



Illegal migration in the Bay of Bengal and the Andaman Sea has resulted in widespread human tragedy in recent times. This situation has its roots in the forced and climate change-based displacement of Rohingyas in Myanmar and non-Rohingyas in Bangladesh. This study reveals the root causes of illegal maritime migration, and demonstrates how efforts by origin and destination countries to control illegal maritime migration has resulted in increasingly more people in desperation crossing the seas. It also discusses the reasons for the ineffectiveness of individual and bilateral initiatives to solve this issue, and proposes cross-national multilateral consensus and international cooperation as the keys to solving 'illegal migration' in the South Asian seas.

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## **Illegal Migration in the South Asian Seas**

**A Critical Review**

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## List of Acronyms

AUD	:	Australian Dollar
BDT	:	Bangladesh Taka
BGB	:	Border Guard Bangladesh
FFT	:	Fact Finding Team
GDP	:	Gross Domestic Product
IOM	:	International Organisation for Migration
KSA	:	Kingdom of Saudi Arabia
UAE	:	United Arab Emirates
UN	:	United Nations
UNHCR	:	United Nations High Commissioner for Refugees
USD	:	United States Dollar

## **1.0. Introduction**

Many countries in the South Asia region have experienced significant economic growth as well as social, political, and cultural enrichment over the last few decades. However, development has come with a number of inherent contradictions such as, on the one hand, a slowing population growth rate, and on the other, a requirement to increase the workforce to maintain the rate of economic growth. These two opposing trends of development have motivated many people to move from one country to another, particularly from the relatively poor to the rich or developed countries, attracted by the “pull” factor of work available in these developed countries which no longer have the domestic population growth to meet their workforce needs. Therefore, there is always a regular outward movement of emigrants found in poor countries. Both the home and the host countries of the migrants are able to use the leverage of migration for shared economic advantage. Nevertheless, rich countries always have a strong preference for a highly-skilled workforce to address the demand for labour in their high-tech industries. This preference has made emigration difficult for unskilled labourers in poor South Asian countries who cannot afford to educate and/or train themselves to meet the job specifications in the host countries. Thus, most unskilled people who wish to escape socio-economic, cultural, political, and environmental adversity in their home countries are influenced by the possibility of migrating to countries with a strong economy, freedom of choice, and environmental sustainability, by illegal means.

The wave of illegal migration has hit many less developed countries in South Asia, particularly India, Afghanistan, Nepal, Myanmar, and Bangladesh. Although illegal emigration from these countries has been taking place for several decades without much concern, a number of recent human catastrophes have brought this issue into the limelight, as many illegal emigrants from Myanmar and Bangladesh have lost their lives en route (mostly

in the Bay of Bengal and the Andaman Sea) to their desired destinations in Singapore, Malaysia, and Thailand after a series of tortuous journeys with illegal human traffickers. While this perilous journey in search of a better life is thought to be fuelled by ethnic cleansing, communal violence, political persecution, and so on, the question of whether income inequality, unequal distribution of wealth, the absence of an equitable legal framework, and the impact of climate change influence illegal migration by sea requires closer investigation to fully understand the extent of the problems caused by illegal migration and to ensure that this issue is brought to a plausible resolution.

## **2.0. Research Questions**

This project endeavours to answer the following research questions to introduce new knowledge into how illegal emigration from South Asian countries is understood:

1. What are the diverse factors that lead to illegal emigration by sea from Bangladesh and Myanmar?
2. Are international and domestic maritime laws effective enough to solve this problem?
3. How can illegal emigration be solved through regional cooperation, treaties, and joint efforts by international organisations?

The above research questions are particularly important for gaining a holistic understanding of why increasing numbers of marginalised people from Myanmar and Bangladesh are following an uncertain means of illegal migration by sea. While the available literature explains how racial persecution in Myanmar and poverty in Bangladesh have triggered illegal emigration, answers to these research questions will bring a new dimension to the contemporary understanding of the issues involved. The findings will also illustrate whether simply enacting and implementing new maritime laws through strict coastal surveillance can

stop people coming from other countries by sea. Finally, the answers to these research questions will enable an analysis of the impact of regional cooperation in solving the issue of illegal migration.

### **3.0. Research Methods**

This study has carried out a meticulous selection, evaluation, and comparison of authentic secondary data by using a qualitative approach to build a conceptual knowledge base around the research question, constructing a coherent analysis, and reaching a logical conclusion. Given the nature of this study and its purpose, a qualitative methodology has been used as it facilitates the learning and understanding underlying values of individuals and groups through thematic analysis of the issues arising from the literature (Roger 2008, Chapter-4). Moreover, as the issue of 'illegal migration' needs to be looked at from socio-economic, cultural, political, legal, and environmental contexts to fully understand it, case studies have been used to serve this purpose as the best available qualitative method (Van Thiel 2014, p. 35).

A qualitative approach has been used to gather secondary data from a wide range of published books, journal articles, and government and research reports on the broader area of 'Migration' and 'Illegal Migration in/from Asia'. Reviewing publications by the International Organisation for Migration (IOM), and from a range of United Nations organisations has also been an important part of this qualitative approach, as this indicates regular monitoring of the flow of local, national, transnational, and international migration to provide advice on the creation of a necessary framework for different nation states for the systematic management of illegal migration.

The study has also selected the most relevant content from a number of online sources and conducted a chronological analysis of these (Van Thiel 2014, p. 108) to interpret how the

concept of 'illegal migration' has been discussed in different articles and in resolutions undertaken in inter-organisational and/or inter-governmental dialogue, discussion, and negotiation. The collected data and the subsequent analysis have indicated that 'illegal migration' in the South Asian seas has been an unexplored area of research to be discussed and debated. Practical solutions to this growing issue can be decided upon by different nation states in light of the evidence arising from the existing literature.

#### **4.0. Literature Review**

The history of migration is as ancient as human civilisation, although it has taken on a number of new dimensions and characteristics in the contemporary world (Castles, De Haas & Miller 2014, p. 84). Every individual has an intrinsic motivation to seek excellence in improving his or her economic, social, and political life. These are the fundamental factors that have always been behind people's movement from one place to another within a nation state and from one country to another. Migration has the capacity to transform the socio-economic, political, cultural, and environmental characteristics of both the home and the host countries in a positive or negative manner, because migration embodies both risks and returns for those who embark on this journey to a completely new location with better perceived opportunities (Castles, De Haas & Miller 2014, p. 55). Despite the risks associated with migration, Castles, De Haas and Miller (2014, p. 55) have argued that people can utilise migration to explore greater financial, social, and cultural opportunities for themselves and their families. For these potential promises of migration, hundreds of thousands of people risk their lives to cross international political boundaries every year to enter into another nation state by a number of ways not recognised as legal by either the home or the host countries (Castles, De Haas & Miller 2014, p. 2).



According to Castles, De Haas and Miller (2014, p. 55), the impact of migration is described in much of the available literature from only the host countries' point of view/perception of it; however, Portes (2010, p. 1555) argued that the socio-economic impacts of migration on originating countries are also very significant and should also be assessed. This feature of migration has, therefore, made it a core issue of debate and discussion within the context of globalisation (Castles, De Haas & Miller 2014, p. 5). This globalised outlook of migration has enabled people all over the world to move in unpredictable directions, and Asian countries have not been exempted from this phenomenon, particularly with having more than half of the world's population.

In the immediate post-colonial period, most Asian emigrants moved to a limited number of countries across Europe and North America (Castles, De Haas & Miller 2014, p. 152), but more recent migration trends from Asian countries indicate that people are moving to Middle Eastern countries along with popular countries for migration such as Australia, New Zealand, and Canada. While most highly-skilled professionals such as engineers, physicians, and information and communication technology experts are emigrating to industrialised western countries (Castles, De Haas & Miller 2014, p. 152), semi-skilled and unskilled workers are preferring to move to Middle Eastern countries for manual work.

The primary reason for global migration is the intention to escape poverty in the originating countries, and this is particularly true for most emigrants from South Asian countries, as many of these countries experienced extreme poverty, inequality, and institutional weakness during colonial rule. The mismatch between the desire to bring an end to economic struggles, stringent border control protocols, and the growing cost of migration places willing emigrants into a dilemma about whether, and how, to get around these limitations. This situation results in adopting unlawful means of migration, otherwise known as 'illegal migration'. Friman (2011) emphasised the economic issues that have kept illegal

migration going for decades. According to him, the demand for cheap labour in the destination countries plays an important role in attracting illegal immigrants (Friman 2011, p. 93). He also argued that, in order to meet this regular demand for labour, the receiving nation states have sometimes been reluctant to implement strict border control policies, which they formulate for the sake of national security. Friman (2011) also mentioned that illegal migration operates as an organised underground industry influenced by market demand and state-patronisation. According to the author, as an organised business operation, illegal migration progresses through the targeting of potential emigrants, recruiting them with the promise of work in the destination countries, preparation for departure, departure, transportation, transfer, and arrival in the destination country. Friman (2011) has pointed out the role of the 'social network' that the human traffickers use to make illegal migration look more credible and to avoid state attempts to apprehend them. He finally argued that increasing border restrictions to stop movements across borders has in fact played a powerful role in increasing illegal migration, as such measures leave this as the only available option for many semi- and/or unskilled migrants from South Asian countries.

Like Friman (2011), the economic dimensions of illegal migration have been discussed from a historical, social, and legal perspective by Van Liempt (2018). She has termed the operation of illegal migration as human smuggling and argued that it has become a highly commercialised operation, and is run as formally as any other authorised business (Gammeltoft-Hansen & Sorensen 2013, mentioned in Van Liempt 2018). Van Liempt (2018) went on to present a historical reference about people in Morocco and Tunisia being forced to become involved in human smuggling after losing their fishing profession to justify the positive correlation between loss of profession and engaging in human smuggling and illegal migration. She argued that the human smuggling business is run as a social network, and that many of the smugglers are illegal migrants themselves who have comprehensive knowledge that assists

them to facilitate the process of illegal migration. Van Liempt (2018) also mentioned that advances in information and communication technology have helped illegal migrants to cross borders with greater ease.

Apart from the economic, historical, technological, and social dimensions involved, Kesavan (2018) added a political dimension to the issue of illegal emigration from South Asian countries. He argued that an increasingly powerful majority culture, previously held in check by colonial subservience, has become less tolerant of minority cultures after decolonisation, affecting the spirit of acceptance of culturally neutral nation-states in South Asian countries such as Bangladesh, Myanmar, India, Sri Lanka, and Pakistan, which has ultimately seen the displacement of hundreds of thousands of ethnic and religious minorities from these countries to flee through illegal emigration. He argued that religious majorities have taken control over political and administrative instruments in these countries and joined hands with other religious groups to suppress religious minorities within the country. This religious suppression and ethnic cleansing have played a vital role in forcing people to move from their homeland through illegal emigration by sea, because this the most affordable option left for them.

Martha Nussbaum (2007) has brought the completely new dimension of 'central capabilities' to the argument, which helps us to understand the cause and effect of illegal migration. According to her, the possibilities of building fundamental human capabilities for the most vulnerable groups in society will enable them to enjoy social equality. However, she argued that contemporary governance, which is functional within the boundaries of the specific nation state, does not help the vulnerable to build their capabilities, which forces them to emigrate to places with greater perceived opportunities. Vandana Shiva (2014), a scientist, eco-feminist, and environmentalist who has raised concerns about commodification, capitalism, climate change, and the implications of rising sea levels on human lives, has argued that there

can be no long-term and sustainable solution to illegal migration by sea without deploying a holistic approach across political, conceptual, and spatial boundaries to deal with these issues.

Illegal emigration from South Asian countries is believed to be caused by two ‘wicked problems’ (Head & Alford 2015, p. 712) that have forced people in these countries to think about relocation, poverty and the Rohingya crisis. While the former problem has been always there, the latter is a deliberate political creation that the world first noticed in the last quarter of the 20th century. Lewis (2018, p. 1) recognised the Rohingya issue as a state-sponsored crisis, and as bad as genocide, which exiled about one million Rohingya people from Myanmar to Bangladesh. He described Bangladesh’s limitations in dealing with this crisis, and mentioned a number of illegal activities that the Rohingya population became involved in, including attempts to obtain Bangladeshi passports (Lewis 2018, pp. 1-2). Obtaining the passport of a foreign country through a forged identity is a criminal offence punishable under the law of the land. Nevertheless, many Rohingyas were found to be risking their futures by doing this because of their attempts to escape poverty, insecurity, and other prevailing social consequences in Bangladesh. However, due to the stringent surveillance of Bangladeshi law-enforcement agencies, most of the Rohingya applicants for passports are being apprehended, and therefore, they turn to considering emigration by sea as their only remaining option, which is not only illegal, but also life-threatening.

Grewcock (2018) also stated that the illegal human trafficking of the Rohingya population by sea has been triggered by the genocide in the Rakhine state of Myanmar. In order to escape the violence and save their lives, a large number of Rohingyas left Myanmar overland and by sea following this genocide. Approximately 8,000 of the fleeing Rohingyas who tried to emigrate to Thailand, Malaysia, and Indonesia by boat were stranded in the middle of the sea as a result of their entry into these countries being denied. Grewcock (2018) argued that this denial was influenced by Australia’s stringent policy of prohibiting asylum

seekers who try to arrive by boat. By explaining the power-plays of different South Asian countries, Grewcock constructed his argument in favour of regional cooperation to solve both the Rohingya crisis and illegal migration by sea. The Rohingya population cannot emigrate to other countries legally because they do not possess the necessary documents issued by the Myanmar government, as their right of citizenship has been denied by the state, and therefore, the sea is the only pathway for them to a new destination free from the suffering they had experienced back home. Under such circumstances, illegal emigration by sea would be a wicked problem for South Asian nation-states to solve alone.

The reasons behind the sharp rise in illegal emigration by sea in recent years have been summarised in the literature as follows:

1. Rohingyas living in Rakhine state of Myanmar have been deprived of their rights to citizenship, as the state refuses to accept them as citizens, which has made the Rohingyas vulnerable to state-sponsored violence and subsequent forced displacement.
2. Being deprived of their rights and tortured by law-enforcement agencies, the Rohingya population has ultimately decided to leave the country with the assistance of human traffickers.
3. In 2017 alone, about one million Rohingyas were forced to leave their homes in Rakhine after a military crackdown, which has literally been identified in the international media and by human rights organisations as ‘genocide’.
4. As Rohingyas do not have the legal documents required for emigration, they pay human traffickers by selling their land, home, and household items to shift them to Thailand and Malaysia by sea.
5. The illegal emigration by sea also includes many non-Rohingya Bangladeshi citizens who are also looking to improve their lives through emigration to countries with a

strong economy, but who also cannot afford to emigrate legally because of the high-cost of doing so.

With reference to the above points, most of the findings from the literature have identified political and social turmoil as being responsible for illegal emigration by sea, but have paid little attention to the economic, environmental, and legal reasons behind it, which is a major gap in the literature which this research seeks to fill. In recent times, travel by sea has become the most affordable form of illegal emigration from South Asian countries, as prospective migrants either cannot afford conventional and expensive emigration, or they do not have the legal documents to do so. This has given countries such as Bangladesh, Malaysia, Indonesia, and Thailand new challenges to find ways to escape the risks associated with illegal migration via the Bay of Bengal and Andaman Sea

## **5.0. Findings**

### **5.1. Migration: a catalyst for civilisation**

As found in almost all the literature on ‘migration’, the emergence, development, and expansion of human civilisation has always been shaped by the movement of people across the world. In the contemporary age of interconnectedness and interdependence, every nation state is a member of a highly globalised system, and the distinct feature of this form of globalisation is the free flow of people from one country to another (Castles, De Haas & Miller 2014, p. 5). As migration has always been taken as a way out of financial, social, and political hardship, it has helped hundreds of thousands of people, their families, and the countries they move between, to meet their development objectives. Due to this noble aspect of migration in the past, it has been thought to be beneficial for enriching the socio-economic

and cultural composition of nation states, and therefore, past movements of migrants have been relatively easy and flexible ( Favell 2008; seen in Luthra, Platt & Salamońska 2016, p. 4) without the need for coercive state intervention. However, as time has gone by, the growing movement of people has become a major concern for world leaders, as it has become a challenge for them to manage standard forms of migration in response to their country's increasing security needs (Castles, De Haas & Miller 2014, p. 5). This changing face of world migration has eventually forced almost every single nation state to restrict their sovereign boundaries to allow only very few immigrants in several areas/ categories, such as labour immigration, asylum or humanitarian immigration, student immigration, etc. (Gest et al. 2014, p. 265). Such categorisation of migration implies the intention of governments to regulate immigration and allow only a certain type of immigrant who are deemed to be economically, socially, and politically viable.

Although any control measure is believed to limit the impact of an event or occurrence, in the case of migration control initiatives, they have had contrasting effects on the movement of people across international borders. It appears that no matter how difficult it is made by the nation state for people to move between countries, many would still prefer to change places as long as it is believed to be a better alternative to their own economic, social, and political struggles (Castles, De Haas & Miller 2014, pp. 5, 7). Ironically, this excessive control of access gives birth to 'illegal migration' which is further extended by socio-economic, political, and environmental discrimination. Citizens of rich countries have a stake in ensuring that their economic, social, and cultural interests protected from all kinds of externalities. This pressure influences the governments of those countries to maintain a sensible balance between allowing irregular immigrants to enter to a certain extent for economic needs, and satisfying the expectations of the citizens (Hollifield, Martin & Orrenius 2014, p. 10). In today's interconnected world, this dual role played by governments

(Hollifield, Martin & Orrenius 2014, p. 3) has facilitated illegal migration to continue its journey faster than ever before.

## **5.2. Global Migration: A Push-Pull Dynamic**

Global migration is influenced by both push and pull factors (Harris & Todaro 1970; Lee 1966, found in ; Van Hear, Bakewell & Long 2018, p. 928). The primary reason for migration across the globe is the aspirations for ‘economic wellbeing’ from both the receiving country’s and the migrants’ perspective, which work as either push or pull factors. Many people try hazardous forms of illegal migration if they think the receiving country might regularise their legal status for the sake of those country’s economic benefits (Mangin & Zenou 2016, p. 85). On the other hand, the strongest push factor that drives cross-border movement is ‘forced migration’. This includes the movement of refugees, asylum seekers, displaced populations, and ethnic minorities who experience socio-economic, cultural, political, and environmental discrimination in their home country (Castles, De Haas & Miller 2014, pp. 221-6). Migration has taken place in every age of human history, and the reasons for this have been different for every civilisation. For example, fertile lands in South and South East Asian countries attracted many Europeans to move to these regions in ancient times for better agricultural prospects (Manning 2017, p. 491). Likewise, places with opportunities to start, and expand, commercial operations influenced people to migrate from 3000 Before Common Era (BCE) to 500 Common Era (CE) (Manning 2012, p. 77). These agricultural and commercial reasons for migration indicate that the early history of migration was dominated more by pull factors rather than push factors.

Over the course of time, push factors have now become more powerful than ever before to force people out of their place of origin as a result of the growing incidence of socio-economic, political, cultural, communal, and environmental injustice. On the one hand,



the diminishing of the pull factors in order to protect the economic wellbeing of popular immigration country's own populations has limited the scope for migration; on the other hand, socially, politically, and ethnically displaced populations are demanding greater migration opportunities for their survival and prosperity. This dynamic has eventually resulted in dramatic increases in illegal migration.

### **5.3. Illegal Migration: A Push Factor Manifestation**

Illegal migration is a more recent phenomenon in the history of human civilisation (Donato & Massey 2016, p. 9). The growing necessity, and declining opportunities, for migration have motivated people all over the world to look for irregular or unauthorised corridors to illegally emigrate. There are several ways in which potential immigrants can enter other sovereign nation states and become unauthorised or illegal immigrants. The ways in which illegal immigration comes about include crossing international borders in an unlawful manner, using false documents to enter another country, staying in a foreign country beyond permissible tenure, and loss of legal status. For these purposes, potential migrants solicit assistance from human traffickers and human smugglers who operate as an organised social network. Illegal migration takes place over land between countries sharing common land borders, such as Bangladesh and India, and over the seas that separate countries, such as Bangladesh and Myanmar, or Bangladesh and Thailand or Malaysia.

Free market economies and free trade agreements have brought nation states together resulting in the increased and free flow of goods, services, information, and people. This has inspired people to emigrate in order to overcome socio-economic, political, cultural, and environmental hazards. But, as the restrictive migration policies adopted by popular migration-nation states make it harder for marginalised people to migrate from less developed countries, they consider unauthorised means of migration (Donato & Massey

2016, p. 14). Economic collaboration among countries makes people aware of their own financial wellbeing. This awareness eventually starts working as a catalyst for migration.

Political and environmental push factors are the main drivers of illegal emigration. These two factors, in the form of human rights violations, ethnic cleansing, climate change, and unequal access to, and distribution of, wealth/ natural resources have resulted in the forced displacement of millions of people who are regarded as illegal immigrants in other countries, after they have entered without conforming to the regular code of migration (Scheel & Squire 2014, p. 188). There are currently about 62 million people across the globe who have either been displaced internally or who have become refugees (IOM 2018, p. 2). These people are more prone to seeking illegal forms of migration as most of them lack the necessary skills and resources required for regular migration.

People who are pushed to emigrate look for a variety of immigration options, including entering another nation state legally and overstaying after the visa has expired, and illegal entry into another country without the proper documents through the assistance of human smugglers and traffickers (Crockford 2017). Although legal cross-border movement is a popular choice for potential migrants, unauthorised entry is still attempted, particularly by the vast majority of displaced populations and refugees who suffer from the push factors for emigration and are forced to make illegal movements due to the lack of legal alternatives. Illegal entry can be made via land borders and over the sea. Illegal land-border crossings take place between Mexico and the United States of America and in some European countries. Most popular immigration destinations have a functional democracy, social equity, and good economic prospects, while the source countries tend to suffer from push-factor emigration phenomena leaving no other suitable alternatives for potential migrants, but to risk their lives to illegally cross maritime borders. According to the IOM (2018, p. 72), out of a total of 390,000 people who immigrated to Europe in 2016, only 30,000 arrived through land

borders, while the other 360,000 arrived by sea. Almost all of these 360,000 people had illegally crossed maritime boundaries, usually by unsafe means. Therefore, illegal migration via sea is trending across the globe as the only available possibility for people forced to emigrate for their own survival and wellbeing.

#### **5.4. Illegal Migration: The South Asian Perspective**

Socio-economic and demographic transformations in South Asian countries have resulted in the growing movement of people from one place to another (Hugo 2016, p. 665). Hugo (2016) pointed out that development patterns, demographic factors, and limitations on democracy are the main reasons why people migrate within, or from, South Asia (Global Commission on International Migration 2005, found in Hugo 2016, pp. 658-60). Differences in development patterns across South Asian nation states have always encouraged people to emigrate from low income countries such as Bangladesh, India, Myanmar, and Laos to high income countries such as Singapore, Malaysia, Thailand, and Brunei (Hugo 2016, p. 658). Also, demographic characteristics have attracted a large number of immigrants from countries with a young workforce, i.e., Bangladesh and India to countries with an ageing population such as Japan and Korea (Hugo 2016, p. 659). Both demographic and development patterns work as pull factors for immigration which, in most cases, takes place by satisfying the official migration rules stipulated by the respective countries. On the other hand, anti-democratic systems that lead to socio-economic discrimination, and environmental impacts in the form of deforestation, drought, and the loss of agricultural lands, work as push factors for emigration, which displace a large number of people from their usual place of residence every year. These push factors have become increasingly apparent in South Asian countries in recent times, with about one million Rohingya people fleeing Myanmar to Bangladesh after experiencing state-sponsored genocide, abuse of women and children, and

extreme human rights violations (Beyrer & Kamarulzaman 2017, p. 1570). Illegal emigration by sea has built up momentum in South Asia as a result of the Rohingya crisis, as they continuously try to escape military atrocities by sea to Bangladesh, Thailand, Malaysia, and Indonesia (Mahmood et al. 2017, p. 1843) to ensure their survival, as this has been the only route available for them to follow because of Myanmar's proximity to the Bay of Bengal and the Andaman Sea.

While exiled Rohingyas have received primary amenities during their refuge in Bangladesh (Wake & Yu 2018, p. 3), it is unlikely that Bangladesh would be able to offer them full economic and social integration due to its small area having a population of over 160 million people. With an unemployment rate of approximately 5% (Rehman 2016, p. 186), Bangladesh cannot afford to provide the Rohingyas with opportunities to work and to have freedom of movement (Wake & Yu 2018, p. 4) that could possibly affect social harmony. As the Rohingyas in Myanmar do not possess the legal documentation to confirm their citizenship, and the life of Rohingyas in Bangladeshi camps is completely dependent on humanitarian aid, many of them are being forced to continue their journey by sea (Mahmood et al. 2017, p. 1848) from Bangladesh and Myanmar to Malaysia, Thailand, Indonesia, and so on, to realise their aspirations and human potential.

The Rohingya crisis has opened new avenues for human traffickers and smugglers who are promising a new life with financial and social wellbeing for the Rohingyas. As the Rohingyas cannot move out of Myanmar or Bangladesh by legitimate means, unauthorised emigration by boat is left as their only alternative; however, very often their attempts to escape social, political and economic discrimination end up in further crisis when their entry is denied through coercive measures by the receiving countries. Nevertheless, pushing them back to sea is highly unlikely to solve this issue, as the Rohingyas do not have a home to go back to; many have sold everything they have to pay the human smugglers/ traffickers.

Denial of entry and the impossibility of going back to where their journey started, forces the Rohingyas to make incessant attempts to gain further entry and to endure the violence, torture, and abuse of the human traffickers en route.

As this crisis has accelerated emigration by sea from Bangladesh, a significant number of non-Rohingya Bangladeshi citizens who have encountered extreme poverty after losing their household and agricultural lands due to climate change, river erosion, and rising sea levels, are also taking this perilous journey in the quest for a better life for themselves and their families. A large number of people living in the Char (silt) areas in the northwest and southern parts of Bangladesh are the main victims of climate disasters that displace them from their lands, make them lose their jobs, and create poverty and social insecurity. The following case studies by Islam and Shamsuddoha (2017, pp. 287, 90) portray how these victims have endured the impact of climate change and have been moving back and forth between places in order to survive.

***“The River Jamuna wrecked the life of Karimon Bibi***

*Karimon Bibi's life was wrecked by floods in July 2011, when the great and unpredictable River Jamuna forced her to migrate from Hat Gorjan Char to Bhat Dighulia of Kajjuri Union leaving her only asset behind, a tiny piece of land and an even tinier house. But this was not the first time she had been displaced. She migrated a few times from one char (island) to another due to river bank erosion until 2004. 'Disaster, migration and increased suffering is all that is left in my life', she said, wiping away uncontrollable tears. Her husband died in 2007 and her home on Hat Gorjan Char was devastated by floods a year later, forcing her and her children to take shelter on an adjacent char temporarily. On returning to Hat Gorjan, to her anguish she discovered her home in ruins. She had no savings and local livelihood opportunities didn't pay enough to help her feed her family. Against all the odds, she started to rebuild her house and search for livelihood opportunities. Her son, Saddam (12), goes fishing while she and her daughter, Bahela (15), work as day labourers. Right when the pieces of life were falling into order, the rage of the River Jamuna wrecked it again in 2011.*

***Ishak Mollah and Alim Uddin: Playing hide and seek with the River Padma***

*Ishak Mollah (62), from Ishak Mollah'r Char at the north channel of Faridpur district, has migrated between chars 13 times due to river erosion. He now struggles to recall all the names of chars he has shifted to and from over the years. Alim Uddin Matbor (80) from Tara Majhi'r Dangi of Faridpur district has migrated from one char to another more than five times. Most*

recently in 2006, he and his family moved to his present village, Taramajhir Dangi. He is unsure how long he can reside here. It is as if the River Padma is chasing him from one char to another. Years back, he used to migrate every 10–15 years, but recently, life has become a ‘game of hide and seek’ with the river becoming increasingly unpredictable.

***‘My sufferings ... it’s God’s will’***

*It is the belief of Kader Hawladar (40), a fisherman from Charipara Village in the coastal region of Patuakhali. There was a time when he owned a fishing boat and net and employed 15 to 20 sailors. Life had its promises and goodness. ‘But fate had something else in store for me’, sighed Hawladar. He and his three children, wife and mother were forced to migrate due to tidal erosion. His house and land plunged into the ocean in May 2010. He faced unemployment and extreme poverty. His house was about one kilometre away from the sea. During the devastating Cyclone Sidr, he took shelter in a cyclone sanctuary. After the wrath of Sidr, Hawladar returned to his land and started reconstruction. But every year the sea kept coming closer. Finally, in May 2010, he left his land and took shelter at the adjoining embankment. Since then, every day has been a struggle for survival. The sea is again approaching his tiny shelter. Then what? He doesn’t know. With a blank gaze upon the sea he utters, ‘it’s God’s will’.*

These people are being repeatedly challenged by unanticipated natural calamities and they constantly try to fight back and resettle. But this ceaseless struggle eventually makes them lose their land, resources, health and energy, and their ability to pay for regular migration. This constraint pushes them to seek the assistance of human smugglers/ traffickers who make false promises to them of lucrative jobs overseas at an affordable cost. As the human smuggling business is operated by people who are often influential in the community and are often known to the potential emigrants, they earn the trust of the marginalised population without much effort, making them easy victims of these syndicates.

## **5.5. Illegal Migration by Sea in South Asia: Attempts at Resolution**

South Asia is currently experiencing a very large humanitarian crisis caused by political persecution and widespread social discrimination in Myanmar, which is having a significant regional impact (MacLean 2019, p. 83). This crisis has been reinforced by the poverty caused by climate change and environmental degradation in Bangladesh. The Bangladeshi

government is continuously trying to protect both Rohingyas and Bangladeshi citizens by stopping them from emigrating by sea (AFP 2019). However, as the destination countries, including Thailand, Malaysia, and Indonesia, have not yet taken any practicable measures to deal with this cross-border issue (Mahmood et al. 2017, p. 1846), migration by sea has not been able to be stopped through individual attempts made by Bangladesh. The present socio-economic, political, cultural, and environmental challenges will continue to force thousands of Rohingyas and marginalised people in Bangladesh to move somewhere free from these challenges, but as long as there is no mutually agreed policy resolution for this crisis, illegal migration by sea in South Asia is likely to continue with frequent human disasters occurring (Mahmood et al. 2017, p. 1848).

## **6.0. Analysis**

### **6.1. Evaluation of the forces behind illegal migration in South Asian Sea (Myanmar context)**

According to the ‘Global Trends: Forced Displacement in 2017’ report published by the UNHCR (2018b, p. 18), the state-sponsored genocide of Rohingyas in Myanmar has made them the third largest forcefully displaced population in the world. As almost all of them were allowed to enter the southeast region of Bangladesh, this put Bangladesh in the list of the top 10 countries providing protection to refugees (UNHCR 2018b, p. 17). Over one million Rohingyas who fled Myanmar after having experienced military persecution in 2017 had an enduring history of socio-economic, legal, and cultural discrimination in Myanmar that eventually resulted in one of the most catastrophic humanitarian crises of recent times. The Buddhist majority in Myanmar has consistently ignored the social and political identity of the Rohingyas (Leider, J 2015, p. 160), despite the fact that they (the Rohingyas) are all born in Myanmar and have spent their entire lives therein. Denial of their socio-political

identity has resulted in widespread socio-economic, political, and cultural discrimination against them. The major form of discrimination against this large ethnic minority group has been the denial of their citizenship which entitles a person to full membership of a society or community (Oberman 2017, p. 92). As the foundation of an individual's legal/ formal attachment to a nation state, citizenship is directly linked to many other basic human and/ or social rights (Oberman 2017, p. 92). As the citizenship law of 1982 deprived the Rohingya population of their right to citizenship (Leider, JP 2018, p. 103), they were declared by the Myanmar government to be non-members of the state. Eventually, hundreds of thousands of Rohingyas without citizenship were left without the right to a Myanmar passport, which is a fundamental legal document required for cross-border movement (Nathan 2016). This inability to obtain valid travel documents has literally kept them confined/ imprisoned in their own country. Consequently, the Rohingyas have not been able to find any legal means of migration other than emigrating illegally by sea, because this does not require one to have valid travel documents to escape the decades-long discrimination occurring in Myanmar.

According to UNHCR (2018b) estimates, there are 68.5 million forcibly displaced people across the globe as of 2018, who have experienced unprecedented discrimination over a long period. The United Nations Human Rights Council (2017) recognised the Rohingyas as the world's most persecuted minority group. The Rohingya's inability to obtain citizenship has not only deprived them of their right to get a passport or any other form of travel document, it has also forced them to endure a diverse range of arbitrary forms of discrimination in all walks of life. After being officially denied citizenship of Myanmar through the country's Constitution and the Citizenship Act, enacted in 1974 and 1982 respectively, the Rohingyas' right to education was also withdrawn (Minority Rights Group International 2018). This restriction did not allow the Rohingyas and their children to attend school, and consequently, kept approximately 80% of the Rohingyas illiterate (Akins 2018, p.



239). This high rate of illiteracy made them ineligible for decent employment inside Myanmar, as well as for semi-skilled or skilled migration overseas.

Apart from education, the government of Myanmar also placed restrictions on the movement of Rohingyas from one place to another inside the country in 2001 (Minority Rights Group International 2018). Since then, this persecuted minority has not been allowed to travel at all without getting a permit beforehand (Minority Rights Group International 2018). This restriction not only violates their basic human rights, but it also compels them to stay within the designated areas for even indispensable necessities such as education, employment, health care, and so on. This restriction on movement along with discrimination in getting into the public service and other white-collar jobs has resulted in a 10.4% unemployment rate among Rohingyas, which is the highest of any ethnic group in Myanmar (Johnson et al. 2019, p. 83). High levels of unemployment have made the Rohingyas vulnerable to extreme poverty and an inclination to take unauthorised risks to get rid of state-sponsored discrimination. As it is not easy for Rohingyas to get a travel permit to look for a job elsewhere in the country, and the fact that they cannot cross the national border legally for work overseas, means that they are forced to respond to the invitation for an illegal perilous journey by sea to countries such as Malaysia, Thailand, and Indonesia, as well as across land to Bangladesh.

Travel restrictions have also made health care services inaccessible for the Rohingyas. They cannot travel to other areas with better health care facilities, even in emergency situations. Moreover, the Rohingyas' basic rights to health care are denied by the government as a result of their non-citizen status. As they are not entitled to health care, and cannot afford to pay for expensive medicines and consultations due to poverty, the Rohingyas experience 380 maternal deaths per 100,000 live births, and 224 childhood deaths per 1,000 live births, which are the highest rates of maternal and child mortality in Myanmar (Mahmood et al.

2017, p. 1798; Saeidi et al. 2017, p. 6173). The growing level of health degradation is one of the major hindrances to the Rohingyas in exploring their full human potential. Therefore, they have always envisioned a life with better health and wellbeing somewhere outside of the area they have been confined to, but migration has never been an alternative for them that they could try legally with their lack of financial capacity and all the constraints that have been in place.

These decades old violations of the Rohingyas' rights to citizenship, freedom of movement, healthcare, and education have transformed them into the most disadvantaged ethnic minority group in Myanmar; in this process, they have been looked down upon by their fellow countrypersons from other ethnic backgrounds, such as the Bamar, Shan, and Kayin peoples (Fink 2018, p. 264; Miller 2017, p. 6; Welsh & Huang 2016, pp. 257, 77). Rohingya communities frequently encounter widespread hatred and social discrimination in Myanmar society in almost all walks of life, mostly from Buddhist nationalist activists (Hodal 2013 found in; Southwick 2015, p. 139). Mainstream Myanmar society has had an antagonistic attitude towards the Rohingya communities that is reflected in socio-cultural disassociation and non-cooperation. This division between the Rohingya and other ethnic groups has resulted in the economic, cultural, and educational backwardness of Rohingyas, as they continue to be denied being taught by qualified Buddhist teachers who have attained higher education qualifications and training, and have years of experience in delivering quality teaching (Frydenlund 2017 found in; Ullah & Chattoraj 2018, pp. 554-5). Socio-economic and cultural marginalisation of this most persecuted ethnic minority group has continuously made them think of themselves as strangers in their own country, and has driven them to look for a place where they can be integrated into society and the culture without discrimination. However, as there are no legal alternatives for third country resettlement

programmes offered to them by humanitarian organisations, moving towards unknown destinations by sea is an option for many Rohingyas, even despite putting their lives at risk.

As a result of widespread socio-economic, political, and cultural discrimination against the Rohingyas in Myanmar, they are not even authorised to get married without permission in advance (Zarni & Cowley 2014, p. 728). This has been a deliberate measure taken by the state to control the size of the Rohingya population which, according to Zarni and Cowley (2014, p. 728), was envisaged as eventually resulting in their extinction. Also, inter-racial (between non-Buddhist men and Buddhist women) marriage for the Rohingyas is prohibited and punishable under a recently formulated law entitled 'The Myanmar Buddhist Women's Special Marriage Law' (Frydenlund 2017, p. 66).

These restrictions and prohibitions have kept a large number of Rohingya men and women unmarried, as they could not get the necessary permission that comes through a complex official process and often requires them to pay a large sum of money to the permit issuing authorities (Zarni & Cowley 2014, p. 728). Since getting married is a very common human phenomenon and a critical social institution that develops and helps humankind to evolve, the denial of this social occurrence has pushed the Rohingya population to move to a new place where they would have freedom to get married. This scenario has played a dominant role in influencing Rohingya women to emigrate to Malaysia illegally by sea in the hope of getting married to an eligible groom to have a better life thereafter (Sengupta, p. 16). This perceived liberty of getting married and living a better life has opened new avenues for the human traffickers to target and inspire destitute young/ unmarried Rohingya women to take the illegal journey by sea by showing them an illusory life after getting married overseas (Sengupta, p. 20). Many of the human traffickers are part of the Rohingya communities and, as this nexus runs as a social network, they maintain close communication between the people who have already been successful in getting into Malaysia, Indonesia, and Thailand

by sea and the people living in Rohingya camps in Bangladesh's coastal towns, such as Cox's Bazaar and Teknaf. Through such communication, the traffickers often work as matchmakers for foreign grooms (many of them are Rohingyas who have already migrated to Malaysia, Thailand, and Indonesia and are working there) and Rohingya brides in Bangladesh. This makes the business relatively easier for the traffickers to convince Rohingya women, as sometimes the cost of migration is borne by the bridegroom living in Malaysia (Sengupta, p. 16). This appeal of a fulfilling life has literally made it the 'Malaysian Dream' for unmarried Rohingya women, resulting in an alarming number of them willing to take life-threatening illegal journeys by boat.

The extreme manifestation of the aforementioned push factors have compelled about one million Rohingyas to flee their native place of residence in Rakhine state of Myanmar and take temporary shelter in neighbouring Bangladesh for immediate survival (South 2018, p. 1), due to its proximity to Rakhine state, easy access over land, a shared religious faith, and a history of sheltering hundreds of Rohingyas in the early 1990s. This large number of persecuted people had their homes burnt, and their agricultural lands and assets confiscated within a span of two to three weeks in August-September 2017. As an emergency response, Bangladesh demonstrated unprecedented empathy by opening its border to allow traumatised Rohingyas to settle in temporary camps located in Kutupalong and Balukhali in the Cox's Bazaar district (Hassan et al. 2018, p. 4). Bangladesh had to destroy huge areas of its own forest land to build the world's largest shelter camps and provide the necessary utilities for the Rohingyas (Hassan et al. 2018, p. 2). In association with the United Nations and several other non-government charitable/ donor organisations, Bangladesh efficiently managed the initial challenges associated with the mass Rohingya influx. Up until the last quarter of 2018, the basic necessities, such as food, water, health care, and elementary education for the Rohingya children, were provided efficiently. However, as time went by, the amount of aid

from external UN and donor agencies has been curtailed which has resulted in scarce goods and services for the survival of the Rohingyas.

Ultimately, regional and international communities and the United Nations have not been able to provide a roadmap for solving the situation at any time in the near future. These two crises have influenced many Rohingyas to go beyond the restricted areas to look for employment and to explore other opportunities to start a new life outside the camps. This has ultimately opened the door for criminal actors such as human traffickers and human smugglers to play unlawful roles in order to make money by exploiting the already abused, helpless Rohingyas. They are the indirect beneficiary of the Rohingya crisis and the main actors in facilitating illegal migration in the South Asian seas.

Human traffickers and smugglers promise the Rohingyas that they will get them out of the camps and take them to Malaysia where they would be able to find suitable jobs to end their decades-long poverty, hunger, illiteracy, and socio-cultural suppression. Although the trafficking of Rohingyas started in Myanmar following deliberate human rights violations, the struggle of exiled Rohingyas in different camps in Bangladesh has made it a hotspot for the traffickers to reorganise their complex social networks in every part of the Rohingya community using sophisticated strategies. The illegal operations of human traffickers and smugglers has been very extensive over the last few months (at the time of writing), which has influenced large numbers of Rohingya men, women, and children to respond to their call by tactically crossing the boundaries of the camps. Initially, the human trafficking and smuggling nexus used to operate across the Bangladesh-Myanmar border, but eventually, the vulnerability of the Rohingyas and their incessant attempts to leave the camps have attracted human traffickers and smugglers to operate almost everywhere in Bangladesh (Azad 2019). This illegal nexus is led by illegal Rohingya settlers in association with a few local vested groups and associates in Thailand, Indonesia, Malaysia, and even in Australia (Azad 2019).

As all the Rohingya camps are located in close proximity to the Bay of Bengal, and many of the displaced Rohingyas have had the experience of crossing the river and sea from Rakhine state in Myanmar to Cox's Bazaar in Bangladesh, this helps the traffickers to promote the journey by sea to Thailand, Malaysia, and Indonesia as being simple, safe, and secure.

## Refugee settlements in Cox's Bazar

Around **605,000** Rohingya have fled to Bangladesh since August 25, 2017, mostly residing in temporary makeshift settlements.

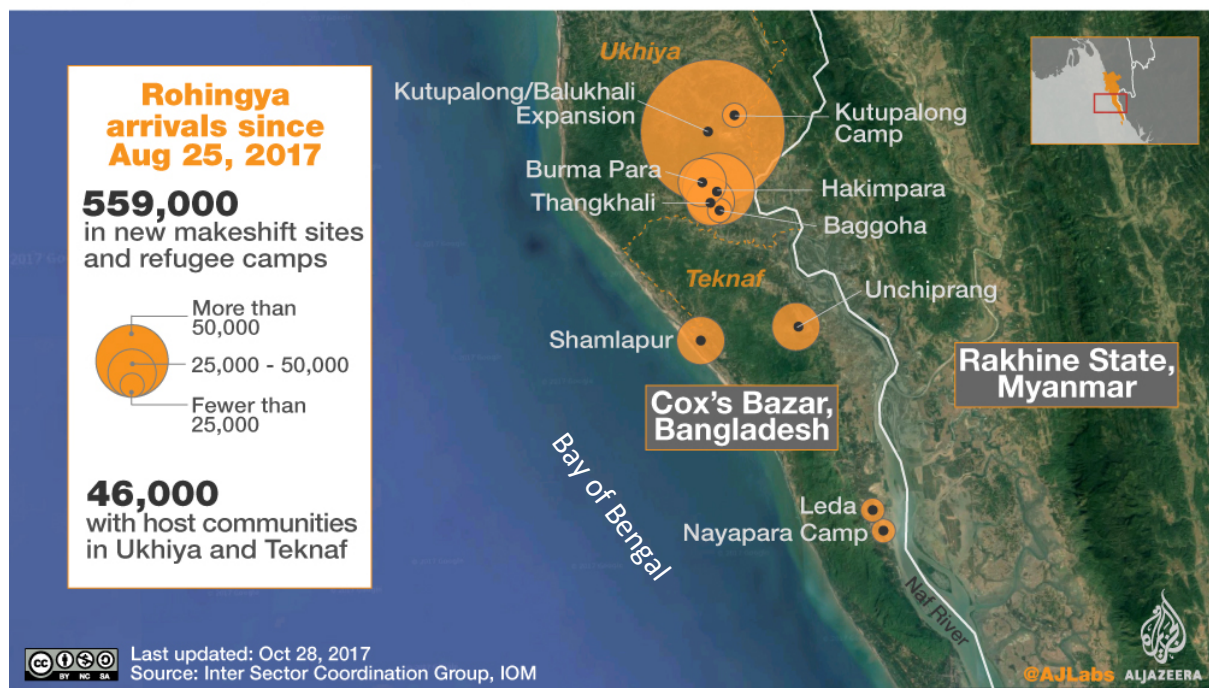


Figure 1: Location of Rohingya Camps in the Cox's Bazaar District in Bangladesh (Source: Inter Sector Coordination Group, IOM found in Asrar 2017)

Figure 1 shows the location of the temporary shelters made for the Rohingyas across the coastal areas of the Cox's Bazaar district in Bangladesh. In the recent past, many Rohingyas could cross the sea from Cox's Bazaar in Bangladesh to Thailand, and eventually Malaysia and Indonesia, with the help of the traffickers and then find jobs in the informal sector, albeit with very limited rights and privileges (Chatterjee 2016, p. 66). The Rohingyas who are already living in these countries send money to the human smugglers via illegal channels to

help their relatives in the camps in Bangladesh to emigrate illegally by sea to Thailand, Indonesia, and Malaysia, as depicted in Figure 2.



Figure 2: Direction of Rohingya Movement by Sea (Source: International Organization for Migration (IOM) found in Pagano 2016).

The transfer of money to the human traffickers and smugglers by the relatives of exiled Rohingyas living in Bangladesh, seeking their help in transferring them overseas by sea, is gradually increasing as some Rohingyas have been able to enter Malaysia, Thailand, and Indonesia for work. As of now, the law enforcement agencies in Bangladesh have reported the operation of 14 organised groups of illegal human traffickers and smugglers that are not only dominating this entire operation of illegal migration in the South Asian seas, but also contributing to the introduction of other crimes such as drug dealing, illegal arms trading, etc. (Quddus 2019).

## **6.2. Evaluation of the forces behind illegal migration in the South Asian seas (Bangladesh context)**

Illegal migration in the South Asian seas has been significantly influenced by complex environmental, economic, and legal dynamics that have been taking place over the last few years in Bangladesh. Bangladesh's economy had been dominated by the agricultural sector for many decades, but climate change and environmental degradation have brought the agricultural contribution to GDP down to 18% compared to industry and the service sector's contribution, being 28% and 54% respectively (Uddin 2015, p. 124), which the economic and environmental migrants have a substantial stake in. Although the role of agriculture in Bangladesh's economy has been reduced over time, it still employs a very large 40.6% of the total labour force, which is the highest contribution compared to the service sector (39%) and industrial sector (20.4%) (Bangladesh Bureau of Statistics 2018, p. 62). This shows that the productivity of the agricultural work force is very low. This has been affected by a number of geo-environmental factors which have eventually resulted in the loss, and lowered yield, of agricultural lands, poverty, and internal as well as international migration. Due to its geographical location, 80% of Bangladesh's area is situated on the flood plains of a number of large and small rivers (Ranjan 2015) that make millions of people living in the coastal areas and on the river banks extremely vulnerable to flash flooding every year. The people have also been living with the risk of seasonal drought, heavy rainfall, and sea-level rise. These unavoidable impacts of climate change/ global warming have resulted in the sinking of coastal lands; thus, releasing saline water into fertile lands and extinguishing its productivity, which changes the socio-economic circumstances of the rural people. As shown in Figure 3, people living in rural areas also encounter deprivation of their democratic claims for safety from the nation-state. All these factors ultimately force them to relocate (Islam & Shamsuddoha 2017, p. 278).



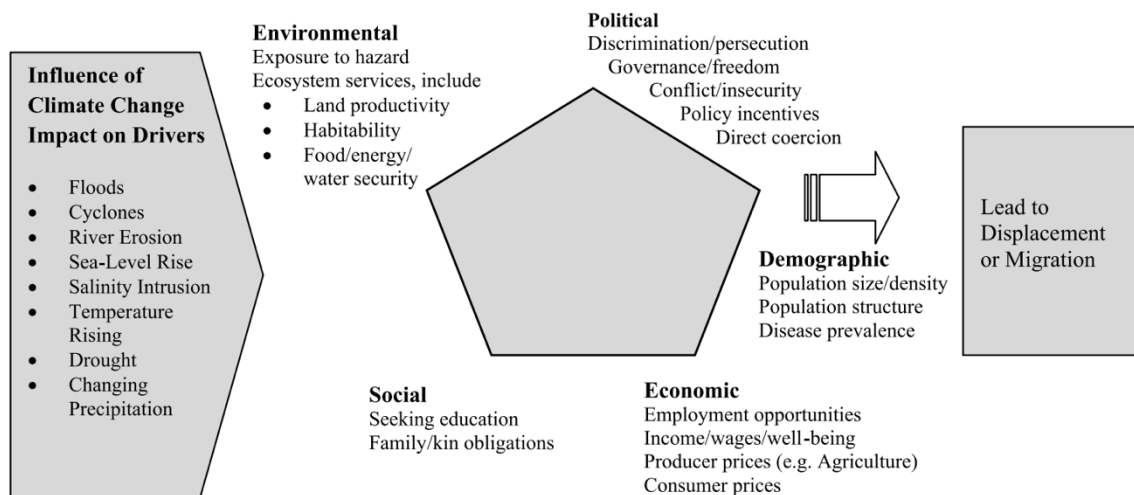


Figure 3: Impact of Climate Change on Migration (Black et al. 2011, p. 448 found in ; Islam & Shamsuddoha 2017, p. 282).

The majority of people in Bangladesh who have been affected by climate change live in the rural areas and in the coastal belts. Therefore, after losing their cultivable lands/ properties to the sea, and becoming jobless and unable to meet the basic necessities of life, they initially relocate themselves to nearby towns and cities with better prospects for earning, education, and health care services for their children and their families. But eventually, they spread all over the country as their attempts to return home are in vain because of the recurring environmental problems of cyclones, tornadoes, drought, and so on. As these people travel through the country in search of a better life, they become aware of places with better opportunities and living conditions that could help them explore their full human potential. The regular struggle and fight against natural calamities back home, and the call for a prosperous life ahead, inspire them to continue their journey towards unknown destinations with better perceived possibilities. In the course of their journey/ migration that had since evolved from the initial internal displacement, they come into contact with the people involved in the business of migration, commonly known as manpower exporting agents. These agents are authorised by the Government of the Peoples Republic of Bangladesh to

explore human resource needs overseas and act on foreign employers' behalf to recruit employees with the right skill sets, as specified in job specifications. This manpower exporting and recruitment business can only facilitate skilled and semi-skilled workers to emigrate to countries that demand such a workforce. The agencies are required to maintain strict compliance to the 'Overseas Employment and Migration Act 2013' (Martin et al. 2017, p. 0365) with regards to new labour market prospecting, recruiting potential workers/employees based on a fair contract with the employers, and keeping the costs of migration under the highest limit which is determined by the government. Ironically, this makes regular/ legal emigration even more unlikely for marginalised people. However, this limitation does not stop them from looking for other ways of escaping their social and economic predicament that they perceive as the major barrier to their chances of making a prosperous life for themselves and their following generations.

The hazards of climate change in the coastal and drought-prone areas of Bangladesh not only create economic vulnerability for marginalised people through forced displacement, but also create the conditions for a variety of diseases to affect their health after using unsafe water with increased salinity. Women and children are more vulnerable to these diseases, and sometimes, the women experience social bigotry due to their poor health. In many cases, they find emigration to be the best alternative to avoid such social embarrassment and start a new life in a new place (Islam & Shamsuddoha 2017, p. 287). Therefore, the impact of climate change initially affects the agricultural and residential lands of the people who depend on them for income generation and social wellbeing. As well, climate change leaves a large number of people jobless, with extreme poverty and hunger, poor health, and massive illiteracy, ultimately pushing them to cross local and international boundaries in search of a life without these challenges. Yet, the people who endure the pain of environmental disasters try hard to stay in their usual place of residence, given the fact that all their livelihood

activities are tied mainly to agriculture and the local economy. They are also not familiar with the outside world to explore other opportunities beyond. These two factors force them to adapt to the adversities of climate change as long as they can; however, this ultimately makes them lose all their resources and human capacity by continuously fighting back against nature. In the end, when they decide to emigrate, they cannot do it the way they would like to due to the lack of necessary skills, and social and economic abilities. As the people are pushed into emigration as an alternative method of climate change adaptation for survival, they solicit assistance from the people around them to move to a new place. Primarily, they try their luck in the capital city by working as a day labourer and/or rickshaw puller, and support their families who go with them, although in many cases, they leave their family back home to face the imminent environmental hazards. The following movement map of people who are affected by unemployment, extreme poverty, and food insecurity shows that climate change migrants usually move from districts such as Panchagarh, Dinajpur, and Rangpur with greater environmental vulnerabilities and consequent poverty, hunger etc., to districts such as Dhaka, Comilla, Feni, Chittagong, and Cox's Bazaar, which have low environmental vulnerability and/or higher income opportunities (Etzold et al. 2016, p. 35).

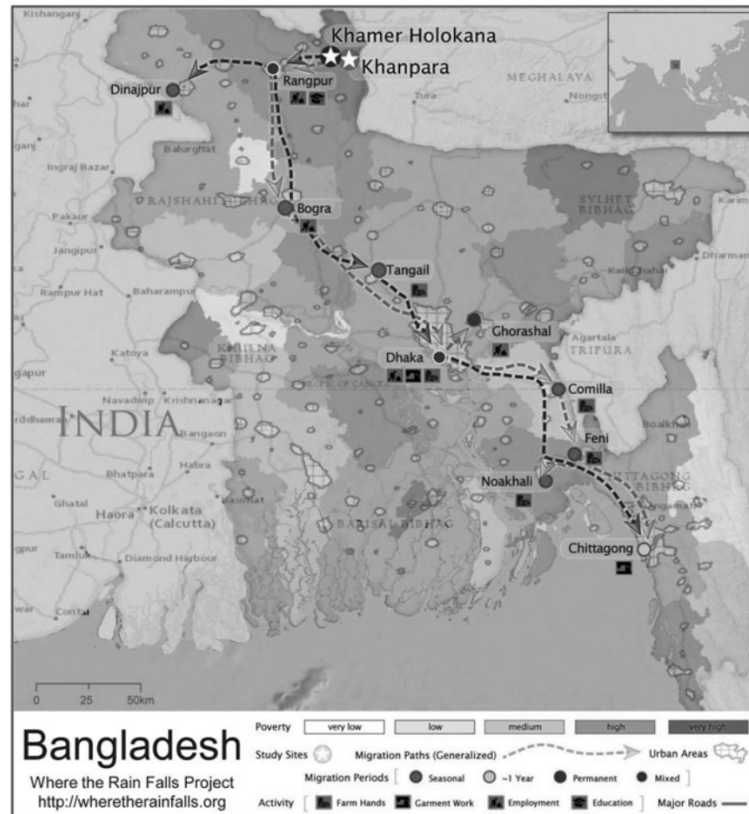


Figure 4: Pattern of internal migration in Bangladesh (Etzold et al. 2016, p. 35)

Different pull factors, such as the availability of agricultural and construction work, employment in ready-made garment and other primary industries in relatively more developed districts/ areas function as pull factors that influence people in poverty-prone areas to seek temporary and/ or permanent relocation (Etzold et al. 2016, pp. 35-6). The mobility map reproduced in Figure 4 also demonstrates that the outflow of migrants has its end point in the Chittagong district, which is popularly known as the commercial capital of Bangladesh. Chittagong is the gateway to and from Bangladesh through the largest sea port in the country. The continuous export, import, and trading operations in Chittagong require a good number of unskilled and semi-skilled workers for smooth functioning. This is one of the main reasons why a large number of people who suffer from socio-economic and environmental challenges end up migrating to this coastal commercial hub of Bangladesh after temporarily living in other districts en route. Many of these people continue their migration journey to Cox's

Bazaar, a neighbouring district of Chittagong, with high seasonal employment opportunities in the fishing and tourism industries, having the world's longest unbroken sandy beach of 120 kilometres (Wikipedia 2019). Cox's Bazaar is also the host district of several camps in which about one million Rohingyas are living, who were forced out of Myanmar after a series of socio-economic, political, and legal discriminations followed by mass killings, rape, and arson of houses/ properties in 2017. The incessant attempts of the Rohingyas to end their suffering and join the crowd of climate-induced non-Rohingya Bangladeshi citizens in Cox's Bazaar, who also have aspirations to emigrate in order to reconstruct a life they had before experiencing the environmental disasters, have made human traffickers and smugglers become more organised and widely active in tempting vulnerable people with fake promises.

The cost of migration is the biggest challenge encountered by most unskilled and semi-skilled Bangladeshi citizens who typically emigrate to Middle Eastern countries where they are employed in the construction and primary industries. Being under financial stress, most of these migrants meet the cost of emigration with either the money they borrow from their friends and relatives or by selling land and property, or often, from both sources (Mahmud 2016, p. 87), because institutional lending for migration is not yet a regular practice in Bangladesh. The weak financial status of marginalised Bangladeshi citizens, together with one of the highest costs of migration from Bangladesh, ranging between AUD 3,500 to AUD 5,084 (BDT 204,909 to BDT 297,645 approximately) (Siddiqui 2010b, p. 25) has made regular/ legal migration extremely unlikely for the climate change victims, who had already lost all their land and property after encountering frequent river bank erosion, drought, cyclones, and flash flooding. The unlikely scenario of legal emigration is forcing non-Rohingya Bangladeshi citizens to look for more affordable opportunities that can help them to emigrate to countries with improved earning and life chances. Illegal human traffickers and smugglers are tapping into this demand for low cost migration and coming up

with illusional offers of emigration by sea with costs as low as AUD 170 (BDT 10,000 approx.) to AUD 1,700 (BDT 100,000 approx.) (Siddiqui, Anas & Sultana 2015, p. 7). This extremely low-cost migration proposition has literally been seducing thousands of poor, homeless, and jobless Bangladeshi citizens to embark on illegal and life-threatening journeys via sea to Thailand and Malaysia in search of good work opportunities and a better life.

The illegal nexus of human trafficking and smuggling primarily recruit their targets in Cox's Bazaar, but as the Rohingyas are increasingly trying to move away from the camps to take the boats to Malaysia and Thailand, this trend is influencing non-Rohingya Bangladeshi citizens who are living in other districts. The traffickers and smugglers tempt vulnerable people with attractive jobs in Malaysia and Thailand and they make the whole operation of transferring them look very safe and simple from Cox's Bazaar to these countries via the Bay of Bengal. The prospective migrants take the promises of the illegal human traffickers and smugglers for granted, as this illegal business is run by powerful people who are personally known to the migrants, in association with a number of dishonest law enforcement and border control officials in the overseas destinations (Alcorn, Reynolds & Simons 2015; Chambers 2015 found in; Grewcock 2018, p. 165; Mohamed 2016, p. 86).

Despite Bangladesh's consistent and unprecedented demonstration of post-independence economic growth, poverty reduction, and excellence in human capital development (Siddiqui 2010a, p. 4), the large numbers of outward illegal movements via the Bay of Bengal by non-Rohingya Bangladeshi citizens have not been stopped, even with the enforcement of tighter border controls and surveillance. It has rather increased many fold in recent times with the mass Rohingya influx and the extensive presence of illegal human traffickers and smugglers in Cox's Bazaar. However, the greatest force that is influencing the non-Rohingya Bangladeshi citizens to join the increasing number of Rohingyas crossing the sea for Malaysia and Thailand is the impacts of climate change, such as the loss of

agricultural lands and other income-generating property, consequent poverty and food insecurity, and ultimately, social vulnerability. Controlling and managing these environmental adversities in a sustainable way is not within Bangladesh's capacity, as these challenges are contributed to by almost all countries in the world, but the major responsibility goes to as few as 90 corporations that are involved in either cement or fossil fuel manufacturing/ extraction (Heede 2014, p. 234).

### **6.3. Effects of the combined forces behind illegal migration by sea in the South Asian seas**

Transporting of illegal migrants from Bangladesh and Myanmar via the Bay of Bengal and the Andaman Sea is affected by seasonal factors as, during winter, the seas remain calm, thus making it relatively easier for illegal human traffickers and smugglers to transport the illegal migrants. Therefore, during the other seasons, illegal movements by sea have been fairly low in number in the recent past. The occurrence of illegal emigration by boat from Bangladesh to Thailand and Malaysia has been tightened even further and was expected to be brought to an end by border control authorities in all three countries after the discovery of human trafficking camps and mass graves across the Thailand-Malaysia land border in 2015 (Grewcock 2018, p. 165; Saedon et al. 2017, p. 395). These concerted efforts were temporarily seen to be successful in limiting the number of illegal migrants who were transported by the Bay of Bengal and the Andaman Sea from the Cox's Bazaar district of Bangladesh and Rakhine state of Myanmar. Yet again, an unprecedented number of illegal movements have been taking place since the mass expulsion of the Rohingya population from Myanmar in 2017, and their hard life in the camps of Bangladesh. The Rohingya crisis and the climate-induced vulnerability of the non-Rohingya Bangladesh citizens have a huge influence in that they are regularly pushing a growing number of Rohingya and non-Rohingya men, women, and children to become victims of illegal emigration by sea. In the

first four months of 2019, a total of 203 men, women, and children were rescued and captured by the Border Guard Bangladesh (BGB) (2019) while they tried to cross the border without having the necessary documents and permits. This makes about 50 people every month who are attempting illegal means of migration, while the exact number of Rohingya and non-Rohingya Bangladeshi citizens who have been successful in emigrating illegally by sea during the same period is many fold higher than this number, as reported by humanitarian organisations and the media (Daily Janakantha 20 June 2019; Rozanna Latiff 2019).

All Rohingyas living in the different camps in Bangladesh had witnessed enduring human rights violations, torture, murder, and destruction endorsed by the Myanmar government. These experiences have had a detrimental impact on their psychological health to the extent that their behaviours are driven by anxiety, fear, and uncertainty wherever they go (Riley et al. 2017, pp. 305-6). As the Rohingyas have grown up with reactive attitudes due to these terrifying experiences, a large number of Rohingyas living with mental trauma are highly cynical about the socio-cultural and political environment in Bangladesh, and are very often resistant to the local social norms and legal obligations. Their non-compliance has resulted in a growing number of socio-economic and legal concerns in Bangladeshi society. Fighting with one another, and attacking law enforcement personnel and local Bangladeshi citizens have become almost daily occurrences across all the Rohingya camps in the Cox's Bazaar district. The Rohingyas living in Teknaf and Ukhia (two different localities in the Cox's Bazaar district) have become increasingly involved in crimes such as hijackings, robberies, and the distribution of a 'methamphetamine' drug known as Yaba which is sent to them from Myanmar. Moreover, as the total number of Rohingyas who have taken shelter in the different camps in Cox's Bazaar is greater than the non-Rohingya Bangladeshi citizens in the locality, often the local people are being assaulted by the Rohingya majority.



These unlawful and anti-social activities undertaken by the Rohingyas are not limited to within the boundaries of the Cox's Bazaar district, they have also gradually swelled to various other parts of the country as they try to escape from the camps in search of a free and prosperous life. The vulnerability of the marginalised non-Rohingya Bangladeshi citizens, who had already been victims of the effects of climate change, is being augmented by the degradation of law and order in and around the Rohingya camps. This has essentially put the law enforcement agencies on high alert and has forced them to implement stringent control measures to keep the country and its people safe from unforeseen socio-economic and illegal incidents caused by some Rohingyas. Encouraging the Rohingyas to abide by the law of the land is becoming a major challenge for the local police as they are being frequently attacked by Rohingyas. Many local non-Rohingya Bangladeshi citizens have demonstrated extraordinary hospitality in accepting the Rohingyas into Bangladesh by sharing food and shelter when they (the Rohingyas) were getting brutally tortured and killed by Myanmar's military forces in 2017, but the rising confrontation between Rohingyas and the local Bangladeshi people has become indicative of socio-economic, political, and legal catastrophe in the region.

Following the mass arrival of exiled Rohingyas in Bangladesh, the socio-economic and demographic characteristics of the regions hosting them have started experiencing major change as Rohingyas look like Bangladeshi citizens and have gradually learned to speak the local language/ dialect. This has made it increasingly difficult for law enforcement agencies to distinguish between the Rohingyas and the non-Rohingya Bangladeshi citizens to make them stay within the designated areas. Many Rohingyas are fleeing from the camps by misusing these difficulties and trying to acquire legal rights and documents (i.e., passports, national ID cards) as Bangladeshi citizens (Al Imran & Mian 2014, p. 238). The Rohingya population's daily consumption has created a very high demand for different commodities,

and thereby, the price levels of commodities and living expenses have risen sharply, making the lives of the poor climate-affected non-Rohingya Bangladeshis more vulnerable (Hassan et al. 2018, p. 16), leaving them with no feasible survival strategy but to migrate to a new place. As many Rohingyas have been passing themselves off as Bangladeshi citizens after learning the local language and customs, they are becoming willing to do unskilled work for lower wages than what is paid to genuine non-Rohingya Bangladeshi workers, thereby taking jobs off them. Moreover, Bangladesh has been exposed to a huge financial burden in order to ensure the availability of necessary commodities and services for approximately one million Rohingyas living in the different camps. The World Bank (2018) report has revealed that Bangladesh's per capita expenditure for this purpose was USD 736 in 2017, as can be seen in Figure 5.

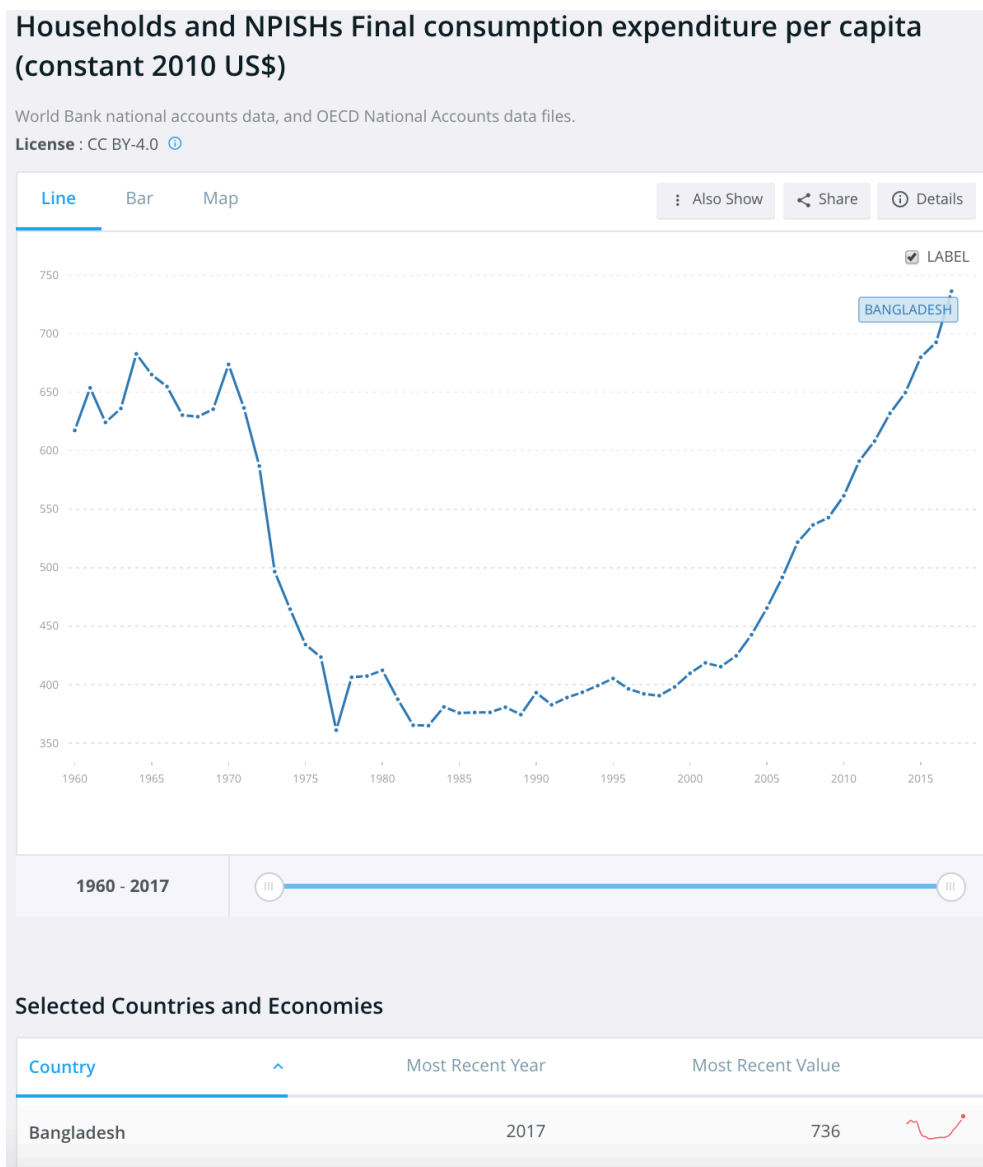


Figure 5: Households and NPISHs Final consumption expenditure per capita of Bangladesh (Source: The World Bank 2018)

According to this estimation, Bangladesh requires an additional 736 million dollars per year for the one million Rohingyas, as they do not have any legal source of income. Being a developing country, Bangladesh needs to cut short its development projects to prioritise the capacity building of their vulnerable non-Rohingya Bangladeshi citizens who have been devastated by the impacts of climate change. This is one of the most significant financial challenges associated with the Rohingya crisis, which has ultimately left hundreds of

thousands of people with minimal to no emergency support from the government to fight against, and adapt to, the effects of climate change, thereby displacing them from their homes and making them travel to unknown destinations. Although Bangladesh has received temporary aid from OECD countries and international humanitarian organisations, as charted in Figure 6, over time the amount of aid has diminished compared to what was originally promised (Financial Tracking Service 2018; found in Khatun & Kamruzzaman 2018, pp. 4,13).

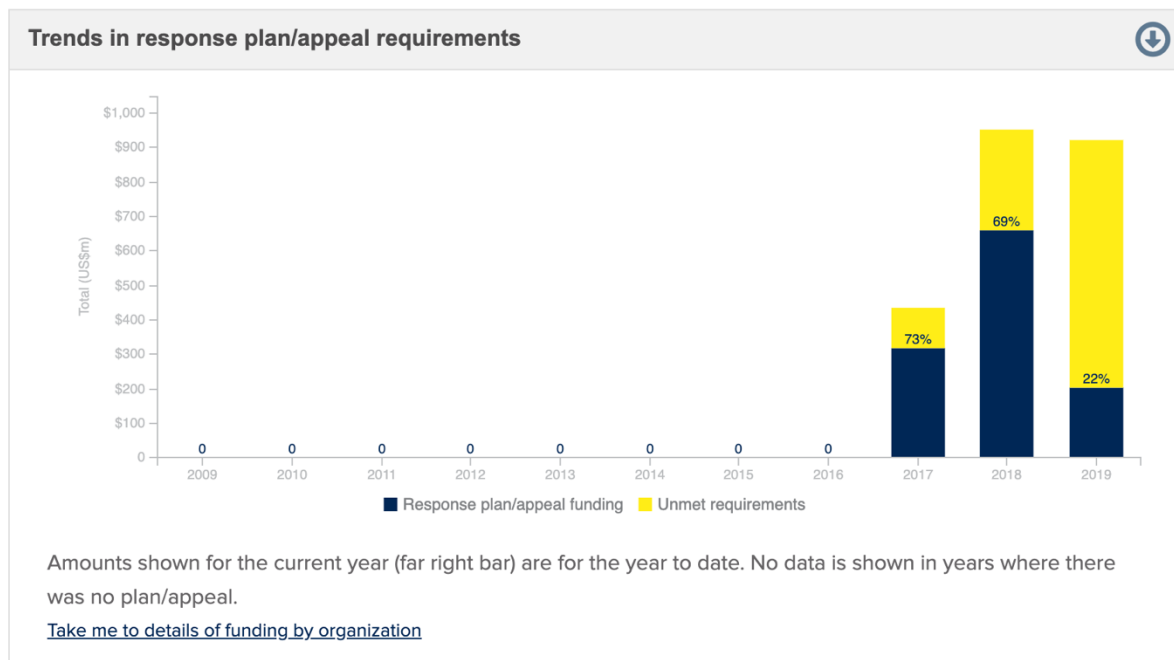


Figure 6: Trend of aid assistance in response to Rohingya crisis (Source: Financial Tracking Service 2018)

Also, the assurances of such assistance are shrinking, which indicates a more difficult and permanent financial crisis for Bangladesh to deal with alone in the near future. Besides this, Bangladesh has had to source a substantial amount of money from its own budget to deploy a large workforce in the different Ministries, the Police, and the Border Guard Bangladesh for the better management and registration of Rohingyas, relief distribution, and the maintenance

of law and order in the region. This money could have been spent on poverty reduction, capacity building of vulnerable non-Rohingya Bangladeshi citizens, and mitigating the risks of climate change, which would have resulted in a lower incidence of internal displacement, and the consequent propensity to illegal migration by sea.

Being a coastal district, Cox’s Bazaar is one of the most vulnerable areas of Bangladesh (as revealed in Figure 7), which has been the main target of the major cyclones that Bangladesh has been exposed to (Bangladesh Meteorological Department 2018).

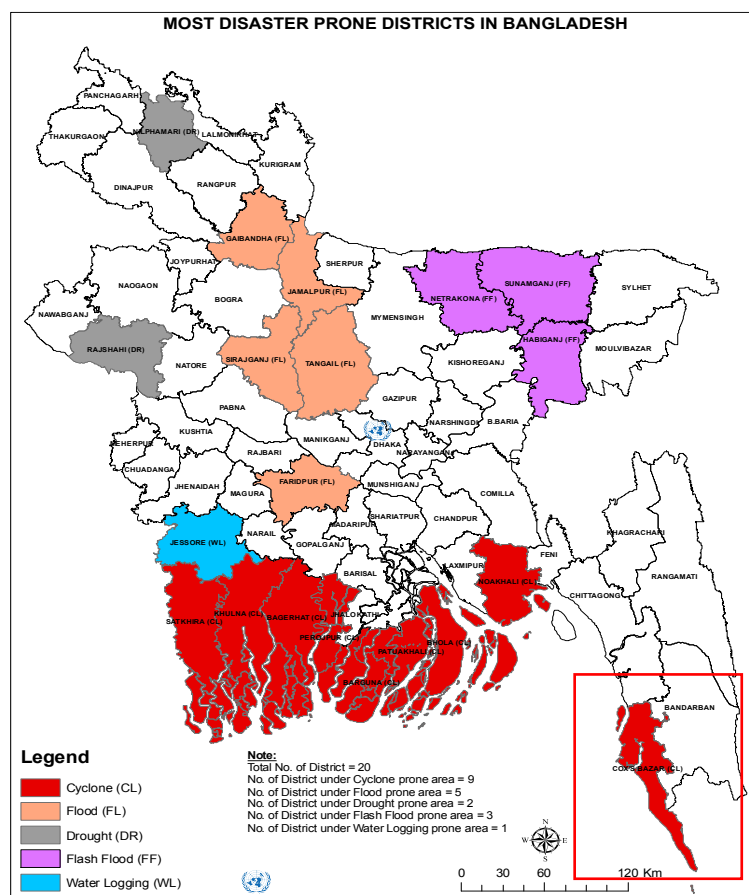


Figure 7: Most disaster-prone districts in Bangladesh (Source: ReliefWeb 2012).

A large number of people living in the coastal districts of Bangladesh have been killed during every major cyclone strike in the past, and a few million people who have survived these disasters have been left without food, shelter, agricultural lands, and other means of

livelihood (Alam & Collins 2010, p. 932; Mita et al. 2018). Although the government has taken several measures to put in place disaster preparedness programs, and has responded immediately during and after such disaster emergencies, cyclones always exacerbate food security and extreme poverty issues. This has ultimately displaced millions of survivors who have spread all over the country for food and shelter. The casualties and massive loss of land and property due to cyclones could have been minimised had there been environmental preventative measures undertaken earlier.

Natural forests across the coastal belt have provided Bangladesh with protection against frequent cyclones since ancient times. They have acted as a 'green wall' and weakened the force of the cyclones by breaking the wind (Broadhead & Leslie 2007). Given this fact, the government of Bangladesh has placed emphasis on tree plantation and the preservation of natural forests inside the country as well as across the coastal areas (Biswas & Choudhury 2007; Zashimuddin 2004 found in; Zzaman et al. 2017, p. 2). However, in order to accommodate the one million forcefully displaced Rohingyas in Cox's Bazaar, a large area of trees and forests had to be cut down to make the many camps at Ukhia, Kutupalong, and Balukhali in the Cox's Bazaar district. Hundreds of thousands of small huts have been made with bamboo and polyethelene, in the process destroying 3,500 acres of trees and natural forest out of a total of 2,092,016 acres (Khatun & Kamruzzaman 2018, p. 7) that were working as a 'green wall' to protect the residents of the Cox's Bazaar district from recurrent cyclones and tornadoes in the recent past prior to the mass arrival of the Rohingyas. Recently, the destruction of the forests has been extended to a further 4,500 acres, and another 2,000 acres is at imminent risk of being uprooted (Yousuf 2017 found in Khatun & Kamruzzaman 2018, p. 7). The forthcoming risks of deforestation are even greater as the Rohingyas continue to cut down trees in the community and reserved forests for firewood (Hassan et al. 2018, p. 15; Khatun & Kamruzzaman 2018, p. 7), because they do not have any other

alternative fuel for their daily cooking. Although all the Rohingyas are dependent on the forests for firewood for their own/ family use, there are also many of them who have found it profitable to cut down trees for firewood to sell in nearby markets to earn good money (Khan, Uddin & Haque 2015, p. 6). Figure 8 provides a snapshot of this activity.



Figure 8: Rohingya men chopping wood, returning home with firewood, and selling it for profit (Source: (MONGABAY 2018; Roads and Kingdoms 2018).

This has not only resulted in massive economic loss through the destruction of trees, timber, and other forest resources, but it has also had a negative impact on the strength of the environment to protect the Cox's Bazaar area and its people from the effects of climate change (Khatun & Kamruzzaman 2018, p. 7). This might also possibly intensify the vulnerability of the marginalised non-Rohingya Bangladeshi citizens and eventually force them to relocate initially within the country, and outside of the country thereafter.

Due to these socio-economic and environmental consequences caused by the occupation of major areas of the Cox's Bazaar district, the government of Bangladesh has extended its vigilance in order to counter the unauthorised movements outside of the camps, and to stop them before they start their journey via the Bay of Bengal for Thailand, Malaysia, and/or Indonesia. Rohingyas have become well aware of these control measures, and therefore, they have also changed their modus operandi. The frequency of their aggressive attempts to leave the camps by any means has increased many fold, which the law enforcement agencies are finding difficult to counter. Nowadays, many Rohingyas are moving into local as well as distant villages to pass themselves off as Bangladeshi citizens in order to obtain travel documents, as their illegal maritime movements without legal documents are now regularly challenged by the border control forces of Bangladesh, Thailand, Malaysia, and Indonesia. The lack of secure walls around the Rohingya camps have enabled them to find various trails through the forests, which has helped them to escape the camps on a daily basis.

Although a large number of Rohingyas still aspire to emigrate illegally by sea, and in the process, to risk their lives, many others have started living with local non-Rohingya Bangladeshi villagers for a few days or months, which makes their intended identity as Bangladeshi citizens more credible for the passport/ travel document issuing authorities. Rohingya women, in particular, have been living with non-Rohingya Bangladeshi families to learn the language and customs, and how to dress like the locals. Thereafter, Bangladeshi families have been taking them to regional passport issuing offices with fabricated birth certificates and identification documents and acting as their parents to apply for travel documents for the 'purpose' of medical treatment overseas or performing the Hajj (Islamic Pilgrimage performed in Mecca, Kingdom of Saudi Arabia). To facilitate this entire illegal activity as a business operation, many camp-based agents have been established in recent



times. Sultan Ahmed (real name anonymised), an agent who helps Rohingyas to get a Bangladeshi passport says:

*First of all, we collect the original national identity cards of the genuine Bangladeshi citizens for the Rohingyas of same age who pay us for getting passport. Afterward we submit that original identity cards to remote Union Councils for issuing birth certificates. Since the credentials we submit are genuine, the Union Council Chairman usually cannot figure out our motive. Finally, we fill the application form for passport and submit it with photographs, copies of national identity card, and birth certificate of Bangladeshis citizens. He adds, 'our clients need to go to passport offices only for providing biometric information because some officials manage it all for us in exchange for a large amount of money. But, in some cases the fake applicants are apprehended when any high official tries to examine the authenticity of the application otherwise it just goes the way we desire' (Dhaka Tribune 2018).*

Attempts to obtain a Bangladeshi passport by Rohingyas with fake documents are not only criminal acts punishable under 'The Passport Offences Act, 1952' (Ministry of Law Justice and Parliamentary Affairs), but also put Bangladesh's socio-cultural, and political reputation at stake overseas with the forged/fake identity that Rohingyas get with a Bangladesh passport.

As the Rohingyas come from a completely different cultural and ethnic background, their usual behaviours and ways of life are incompatible with the conventional lifestyle of Bangladesh. This has created significant risks for Bangladesh's reputation, as a large number of Rohingyas with Bangladeshi passports are getting involved in anti-social and criminal activities overseas (Al Imran & Mian 2014, p. 238). Whenever Rohingya people are apprehended by the law enforcement agencies in other countries, they show their Bangladeshi passports, which makes Bangladesh, as the passport issuing country, subject to an increasingly bad reputation internationally. Apart from tarnishing the image of Bangladesh globally, pretending to be a Bangladeshi citizen with the national passport in possession, and

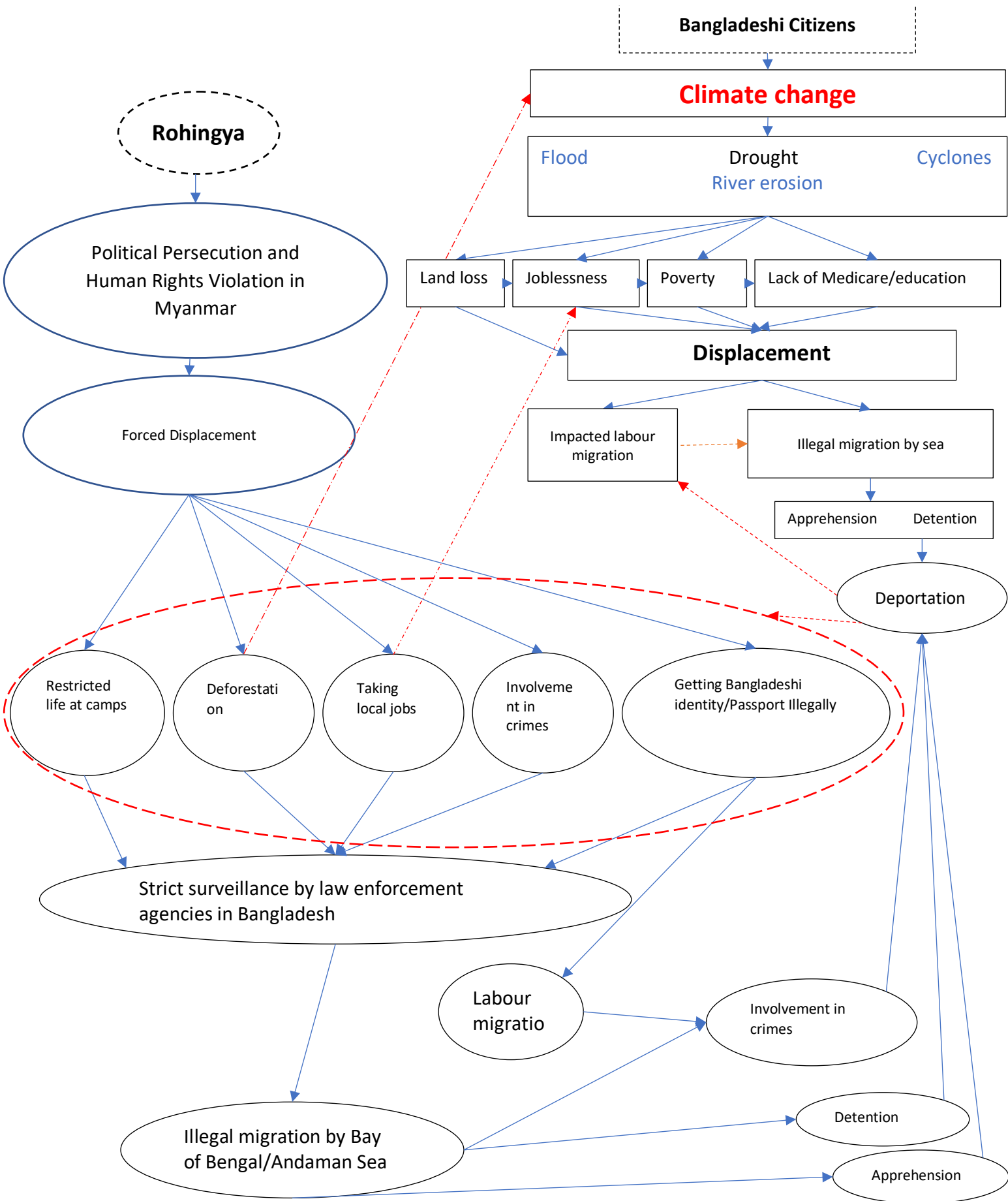
then committing crimes, has led to negative perceptions of Bangladesh by many countries such as the Kingdom of Saudi Arabia (KSA), Malaysia, Qatar, the United Arab Emirates (UAE), and Kuwait, thereby resulting in a lower number of employees being recruited, whereas previously, Bangladesh had solid prospective markets for its unskilled and semi-skilled workforce.

Moreover, these countries have tightened their job specifications and raised compliance standards with regards to the recruitment of overseas labour power from Bangladesh. These approaches have together restricted the overseas labour market and made regular/ legal labour migration harder and more expensive for genuine Bangladeshi citizens, for whom labour migration has been one of the better alternatives for avoiding socio-economic and environmental vulnerability due to climate change. The Rohingyas who commit crimes overseas are caught and sent back to the country of their nationality, i.e., Bangladesh in this case, as specified on their passport. As they lose their Bangladeshi passport after returning to Bangladesh, this makes it even more difficult for them to get one again in the future. Yet, they do not stop trying to migrate again, now that they have a little more knowledge of experiencing places without the suffering, discrimination, and uncertainties they have been exposed to throughout their lives in Myanmar and in the camps of Bangladesh. But now that they are under stricter surveillance by law enforcement agencies, and cannot emigrate legally without having a travel document or passport, they choose to emigrate to Thailand, Malaysia, and Indonesia via the Bay of Bengal and the Andaman Sea. The Rohingya returnees who try to re-migrate illegally by sea now do so with more financial strength and a stronger affiliation with their associates overseas, and in many cases, with local, regional, and transnational human traffickers and smugglers (Gupta 2019). With more networking and capacity, the Rohingyas are now trying to influence non-Rohingya Bangladeshi citizens to embark on the journey by sea with them, which according

to their (the Rohingya migrants and the human traffickers and smugglers) explanations, is a safer and more affordable way to obtain a fulfilling life in Malaysia, Thailand, and/or Indonesia. As the legal migration of genuine Bangladeshi citizens to these countries has been put on hold for quite some time due to Rohingya people emigrating with Bangladeshi passports and regularly getting involved in various crimes, Bangladeshi citizens find no other alternative but to believe in the fake promises made by their co-migrants and human traffickers and smugglers to end their environmental and socio-economic vulnerability.

Both the Rohingya population and non-Rohingya Bangladeshi citizens have mutually exclusive reasons that influence them to choose the path of illegal emigration by sea. While the vulnerability caused by political persecution and decades-long socio-economic discrimination in Myanmar and the uncertain way of life in the different camps in Bangladesh push Rohingyas to cross international boundaries illegally, non-Bangladeshi citizens make attempts to leave the country by crossing the Bay of Bengal and the Andaman Sea because of the marginalisation created by the impacts of climate change such as flash flooding, drought, river bank erosion, sea-level rise, cyclones, and their consequences for displacement, loss of property and profession, poverty, food insecurity, and lack of health care and education. The vulnerability of non-Rohingya Bangladeshi citizens hardly affects the situation of the Rohingyas; however, the vulnerabilities that the Rohingyas are exposed to actually worsens the vulnerability of the local Bangladeshi citizens. A correlation of the factors that are pulling people towards the sea, and their impacts on each other, are described below in Figure 9.

Figure 9: Cycle of Illegal Migration in South Asian Seas



As illustrated in Figure 9, illegal migration in the South Asian seas takes place through a vicious cycle. Taking specific control measures or providing particular solutions at any single stage of this cycle to eliminate illegal emigration from Bangladesh by sea, literally sends the Rohingyas and non-Rohingya Bangladeshi citizens back to their initial point of struggle. The same socio-economic, cultural, political, legal, and environmental vulnerabilities then push them again towards the sea as their gateway to a new life. Therefore, the vicious cycle of illegal migration in the South Asian seas presents itself as a wicked problem (Head & Alford 2015, p. 712), which is more complex than is perceived by any single nation-state or organisation that has tried to provide plausible solutions to illegal migration in the South Asian seas.

#### **6.4. Measures undertaken to counter ‘Illegal Migration in the South Asian seas’**

Bangladesh saved the lives of about one million forcefully displaced Rohingya people over the duration of just a few weeks in 2017 by allowing them to enter the south-eastern district of Cox’s Bazaar, despite the fact that Bangladesh is not a signatory to ‘The 1951 Refugee Convention’ (UNHCR 1951; Yasmin 2017, p. 412) and was already burdened with a large population and the impacts of climate change. Since the mass influx of Rohingyas, Bangladesh has been trying on its own to deal with the situation at the cost of its own socio-economic, and environmental damage caused by the Rohingya crisis. The Bangladeshi government has placed utmost importance on the repatriation of the Rohingyas who fled in the face of the brutal suppression and genocide perpetuated by the Myanmar military. In order to make this happen in the foreseeable future, Bangladesh is continuing to maintain close contact with a wide range of nation-states, and regional and international organisations, along with having bilateral discussions with Myanmar. In 2017, a proposal was forwarded to the Myanmar government on behalf of the Prime Minister of Bangladesh for immediate

commencement of bilateral talks to find a sustainable solution to the crisis (Jaman 2017). Bangladesh had been in regular international communication with Myanmar for a considerable time with regards to the Rohingya crisis in the region. A fresh military crackdown on the Rohingyas in Rakhine state in 2017, and the consequent forced displacement, has enabled Bangladesh to mobilise the stance of different nation-states and organisations to bring Myanmar under pressure to stop violence against the Rohingyas. Bangladesh has also brought the issue to the United Nations Security Council several times for discussion, and in response, the United Nations and many countries have issued statements criticising the Myanmar government for its crimes against humanity. While these bilateral and multilateral diplomatic instruments have attempted to clear the way for the Rohingyas to return home to Myanmar, the Bangladeshi government has also been focused on meeting the food, clothing, and housing needs of the exiled Rohingyas until they are repatriated.

Other countries in the region that have been affected by illegal migration in the South Asian seas have also taken a few individual initiatives that have sometimes functioned to neutralise the causes of illegal migration by sea, discouraging potential illegal immigrants and providing them with alternatives to illegal emigration. The exiled Rohingyas in Bangladesh and the non-Rohingya Bangladeshi citizens try to cross the Bay of Bengal and the Andaman Sea mainly to travel to Thailand, Malaysia, and Indonesia, and therefore, these three countries have responded on humanitarian grounds in order to save the lives of the illegal emigrants stranded at sea. However, like Bangladesh, these countries are not signatories to 'The 1951 Refugee Convention' (Alexander 2008, p. 37; Briskman & Fiske 2016, p. 25; Tuitjer & Batréau 2019, p. 1), and therefore, Malaysia, Thailand, and Indonesia do not have any legal obligation to provide necessary protection to the refugees or asylum seekers. However, a large number of illegal immigrants have been granted entry into these

countries to reside on a temporary basis through a bipartisan agreement with the United Nations High Commissioner for Refugees that would eventually see the refugees/asylum seekers be resettled in a third country which would have to be a signatory to the '1951 Convention relating to the Status of Refugees and the 1967 Protocol' (Gleeson 2017, p. 7; UNHCR 2015b).

As a main/ initial transit point as well as a destination country for illegal migrants, human traffickers and smugglers initially brought a large number of them to Thailand from the Cox's Bazaar district of Bangladesh and Rakhine state in Myanmar via the Bay of Bengal and the Andaman Sea, keeping them hostage at different secret camps across the Thailand-Malaysia border. The imprisoned potential immigrants were brutally tortured by human traffickers and smugglers and forced to pay a ransom, with many being murdered when they failed to fulfill the demands of the traffickers. As already discussed above this dreadful human trafficking operation, which gained momentum after the commencement of ethnic cleansing in Myanmar in 2012, came to significant public-notice when a huge number of human bodies and skeletons were found in graves at the human trafficking/ detention camps along the Thailand-Malaysia border in 2015 (Mohamed 2016, p. 86). This tragic incident shook the conscience of the entire world and influenced Thailand to carry out a comprehensive military/ law enforcement operation across the border (Sullivan 2016) which aimed to neutralise the human traffickers and create a deterrent for future illegal immigrants who might try to enter Thailand by sea.

Along with this policing initiative, Thailand has continued to formulate new regulations and amend existing ones to equip law enforcement and border control authorities with more legal instruments. It has also allocated supplementary funding to enhance the capacities of law enforcement and associated personnel, and has prosecuted a large number of human traffickers and a few government officials who assisted them (UNHCR 2018a).

The illegal entry of people into Thailand from Bangladesh and Myanmar via the Bay of Bengal and the Andaman Sea has resulted in a significant decline in human trafficking and smuggling because of such measures taken by the Thai government. Yet, the Thai government's stance is to control illegal immigration by sea through human trafficking and smuggling in a coercive manner, and to send boats full of vulnerable illegal immigrants back to sea, despite officially declaring that nobody in Thai maritime territory would be denied conditional entry into Thailand (Moretti 2018, p. 244).

The voyage of illegal emigrants than progresses towards Malaysia crossing the maritime boundary of Thailand, making it the second most preferred transit and destination country. Until 2017, Malaysia had been allowing a higher number of refugees and asylum seekers into the country than Thailand and Indonesia (Gleeson 2017, p. 7). Most of these refugees and asylum seekers had been forced to emigrate because of political persecution in Myanmar, the struggle for survival in the post-violence period, and climate-induced vulnerabilities in Bangladesh to illegally take the maritime route to Malaysia. The mass arrival of illegal immigrants by sea had forced Malaysia to undertake control and/ or management measures, which were more or less similar to what Thailand did, to counter the issue of illegal maritime immigration from Bangladesh and Myanmar. As Malaysia is not a signatory to 'The 1951 Refugee Convention', acknowledging the illegal immigrants as refugees and/ or asylum seekers was beyond its legal obligations and therefore, everyone who arrived on Malaysian shores was labelled as an illegal immigrant, and faced very limited to no freedom of movement, and the loss of their profession and basic human rights in the various temporary camps (Mohamed 2016, pp. 80, 3).

In the absence of appropriate institutions and policies for managing refugees and asylum seekers, Malaysia was dealing with this surge of illegal immigrants coming via maritime routes in association with the UNHCR. Nevertheless, Malaysia has provided the



illegal incomers with food, basic health care, and emergency services. It has also extended its cooperation in carrying out search operations at sea (Mohamed 2016, p. 86) and has saved the lives of other potential illegal immigrants who started their journey from Bangladesh and Myanmar, but could not bring it to a successful end due to strict maritime surveillance by Thailand, Malaysia, and Indonesia. In addition to this, Malaysia has provided Bangladesh with relief assistance to meet the basic livelihood necessities of the Rohingyas who are living in temporary shelters in Bangladesh (The Straits Time 2017).

As many boats full of forcefully displaced Rohingyas and non-Rohingyas are denied access to Thailand and Malaysia, they head towards Indonesia as their last preferred transit and/or destination country in the region. Unlike Thailand and Malaysia, Indonesia is perceived to be relatively flexible in allowing refugees and asylum seekers into the several temporary camps where they are assisted jointly by the Indonesian government and the UNHCR for permanent resettlement elsewhere. But as a non-signatory country to 'The 1951 Refugee Convention' (Syahrin 2017, p. 170), Indonesia does not acknowledge illegal immigrants arriving from the Bay of Bengal and the Andaman Sea as refugees and/ or asylum seekers. This disclaimer makes the lives of hundreds of illegal immigrants severely limited by having no human rights claims, no work rights, no scope for education, and insufficient health care. However, Indonesia has also been conducting search operations in its sea areas, based on the UNHCR's appeal for rescuing abandoned illegal immigrants (UNHCR 2015a).

Many of the above initiatives taken by these four countries for solving the Rohingya crisis and its consequences, such as illegal emigration by sea, were either advised or coordinated by the United Nations High Commissioner for Refugees (UNHCR) as an umbrella organisation and an influencer. Following the political persecution and violent displacement of about a million Rohingyas from Myanmar in 2017, a 15-member delegation of the UN Security Council visited Bangladesh to experience the reality on the ground so that

it could find evidence to hold Myanmar responsible for its conduct and make it agree to work with other regional and international governments to come to a suitable resolution, because it is still bound by many obligations to the UN as one of its member nations.

The United Nations also deployed a Fact-Finding Team (FFT) to conduct a comprehensive investigation of the Rohingya issue. The FFT carried out their task irrespective of Myanmar's constant opposition, and labelled the Myanmar government's conduct against Rohingyas in Rakhine state as 'genocide' and a 'crime against humanity' (Ismail 2018, p. 115). As part of the United Nations' continuous efforts to ensure regional peace by protecting the Rohingya from state-sponsored violence and discrimination, the UNHCR is assisting countries affected by the crisis with the necessary logistics and procedures for registering incoming Rohingyas in Bangladesh and illegal maritime immigrants (both Rohingyas and non-Rohingya Bangladeshi citizens) in Thailand, Malaysia, and Indonesia. This registration system has helped the UNHCR to issue identification cards for the Rohingyas living in the camps in Bangladesh, so that they can have access to relief aid allocated for them and that they would be covered by any potential rehabilitation plan in the future (UNHCR 2019b). In order to continue the supply of humanitarian aid, the United Nations is appealing to its donor countries to mobilise funds, which is a growing need in order to fight the consequences of the Rohingya crisis, such as illegal migration in the South Asian seas. The UNHCR has also put forward a proposal for countries in the South Asian region to carry out a series of actions that would ensure effective maritime search and rescue of illegal migrants in the Bay of Bengal and the Andaman Sea, dignified treatment and supply of required aid to the illegal migrants, their safe return home/ rehabilitation or resettlement, and finally, proposed actions to facilitate regional cooperation to address the root causes for which illegal migration in the South Asian seas is becoming a growing issue for every country in the region (UNHCR 2019a). Although solving the root causes behind the

forced mass displacement of Rohingyas and its consequent socio-economic, political, and environmental impacts is the key to eliminating ‘illegal migration in the South Asian seas’, addressing the root causes was at the bottom of the proposal issued by the United Nations. Moreover, it lacked any practical guidelines on how the regional cooperation framework would be devised and which country would assume what particular role. These limitations have made the ‘proposal for action’ rather vague and impracticable in attempting to solve the Rohingya crisis and illegal maritime emigration from South Asia.

These independent measures taken by various countries and the United Nations have not been able to reach their desired goals, and therefore, many Rohingyas and non-Rohingya Bangladeshi citizens are still risking their lives to take up illegal emigration by sea. Moreover, separate initiatives to solve illegal migration have not strengthened the regional framework or the individual capacities of the countries affected. Most of the nation-states and the UN have responded to this wicked crisis through a reactive, rather than a proactive approach which would be more constructive in addressing the root causes of illegal migration in the South Asian seas. As of now, maximum focus is being placed on resolving the situation and managing the consequences stemming from the core issue.

## **7.0. Conclusion**

Illegal migration by sea is one of the most serious ongoing challenges that the world is currently confronting. In response, since the manifestation of the Rohingya crisis and the impacts of climate change in the form of socio-economic and political vulnerability, and the consequent illegal migration across the Bay of Bengal and the Andaman Sea, the global community has adopted a series of initiatives to manage the crisis. Bangladesh, Thailand, Malaysia, and Indonesia have been most affected by the growing number of Rohingya and non-Rohingya Bangladeshi citizens crossing the maritime boundaries illegally, and have all

enforced stricter maritime and border control laws. Nevertheless, intercepting the illegal migrants at sea and detaining them under the law of the land has not stopped them from taking the illegal journey resulting in increasing numbers of illegal maritime emigrants from Bangladesh and Myanmar.

The United Nations has taken a few initiatives to address the root causes of the crisis inside Myanmar by convincing the country to adopt measures to acknowledge the Rohingyas and allow them their due rights. However, due to the dynamics of contemporary global politics, the UN's prescient initiatives have not been implemented, because a few of its permanent member states have identified the Rohingya crisis to be the sole prerogative of Myanmar to look into, thereby, invalidating the possibility of external intervention and multilateral dialogue. Because of this deadlock, Bangladesh has had to become involved in bilateral discussions with Myanmar which have not so far been of much use in convincing Myanmar to formulate an immediate and workable repatriation strategy for the forcefully displaced Rohingyas, which is the key to overcoming their socio-economic, political, and cultural vulnerability, and stopping their illegal movement by sea, as well as being crucial for overcoming non-Rohingya Bangladeshi citizens' socio-economic and climate change vulnerabilities. While the current research is representative of the fact that only a reasonable regional and global consensus and partnership is required to stop 'illegal migration by the Bay of Bengal and Andaman Sea' and its unavoidable consequences, further study may pave the way for the formulation of a framework to establish how Bangladesh and Myanmar, along with other countries in the region, can enter into treaties that would guide the entire modus operandi to solve 'illegal migration' in the Bay of Bengal and the Andaman Sea.

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