

# The Smuggling Activity and Irregular Migration to Malaysia: A Case Study of the Muslim Rohingya from Myanmar

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## Abstract

This study describes the smuggling activity and irregular migration to Malaysia performed by the Muslim Rohingyas from Myanmar. The Rohingyas become refugees due to a long history of systematic persecution and discrimination in their place of origin, particularly the Rakhine State. Their irregular migration from Myanmar to Malaysia has been made possible by the presence of smuggling networks whose appearances are not well understood given their clandestine and complex nature of activities. The quantitative research method was used to collect secondary and primary data. Secondary data was collected from various sources including library study, newspapers and websites. Meanwhile, primary data were collected using the method of survey. The respondents have been chosen randomly of 48 Rohingya refugees in the area of Kuala Lumpur and Selangor. As result, the smuggling activity and irregular migration of the Rohingya refugees to Malaysia were influenced by the smuggler called *Dalal*. The *Dalal* has played five major roles as a recruiter, creditor, travel assistance, interpreter, and broker in their smuggling business activities. This study suggests that the Malaysian government should address the irregular migration and migrant smuggling in terms of the people-centered approach that favors not only the state's security but also the well-being, dignity, and freedom of the people at large.

**Keywords:** Government Persecution, Ethnic Discrimination, Irregular Migration, Smuggling Activity, Rohingya Refugees

## Introduction

The smuggling activity is inevitable due to a long history of systematic persecution and discrimination faced by Rohingyas in their home country, Myanmar (Ullah, 2011). The irregular migration of Rohingyas has been made possible by the presence of smuggling networks that facilitate the Rohingyas' movement, crossing international borders in order to reach transit and destination. Nothing much has been disclosed in relation to the conduct of smuggling given the difficulties to observe, measure, gather and interpret available information. Consequently, existing disclosures rely upon information from public officials and investigative media practitioners (Azharudin & Azlinariah, 2012).

In Malaysia, irregular migration and migrant smuggling have always been associated with transnational organized syndicate, human trafficking and lucrative illicit businesses (Equal Rights Trust, 2014). They are also considered as a threat to national security together with other non-traditional security issues such as illegal fishing, sea piracy and drug trafficking. Consequently, stringent laws and regulations were set forth as pre-emptive strategy, intending to put an end to this crime. However, such

initiative is seen ineffective to prevent the inflow of irregular migrants and the escalating incidences of migrant smuggling (Azlinariah, 2012). This study strives to determine the trends of irregular migration among Rohingyas from Myanmar to Malaysia and also to identify the role of the smugglers in the smuggling activity. Based on quantitative research method, the primary data and secondary data were collected from various sources including library study, newspapers and websites including survey. The respondents have been chosen randomly of 48 Rohingya refugees who are residing in the area of Kuala Lumpur and Selangor.

### **Background of Rohingyas in Myanmar**

Geographically, Rakhine State covers an area of about 20,000 sq. miles and has a narrow mountainous strip of land with 360 miles coastal belt from the Bay of Bengal. It is bounded by Bay of Bengal on the west and Chin Hills on the north-east. In addition, it borders 176 miles with Bangladesh, 48 miles of which is covered by River Naf and is a natural physiographic unit clearly divided from the rest of Burma by the mountain range of Arakan Yoma running north to south (Charney, 2009). According to the population in Rakhine from the Central Statistical Organizations of Myanmar, there were about 3.3 million of people in Rakhine State and Rohingya were estimated about 1.3 million in 2013 (Dapice, 2014).

Rohingya people live in Rakhine State which is located on the western coast of Myanmar. The state also formerly known as Arakan but the military junta changed it to Rakhine in 1989 to give a clear message that the state's inhabitants are all Rakhine Buddhists (Parnini, 2013). Nevertheless, the Rohingya people have been there long time ago before the colonial era by the British (Ba Tha, 2007). According to the historical perspective, the Rohingya people embrace to Islamic religion during the Mrauk-U dynasty (1430-1785) of the Arakan Kingdom by the Arab, Indian and Persian traders (Moshe, 2002).

### **Persecuted by the Junta (Military Ruler)**

After the Rohingya Muslims and Rakhine Buddhists lived together under the rule of the King, the British came and turned down the throne (Aung-Thwin, 2013). The discrimination of the Rohingya people began during the British colonialization when they cannot hold a single high position in the government (Neimoto, 2005). The condition for the Rohingya people became better when Myanmar had won an independence from Britain in 1948. The Myanmar's civil leader, U Nu had promised to accord the autonomous region in northern Rakhine for Rohingya people. Unfortunately, the plan was interrupted by the 1962 coup by the military led by Jeneral Ne Win. The military rule had denied the rights of the Rohingya people in Myanmar because the ruler accused them due to their heritage that the Rohingyas are from a Muslim community of South Asian descent, closely related to the Chittagonian Bengali of neighbouring Bangladesh (International Crisis Group, 2014).

The climax of the oppression by the junta of Myanmar was reached in May 1978 when the ruler had launched the operation called Naga-Min (Dragon-Min Operation) to abolish the illegal immigrants who were reside in Myanmar. The Rohingya people also included as victims of the operation since the junta could not recognize as well as failed to differentiate them among illegal immigrants. This was the first time for Rohingya people became refugees because of more than 250,000 displaced people were victimized by Burmese Army personnel. Majority of them abandoned their houses and fled across the River Naf as international border towards Teknaf and Cox's Bazar in Bangladesh. The second mass influx occurred in July 1992 for Rohingya when the junta had made a new policy so-called as 1982 Myanmar Citizenship Law and this policy was totally denied the right for Rohingyas to become citizen in Myanmar. This was in line with the press statement made by the junta's representative:

*“In actual fact, although there are (135) national races living in Myanmar today, the so-called Rohingya people is not one of them. Historically, there has never been a ‘Rohingya’ race in Myanmar. The very name Rohingya is a creation of a group of insurgents in the Rakhine State. Since the First Anglo-Myanmar War in 1824, people of Muslim Faith form the adjacent country illegally entered Myanmar Ngain-Ngan, particularly Rakhine State. Being illegal immigrants they do not hold immigration papers like other national of the country.” (Ministry of Foreign Affairs, Union of Myanmar, February 26, 1992.)*

### **Ethnic Riots in Rakhine and Mass Exodus of Rohingya Refugees**

The plight of the Rohingya people in Rakhine is still in a dark side when not only the junta do not recognized their citizenship, but at the same time the local Rakhine’s Buddhist also treated them unequally. Thus, in 2012 the riots emerged in Rakhine State due to sectarian misunderstanding between the Muslim Rohingya and the Rakhine’s Buddhist. The clash had been spread widely and it made things became worse because many house were burned and many people were killed. Therefore, a lot of Rohingya people became refugees because during the riots, the Burmese army and police were playing a role in targeting Rohingya through mass arrests and arbitrary violence (Habibollahi, McLean, & Diker, 2013). According to International Institute for Democracy and Electoral Assistance (International IDEA) some 265,000 of Rohingya refugees were crossed over the Rakhine State and majority of them took refuge in Bangladesh (International IDEA, 2013). Furthermore, the mass exodus of Rohingya is still happening onwards especially in the year of 2015 and 2017 due to systematic persecution by the Myanmar government and forced them to leave their country of origin. One of the method to leave their country is depending on the smuggling activity.

### **Smuggling of Migrants**

Smuggling of migrants is a global phenomenon that has remarkable geographic and organizational diversity (Kyle & Koslowski, 2001). The United Nations’ Protocol Against the Smuggling of Migrants by Land, Sea and Air (UN, 2000) defined smuggling of migrants from the perspective of inter-state institution as “... procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”. In tandem with the UN’s definition, the state actors have long conceived the act of smuggling as an aspect of international migration (Baird, 2013). The definition and perspective set forth by the UN and the states lead to an understanding of migrant smuggling from the fields of inquiry such as transnational organized crime and criminological approaches despite varying literatures on the nature of this crime.

These recent trends suggested the elasticity of the smugglers’ profile and their modes of operation. While smugglers can be high profile, organized and associated with criminal gang, some other smugglers are network of individuals with no formal bonding and affiliation, operating their smuggling as enterprise or family business and make use of network of trust and solidarity among relatives and co-ethnic. Similarly, the potential threats and risks faced by the victims of smuggling are diverse, determined by various factors such as their social and educational background as well as status of vulnerable population (e.g., refugee, woman or child).

### **Rohingya’s Irregular Migration into Malaysia**

Continued persecution and discrimination against Rohingya community by the Government of Myanmar, and to some extent, the ethnic Rakhine Buddhist - has been the main precipitating factor that forced them to leave their home country (Myanmar). However, this factor alone cannot be used to justify their

presence in Malaysia provided that there are other potential transit countries such as Thailand, Indonesia and Bangladesh. This study found five key reasons that influenced Rohingyas' decision to choose Malaysia as a transit country in comparison to other potential transit countries.

The majority of respondents (62.5%) associated their decision to enter Malaysia because they assumed Malaysia as an Islamic state, with the hope that Malaysia would provide a better protection to Rohingyas in the spirit of brotherhood. This raised a follow-up question as to why not the Rohingyas move to Indonesia. This brings us to the next two other reasons. First, they decided to migrate to Malaysia for the purpose of family reunification (47.9%). Secondly, Malaysia offers better work opportunity (41.7%) in comparison to Indonesia. In addition to that, some respondents (31.3%) informed that their decision to arrive Malaysia was made by their smugglers without their consent. Other 10.4% respondents quoted that Malaysia-Thailand borders are easy to trespass.

The selection of migration routes is one of the important decisions that could determine many aspects during irregular migration such as safety during migration, period of travelling, fees for their smuggling service and risk of being apprehended by enforcement personnel. A study

published by International Organization for Migration (2009) indicated that some irregular migrants in the context of African region are given choices in terms of selecting routes and mode of travel depending on their economic status. However, in the case of smuggled Rohingya, victims are not just denied the right to choose the mode of travel but simply not being part of the entire decision making process. In extreme cases, smuggled Rohingya were not even aware that they are being smuggled to Malaysia.

This study identified six routes that are regularly used by Rohingyas in their irregular migration from Myanmar to Malaysia. One of the very common route is through "Myanmar-Thailand-Malaysia" (62.5%) (see Table 2). Most often through this channel, Rohingyas used land and/or a combination of sea and land routes in order to trespass Myanmar-Thailand, and continue their journey from Thailand to cross borders between Malaysia-Thailand. Apart from this route, the study also found a direct migration route from Myanmar to Malaysia (8.3%). On this particular route, the only available way of travelling is through sea, where Rohingyas usually begin their travelling from Sittwe, the Arakan state of Myanmar to reach Malaysia in the North Peninsular states such as Penang and Kedah.

**Table 1: Factors Influencing Rohingya to Choose Malaysia as a Transit/Destination Country**

Factors	(n)	(%)
Malaysia is an Islamic State	30	62.5
Easy to Find Work/Employment	20	41.7
Family Factor (Family is already in Malaysia)	23	47.9
Forced by Agent/Syndicate to Arrive Malaysia	15	31.3
Easy to Enter Malaysia Clandestinely	5	10.4

Source: Survey in Kuala Lumpur and Selangor



Migration Routes	(n)	(%)
Myanmar-Malaysia	4	8.3
Myanmar-Thailand-Malaysia	27	62.5
Myanmar-Bangladesh-Malaysia	5	10.4
Myanmar-Bangladesh-Thailand-Malaysia	11	22.9
Myanmar-India-Myanmar-Thailand-Malaysia	2	4.2
Myanmar-Bangladesh-India-Myanmar-Thai-Malaysia	1	2.1

Source: Survey in Kuala Lumpur and Selangor

As discussed before, the selection of migration routes affects the period of travelling. Provided that majority (62.5%) respondents used “Myanmar-Thailand-Malaysia”, majority respondents (73%) also informed that they had undertaken between two weeks and one month to reach Malaysia (see Table 3). About 10.4% respondents informed that they only took a week (or less) to reach Malaysia while 4.2% other respondents informed that they travelled for approximately three months to reach Malaysia.

Many respondents are unaware of the exact entry points they used when first entering Malaysia. The entry point refers to a district or border area from Malaysian side (e.g., Sungai Golok) which they first arrived once successfully trespassed the

Malaysia-Thailand border. In order to assist the respondents to recall their experience of entering Malaysia, the study referred the entry points by quoting name of states such as Kelantan, Kedah, Penang and Selangor. The study found that majority (54.2%) respondents informed that they entered Malaysia through *Kelantan* – with the assumption that they may have used the common entry points such as Sungai Golok, Bukit Bunga and Pengkalan Kubur (refer to Table 4). Some other respondents informed that they entered Malaysia through Penang (25%), Kedah-Langkawi (10.4%), Selangor 6.3%) and Kedah-Bukit Kayu Hitam (4.2%).

The study found that only one of each five respondents in average, or 22.9% of the 48

Period	(n)	(%)
1 Week	5	10.4
2 Weeks	19	39.6
3 Weeks	9	18.8
1 Month	7	14.6
2 Months	6	12.5
3 Months	2	4.2
<b>Total</b>	<b>48</b>	<b>100</b>

Source: Survey in Kuala Lumpur and Selangor

Table 4: Entry Points Used by Rohingyas to Enter Malaysia		
Entry Points (States in Malaysia)	(n)	(%)
Kelantan (Sg. Golok/Bukit Bunga/Pengkalan Kubur)	26	54.2
Kedah (Bukit Kayu Hitam)	2	4.2
Kedah-Langkawi (Tanjung Rhu/Other Islands Surrounding Langkawi)	5	10.4
Penang (Butterworth/Georgetown)	12	25.0
Selangor (Pelabuhan Klang)	3	6.3
<b>Total</b>	<b>48</b>	<b>100</b>

Source: Survey in Kuala Lumpur and Selangor

surveyed respondents migrated to Malaysia without using smuggling service (see Table 5). This means that they managed the entire migration process including risk management and selection of routes on their own. However, migration to Malaysia without smuggler is much more dangerous due to the fact that Rohingyas have no knowledge and experience to cross borders either through land or sea. Conversely, majority Rohingyas (77.1%) who used smuggling service are dependent to smugglers to decide many aspects of their migration.

### **Dalal: Profiles of Smugglers**

Among Rohingyas population regardless of their current country of residency – refers smuggler in local dialect as *dalal*. The term *dalal* however refers to multiple meanings such as “agent”, “broker” and “human trafficker”. *Dalal* connotes negative impression among Rohingyas population. It is usually regarded as violent, exploitative and dangerous. Therefore, some smugglers disfavored to be referred as *dalal* but preferred themselves to be called as “travel coordinator”. According to a respondent named Hassanul, some smugglers do not prefer to use or being referred as *dalal* or “agent” because it may result in negative reflection from their potential clients. These smugglers approach their smuggling’s activities as a business and that negative connotation would damage their business. The same opinion given by a Rohingya community leader, Muhammad that smuggling is a lucrative business but highly dependent on people’s desire to migrate. Some smugglers prefer to be called as “travel agent” since their

smuggling activity has been integrated into travel and tour related-industry that operates mainly in Yangon, Myanmar but have cross-border networks in various cities in Thailand and Malaysia.

Smuggling of Rohingyas is often committed by a network of individuals that operates in more than one country but not necessarily involves organized criminal gang. In some cases, these smugglers associate themselves with businessmen and traders mainly in travelling and tourism industry as well as import and export related-businesses. There are levels of smugglers, some considered to be high profile smugglers with varying profiles. Others are regarded as subordinates, brokers and agents who usually work on the ground. High profile smugglers play the coordination role and give instruction over the phone, making use the existing technologies in mobile applications such as *WhatsApp* or *WeChat* to their subordinates. In other cases, the high profile smugglers outsource some part of their smuggling business to small group of smugglers or individuals mostly local people that know better the border areas (between Thailand & Malaysia). Both high profile smugglers and their subordinates come from various backgrounds including from the Rohingya community itself.

The smugglers may have different capacity in terms of knowledge, logistic capability (e.g. vehicles to transport smuggled Rohingya) and network with enforcement personnel. Their roles covering the entire smuggling activities such as recruiting and soliciting potential victims,

<b>Table 5: Migration Management</b>		
<b>Migration Management</b>	<b>(n)</b>	<b>(%)</b>
Migrate on their own (Without smugglers/agents)	11	22.9
Migrate with smugglers/agents	37	77.1
<b>Total</b>	<b>48</b>	<b>100</b>

Source: Survey in Kuala Lumpur and Selangor

negotiating terms of smuggling, accompanying and escorting victims, coordinating the travel including navigating boat/ship or driving any kind of land vehicles (bus/van/car), spotting the presence of enforcement personnel on the ground as well as to assist in the release of smuggled victims at destination point. Involvement of Rohingya (individual) in the smuggling activities is common both as the high profile smugglers or the subordinates that act in various capacities. This study verifies the involvement of individual Rohingya in various capacities and roles as shown in table 6.

## Conclusion

It is understood that the smuggling activity and irregular migration of Rohingya is inevitable due to prolonged prosecution and discrimination by the government of Myanmar. Likewise, the use of smuggling service is deemed to be necessary in allowing Rohingyas to leave their home country in search of political asylum under international refugee protection regime in neighboring countries such as Malaysia, Thailand and Bangladesh. It is also highlighted in this study that there is

**Table 6: Position and Role of Rohingya in Migrant Smuggling**

<b>Position(s)</b>	<b>Role(s)</b>
Recruiter	To recruit their fellow Rohingyas in country/point of origin to be smuggled out from Myanmar
Creditor	To provide loan assistance to the potential Rohingya victims
Travel Assistant	To escort/accompany the smuggled Rohingyas from Myanmar to destination country; To advise the smuggled Rohingyas on the routes to be used during migration process; and To provide basic needs including foods and medical during migration
Interpreter	To interpret or provide translation from Rohingyas' language to other languages including English, Thai and Malay.
Middle Man (Broker)	To be a middle man between potential victims or their family and high profile smuggler

Source: Fieldwork in Kuala Lumpur and Selangor

no identical profile and smuggling trajectory across the globe. However, the attributes of smuggling of Rohingyas are undistinguishable to other smuggling of migrants' activities in any parts of the world. They are, the abuse of human rights and fundamental freedoms, transnationality, exploitative and informality. These common attributes suggest how the states currently viewed and addressed the smuggling of Rohingyas. Firstly, the states should formulate the enforcement laws and policies that could effectively handle the smuggling activity of Rohingyas. Secondly, the Malaysian government supposes to uphold and provide credit protection to the vulnerable segment of society especially victims of smuggling among Rohingyas. In both circumstances, it needs a strong signal for a paradigm shift in the way the states address irregular migration and migrant smuggling, in particular moving away from the state-centric security approach towards a more people-centered approach. In doing so, the states must fully understand the root causes of irregular migration of Rohingyas by considering the aspect of humanity as equally important referent object of security and provide an inclusive engagement platform for a wider network of academia and NGOs to contribute in the formulation of laws and policies. They are all important prerequisites for ensuring the states are able to balance between the state's interests and the aspiration of people at large.

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