

The Rohingya Situation

Background

- Thailand's treatment of illegal migrants arriving by sea has lately been subjected to critical commentary by the international community, in particular the international media, quite unfairly.
- The influx is very real. Over 5,000 boat arrivals were recorded last year. Arrivals this year are expected to be substantial. Several countries in the region, including Thailand, have become entry and transit points. Thailand's Andaman coastline, long known for its tourist attractions with its many islands and mangroves, has become particularly vulnerable. Small boats are being used to penetrate our waters, testing the resources of our maritime units.
- Meanwhile the situation in the areas of origin remains fluid, and with a **potential migrant stock of several hundreds of thousands**, the potential for further movements of the Rohingyas and other groups is a cause for concern.
- In responding to this challenge, Thailand and other affected countries will need to employ a full range of instruments at various levels. This is why we appreciate the opportunity provided by the Co-Chairs to address this issue in the Bali framework.

Thailand's Position on Illegal Migration

- As with many countries in the region and elsewhere, we have the sovereign right to deny entry of illegal migrants into the Kingdom. We are trying hard to grapple with a host of migration-related issues with **our burden of 3 million illegal migrants**, but Thailand **cannot be either a country of transit or country of destination of irregular movements**. We owe it to our people to employ measures to protect our borders and prevent access to Thai waters for those vessels smuggling illegal migrants.
- Our 40 year old humanitarian tradition in hosting millions of refugees and displaced persons from neighbouring countries, with the cooperation of partners from around the world, shows that we have **never denied shelter to those in real need**.

- Nevertheless, if illegal migrants do enter Thai waters or land on Thai territory, we will enforce our immigration laws and process illegal arrivals by due process of law. We have assessed that the overwhelming impulse for those young men arriving by boat in our waters is the search for a better life. They are thus migrants seeking economic opportunities. But that does not mean we will treat them in a manner that affects their human dignity.
- And we want to end the exploitation of their plight by people smugglers and traffickers in the region. Arrivals readily testify to paying third parties to arrange travel in an illegal manner to Southeast Asian shores. **The seasonal and coordinated nature of the movements** further support such indications of a strong migration element.
- In implementing measures and our immigration laws, we have adhered strictly to international legal norms, and humanitarian and human rights principles, including in **assisting those in distress at sea**. As the Prime Minister outlined in his policy statement to the Thai Parliament, the Government would seek to address the issue of illegal immigration by ensuring **due balance between maintaining national security and the protection of basic individual rights**. Indeed, in addressing flows of illegal migrants by sea, **many countries in different regions of the world, in Europe, in the Americas, in East Africa and here in the Asia-Pacific, are currently facing similar challenges**. Different regional processes are being engaged on such matters.
- Given the complexity of the movements, there has been considerable misunderstanding of Thailand's role in this matter. In fact, even NGOs that have commented on our conduct maintain that recent reports of deaths alleged to have taken place on boats are the fabrication of suspected people smugglers. But the Prime Minister has made clear that if in fact abuses occurred as alleged, there will be accountability. Our humane treatment of the latest arrivals, including **ongoing access to medical care**, is clearly attested, and we are doing our best to ensure a balanced outcome. No one arriving on Thai shores, whether tourists or otherwise, has been mistreated or discriminated on the basis of their status. Our culture of tolerance and accommodation speaks louder than any policy statement.

Thailand's Support for Regional Cooperation, and Possible Contributions of the Bali Process

- Thailand maintains that this is not the problem of one country. It is a **collective problem** that the countries concerned in the region - countries of origin, transit and destination - have to collectively address, and **in a**

comprehensive manner. To this end, we have proposed to the other affected countries (Bangladesh, India, Indonesia, Malaysia and Myanmar) to join hands with Thailand in constituting **a contact group** to coordinate and cooperate on this matter. The dialogue has already begun in Bangkok and in Geneva.

- At the same time, Thailand is convinced that we may need several **overlapping approaches** involving not only existing but also new initiatives. The Bali Process is one important opening, but as ASEAN Chair we will also consult our ASEAN friends on how the ASEAN Summit could further contribute.
- The Bali Process already groups together all the affected countries as well as other important actors, including donor countries. And over the past years the Bali Process has made an important contribution in equipping states with the tools to address specific people smuggling issues. So, looking towards the upcoming Ministerial Meeting in Bali and beyond, we see that the Bali Process could definitely have a role.
- Due to the complex nature of the movements we are now seeing, we need both to tackle networks involved in organizing or facilitating the flows, **as well as address the problem at the source.** Indeed, among the objectives set at the first two Bali Ministerial Meetings were enhanced cooperation in tackling the root causes of illegal migration, as well as development of more effective information and intelligence gathering.
- So, **we are seeking cooperation.** And we will be **pragmatic** in doing so. For instance, we hope to see the sharing of information and intelligence on addressing illegal migration flows, including on the activities of smuggling and trafficking rings. And if there could be agreements to formalize these exchanges, we would welcome them. Indeed, as we seek to **engage relevant partners in the Bali Process,** we would welcome dialogue on **possible short and long term measures** that could contribute towards addressing the problem.
- Both individually and in a coordinated manner, affected countries should seek to **address outgoing flows at the source.** If appropriate, we would be ready to **facilitate a meeting of a small group of relevant stakeholders** to discuss further concrete ideas in advance of the Ministerial Meeting in Bali and beyond. Whatever we do will be flexible enough to accommodate the respective concerns and interests.
- We have already been engaging with the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). And we will continue to seek their

possible cooperation in promoting, among others, **returns to the areas of origin and other available options**, in accordance with their respective mandates. This is not only the most desirable and sustainable outcome, but one which is absolutely essential.

- To this end, we also continue to urge the relevant international organizations, in cooperation with donors, to mobilize international resources to promote economic and social conditions in the areas of origin that will enable the Rohingyas to lead sustainable livelihoods.

What else is Thailand doing

- What else is Thailand doing? We are renewing our adherence to key international treaties and commitments that we have already signed up to. We will also review **possible adherence to other international instruments** in this field.
- We will study **more effective border management measures**, including possibly building up Coast Guard capabilities. At the same time, agencies concerned will be operating within the scope of a **clear set of basic principles** in addressing illegal migration by sea that incorporates human rights and humanitarian principles. We would welcome exchanges on best practice in this regard.
- We are also moving to address the smuggling and trafficking operators, with the Department of Special Investigations under the Ministry of Justice being assigned to examine the various implications, including linkage with other transnational crime. The initial investigative work and arrests have already begun.

Concluding Remarks

- We hope that this presentation, and any comments thereon, may pave the way for concrete proposals to address the issue, including through in-depth discussions at the Ministerial Meeting in Bali or appropriate ad hoc initiatives. While **any solution needs to involve the affected countries**, it is by taking action and sharing the burden that those who have voiced concern can help relieve the plight of the Rohingyas.
- Thailand will play a responsible and constructive role. We look forward to working with all participants in the Bali Process, and to receiving your valuable inputs and contributions, thank you.
