



**Institute of Human Rights
and Peace Studies**



**Master of Arts in International Development Studies (MAIDS),
Chulalongkorn University
Institute of Human Rights and Peace Studies (IHRP),
Mahidol University
Bachelor and Master In Politics and International Relations (BMIR),
Thammasat University**

Proceedings of

**International Seminar on
Development, Democracy,
Human Rights and Peace in Asia**



**1 July 2016
Faculty of Political Science
Chulalongkorn University, Bangkok, Thailand**

**Negotiating Between Identity, Status and Social Protection:
The Assessment on the Experience of Rohingya in Thailand¹**

Angkana Kaewkuekoonkit²

MAIDS, Faculty of Political Science, Chulalongkorn University

Abstract

Rohingya identity is well-found as the ‘unwanted’ minority group in the region. Rohingya people now have been justified as one of the most vulnerable people in contemporary. Rohingya issue has represented the mixed-flow migration. This kind of flow also affected their status to survive in the country of destination and country of transit such as Thailand. Thailand is currently handling only the ‘New Rohingya’ group referring to Rohingyas who arrived Thailand since 2012 and over and mostly are arrested from the smuggling boat. The current solution from state side which we perceived is this group of Rohingya has been proceeded with the ad hoc solution. There is also the ignorance towards another group of Rohingya and also generalized all Rohingya people in Thailand as the same. Being stateless people is one of the main obstacles for Rohingya to access formal social protection and legal status provided by Thai state. Without the clear nationality, it forces Rohingya people to struggle and conceal their illegal status. Consequently, their identity and status adaptation of Rohingya in different circumstances in Thailand affected significantly to the social protection obtaining. The purpose of this paper is to assess how Rohingya in Thailand have adapted their identity and status to seek for the social protection? The data collection for this paper is based on the fieldwork finding on the situation of Rohingya in three different contexts including refugees or asylum seekers in temporary shelters, victims of human trafficking in Thai government shelters and urban immigrants. Theoretically, the paper has applied the concept of social protection which aims to reduce the vulnerability on social and economic dimensions to assess fieldwork data. Perspectives of formal and informal social protection providers are also drawn upon to assess with the finding from fieldwork about identity and status of Rohingya. This paper argues that a certain identity and legal status recognized by the Thai state and international humanitarian/human rights agency such as refugee status tends to enable Rohingya in Thailand access more stable social protection and ensure their long-term resilience in Thailand. At the same time, Rohingya people who have not been recognized by the Thai state can be resilient through the fluid identity and mixed status in Thailand and gain assistance from informal protection providers such as mosque and Rohingya social network.

¹This article is a part of the author’s Master thesis entitled “Assessment of Social Protection Mechanisms for Statelessness: A Case Study of Rohingya People in Thailand” submitted in partial fulfillment for a Master’s Degree of Arts in International Development Studies, Faculty of Political Science, Chulalongkorn University under supervision of Professor Supang Chantavanich, Ph.D.: the thesis advisor.

²Master’s Degree student in International Development Studies, Faculty of Political Science, Chulalongkorn University: angkana.koonkit@hotmail.com

Introduction

Rohingya identity is well-founded as the 'unwanted' group of people with stateless stigma from the 1982 Burmese Nationality law influencing Rohingya to become one of the most vulnerable people in contemporary (UNHCR, 2014, p. 1). Actually, not only stateless status representing through the lack of documents but also the deprivation and the brutal conditions in Myanmar which forced Rohingya people to migrate to others country. Thailand as one of the countries of transit and destination of Rohingya still encounters with the challenge to handle with Rohingya especially in human trafficking case. In fact, there are various groups of Rohingya living in Thailand both staying under and without Thai authority control. Most of Rohingya people perceived themselves as the 'victims' or 'passive actors' (Pobsuk, 2014, p. 30) and struggles on their security for living in Thailand. They seek the protection from many sources and also adapt their identity and status to meet their long-term resilience. Being stateless people, a certain status and the way to reveal identity is significant for Rohingya to gain the social protection. From the fieldwork finding, I found that having a certain status with documents recognized by the state are become the most necessary thing of Rohingya in Thailand. However, Rohingya in different circumstances represents the different way to be resilient in Thailand through the negotiation with their status and identity. The purpose of this paper is to assess how do Rohingya in different circumstances in Thailand adapt their identity and status to seek for the social protection?

This paper's finding based on the fieldwork research on Rohingya in three different circumstances includes asylum seekers in temporary shelters, victims of human trafficking in Thai government shelter and urban immigrants. Theoretically, this paper applies the concept of social protection to demonstrate the comparative analysis on Rohingya's protection. Social protection concept which aims to reduce the vulnerability on social and economic dimensions provides various perspectives of formal and informal social protection providers for the possible alternative of Rohingya's protection. This paper consists of four main parts. In the first part, I discuss the conceptual framework and follow with how Rohingya living without authority control can adapt their identity and status for survival and gain social protection. Then, in the second part, I examine how Rohingya living under the Thai authority control in two different circumstances (within Thai government shelter and within temporary shelter along Thailand-Myanmar border) negotiate their identity and status in order to obtain social protection. The third parts, I provide the comparative analysis of social protection between Rohingya in different circumstances based on fieldwork finding. The last part, I propose the conclusion which argued that a certain identity and legal status recognized by the state can still ensure the regular social protection for Rohingya people in Thailand. However, there is still the gap of a certain status under state control such as the limitation of protection which has led to Rohingya having to adapt their identity and status to survive including by keeping the status under state recognition as in the case of asylum seekers in temporary shelter. In contrast, Rohingya living without Thai authority control like urban immigrants demonstrate the most fluid identity and status adaptation. Although such adaptation can enhance the multiple choices in life, it still makes the Rohingya being at risk and being in the cycle of vulnerability indefinitely.

Conceptual Framework

Theoretically, social protection is a useful policy framework which consists of the main goal to reduce the vulnerabilities of a vulnerable group of people (Sabates-Wheeler & Waite, 2003). It

provides the various perspectives of protection provider from both formal and informal actors. The vulnerable people or poor group includes displaced persons from a natural disaster or man-made conflict, migrants, marginalized or excluded people, young children, pregnant women and elderly people. In this regards, migration is one of the issues that makes people become vulnerable because the mobility and dislocation always bring people to have an unstable livelihood include the lack of basic consumption and protection which happens to Rohingya people in Thailand.

Social protection in this article will examine the way various protection 'providers' both formal and informal actors offer assistance to non-citizens like Rohingya as a 'receiver' within Thai state by using the four dimensions of social protection to assess the situation of Rohingya people which includes 'promotive measures', 'transformative measures', 'preventive measures' and 'protective measures'.

'Promotive measures' include providing education to all children, facilitating people to access healthcare and sanitation thoroughly and providing a house for the homeless people.

'Preventative measures' mainly aims to prevent the deprivation of vulnerable groups. This kind of measures refers to social insurance provision include health insurance and pensions for elderly people.

'Transformative measures' is a tool to see the protection which came from power capacity to negotiate with power relation of individual and a group of people, for instance, vulnerable people have the capacity to raise their voice of concern to the public.

'Protective measure' specifies to target the relief from deprivation e.g. the funding and assistance and basic needs to displaced persons when these people encountered with the shortage.

Rohingya Urban Immigrants

For Rohingya urban immigrants, they are recognized by Thai authority as 'illegal migrants' who tends to be arrested, detained and deported under Thai Immigration Act (ERT & IHRP, 2014, p. 7). That means as stateless people without any legal documents, they have no rights to live in Thailand legally. This affected Rohingya urban immigrants who could be arrested by Thai police become vulnerable people. This forces them to become vulnerable to poverty and be in debt as they have to pay a monthly bribe in order not to be arrested. From an interview with urban Rohingya in Bangkok and Nonthaburi area, it has been found that there are many types of Rohingya in the urban area including 'Old Rohingya'³ 'New Rohingya'⁴ and Rohingya who was born in Thailand.

³ 'Old Rohingya' refers to Rohingya who lives in Thailand for more than 10 years (arrived Thailand before 2006). Normally, they can speak Thai and can adapt themselves with the situation in Thailand well. (Director of TCR, Interview, May 4,2016)

⁴ 'New Rohingya' refers to Rohingya who come to Thailand by boat in two years ago (During 2012-present) in the period that the public have just recognized the existence of Rohingya through the tragedy of boat people. (Director of TCR, Interview, May 4, 2016)

For 'Old Rohingya', most of them have 'Ten years card'⁵, which allow them to live legally within the certain area temporarily, but not for them to work freely. Additionally, they can also get '30 baht card'⁶, to enter medical treatment in Thai public hospital as well. This reflects the term of 'promotive measure' in social protection which formal provider like state gives to Rohingya who registered legally with the government. However, even getting 'Ten years card', some Rohingya revealed that they are still arrested by Thai police while they were selling Ro-Ti and they have to pay for the bail in a high amount for the freedom. However, mostly the rental house owner and Rohingya friends usually lend them some money when they meet deprivation after arresting. This can be counted as 'protective measures' that Rohingya gain from the informal provider. 'Old Rohingya' mostly can speak Thai fluently and they are familiar with Thai community. Some of them can reveal themselves as Rohingya just only when someone asks, but mostly as they can speak Thai fluently, so most people think that they are more likely Thai Muslim if their appearance is not much distinguished from Thai Muslim people. Furthermore, I found two 'New Rohingya' who cannot speak Thai and so afraid to reveal the information. One of them revealed that as he said that as he did not have any documents and used to be arrested several times, so he cannot also sell Ro-Ti regularly. However, as his wife is Burmese Muslim who has a passport, so she can sell Ro-Ti replacing him and this makes him survive in Nonthaburi area. In the same community, I found a young Rohingya girl who is a daughter of one 'Old Rohingya'. She was born in Thailand and got a birth certificate from Thai hospital and now she is studying in a Thai school. This girl revealed that she might get Identification card soon when she is 18 and she feel free to live in Nonthaburi as has many Thai Muslim friends. Normally, this girl speaks Thai to their parents and from her appearance, she looks like Thai Muslim girl and this makes her never be checked by Thai police.

Rohingya Victims of Human Trafficking

In the case of Rohingya who live under Thai authority control, I would like to divide it into two circumstances: Rohingya victims of human trafficking and Rohingya asylum seekers in the temporary shelters along Thailand-Myanmar border. Firstly, all Rohingya who were sent to National Operation Center on Prevention and Suppression of Human Trafficking at Pathumthani province or so-called 'Baan Pathum', have been proved and categorized as the 'victims of human trafficking'. This process is carried out by the investigation sector including various Thai authorities get involved for instance Ministry of Social Development and Human Security, the Police and Immigration Bureau. Also, they are all proved nationality by UNHCR and related organization includes IOM. The main nationality which has been found in Rohingya group consists of Rohingya, Bengali and Jumma⁷. However, some Rohingya might switch their identity by telling that they are Bengali for the quicker process to go out from the government shelter. These facts reflect the identity adaptation to seek for more secure life and the hope to be free as fast as possible of Rohingya. Under full Thai authority control, all

⁵ 'Ten years card' refers to the card for the 'alien' people who stay in Thailand launching issued by Ministry of Interior

⁶ 'Thirty baht card' refers to the card for accessing the medical insurance in Thai public hospital. This is part of the Thai's Universal Health Coverage policy. The cardowner does not need to pay for treatment fees. This card allow to the migrants who have 'Ten years card'.

⁷ Jumma refers to the indigenous peoples of the Chittagong Hill Tracts region, this area is in Bangladesh territory in present day (CWIS, 2008).

Rohingya in Baan Pathum have been clearly identified which help for the quicker process of durable solutions includes resettlement to the third country.

However, stateless Rohingya in Baan Pathum has been categorized as the most vulnerable case as they were discriminated brutally and have no legal protection from their country of origins without national recognition by any state and also vulnerable from human trafficking cycle in a severe case. As the most sensitive case, the officers in the government shelter have to strictly treat them with more limitation than others nationality. From caretaker and the director of Baan Pathum interview, all Rohingya in Baan Pathum desire to apply for the refugee status with UNHCR and prefer to resettle to a third country at last which the period of time depending on how Rohingya victims of human trafficking go along with the process of nationality identification. In term of document holding, Rohingya in Baan Pathum gain just only 'Asylum seeker and Refugee card' from UNHCR as the legal document binding with international norms of refugees. And this can make Rohingya stateless people were treated as equal as other people who have nationality (The International Observatory on Statelessness, 2015). In this regards, Rohingya, as the victims of human trafficking, even are not considered as national by any state but at least they are recognized their status by international norms which still allow them to keep their certain identity on hand. Substantially, Rohingyas who are the victims of human trafficking in full Thai authority control as stateless have been proved nationality for the next process of resettlement which forces them to have a certain status and this conforms to the aims of Thai authority. Additionally, this affected to the protection that this Rohingya group can obtain. As an interview with the caretaker, Rohingya here have been provided all basic needs includes food, clothes, medical treatment, education, pensions (reflects 'preventive measure') and ability to claim or require something from the officer (reflects 'transformative measure') with the clear solutions to resettle to a third country. Consequently, this reflects that the Rohingyas in this case have a full social protection which mainly provided by Thai authority and some international organization such as UNHCR and IOM. Their identity as victims of human trafficking and solutions are treated by Thai authority under the Anti-Trafficking in Persons Act B.E. 2551.

Rohingya Asylum Seekers in Temporary Shelter Along Thailand-Myanmar Border

For Rohingyas who live in a temporary shelter along the border, they reflect the fluid and transformed identity and status interestingly. As I cannot access to interview Rohingya within the temporary shelter in Mae Sot area directly, instead, I decide to interview Rohingya people who stay in Umpiem temporary shelter and go out from the shelter to seek for the job in Mae Sot area temporarily. From fieldwork finding, there are two main types of Rohingyas who go out from the temporary shelter along the border includes Rohingya who temporarily go out and back to the temporary shelter and Rohingya who permanently go out and decides to abandon the life in temporary shelter as it is hopeless to live there. For Rohingyas who temporarily go out and back to the temporary shelter, they want to seek for job and earn money for their family. At the same time, refugee status is still important for them and this is the only reason that Rohingya tolerant to live in the temporary shelter even though the life outside might be better for them. For this, Rohingya in temporary shelter need to do the process of checking and interview within the camp to maintain their status in the temporary shelter. One of the Rohingya from Umpiem camp who sometimes live in Mae Sot revealed that he applied for refugee status since 2005 before came to live in the Umpiem temporary shelter, until now, he has still not gained the refugee status and still waiting for it. At the

same time, as he is still an asylum seeker who get inadequate basics needs from NGO in the shelter with uncomfortable circumstance to live and without hope, so he decides to reduce his shortage by seeking for the opportunity outside. The social protection in temporary shelter includes food, house and ability to go outside the camp by the approval from Thai authority and section leader. However, for this 'promotive measures' might be inadequate that affects them to seek for a job outside to relieve their deprivation, so the 'protective measures' here might be coming from informal sector like their employees outside shelter. In this regards, this Rohingya group switches his identity from asylum seeker in the temporary shelter to become an urban immigrant and shift to asylum seeker again when he has to go back to the Umpiem temporary shelter for checking process at least once a month. This also because of the flexibility of Thai authority and camp commander as they also understand the situation that the basic needs and humanitarian assistance within the temporary shelter is inadequate and limited, so it might be more benefit for asylum seekers and refugees if they can go outside to find their own stability. However, there is some gap for allowing them to go outside. As interview the Rohingya in Mae Sot, many asylum seekers includes Rohingya who decides to go out and back to the shelter, they tends to live outside the shelter more than in the camp as some asylum seekers can negotiate with the section leader and Thai authority includes Deputy District Chief or 'Pa-Lat'. Broadly speaking, this group of people tends to keep both refugees and urban migrants which both benefit them in a positive way. However, there are also Rohingya who permanently go out and decides to abandon the life in the temporary shelter, as there is no hope in the temporary shelter for them. This also reflects that this situation of Rohingya and other asylum seekers in temporary shelter can interpret that they can be both 'passive actor' and active actor at the same times (Pobsuk, 2014, p. 30)

Analysis

Rohingya living in Thailand reflect the various identity and status adaptation depending on the circumstances of the situation they are in. Rohingya living under full Thai authority control in victims of the human trafficking case have a certain status as victims of human trafficking and clear identity which enable them to gain full social protection under Thai government. However, Rohingya under 'semi-Thai authority' like in temporary shelter reflects the combination between state control and self-resilience through asylum seekers and urban migrants status which sometimes make them secure as they have more than one options for status recognized by the state. However, there is more possibility that Rohingya asylum seekers will transfer to permanent urban immigrants in the future if they still have no hope of gaining refugee status from UNHCR. Lastly, Rohingya urban immigrants reflect a fluid status and identity adaptation to survive in the urban area which is still unstable for long-term livelihood and risk to be arrested especially 'New Rohingya' who has no documents and cannot integrate into Thai community. Urban Rohingya mostly gains social protection to relieve the deprivation from informal providers includes Rohingya network, rental house owners and mosques or Muslim foundations more than state provider.

Conclusion

To conclude, most of Rohingyas still perceive themselves in Thailand as 'the victims' who need the protection from others and also need a certain status and documents from Thai government or international organization. For this, a certain status recognized by Thai authority for a certain purpose to protect them can ensure the regular and long-term social protection under Thai law. In

this sense, Rohingyas who live under Thai authority control might not be recognized as stateless persons anymore because they have been already recognized by Thai state in a certain status which brings to the durable solutions at the end. On the other hand, for Rohingya who live without Thai authority control, their concealed status and identity without the recognized by state or international norms make them still vulnerable indefinitely even though there are many channels for them to adapt freely which mostly came from informal protection providers.

References

- CWIS.(2008). JUMMA.Retrieved June 19. 2016, from IC Magazine
<https://intercontinentalcry.org/indigenous-peoples/jumma/>
- ERT & Institute of Human Rights and Peace Studies. (2014). The Human Rights of Stateless Rohingya in Thailand (pp. 3): TheInstitute of Human Rights and Peace Studies, Mahidol University.
- Pobsuk, S. (2014). Negotiating the Regime of Identification: A Case Study on Displaced Persons in Mae La Refugee Camp and Mae Sot Township.(Master Degree), Chulalongkorn University.
- Sabates-Wheeler, R., & Waite, M. (2003). Migration and Social Protection: A concept Paper.Sussex: Institute of Development Studies, Sussex.
- The International Observatory on Statelessness (2015).What is Statelessness? Retrieved 17May 2016 <http://www.nationalityforall.org/whatis>
- UNHCR.(2014). Handbook on Protection of Stateless Person under 1954 Convention Relating to the Status of Stateless Persons. Geneva: United Nations High Commissioner for Refugees