepared by the UNHCR and IMO, *"If people rescued at sea claim to be refugees or asylum-seekers, or indicate in any way that they fear persecution or ill-treatment if disembarked at a particular place, key principles prescribed by international refugee law need to be upheld. The Master is not responsible for determining the status of rescued persons"*. Art. 33[1] of the 1951 Refugee convention also clearly states that refugees or asylum seekers cannot be returned back to the territory where their lives are under threat. This refers not only to the country of origin from where they are fleeing, but also includes

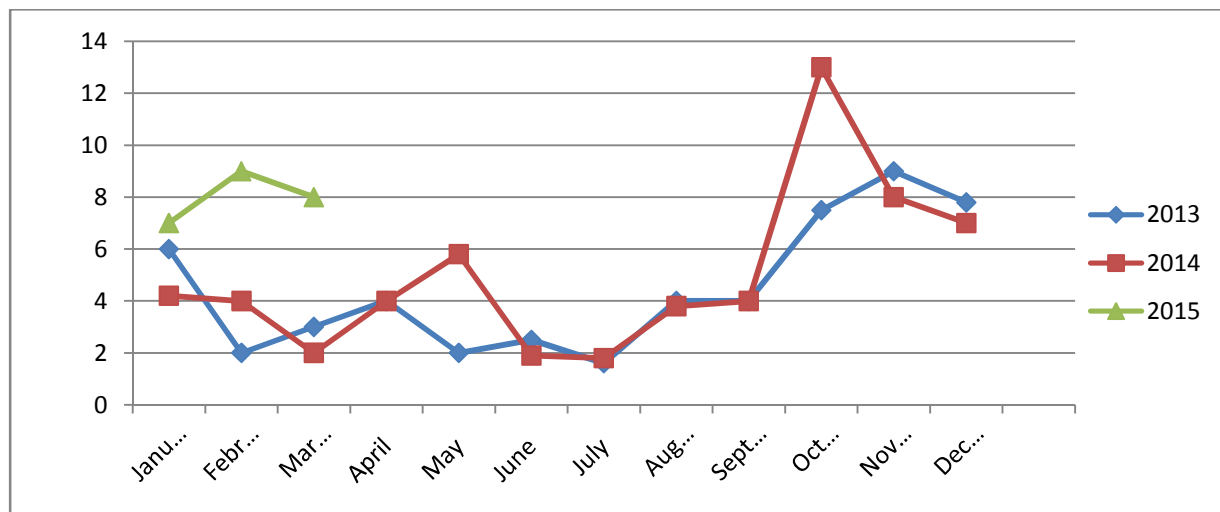
the territory where they might face a threat to security. Even, “Rescued persons who do not meet the criteria of the 1951 Refugee Convention definition of a ‘refugee’, but who fear torture or other serious human rights abuses or who are fleeing armed conflict may also be protected from return to a particular place (*refoulement*) by other international or regional human rights or refugee law instruments”. This is applied even for sea migrants if they are asylum seekers. Going by all these, we can clearly see that a violation of rules has taken place in case of the Rohingyas, repeatedly, particularly when some of them were found stranded in the high sea in paramount crisis. No State was willing to allow their disembarkation within its territory. The ‘rescue at sea’ guidelines further states that, Governments and Rescue Coordination Centres [RCCS] have the responsibility to ensure a ‘place of safety’ to the ships in distress³⁸, whereas, we have found governments playing insensitively with the lives of thousands clammed in rickety boats, neither rescued, nor allowed to land, blaming each other and debating whose responsibility it is to provide protection and asylum.

States concerned are well aware of the Status of the Rohingyas, of their plight, and yet deliberate ignorance and ‘push back’ either in land or sea has been the policies of the governments by and large. As a result many Rohingyas have either perished in the seas or have been living in detention camps as bonded labours in the Thai-Malaysian border. On the other hand, the flip side of the story is that, when it comes to employing people in the most laborious industries, it is the Rohingyas who have been categorically employed for providing cheap labour. Precisely this is the reason also for which there has been a boom of a well knitted trafficking network connecting Myanmar, Thailand, Indonesia, Malaysia and Bangladesh to take innocents in precarious, perilous journeys in the name of work opportunity. Sea is the most accessible route for them since their settlements in Bangladesh are found mainly in Cox’s bazaar, a beach area. While young men are being trafficked in name of labour to Thailand, Philippines and Malaysia, and then are robbed off their belongings, women and children are increasingly being trafficked for sexual exploitation to these countries and India. Economic considerations are major pull factors for young boys, since they are not allowed to work in Bangladesh, even if they are registered with the UNHCR, for which they want to even risk their lives to reach countries like Malaysia.

The number of sea migration swelled from 2006, since from this year Malaysia started registering Rohingyas for residence or work permit. Although the process was soon suspended due to allegations of fraud, rumours of job opportunities spread in both Arakan of Myanmar and Bangladesh, resulting into a sharp rise of middlemen or traffickers who could facilitate the journeys. For sea passage to the shores of Southern Thailand, around US\$ 300 was charged and for the final destination in Malaysia US\$ 700 to 1000 was charged. It was told to willing migrants that sea crossings take around one week, whereas reality proved otherwise. A big network of officials, brokers and agencies are involved in this whole process, operating in these four countries. Till March 2007, arrested boat people on the southern coast of Thailand were deported to a cease-fire zone in Burma, close to the Mae Sot. They were released after payment of a sum of 700 US\$ and were taken back again to Thailand or Malaysia. In the initial years of

this process, many could manage to reach their destination and find out jobs. Many have been also well settled in Malaysia, which have attracted others to take the same risk and follow suit. But as more and more migrants started to appear in the coasts of these countries, authorities became cautious to check the inflow. However, instead of reduction in the number of migrants, figures swelled. While traffickers continued to lure people to take these journeys for money, in reality, very few could make it to the destination and find work as well. In most cases, even after a ransom has been paid, migrants were not released. Many were killed, or simply died from hunger, resulting in mass graves, some of which were discovered in 2015. Especially, after 2007, boats have been very difficult to trace. It was believed that the Thai authorities have been handing them over to the brokers in the Thai-Malaysia borders. Those who were unable to pay the fees were sold out to Plantation owners or fishing boats as bonded labour. The problem with authorities in these countries is that instead of viewing the Rohingyas as asylum seekers, they are considered as economic migrants and as threats to the security of the concerned countries³⁹.

The chart below gives a figure of maritime movement of Rohingyas in the years 2013, 14 and 15:



Estimated number of people making irregular departures by sea from Bangladesh/ Myanmar border in thousands (*000)

Source: The Economist⁴⁰

As the graph shows, the pattern of movement has been very irregular. The data shows a month wise maritime movement in three years 2013, 2014, and 2015. The approximate figures in 2013 are:

January - 6000, February -2000, March - 3000, April - 4000, May-2000, June- 2500, July-around 2000, August -4000, September -4000, October - 7200, November -around 9000, December - just below 8000 and in total around 54,000.

In 2014:

January - above 4000, February - 4000, March - 2000, April - 4000, May - 6000, June -2000, July – around 2000, August - around 4000, September - 4000, October - 13000, November - 8000, December – 7000 and in total 60,000 approximately.

In 2015, the data of only three months have been available. They are January - 7000, February - 9000, March - 8000. It is clearly visible from the above line diagram that the figures are on the rise and they are significantly high in the first three months of the current year compared to those of the previous years.

Narratives from the two Camps in Bangladesh:

Women from among the Rohingyas have mainly attempted to cross the sea for promises of marriage, work and a better future. Tahera Bibi ⁴¹(17 yrs), who is registered and lives in the Kutupalong camp in Ukhaia of Bangladesh has studied in the camp till class 7, as that is officially allowed by the government of Bangladesh. We met her outside the camp, in the house of a local NGO worker, introduced to us through another Research Organization based in Dhaka. Our driver, Mohiuddin, who took us to the camps, was also associated with the NGO and together both these men worked as our translators. There were in total thirteen women, all of them from the registered Kutupalong camp, surrounded by ten men. After the initial formal introduction, we wanted to know whether any of them have ever attempted to go to Malaysia through sea. A Stony silence followed. We were later briefed camp dwellers have been avoiding to speak on the topic due to increased surveillance by the government, following the recent crisis. After much persuasion, an elder women among the group told Tahera to narrate her story. After completing her formal studies, Tahera joined a work initiative by BRAC, known as ‘save the children’. Although there was no official permit for it, she worked there for three years and got 1000 BDT (taka) per month. During this time, she heard of Malaysia from a friend. *“As you know, our society does not give us freedom to work but I heard in Malaysia there is scope for work even for girls”*. She also got a proposal of marriage from a person of her community, settled in Malaysia (Tahera was reluctant to divulge details on how she met this person or whether she had at all met him before landing in Malaysia, or who was the middleman facilitating the connection and eventually the marriage. She however confesses to having spoken to this man over phone few times before meeting him in person). With dreams of a better life and hope of freedom, Tahera decided to leave for Malaysia. The agent who had helped Tahera was also from Teknaf and he is also a Rohingya. The money for her travel was arranged by her would be husband, who was working as a labourer in Malaysia. The total amount paid was 1lakh 50 thousand BDT. In her own words, *“we were first taken to a small boat which had around 80 persons. From there, we were taken to a ship where the number of persons rose to 160. The journey from the small boat to the ship took around 14 hours. The ship first took us to Thailand borders, which took around 12*

days, where we were kept in a cave for 5 days. From there we were taken to Malaysia, again first in a small boat and then in a car. We were taken to the Thai-Malaysia border- Badamosha- where we were caught by the police and taken to custody. I spent four months in the prisons of Malaysia”. Her husband tried to help her by contacting the office of UNHCR but they could not help either, since she was booked for entering illegally in Malaysia and neither was she carrying the registered card by UNHCR. As a last resort therefore, they paid a hefty sum as bail amount and once out in parole fled the country to come back to Bangladesh. Tahera was uncomfortable and remained silent on being asked whether she was sexually harassed in the vessel, whereas several reports of UNHCR depicts how almost all women who have embarked upon sea migration have been sexually assaulted either in the ships or border detention camps.

Hatis Sultan Mohammad, another resident of the Kutupalong Camp, also talked about his son who has been missing since 2012. He was studying in class 7 and had not informed his family before leaving. It was from other sources and his friends that Mohammed came to know his son had left for Malaysia. Since then they are clueless about his whereabouts, whether he is alive or not. A teary Sanoara Begum, his wife, said that they have been living in this camp from 2000. Since they are extremely poor without sufficient quantity of food, devoid of work opportunity, her son has attempted to cross the sea for work. She said they are generally helped by middle men who are either Rohingyas or Bangladeshis⁴².

Zahida Begum (28 years) has been living outside the camp area for nine years. They are unregistered. She has two children and came to Bangladesh with her husband after being attacked in Myanmar, by crossing the Naf river in a boat. They had to pay 6,000 in Myanmar currency for this. Her husband works as a daily labourer hiding his identity. However, that is not enough to cover their expenses of daily sustenance. She said that they also want to leave for Malaysia because they have ‘heard’ they have lots of job opportunities in Malaysia. “But do you still want to go, when so many have died or abducted”? – I asked them. “There are risks, yes, but if once we can reach there we would have a better life. Is it possible to live here, in this way? During monsoon we face the toughest time. We can’t work, have to constantly live hiding our identity, or else would be imprisoned. Whereas in Malaysia there is ample work opportunity couple with security of life.⁴³

On the next day, we visited the settlement areas outside the Teknaf camp. We were introduced to Abdul Mafalat there, aged 60. He has been living with his family outside the camp for thirteen years now after leaving the Mungdow district of Myanmar. They had crossed the Naf to come to Bangladesh. Mafalat is the selected representative of their settlement area. It was decided he would talk on behalf of the entire camp. Most of the residents of this settlement area came to Bangladesh after the violence of 2012 in Myanmar. They are registered and work as daily labourers who receive anything between 200-500 BDT for their work. We were amazed to see small shops within the settlement area. There is no clear answer as to how they have managed to possess enough resources to start these shops. Mafalat has cross over to Bangladesh with his wife and two children and his eldest son has left for Malaysia from Myanmar long back. Although

they are not in regular contacts, yet he knows his son is earning well over there. The work is tenuous but still better than living in Myanmar or in the camps of Bangladesh. It is unfortunate however, he said, that many in his neighbourhood have lost their sons to these sea voyages. They are either dead or missing or detained in border camps.

From these accounts and other interviews taken in both the camps and various officials at the UNHCR and United States Embassy at Dhaka, it is clear that there is a strong desire among the Rohingyas to leave their camp lives and move on to a 'free space' in search of job and livelihood. It is also evident that despite strict measures taken by the Government of Bangladesh to restrict the movement of the Rohingyas – both registered and unregistered – there continues interaction between members within the camps and those living outside as unregistered and that they also have many locals as their friends who help them to buy food and also to work outside their restricted space. It is interesting however that even the officials with whom we spoke to opined that while the Rohingyas had dared to cross the sea willingly in overcrowded boats, for the Bangladeshis it is mostly stories of abduction or kidnap. On the contrary, right from Mohiuddin, our helper to some local Bangladeshi youths we got introduced to through him conveyed how even they want to leave the country. We were surprised. I asked them the reason. "Didi, we have heard India has more job opportunities. Can you make arrangement for us to go to India, somehow? Our job security is low here and most of us are unemployed. Surely India can offer us jobs"? We did not know how to respond. It is not singularly the issue of poverty for which these youth want to leave; it is the sole idea that the state of living would be better at the other side of the fence is alluring.

The Rohingyas and Bangladeshis in Bangladesh thus have been increasingly become victims of these trafficking rackets, in names of a 'safe place' or economic opportunities in either the Middle East, or as the trend shows now, in the Southeast Asian countries. The process is, first they are carried in small boats, mainly fishing trawlers, to a large ship where they are joined with more persons from other boats. This ship then carries them first to the Thai coast and then to the final destination to Malaysia through the Bay of Bengal, Andaman Sea and the Strait of Malacca.

The route or the entire system of the voyage that the Rohingyas have embarked upon from Bangladesh to Malaysia can be portrayed through the following map:



Cox's Bazar to Songkla in Thai Coast and finally to Malaysia by either small boats or road

The diagram below has been borrowed from the *Daily Star*, a leading daily in Bangladesh, which has extensively reported on the trafficking racket, ever since the news's made headlines in May 2015.

A pictorial depiction of the steps that the traffickers take to lure Rohingyas or Bangladeshis to take to the Sea for Malaysia is sketched below: -



Source: 'Slave Trade Blooms in dark Triangle', The Daily Star, May 29, 2015.⁴⁴

According to this report, transnational human traffickers have kept around 2.5 lakh Bangladeshi captured in Thailand, in exchanging extracting huge amounts of BDT from them. First, the Local brokers get between Taka 5000-10,000 for each person and the heads of the traffickers receive anything between Taka 15,000- 30,000. Till a sum of BDT ranging between 2-3.5 lakh is paid, they are not released. Often, even after the amount is paid, families are unable to trace the victim. Most of the transaction is done through mobile banking. The traffickers and their brokers have dealings with various mobile banking services. In 2014, according to the Report of UNHCR, 53,000 persons went to Thailand and Malaysia from Bangladesh⁴⁵. According to UNHCR, this year, between January to March 2015, 25,000 persons (40-60% Rohingyas and the rest Bangladeshis) have departed irregularly by the Bay of Bengal and around 300 are estimated to have died. Around 5,400 are languishing in detention centres in either Thailand or Malaysia. The figures have doubled from what was reported in the first quarters of 2013-14. Migration of women has also increased. Like Tahera, reportedly, they are also lured in name of marriage, or either abducted without consent. The sums for them are paid by their "prospective" husbands. But in general, they are further sold to various brothels. The age group for both men and women were under the age of 18. Since October 2014, boats that have departed from Sittwe (in Myanmar) have carried 30-100 passengers. Here, these arrangements were mostly done by friends or associates of these migrants, and these passengers were allowed to carry their own food on board. But even these boats have either fell in the hands of smugglers, or attacked during disembarking in Thailand. The sea conditions from Bay of Bengal through the Andaman Sea also continue to be dire. Women passengers, who have been interviewed by UNHCR, have also talked about sexual abuses and rapes on board.

Contextualizing Bangladesh: A migrant's nation

This section is crucial to comprehend, perhaps, why Bangladeshis from mostly the Chittagong and Cox's Bazaar areas have also been found on the boats along with the Rohingyas. India, Bangladesh and Myanmar has the same colonial past and the region, despite boundaries have remained tied socially, culturally, politically, geographically and economically. The Awami League government has on the one hand adopted strict measures to stop the influx of Rohingyas into Bangladesh; on the other hand it has made it clear that Bangladesh needs Myanmar for its own economic benefits. Myanmar is the only country with which she shares her direct boundary in Southeast Asia. With Myanmar's increasing role in both ASEAN and BIMSTEC, Bangladesh cannot suspend its diplomatic ties with the country on the issue of the Rohingyas⁴⁶. Hence, it has addressed the issue cautiously, particularly in the context of the mixed flow in the boats.

Historically one should also note that, Bangladesh is one of the highest ranking countries in migration, especially labour. There has also been a consistent trend of moving out of the country

for work. According to the IOM, around five million Bangladeshis are currently working overseas in various countries. In fact, migration has been recognized as an important option of livelihood for the nationals of Bangladesh. Remittances sent by migrants, officially, amounted to a record high of USD 11 billion in 2010. According to the World Bank, Bangladesh ranks among the top ten countries to receive remittances and the problem is that remittances have remained mostly as private funds for the migrant families⁴⁷. Families which already have members working abroad try to send more from the family from the amount received in remittances, as a result of which these funds are hardly used as fruitful investments or for developmental purposes to boost the economy.

Against this backdrop, it is easy to understand why migration from Bangladesh – both legally and illegally- is so high. Solely blaming poverty as a ‘push factor’ therefore is like ignoring the specific historical context of the country that in large numbers produces migrant labours worldwide, to the Middle East, Southeast Asian countries and needless to say, India. The cross-border migration across the Bengal-Bangladesh border has been a continuous issue of research, debate and discussion since the nineties. It is hence natural that refugees who have been living for a decade in the country would not be out of the purview of this system, particularly when their camps lives are full of adversities. Even tougher is the condition of the unregistered Rohingyas in Bangladesh. Migration thus plays a crucial role for the economy of Bangladesh. In 2011, the total number of migrants was 5, 68,062, while in 2012 it rose to 6, 07,798. A sharp rise of 6.99% thus could be noticed. In 2013, the number dropped to 409,253 but again in 2014, the figure rose to 425,684⁴⁸. 2012 thus marks a great year for Bangladesh in terms of labour migration. Significantly, it was also in 2012, that fresh exodus in Myanmar, resulted into people fleeing the country frantically in boats to either Bangladesh or other neighboring countries. And again, it was from this year, that the changed government of Bangladesh decided not to entertain any more inflow of migrants from Myanmar. Boats were not allowed to land, and as a result many turned to these countries for refuge.

In 2012, another significant step was taken in Bangladesh. The Malaysia – Bangladesh government to government understanding was signed on 26 November. According to this, Malaysia could receive workers from Bangladesh formally in sectors like plantation, agriculture, manufacturing, construction and service sectors. 30,000 male workers were to get jobs in the first phase. However, this effort was difficult to activate in practice due to structural and other complexities. Very few could migrate under this system. In 2012, only thousand could make it and in 2013, it was only 5191 workers. Plantation in Malaysia requires very hard work and Malaysia is in need of recruiting labor in the sector, especially in rubber plantation. So, while there is need of labour, formally from Bangladesh, very few are going. This G-G step has also generated this idea that Malaysia has ample work opportunities among the youth in Bangladesh, resulting into the steady growth of the trafficking nexus explained above. The idea was labor is needed, so if one can't legally go there, illegally by paying a fixed amount they can go there by sea. Apart from this another crucial factor has also contributed in illegal migration of

Bangladeshis along with Rohingyas to these countries. Bangladesh is also seventh among the highest remittance receiving countries of the world. In 2014, it received US \$ 14.94 billion as remittance, 5.3% higher than the previous year. 30 to 40 % of the annual remittance still comes from informal channels, according to an ILO report. This has also resulted into boosting outflow of people to other countries. The problem is the remittance received is generally not utilized effectively or positively in the economy of the country, as afforesaid.⁴⁹ So there are people with a huge amount of unutilized capital. Naturally, they prefer to utilize this sum to migrate out of the country.

Conclusion

We therefore have a problematic and a complex web of issues. Unraveling this in terms of a solution is extremely difficult. My piece had started with a number of questions on why the Rohingyas, especially the Bangladeshis have been found in rickety boats. On one hand we have Rohingyas leaving Myanmar, stateless and helpless; on the other hand we have Bangladesh as a major country of transit, giving rise to even more complex issues. There is no one reason but many factors combined together that has been the motivating factor behind these drives. The economic prosperity of the region, the geographical proximity of the sea, the success stories of fellow camp dwellers in Malaysia, the initial acceptance of the Rohingyas in the rubber plantation industry in Malaysia and finally the inherent mobility that the Rohingyas in Myanmar, Bangladesh, India, Southeast Asia, Australia and Middle east have acquired over time, for having no particular state to negotiate with and for trying to seek new territories and avenues of settlement have pushed them towards these perilous journeys. The need to leave, even if there is no particular destination, has been of utmost urgency to them.

Drawing from several instances of boat people that I have come across for this study, it would not be wise to club them together under the umbrella term without taking into account the variation of the contexts. However, there is no denial of the fact that the conditions that create 'boat people' generally stem out from a crisis- either war, ethnic clashes or continuous persecution. Thus, deaths or accidents do not act as deterrent for migrants daring to cross the sea at high risk as is seen in cases of the Vietnamese Boat people, the Rohingyas and now the Syrians leaving for other European countries. What has become particularly distinct on the issue of the Rohingya taking to the sea is the mixed flow of migrants, which the states have increasingly found inadequate to address. The metaphorical journey that the introduction of this paper had mentioned, hinted at the journey a Rohingya is basically born with; a journey of fate, a journey towards freedom and an endless journey in quest of life, work, freedom and identity. Their journey of life is now synonymous to their journey on seas- both endless and dangerous. On May 5 this year, concerned authorities of the Southeast Asian countries, Bangladesh and Human Rights Organizations of these countries assembled together in a meeting to detangle the issues as fast as possible. The countries have also consented to provide refuge when a boat is located instead of turning it back, due to the massive criticism of their policy worldwide. While, Bangladesh is bringing back her people from these boats and the detention camps, for the

Rohingyas, the wait is ceaseless. Arrests of several agents and middlemen have followed. But then, the problem would not be solved only with arrests or destroying the system of trafficking. Will that stop illegal migration? Will that improve the state of the Stateless? Questions remain. What comes out finally to solve this issue thus remains to be seen and since research on boat people migration in the region has remained scarce, there is therefore a need of more dialogue and mobilization in terms of policy advocacy in this arena.

End Notes

¹ I have borrowed the term from Joe Lowry, a spokesman for the International Organization for Migration in Bangkok; and ‘Illegal Migration: Maritime “ping-pong” must end’, Masum Billah, The Daily Observer, 18 May 2015.

² Cowell and Rouse (ed.) *The jataka, or stories of the Buddha’s Former Births*, Cambridge University Press, 1895-1913, sighted in Amrith, Sunil S. “Crossing the Bay of Bengal: The Furies and the Fortunes of Migrants”, Harvard University Press:2013, Pg 24.

³ *Ibid*, Pgs: 1-25.

⁴ <http://www.newstatesman.com/world-affairs/2015/08/why-do-we-have-do-death-trip-migrant-crisis-continues-boat-capsizes-libya> accessed on 07-09-15.

⁵ <http://www.independent.co.uk/news/world/europe/migrant-deaths-in-the-mediterranean-continue-as-40-bodies-found-in-hull-of-smugglers-boat-10457049.html>

⁶ <http://www.thedailystar.net/country/mass-grave-bangladeshi-myanmar-migrants-found-thailand-80115> - accessed on 26-7-15.

⁷ The title of the news is in Bengali- “Thailand er Jangal e aro 30 Ganakabarer Shandhan”, Dainik Janakantha, 8 May 2015. This paper was accessed from the newspaper archive section of Dhaka University.

⁸ “Sagar e bhashche hajar hajar abhibashi”, Moyajjemul Haque, H.M. Ershad, Dainik Janakantha, 14 May 2015.

⁹ Interview taken at the Office of *Daily Star*, on 30 June 2015

¹⁰ <http://www.nytimes.com/2015/05/16/world/asia/migrant-boat-myanmar-thailand.html?module=ArrowsNav&contentCollection=Asia%20Pacific&action=keypress®ion=FixedLeft&pgtype=article> accessed on 05-09-15.

¹¹ <http://www.nytimes.com/interactive/2015/05/14/world/asia/Understanding-Southeast-Asias-Migrant-Crisis.html> Accessed on 05-09-15.

¹² ‘Malaysia and Thailand turn away hundreds on migrant boats’, the Guardian, 14 May 2015; - <http://www.theguardian.com/world/2015/may/14/malaysia-turns-back-migrant-boat-with-more-than-500-aboard> , accessed on - 31-7-15

¹³ *Ibid*

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