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Addressing the Root Causes of Conflict-Driven Human Trafficking in Southeast Asia

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On July 19, 2017, Thailand witnessed its largest human trafficking trial. This court case involved 102 defendants and resulted in 62 convictions for crimes committed against migrant asylum seekers mostly from Myanmar (Burma). While this is a high-profile case signaling Thailand's serious commitment to combatting human trafficking, the conversation is still missing a discussion about the root cause of trafficking in the region – conflict in Myanmar. More attention is needed to alleviate and inhibit circumstances that drive migrant populations in Myanmar to use smuggling networks, where they are vulnerable to trafficking.

The aftermath of the largest human trafficking trial in Thailand

The trial took place following the May 2015 discovery of mass graves in southern Thailand near the Malaysian border. Human Rights Watch reports that at least 30 bodies were found and that the victims — mostly migrants identified as ethnic Rohingya from Myanmar and Bangladesh — lost their lives due to inadequate food and disease while traffickers were waiting to receive ransoms from the families before smuggling them into Malaysia.

The unearthing of mass graves occurred one week prior to the humanitarian “boat crisis” that took place in May of 2015, during which regional governments pushed back the boats carrying Rohingya migrants, leaving them stranded at sea. The development also came at the height of international criticism on the prevalence of human trafficking in Thailand. The US government downgraded Thailand to Tier 3 — the lowest tier — in the annual Trafficking in Persons (TIP) Report in 2014 and again in 2015 for not complying with the US standards for the elimination of human trafficking. While Thailand's anti-trafficking efforts are assessed based on the “3P” approach (prosecution, protection, prevention), the issue of official complicity is among those consistently raised by the United States. Most recently, the 2017 TIP Report, published before the July 2017 trafficking trial, states that Thailand “did not aggressively prosecute and convict officials complicit in trafficking crimes, and official complicity continued to impede anti-trafficking efforts.”

Meanwhile, from the Thai government's perspective, progress has been made against official complicity in human trafficking. For example, the discovery of the mass grave in 2015 was followed by an investigation by senior police officer Paween Pongsirin, which implicated “influential figures” in the Thai government, military, and police in human trafficking. Subsequently, due to the fear for his life after the investigation, Paween left for Australia to claim political asylum. Then, in 2016, the government reported increasing numbers of investigations, prosecutions, and convictions.

In July 2017, the court delivered the 500-page verdict which took over 12 hours to read. Many of the 62 defendants were found guilty on charges of forcible detention leading to death, trafficking, rape, and membership in transnational organized criminal networks. Moreover, the jail sentences for the convicted officials range from 27 to 78 years and those convicted of

Ruji Auethavornpipat, Visiting Fellow at the East-West Center in Washington, explains that “The trafficking of the Rohingya is clearly driven by violent conflicts in Myanmar's Rakhine State. Without tackling this root cause, human trafficking networks may continue to operate in the shadows.”

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human trafficking are also required to pay 4.4 million baht or approximately USD \$132,000 to 58 victims.

The severe punishment of perpetrators has been welcomed not only by civil society but also foreign governments such as that of the United States. Lengthy prison terms are undoubtedly imposing higher risks for the “business” of trafficking, and sending a strong message to traffickers that human trafficking is a heinous crime. It also illustrates that state officials no longer have impunity. Prosecution consequently seems to serve its purpose of deterring or at least disrupting future trafficking activities.

Although these developments are rightly regarded as a step forward, it is questionable whether the root cause of trafficking, among the Rohingya migrants in this case, is being effectively addressed. This thus casts doubts as to whether the emphasis on prosecution can effectively eradicate human trafficking.

Conflict in Rakhine State and the roots of trafficking

The trafficking of the Rohingya is clearly driven by violent conflicts in Myanmar’s Rakhine State. Without tackling this root cause, human trafficking networks may continue to operate in the shadows.

The United Nations (UN) describes the Rohingya population as one of the most persecuted minorities in the world. As of 2014, there were estimated to be 1 to 1.5 million Rohingya Muslims and 2 million Rakhine Buddhists in Rakhine. The waves of communal violence since 2012 have resulted in numerous cases of injury and death, the destruction of property, and the displacement of 140,000 people. The escalation of conflict in October 2016 saw unidentified militants attack three local police posts, killing nine officers. This incident led the Myanmar military to initiate a four-month “clearance operation” to uproot the suspected Rohingya militants. The upsurge of violence led the UN to call for an investigation into allegations of abuses committed against Rohingya civilians. In the midst of the crackdown, hundreds tried to flee to Bangladesh, with many reportedly being gunned down, and those arriving by boat being pushed back by border guards or stranded at sea. At least an additional 92,000 people have been displaced.

These circumstances further exacerbate the risk that the Rohingya will be exploited by smugglers and traffickers during their journey. Addressing trafficking problems entails the prevention of conflict and reconciliation among various groups of people in the Rakhine State. The conflict cannot be perceived simply as an ethno-religious one, but local contexts such as years of armed conflict, deep-seated grievances of the locals, economic impoverishment, and authoritarian rule should be taken into account. While there is tremendous work to be done to protect the stateless Rohingya population, it should also be noted that one major concern among Rakhine people is that international attention has heavily focused on assisting the Rohingya to the detriment of the Rakhine people.

Rakhine is one of the least developed states in Myanmar with the highest poverty rate of 78 percent and years of inter-communal violence deteriorating the socio-economic development. Moreover, the International Crisis Group indicates that the whole Rakhine community tends to be viewed as violent extremists and as such ignores the fact that the Rakhine themselves are “a long-oppressed minority.” There is also an insufficient attempt to understand the diversity of Rakhine community concerns. Similar to other ethnic minorities, the Rakhine grievances are caused by discriminatory practices, economic stagnation, a lack of political power, and constraints on language and cultural expression.

The conflict in the Rakhine state is complicated and has no easy solution. However, a more balanced conversation that acknowledges the grievances of different stakeholders could play a crucial role in creating a constructive dialogue that not only addresses peacebuilding, but also prevents the vulnerable and stateless Rohingya from falling into the hands of human traffickers.

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